

Your opinion - January 29, 2009 - The Oakland Press (theoaklandpress.com)

The Oakland Press (theoaklandpress.com), Serving Oakland County

Opinion

Your opinion – January 29, 2009

Thursday, January 29, 2009 6:07 AM EST

Moving judge offices won't save money

Your editorial endorsement of the requirement that Michigan Supreme Court justices maintain their chambers in the Hall of Justice in Lansing is off the wall. The resolution compelling the change was passed without any study of the history of chambers locations of the justices or the actual cost savings involved.

For years, justices have maintained their chambers in the cities in which they live. For example, Justices Bushnell and Butzel had their chambers in a Detroit office building; Justice Black had his chambers in Port Huron; Justice Voelker had his chambers in the Upper Peninsula; and Justice Griffin had his chambers in Traverse City.

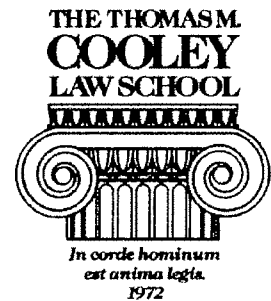
As to cost savings, there is really very little involved when you consider that the justices' chambers in Detroit are housed in the Cadillac Place building, which is state owned and the rent is nothing more than a bookkeeping entry. Moreover, additional travel time reimbursement for the justices from their homes to Lansing and back, as well as their staff travel time (each justice has a staff of five) is likely to substantially increase.

The real fact of the matter is that the resolution requiring the change was adopted summarily without analysis or explanation of its effect on the work habits of the justices, dislocation of the justices and their staff, and how the change long range may affect the work and personnel of the high court.

Avern Cohn

U.S. District Court judge Detroit

JOHN NUSSBAUMER
PROFESSOR AND ASSOCIATE DEAN, JD PROGRAMS
AUBURN HILLS CAMPUS



February 19, 2009

Chief Justice Marilyn Kelly
Michigan Supreme Court
Michigan Hall of Justice
P.O. Box 30052
Lansing, MI 48909

Dear Chief Justice Kelly:

I write to urge the Court to maintain its presence in the metropolitan Detroit area so that the Court continues to play an active role in the education of law students and the wider community.

The Court's presence in the Detroit area has been a fixture in the life of the law schools here for decades, providing hundreds of students with internship and clerkship opportunities that would not otherwise exist. These opportunities have enriched the education of these students and have helped create a corps of future lawyers who have a stronger bond with and a better sense of mutual respect and understanding for the Court and its work.

The Court's presence here has also enriched the education of other students in the Detroit area. Your recent speech at our Cooley-Auburn Hills campus, which was attended by Pontiac Northern High School students, is a perfect example.

Over the years, the concept of branch judicial offices has not only benefited the Detroit area. For example, when I clerked for former Michigan Supreme Court Chief Justice Mary S. Coleman in the late 1970s, she maintained a Battle Creek office that benefited west Michigan in many of the same ways. And Justice Weaver currently maintains her branch office in Traverse City.

The Court's authority ultimately rests on the strength of public trust and confidence in the Court and its work, and that is strengthened by having a visible and active presence outside of Lansing. I would urge the Court to consider this in deciding whether to continue its presence in Metropolitan Detroit.

Sincerely,

A handwritten signature in black ink, appearing to read "John Nussbaumer".

John Nussbaumer
Professor and Associate Dean

PLUNKETT  COONEY

February 19, 2009

VIA E-MAIL AND U.S. MAIL

Justice Marilyn J. Kelly
Michigan Supreme Court
3034 West Grand Boulevard
Suite 8-500
Detroit, MI 48202
kellym@courts.mi.gov

Dear Chief Justice Kelly:

I am writing to request that the Court revisit the issue of whether the chambers of all justices must be moved to the Hall of Justice in Lansing, rather than located throughout the state as they have been in the past. As a former law clerk, as an active member of the appellate bar, and as a citizen of Michigan, I am deeply concerned that this decision will hurt the Court as an institution, and one that I love and respect.

