

# Court from page 1A

As a local magistrate, Parker handles traffic cases and other routine matters for the court, and rotates being on-call for arraignments and warrant signings; all three magistrates are allowed to wear robes in court.

She provided the Observer with copies of the complaint and her responses Monday morning, prior to a "show cause" hearing on the case.

"For all of Jack's trial experience, he should have known better," she added. "He must be so desperate, instead of trying to run his own campaign, he's focusing on mine."

At the heart of the McDonald complaint is an undated advisory opinion from the Michigan Judicial Tenure Commission in which a former magistrate was precluded from wearing robes in advertisement photos for a judicial

race. The opinion states, in part, that "... the mere wearing of judicial robes suggests judicial incumbency..."

Although not filed until the 22nd, the complaint was signed by Wierzbicki on Oct. 14 and McDonald said it had been prepared for at least a month. It included samples of advertisements that referred to "Marla Parker's court" and "court management experience" in reference to her experience as court magistrate.

## TV ads a concern

McDonald said he did not intend to file the complaint, but became concerned over a Parker television advertisement that began airing on local cable over the past weekend and showed Parker in her magistrate's robe in a court setting.

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He was encouraged in his effort, he said, by a number of supporters and area attorneys, who felt Parker's television spots "went over the line."

Parker said she was surprised late Friday afternoon to hear of the complaint when his attorney contacted her office about the matter. She quickly hired an attorney and the two sides agreed

that the Parker cable television advertisement would not air last Saturday, but would air on Sunday as planned.

A show cause hearing was held before Oakland County Circuit Judge Jessica Cooper Monday morning, where Cooper ruled against McDonald's request for

an injunction to bar the ads. Cooper told the attorneys she did not believe the Judicial Tenure Commission's advisory opinion carried weight in this case.

Parker has used similar advertising throughout her campaign, and McDonald has said that he believes Parker's use of the magistrate's robe could be viewed as misleading.

## Appeal uncertain

Despite the ruling, McDonald believes he is right and had not decided as of Tuesday whether to take his case to the Michigan Court of Appeals.

"I felt it was necessary to do it and I'm glad I did it even though I didn't get the relief I wanted," he said.

To Parker's charge that he is

"desperate," McDonald responded: "I wasn't desperate. I felt that this was a last-minute thing by her. If I feel I'm right, I'm not going to allow myself to be pushed around."

The decision to file the complaint "wasn't something I rushed into blindly," he added.

Parker contends that her literature is factual, and in no way misleading. "Mr. McDonald, in his brochures, states his governmental experience and the reasons why he believes he should be elected," Parker's attorney wrote in his court response Monday. "Magistrate Marla Parker is doing precisely the same thing."

Neither candidate would predict how the complaint and Monday's ruling might affect Tuesday's election outcome.

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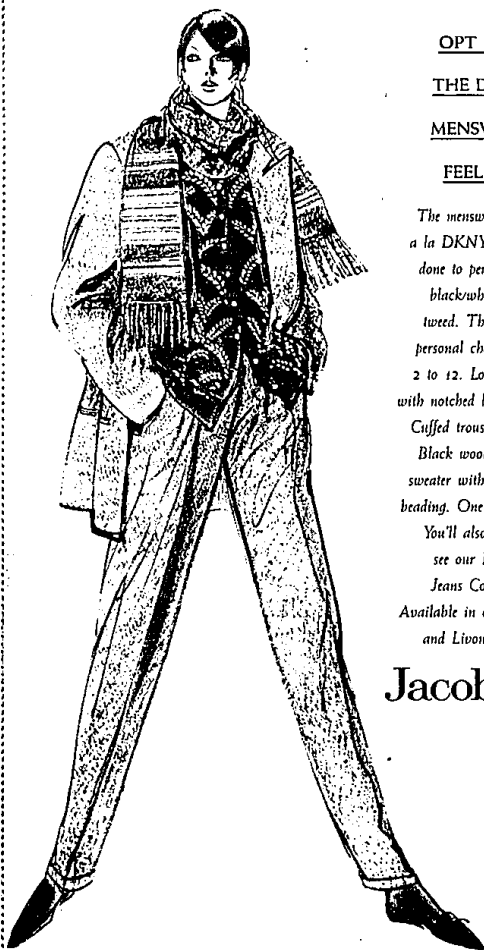
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