

2014 Candidates for The Michigan Supreme Court

Three seats of the Michigan Supreme Court will be up for election in November, 2014. Justices David F. Viviano (for 2 year term) and Brian K. Zahra (for 8 year term) will be two of the Republican Party's candidates for the November, 2014 election. Justice Michael F. Cavanagh's (D) term will expire in January, 2015, and he will not be able to run again due to the Michigan Constitution prohibiting anyone over the age of 70 from running for a judicial position. The Republican candidate for his seat will be James Robert Redford, East Grand Rapids. The Democratic Party's candidates for the two 8 year terms will be Richard Bernstein, Birmingham, and William Murphy, East Grand Rapids. Deborah Thomas, Circuit Court Judge, Wayne County is the Democratic Party's candidate for the two year term.

At this time five of the seven justices on the Michigan Supreme Court are Republicans and two are Democrats. The majority of the Justices have been Republicans since the 1990s. This will be an important election, because if the Democrats win all of the seats they will have a four to three majority on the Michigan Supreme Court. I expect a hard and lively campaign for all the positions.

Some have called The Michigan Supreme Court the worst state supreme court in the nation, because its decisions are so partisan. The Republican majority's legal sophistry renders decisions that do not favor the individual. Many parts of The Michigan Consumer Protection Act enacted in the 1970s, which many considered to be exemplary, were declared invalid by the partisan Republican Justices when they gained a majority of the court's seats in the 1990s.

As a physician I strongly support [Tort Reform](#). The constitutionality of Tort Reform has not been tested in the Michigan Supreme Court because of the Republican majority. I am very concerned about how The Michigan Supreme Court would rule on [Tort Reform](#) if the Democrats gain the majority. This will be the decisive factor in how I will vote concerning Michigan Supreme Court candidates.

Richard Bernstein is from the family of the Call Sam Bernstein law firm. Ask Mr. Bernstein and the other candidates about [Tort Reform](#).

The Michigan Supreme Court on May 2, 2014, abruptly fired Robert Agacinski who was the chief administrator of the professional staff of the Michigan Attorney Grievance Commission (MAGC) for 14 years. At the time court spokesman John Nevin said the change reflected a desire by the Supreme Court to improve operations of the MAGC and speed the resolution of pending cases. The Court's brief statement did not elaborate about the problems. MAGC Chairwoman Barbara Smith told the Associated Press at the time she did not believe investigations move too slowly.

On July 31, 2014 the Detroit Free Press reported that Robert Agacinski filed a whistle-blower lawsuit against Robert Young, the Chief Justice of the Michigan Supreme Court, and all of the members of the Michigan Attorney Grievance Commission alleging he was unlawfully fired in May, 2014, after discovering and reporting inappropriate and illegal e-mails sent by subordinates

in his office. **What is going on with those who are suppose to protect the integrity of our legal system?**

What about the citizens of Michigan and their role in our legal system?

The [*Golden Legal Oversight Amendment*](#) that I propose will create an independently elected board, the *Michigan Legal Oversight Board*, to police the Michigan legal system, write Court Rules, and administer Michigan courts instead of the Michigan Supreme Court as mandated by Michigan's current constitution. Michigan citizens need protection from the Michigan legal system that the Justices of the Michigan Supreme Court have never provided and never will because of a conflict of interest. After all they are attorneys first. Attorneys are unethical if they are not loyal to their clients. The clients of the Michigan Supreme Court are the citizens of Michigan. Unfortunately, the Justices first loyalty is to their fellow attorneys, and not the citizens of Michigan.

Numerous citizens are injured due to this uncontrolled disloyalty. In 1970 former U.S. Supreme Court Justice Tom Clark stated that a "scandalous situation" existed nationally concerning the legal system policing itself. It is now even worse. It is the fox guarding the hen house. The Michigan Supreme Court's appointed staff of the Michigan Attorney Grievance Commission secretly files away about 97% of the complaints it receives. The public can never evaluate its work. Its quality control on 450 complaints it received in 2008 about its work concerning 3,200 initial complaints is a secret internal process of the master fox evaluating the foxes. (Figures from MAGC 2008 Annual Report on their website.)

A few examples of the Justices actions abusing citizens:

The attorney ethical code written by the Michigan Supreme Court states it is unethical for attorneys to charge for work not performed. The Justices recently ruled in a case that it is proper for an attorney to charge hourly fees against a paid retainer, and the attorney may keep the balance of the retainer if no work is charged against it. Court rules state that on motion day cases should be heard on a first come first serve basis, and everyone should be present at the same time. This court rule means some will have to wait a long time in court to be heard by the judge, and their attorney will charge them for the wait. The callous courts should operate by appointments. Friends of the Court Referees are policed by Supreme Court appointed court administrators who allow abusive, biased, and unsatisfactory job performance. Divorce attorneys can take advantage of the client concerning how a mediator is appointed because of court rules. There are other abuses within the legal system.

Question the above candidates concerning the issues that I raise or your own similar issues with the legal system. Make the candidate commit to specific improvements in the legal system before giving your support. Unfortunately, candidates garner support based on their perceived partisan politics, and not legal ethics which are never discussed.

The Michigan Supreme Court has breached the public's trust many times concerning the issues I bring before you. Will new Justices be an improvement? Michigan citizens can protect themselves from the legal system by implementing the *Golden Legal Oversight Amendment*.

Citizens are abused by the legal system because the legal system does not respect individual citizens due to the fact that citizens have no control of their legal system. Citizens should protect the integrity of the legal system and not the justices of the Michigan Supreme Court.

God helps those who help themselves.

Ted Golden, M.D.

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Additional Constitutional Amendments to Improve Michigan's Legal System

Retention Elections: The Illinois Constitution mandates that incumbent judges should be held accountable by running against themselves in retention elections. In Illinois after the incumbent judge's name the voter is asked, *Should this judge be retained for another term? Yes or No.* The judge needs voter approval in order to serve another term in Illinois. Michigan should copy this concept from the newer 1970 Illinois Constitution into the Michigan Constitution. Currently in Michigan most circuit court judges run unopposed, and therefore are not held accountable. Illinois and other states have successfully resolved this problem by means of retention elections as mandated by their state constitutions.

Commissions to Evaluate Judges: Since 1992 the Arizona Constitution mandates commissions to evaluate in an unbiased manner the performance of all judges. The information is available for the public and voters prior to retention elections. Judicial performance will improve when judges know that citizens are looking over their backs by evaluating information gathered by the Judicial Evaluation Commission, and that each judge is held accountable by retention elections.

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