Please allow me to share my thoughts and perspective on this important issue. I believe that eliminating the current offices is unwise because it will limit the pool of potential candidates for justice on the court, will essentially preclude law graduates from serving as law clerks unless they can relocate or commute to Lansing, and will increase the isolation of the Court from the larger civic and legal communities of Michigan. While unquantifiable, these changes threaten the Court's institutional efficacy, independence, and support in the community.

Judicial institutions are fragile. It is all too easy to take them for granted and to make decisions that can interfere with the respect they need to function in our society. Justice O'Connor and others have drawn attention to the increasing attacks on the judiciary, which are often followed by decreases in judicial budgets, and the proposal and enactment of statutes that impinge on judicial independence in various ways. When the judiciary is under attack, those who support the rule of law must act with renewed vigor in explaining to the public the judiciary's role in our system of government. And as Justice O'Connor has pointed out, statutes and constitutions do not ultimately protect the independence of the judiciary; people do.

For that reason, it is critical that the justices and their law clerks and staff continue to be housed in their communities throughout the state where they can and do interact with their neighbors, and where they can and do readily explain the judiciary's role and its importance in formal and informal settings. Requiring all justices and their staffs to be located in Lansing will decrease this important support for the Court.

ATTORNEYS & COUNSELORS AT LAW

Justice Marilyn J. Kelly
February 19, 2009
Page 2 of 3

It was my privilege to serve as a law clerk to Associate Justice Patricia J. Boyle during the early 1990s. After graduating from Wayne State University Law School, which I attended in the evening, I applied for a clerkship. As a parent of young children at the time, I could not have accepted the job if it meant relocating or commuting to Lansing every day. Because the chambers of some justices were located in Detroit, I was able to serve. If the chambers of justices are all in Lansing, many lawyers, like me, who have family or other obligations that would prevent a move, will be unable to serve in this capacity. As a result, the pool of applicants will be decreased.

Losing applicants for the positions of law clerk may make it harder for justices to find the kind of legal talent and dedication that marks a successful law clerk. At the same time, the Court as a whole will be harmed because it will lose the breadth of a cadre of former law clerks who live in communities located throughout the state. Former law clerks are a tremendous resource for the Court. They participate as members of the legal and civic communities to which they belong. And when they do, they bring an enhanced understanding of the Court and its role gained from their work on the "inside" and they typically have a sense of obligation and loyalty to the Court as an institution. This helps to protect the Court as an institution since this group of individuals is then ready and willing to speak with the public about the Court, and its important role in effectuating the rule of law. When the Court is under attack, these individuals play a vital role in coming to its defense by talking to their friends and neighbors about the issues of the day.

In addition, allowing chambers to be located throughout the state helps to assure that the pool of potential justices is not narrowed by eliminating individuals who are ready, willing, and able to serve but who cannot relocate to Lansing. I think of Justice Voelker, whose talents as a justice were noteworthy, but whose love of the Upper Peninsula where his chambers were located was even more noteworthy. I am sure that today, and in the future, there are others who because of aging parents or young children or other personal reasons are not able to relocate or commute to Lansing. We have not yet reached the state of virtual offices, and it does matter where the bricks and mortar are located.

The impact of this change in office locations on the organized bar is also problematic. I have served as co-chair of the Michigan Appellate Bench Bar Conference Foundation for many years. That 501(c)(3) organization plans and puts on a conference for appellate lawyers and judges and court staff that takes place approximately every three years. Meetings for that conference, and its planning, have involved many hours of discussion with court staff and justices on the Court. Those meetings have been facilitated by the fact that the Court has offices in Southeastern Michigan.

