Court of Appeals

Candidates were asked to summarize their backgrounds in 75 words and were allotted 75 words to answer each question. If the candidate did not reply by the required date for publication, the words "Did not respond in time for publication" appear under the candidate's name.

1st District Judge of the Court of Appeals – Six-Year Term *Vote for Two (2)*

Diane Marie Hathaway

I was born, raised and educated in Detroit. I am married and I'm the mother of five children. While attending law school, I worked as a law clerk in Recorders and Circuit court. Before being elected judge in 1992, I was an Assistant Prosecutor and Chief of the Drug Forfeiture division. As a Circuit Court judge for fourteen years, I have presided over civil, criminal, family and appellate matters.

QUESTION 1 ***Do you support public financing of judicial campaigns? Explain.***

I do not support public financing of judicial campaigns. While I don't think that the taxpayers should be required to pay for judicial campaigns, I do believe that they should be made aware of a candidate's qualifications. Funds must be expended in order to present this information. However, I do think that there should be a limit on the amount of money a candidate committee can spend in order to make the election process fair.

QUESTION 2 ***Do you believe the composition of juries in district and circuit courts adequately and fairly reflects society at large? Explain.***

I do not believe that the composition of juries adequately and fairly reflects society at large. A defendant is entitled to a jury of his peers. Having been a trial judge for fourteen years, I have always questioned this aspect of the jury system. I have observed indigent defendants from Detroit receive a jury pool of forty-two people, most of them from the suburbs. This is not a jury of his peers.

QUESTION 3 ***What can be done to provide individuals with wider and better access to legal help and the legal system?***

Every individual is entitled to access the legal system. Providing indigent defendants with appointed, competent attorneys is a step in the right direction. Free clinics should be made available to educate individuals on the state of the law. The government should provide the necessary funds for teaching and representing indigents unless this service can be provided pro bono.

Kirsten Frank Kelly

BA, MSU, '78; JD, U of D, '81. Married with three children. Experience: Court of Appeals, 2000 to date. Wayne Circuit Court, 1994 - 2000. Presiding Judge, Family Division and Juvenile Court, 1997 - 2000. Municipal Court, 1987-1994. Community Activities: Board member National Kidney Foundation; Chair - Kidney Foundation's Detroit Executive Leadership Council; Advisory Board of "Kids-Talk" (forensic interviewing of abused children). Rated "Outstanding" by the Wolverine and Metropolitan Bar Associations.

Not as proposed by the ABA because the underlying premise is faulty. Judges currently must adhere to strict rules of ethics and recuse themselves when biased or personally interested. Judges decide concrete cases and matters of law, not value-laden issues of public policy. They substantiate legal conclusions by issuing opinions that are subject to appellate review. Public funding disadvantages challengers by limiting the raising of financial resources to overcome the benefit of the incumbency designation.

Jurors are residents within the jurisdictional boundaries of a particular court, possessing a license or state ID. While a particular jury may not reflect society at large, they generally reflect that particular community. However, communities with a large transient population may not be able to sit a jury that reflects that community, i.e. a college community with a significant transient student population or inner cities with high percentages of transient populations.

Promote and support the Michigan Bar Association's Access to Justice program which helps provide pro-bono services to clients. Also support increased funding for legal services, both public and private, particularly in family matters such as domestic violence, abuse and neglect and domestic relations.

Valerie White

Did not respond in time for publication.

Brian Zahra

Born in Detroit, the child of Maltese immigrants, my parents taught me that America was the land of opportunity. I worked my way through WSU (1984) and U of D law (1987), and practiced law until becoming a Wayne County Circuit Judge in 1995. I have been a Judge on the Michigan Court of Appeals since 1999. I reside in Northville with my wife, Suzanne, and our two children.

No. The state simply lacks the resources to adequately fund several hundred judicial campaigns across the state. The need for highly financed judicial elections could be substantially reduced if we converted to retention elections, rather than contested elections. Under this system the voters are simply asked whether the incumbent judge should be retained rather than being asked to choose between two competing candidates. This method of judicial election has been very successful in many states.

Yes, Jury compositions in Michigan Courts fairly represent the demographics of the district from which the jury is drawn. The Clerks of the Court exercise their best effort to solicit a fair representation for the district. Thereafter, it is incumbent on each citizen to respond to the juror questionnaires and appear in court when summoned. Statistical differences between the demographics of the district and the population that appears for jury duty are generally very small.

The State Bar of Michigan should impose a mandatory requirement for lawyers to donate a minimum of 40 hours of legal work per year to persons unable to obtain legal assistance. For those lawyers who are not comfortable performing such services, the Bar should impose a mandatory $800 per year pro bono donation. The proceeds from this fund can be used to operate full time legal aid clinics across the state.

2nd District Judge of the Court of Appeals – Six-Year Term *Vote for Three (3)*

Jessica R. Cooper

Did not respond in time for publication.

Kathleen Jansen

Did not respond in time for publication.

Deborah A. Servitto

Judge Servitto obtained a BA in 1978 and a JD from DCL in 1982. From 1982-1986 she served as an Assistant City Attorney for the City of Warren. In 1986 was elected to the 37th District Court for the cities of Warren and Center Line. In 1990, Governor Blanchard appointed Judge Servitto to the Macomb County Circuit Court where she served for 16 years. Recently Governor Granholm elevated Judge Servitto to the Court of Appeals.

Public financing of our judicial campaigns is a means by which the influence of individual donors can be mitigated. It would, however, take a great deal of money to properly "educate" the public about judicial candidates. Considering our state's financial condition, that is unlikely to occur. A more practical reform may be to conduct periodic, professional reviews of judges after they are initially elected and eliminate the need for re-election campaigns for those who pass.

Jury composition in the metropolitan Detroit area tends to include fewer minority citizens than residents in the same area. This occurs for several reasons, including the fact that jury service among disadvantaged populations is not a priority. For many, it is a luxury that they cannot afford. Furthermore, much of the new immigrant population is prohibited from participating for lack of citizenship. Nevertheless, our juries have an incredible record of fairness.

Several measures could help to expand access to the justice system. The jurisdiction of the Small Claims Division of the Court can be increased. The discovery process can be streamlined to reduce the escalating, oppressive expense currently facing litigants. Early intervention by the courts to promote alternative dispute resolution would help. Efficient case management and timely disposition of cases frees up judicial resources to address a larger number of individual disputes.

Remember to Vote

★★★★★★★★★★ **November 7th** ★★★★★★★★★★