

## 2010 Candidates for the Michigan Supreme Court

Supreme Court Justice Alton Davis and Judge Denise Langford Morris are the Democratic Party nominations. Judge Mary Beth Kelly and Justice Robert Young will be the Republican Party nominations.

### 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. I favor reorganizing Michigan by rewriting Michigan's Constitution, which can be done if voters approve a rewrite in November.

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 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 if any is a secret internal process of the master fox evaluating the foxes. (Figures from MAGC 2008 Annual Report on their website.)

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. 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. 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 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. 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 mediation because of court rules. There are other abuses within the legal system.

Ideally, Michigan citizens should protect themselves from the legal system by implementing the *Golden Legal Oversight Amendment*. 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?

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 legal rulings, and not legal ethics.

**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.**

Support a rewrite of the Michigan Constitution and include the *Golden Legal Oversight Amendment*.

God helps those who help themselves.

**Ted Golden, M.D.**

[www.tagolden.com](http://www.tagolden.com)

### **Two Additional Constitutional Amendments to Improve Michigan's Legal System**

**1. 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.

**2. Commissions to Evaluate Judges:** Since 1992 the Arizona Constitution mandates commissions to evaluate in an unbiased manner the performance of all judges, and 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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