This change has been urged on the basis of cost savings. But the savings to be found in this change are small. The chambers in Detroit, for example, are located in the Cadillac Place

Justice Marilyn J. Kelly
February 19, 2009
Page 3 of 3

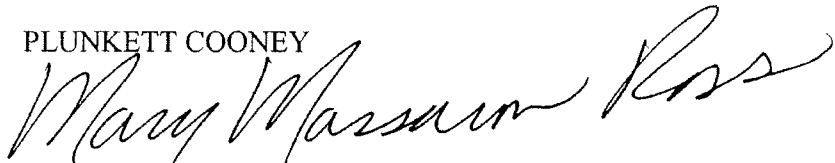
building, a state-owned building so that rent is only a matter of bookkeeping. Moreover, requiring the justices to commute will entail increases in travel costs, telephone costs, and other costs. Finally, this change will have a materially adverse and disruptive effect on current staff, many of whom have served the Court for many years but will be unable to work in Lansing. Particularly, in these tough times when relocating may be rendered even more difficult by the current housing market, the Court should reconsider this decision.

When the claimed savings are balanced against the loss to the citizens of Michigan, I do not believe the change is warranted. I have considered this proposal carefully, and do not make it lightly given our state's current economic condition. But I cannot sit idly by when the Court is making a decision that I believe will weaken its institutional support and jeopardize its ability to perform its critical role in our system.

Thank you for your consideration on this important matter.

Very truly yours,

PLUNKETT COONEY



MARY MASSARON ROSS

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MMR/mer

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Justice Maura D. Corrigan (via U.S. mail only)
Justice Robert P. Young, Jr. (via U.S. mail only)
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February 27, 2009

Dear Editor:

I write on behalf of the Michigan Chapter of American Board of Trial Advocates (ABOTA). We oppose closing the satellite offices of the Michigan Supreme Court which offices are located in areas outside of Lansing where some Justices reside. ABOTA is a national honorary organization of jury trial lawyers who have met rigorous standards established by the finest lawyers in the country. We represent both Plaintiffs and Defendants across a broad spectrum of clients including the poor, middle class, small business, corporations, and insurance companies. After careful review we have concluded that closing satellite offices will save less than \$100,000. On the other hand, the benefits of maintaining those offices are significant and substantial. The overwhelming workload of the justices and their staff requires that they spend as much time as possible in their offices doing the important work of the Supreme Court. Since justices spend approximately 50 days in Lansing to hear arguments on cases and for conferences, there is absolutely no reason to be there at any other time. The State would be much better served by Justice working in offices near their home rather than wasting time in unnecessary travel to Lansing (200 miles for Detroit Metro Justices and 400 miles roundtrip for our Traverse City Justice) ABOTA and every other major bar association in this country have advocated both increasing the compensation of judges and the funding of their support staff and systems. The reason is simple. We need to attract the very best judicial candidates, if we are to have the high quality legal system our citizens need and deserve. By closing local offices and requiring Justices to travel and work in Lansing, candidates from

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other metropolitan areas, the western and upper regions of the State will be discouraged from seeking that important office. Why work far from home, family and community? The cost in time and energy is too great. The citizens of cities and towns distant from Lansing will be deprived of representation on the Court and the Court will be deprived of geographical diversity and its important benefits.

Respectfully,

Paul A. Rosen
President
Phone – 941-822-0375
Cell – 248-882-5099

American Board of Trial Advocates
Michigan Chapter
To Promote The Art of Advocacy And The Efficient Administration of Justice

Dear Editor

I am writing on behalf of the Michigan Chapter of the American Board of Trial Advocates, as its President. The American Board of Trial Advocates (ABOTA) is an honorary organization of trial lawyers. Our membership is equally divided between those representing plaintiffs in civil matter and those representing large corporations and insurance companies. We are writing in opposition to the proposed closure of community offices for our Supreme Court justices.

We do not believe that there will be any significant benefit to Michigan taxpayers. The majority of office space occupied by our Supreme Court justices is state-owned. More than likely another state agency will occupy these offices if the Supreme Court justices are forced to vacate.

Supreme Court justices spend less than 20% of their time in Lansing. Three of the justices travel a minimum of 200 miles round trip, one justice travels approximately 400 miles round trip.

Community offices allow community contact and involvement in Metropolitan Detroit law schools. Our Supreme Court justices should not be working with their law clerks at their kitchen tables. Our state and our communities deserve better. We support community offices for our Michigan Supreme Court justices.

