

MICHAEL J. TALBOT  
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### MICHAEL J. TALBOT

Michael J. Talbot, Chief Judge of the Michigan Court of Appeals and Court of Claims, is retiring April 25 after 40 years on the bench.

Talbot's retirement takes effect almost exactly 40 years after his appointment to the Detroit Common Pleas Court by then-Governor William Milliken.

During his tenure, Talbot, 72, presided in nearly all levels of Michigan courts, from sorting out real estate conflicts and petty affrays in the old Detroit Common Pleas Court to setting up procedures for the Court Claims and heading an intervention into Detroit's 36<sup>th</sup> District Court in the midst of the city's historic bankruptcy. He also served on the Judicial Tenure Commission and helped guarantee victims a place in court and a voice at sentencing.

Off the bench, Talbot has chaired the Detroit Archdiocese Board of Review dealing with abusive and errant Roman Catholic priests, was past chair of the Archdiocese Board of Education, and serves as a trustee of Madonna University, Sacred Heart Seminary, and the Archdiocese Endowment Fund.

Since taking the bench in 1978, he's played key roles both in the courtroom at all levels and in reforming court operations as an administrator. In court, Talbot has heard of heart-wrenching cruelty and pain in criminal cases, while off the bench he has exercised politically deft surgery to resuscitate a sclerotic court to work more efficiently for the people it serves.

He is "an extraordinarily talented jurist, and unlike most judges he has superior administrative abilities," said retired Michigan Chief Justice Robert P. Young, Jr. who selected Talbot to set up the Court of Claims and to drive the 36<sup>th</sup> District Court reform.

Talbot said his career was shaped by willingness to "say 'yes' to opportunities, to new experiences, and the chances to learn and grow. Say 'yes' to the invitation."

Talbot grew up in Livonia where his father Joseph, an automotive purchasing agent, served on the charter commission and his mother Betty, was district court administrator.

The young Talbot enjoyed "the theater of attorneys in action" but didn't see a career in the law.

However, Detroit attorney David Christensen, a friend since middle school, isn't so sure: "He always had strong opinions and strong arguments to back them up. That's why I say I was surprised he didn't have a judge's robe back in eighth grade. He wasn't a shy kid."

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Talbot said his goal was the priesthood, but failure at second year Latin derailed those plans.

He attended Georgetown University in Washington, D.C., and worked in the U.S. Senate office of Phil Hart and at the Department of Health, Education and Welfare. Detroit Mayor Jerome Cavanagh — an altar boy at his parents' wedding — convinced him his future was at University of Detroit Law School and in local service.

As a lawyer, he focused on criminal law and was named a defense bar representative when Judge T. John Lesinski, of the Court of Appeals, commanded a massive crash program to unclog the Recorder's Court docket.

In 1978 he was appointed to Detroit Common Pleas Court, predecessor to 36<sup>th</sup> District Court, and later to Recorder's Court, then one of the busiest criminal courts in the country.

His courtroom in Recorder's Court ran at rigorous pace and to exacting standards: Two court reporters worked fulltime keeping pace with 60 jury trials a year. He kept a similar standard after being named to Wayne County Circuit Court.

Nancy Diehl, a retired chief with the Wayne Country Prosecutor's Office, said Talbot expected attorneys to be "ready, prepared, and professional." David Christensen said he could be curt with what he saw as plodding presentations.

"He is a smart guy who comes to a conclusion readily," Christensen said.

Talbot said he learned courts and judges aren't cure-alls.

"People bring big problems into court. And I got anxious because there are some problems you can't solve."

Years later, some cases still shadow him: "And maybe that *should* stick with you."

In one such case, a single mother and the couple who sheltered her during her pregnancy were strung up and killed by the child's father who then killed the infant.

"You don't forget that," he said. "You don't resurrect it, but you don't want to forget it, either."

Judy Diebolt, a retired reporter and editor at the Detroit Free Press and the Detroit News, said Talbot could elevate issues through a sentencing or ruling. He knew, she said, the power of a strong quote to move people.

"He appreciated what a newspaper could do for public opinion," Diebolt said.

She said his opinions and writings were disciplined and focused: "The rigor of his Jesuit education shone through in his writing style. You could see Georgetown and the Jesuit instruction on the page."

Timothy Kenny, now Presiding Judge of Wayne County Circuit Court's criminal division, tried many of his early cases as a prosecutor before Talbot. That courtroom, Kenny said, was a place where victims mattered.

"They didn't really have a voice in the process and that was a great concern to him," Kenny said. "Victims might call to check on a case only to learn the defendant had already pleaded out."

As a head of the State Bar of Michigan's criminal law section, Talbot worked with state legislators led by William Van Regenmorter in crafting the Michigan Crime Victim's Rights Act.

