

Benefits of the Golden Legal Oversight Amendment

The most important change that will occur after the Golden Legal Oversight Amendment is enacted is that the independently elected Michigan Legal Oversight Board will write Michigan Court Rules and the equivalent of the Michigan Code of Professional Conduct, not the Michigan Supreme Court. The Michigan Legal Oversight Board will control the policing of the Michigan legal system, not the Michigan Supreme Court. The mission of the Michigan Legal Oversight Board will be to protect the integrity of the legal system by fully enforcing ethical rules of behavior for attorneys by means of discipline and punishment of all who break the rules. The public will receive more ethical legal services if attorneys know they will be punished for unethical behavior.

The Golden Legal Oversight Amendment will give the citizens of Michigan the opportunity to control the policing of their legal system. The members of the Michigan Legal Oversight Board will have the authority to hire and direct the professional staff that will serve the public, not the Michigan Supreme Court. The greatest deficiency of the current system is the attitude and work ethics of the professional staff. The public must elect a board that is dedicated to the mission of protecting the integrity of the legal system, and direct its professional staff to do the same.

Hopefully, the Michigan Legal Oversight Board will change the current rules and work ethics governing the attorney disciplinary process so that complaints are handled fairly, and not triaged as is presently the case. There should be a fair review and appeal process for all complaints. The files of the complaints should be open to the public for evaluation.

Enacting the Golden Legal Oversight Amendment will benefit the citizens in other ways concerning their encounters with the legal system. The Michigan Supreme Court's court rules that are biased in favor of the legal profession can be changed. One example would be a new rule that mandates judges to schedule appointments instead of operating on a first come first serve basis for court hearings on motion day. Another would be a revision of the rules concerning the process of divorce in order to reduce legal fees and conflict. Please, see my paper titled *Divorce and Conflict* for further details.

A provision of the Golden Legal Oversight Amendment will give the Michigan Legal Oversight Board the authority to administer Michigan Courts and control the State Court Administrative Office. Citizen control can make the courts kinder and more user friendly with the goal of reducing emotional stress and financial expense during some encounters with the legal system.

The legal profession will object to the concept of the Golden Legal Oversight Amendment by arguing that only the legal profession is capable of doing the type of work set forth in the Golden Legal Oversight Amendment. Civilian control of the military has worked well for our country. In Michigan elected boards have functioned very well in running our major universities. Citizen control of the legal profession should be an improvement over the present situation concerning the legal profession.

The Michigan Supreme Court would benefit from the Golden Legal Oversight Amendment. Their responsibility and work load would be reduced, which will enable the Court to concentrate on hearing cases and rendering legal opinions. The Golden Legal Oversight Amendment will eliminate conflicts of interest that the Justices could not rise above. That will enable the Court to gain respect.

The legal profession would benefit from the Golden Legal Oversight Amendment. Ethical attorneys should not tolerate the errant attorney, but may find it difficult to approach a Justice of the Michigan Supreme Court about the Court's poor job of protecting the integrity of the legal system. Attorneys currently finance the regulatory process of the Michigan legal system through mandatory dues to the Michigan Bar Association that are assessed by the Michigan Supreme Court. The annual dues could be reduced if all errant attorneys are assessed higher costs and fined.

Legal ethics and protecting the integrity of the legal system have never been issues concerning the election of supreme court justices. Other broader issues such as conservative or liberal legal philosophy dominate supreme court elections. As such the public has no say concerning these important matters that sooner or later involve everyone when they have contact with the legal system. By having an elected board police the legal system the public will have more input in protecting the integrity of their legal system. Candidates for the Michigan Legal Oversight Board will have to devote their campaigns to the matters of the Michigan Legal Oversight Board. The candidates can be evaluated on this smaller scope of issues and their performance in protecting the integrity of the legal system.

What do you see as a major benefit of the enactment of the Golden Legal Oversight Amendment?

Theodore A. Golden, M.D.

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