Respectfully,

Paul A. Rosen
President – Michigan Chapter
Phone – 941-822-0375
Cell – 248-882-5099

WAYNE STATE
UNIVERSITY
LAW SCHOOL

Dean Robert M. Ackerman
Wayne State University Law School
471 West Palmer
Detroit, MI 48202

Dear Editor:

I write to express concern regarding the proposal that all Michigan Supreme Court justices move their chambers to Lansing. For many years, justices have maintained their offices in the cities in which they live. The location of our justices in communities throughout the state has a beneficial effect. While the State Supreme Court is not a political body, it is nevertheless healthy for our justices to work and live among their diverse fellow-citizens, rather than to be cloistered in one small city.

Justices based in Detroit (like Chief Justice Marilyn Kelly) have access to students from several area law schools, who provide valuable service as clerks and interns. The benefit is a reciprocal one, as our students obtain invaluable experience working alongside our state's leading jurists. It is important for law students to supplement their classroom learning with practical experience, and the opportunity to be mentored by an appellate judge is a unique experience not easily duplicated in another setting.

Justices located in the Detroit area can also draw upon a skilled workforce to perform the many tasks required for the efficient operation of our justice system. People are not easily replaced, and the dislocation occasioned by a move to Lansing should not be underestimated. While I cannot claim detailed knowledge of the Court's budget, I would ask that the Court consider whether a relocation of chambers would be a false economy.

The present arrangement is working for everyone. If it ain't broke, why fix it?

Sincerely,

Robert M. Ackerman
Dean and Professor of Law
Wayne State University Law School

February 24, 2009

The Honorable Marilyn J. Kelly
Chief Justice
Michigan Supreme Court
3034 W. Grand Blvd., Suite 8-500
Detroit, MI 48202

Dear Chief Justice Kelly,

As the Deans of the two Detroit-based law schools in Michigan, we are writing to you to express our concern regarding the decision to move all Michigan Supreme Court justices' offices to Lansing.

We are very much aware of the seriousness of the financial challenges confronting the State of Michigan, and we do not pretend to have available to us all the data that would support or oppose this move. However, we do want to be sure that the Court, in weighing the costs and benefits, considers the impact that the removal of these local offices could have on our schools and the opportunities available to our students.

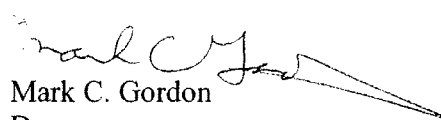
Having justices' offices in the Detroit area provides a wide range of reciprocal benefits. For example, the Detroit location offers our students opportunities to serve as clerks and interns. This provides both invaluable training for our students as well as helpful assistance to the Court. The Detroit location also enables justices to visit our schools more regularly and to meet with our students in their chambers. On numerous occasions individual justices have judged moot court and other competitions at our schools, met in chambers with students to help them prepare for various arguments, mentored students, and engaged in other mutually helpful activities.

It would be unfortunate if the Court unwittingly created an environment in which students choosing to go to law school in Lansing were favored over those attending law school in Detroit, and deprived itself of the advantage of interacting with law students in a culturally diverse, metropolitan setting.

Sincerely,



Robert M. Ackerman
Dean
Wayne State University Law School



Mark C. Gordon
Dean
University of Detroit Mercy
School of Law



March 3, 2009

Via E-Mail and U.S. Mail

Honorable Marilyn Kelly
Chief Justice, Michigan Supreme Court
Cadillac Place
3034 W. Grand Blvd
Suite 8-500
Detroit, MI 48202-6034

Dear Justice Kelly,

The Board of Directors of the Detroit Metropolitan Bar Association is in receipt of a copy of the letter written by Attorney Mary Massaron Ross on February 19, 2009 regarding the relocation of the entire Michigan Supreme Court offices to Lansing. Upon review of this letter and in consideration of some of the points made by US District Judge Avern Cohn in his Michigan Lawyers Weekly letter to the editor, the Board of Directors unanimously supports the request that your office reconsider this decision.

Sincerely,

John R. Runyan
President-Elect