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The pioneering effort keeps victims abreast of cases, allows them in the courtroom after testifying, and guarantees them the right to speak at sentencing — powerfully demonstrated earlier this year by dozens of young women who were sexually assaulted by Olympic gymnastic training doctor Larry Nassar.

“These are all things we take for granted now, but they were revolutionary and they’ve helped balance the scales,” Talbot said.

Wayne County Prosecutor Kym Worthy said Talbot held her to task in his courtroom.

“His criticism of some of my work as a young assistant prosecutor made me better,” said Worthy, who also sat on the circuit court before she was elected prosecutor.

She was a witness before him when he ruled that law enforcement could seize cars of prostitution patrons. As a resident of the area, Worthy testified the cruising johns and their cars were a nuisance.

The U.S. Supreme Court sided with Talbot in an opinion by Justice Ruth Bader Ginsburg.

Talbot was named to the Michigan Court of Appeals in 1998. Though the workload was still substantial, the appellate court was eerily quiet and nearly monastic after 20 years of trial courts’ rush and tumble.

He’d had a preview as a visiting judge of the opportunity to weigh cases without a trial’s real-time pressure and looming dockets. It was a different, though, as a full-fledged appellate judge.

“Your phone stops ringing,” he said. “You have time to work through the questions and issues. And you have very smart lawyers feeding you information. Still, it took me a couple of years to get it down.”

In 2013, Chief Justice Young called with a job in mind.

“The city of Detroit was in turmoil,” Young recalled. “And 36<sup>th</sup> District Court was out of control and its budget was unrestrained.”

Cases were stalled, attorneys and the public felt abused by the chaos just entering the building. The court was disorganized and indifferent.

Mismanagement of the 36<sup>th</sup> District Court was another crisis for Detroit already dealing with bankruptcy, an emergency manager, state control of schools, and federal oversight of police.

“My way was paved, though, by a report from the National Center for State Courts,” he said. “It was very clear the house was burning down.”

Talbot said he drew on the Lesinski Recorder’s Court crash program experience and put together an emergency reform team of judges, officials, and attorneys.

The court dockets were streamlined, cases were tracked, job classifications rationalized, airport-style information boards directed attorneys and the public to proper courtrooms and payment kiosks cut backlogs at service windows. Felony preliminary examinations moved to the Frank Murphy Hall of Justice.

“He took 36<sup>th</sup> District Court and turned it around,” said Lillian Diallo, a Detroit attorney.

“Moving the exams to Frank Murphy was a stroke of genius. He was all about the business of making it a better experience for the public, the witnesses, and the lawyers.”

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Talbot balanced “elephantine skin and finesse” to get the court on track while navigating politics and personalities, Young said.

Young said he looked to the same qualities when Talbot was charged with starting the new Court of Claims. “It was essentially a start-up court, a trial court, with the Court of Appeals,” Young said. “He had the skills to do it.”

Talbot also put those skills to work after the Catholic Church was roiled with accusations of clergy abuse and misbehavior when he was asked to chair the Archdiocese Review Board to receive and investigate complaints and make recommendations to the archbishop.

Bishop Emeritus Walter A. Hurley, of Grand Rapids, who served on the board with Talbot, said his “personal integrity and dedication gave credibility to what we did.”

Nancy Diehl also worked with him and saw how he dealt with victims: “The time and care he took with them was remarkable.”

Talbot also sat on the Archdiocese Board of Education when some parish schools faced financial and enrollment crises.

Chris Blake, a contractor and fellow board member, said Talbot was willing “to lead us to make the tough recommendations for actions that had to be taken.”

Now Talbot says travel, education, and more opportunities for service will open to him. “It’s a great luxury to be useful,” he said.

He leaves with lessons of the weight of the law and the frailty of man.

A friend confided that he couldn’t sleep because of a pending appearance for a ticket.

“To you that may be just a ticket, but it’s keeping him up at night,” he said. “We have to appreciate we’re dealing with people’s lives — and aiming for a just result with some measure of speed.”

As an appellate judge, Talbot could request for his chambers a portrait of a past jurist. He chose John Swainson — a former governor and state Supreme Court justice who was convicted of lying to a federal grand jury investigating bribery allegations.

Talbot explained he was moved after hearing former Ingham County Circuit Court Judge Lawrence Glazer discuss “Wounded Warrior,” his biography of Swainson.

Swainson was a teenage GI who had both legs blown off in World War II. A spectacular career crashed in scandal.

Talbot said Swainson persevered despite his horrific injuries, made great contributions, and then paid a huge price for his wrongs and failures.

“His portrait as governor was not completed on purpose and so, too, his Supreme Court portrait wasn’t completed. It’s a reminder how human we all are — a wounded warrior.”

“Was he an imperfect human being? You bet. So am I and that’s why I put it up.”

*Judge Talbot will be honored April 13 at 5:00 p.m. by the University of Detroit-Mercy law school with a scholarship established in his name.*