

November 21, 2007

ADM File No. 2007-1

APPOINTMENT OF CHIEF JUDGES  
OF MICHIGAN COURTS

Pursuant to MCR 7.201 and MCR 8.110, IT IS ORDERED THAT the following judges are appointed as chief judges of the courts indicated for two-year terms commencing January 1, 2008.

Court of Appeals	Honorable Henry William Saad
1 <sup>st</sup> Circuit Court	Honorable Michael R. Smith
3 <sup>rd</sup> Circuit Court	Honorable William J. Giovan
4 <sup>th</sup> Circuit Court	Honorable Chad C. Schmucker
6 <sup>th</sup> Circuit Court	Honorable Wendy Lynn Potts
7 <sup>th</sup> Circuit Court	Honorable Archie L. Hayman
9 <sup>th</sup> Circuit Court	Honorable Stephen D. Gorsalitz
10 <sup>th</sup> Circuit Court	Honorable Robert L. Kaczmarek
11 <sup>th</sup> Circuit Court	Honorable Charles H. Stark
12 <sup>th</sup> Circuit Court	Honorable Garfield W. Hood
13 <sup>th</sup> Circuit Court	Honorable Philip E. Rodgers
14 <sup>th</sup> Circuit Court	Honorable John C. Ruck
15 <sup>th</sup> Circuit Court	Honorable Michael H. Cherry
16 <sup>th</sup> Circuit Court	Honorable Richard L. Caretti
17 <sup>th</sup> Circuit Court	Honorable Paul J. Sullivan
18 <sup>th</sup> Circuit Court	Honorable Kenneth W. Schmidt
19 <sup>th</sup> Circuit Court	Honorable James M. Batzer
20 <sup>th</sup> Circuit Court	Honorable Edward R. Post
22 <sup>nd</sup> Circuit Court	Honorable David S. Swartz
23 <sup>rd</sup> Circuit Court	Honorable Ronald M. Bergeron

24 <sup>th</sup> Circuit Court	Honorable Donald A. Teeple
25 <sup>th</sup> Circuit Court	Honorable Thomas L. Solka
26 <sup>th</sup> Circuit Court	Honorable John F. Kowalski
27 <sup>th</sup> Circuit Court	Honorable Anthony A. Monton
28 <sup>th</sup> Circuit Court	Honorable William M. Fagerman
29 <sup>th</sup> Circuit Court	Honorable Randy L. Tahvonen
30 <sup>th</sup> Circuit Court	Honorable William E. Collette
31 <sup>st</sup> Circuit Court	Honorable Daniel J. Kelly
32 <sup>nd</sup> Circuit Court	Honorable Roy D. Gotham
33 <sup>rd</sup> Circuit Court	Honorable Richard M. Pajtas
34 <sup>th</sup> Circuit Court	Honorable Michael J. Baumgartner
35 <sup>th</sup> Circuit Court	Honorable Gerald D. Lostracco
36 <sup>th</sup> Circuit Court	Honorable Paul E. Hamre
37 <sup>th</sup> Circuit Court	Honorable Allen L. Garbrecht
38 <sup>th</sup> Circuit Court	Honorable Joseph A. Costello, Jr.
39 <sup>th</sup> Circuit Court	Honorable Harvey A. Koselka
40 <sup>th</sup> Circuit Court	Honorable Nick O. Holowka
41 <sup>st</sup> Circuit Court, Dickinson and Menominee Counties	Honorable Richard J. Celello
42 <sup>nd</sup> Circuit Court	Honorable Jonathan E. Lauderbach
43 <sup>rd</sup> Circuit Court	Honorable Michael E. Dodge
45 <sup>th</sup> Circuit Court	Honorable Paul E. Stutesman
47 <sup>th</sup> Circuit Court	Honorable Stephen T. Davis
48 <sup>th</sup> Circuit Court	Honorable George R. Corsiglia
49 <sup>th</sup> Circuit Court	Honorable Scott P. Hill-Kennedy
50 <sup>th</sup> Circuit Court	Honorable Nicholas J. Lambros

51 <sup>st</sup> Circuit Court, Mason County	Honorable Richard I. Cooper
52 <sup>nd</sup> Circuit Court	Honorable M. Richard Knoblock
53 <sup>rd</sup> Circuit Court	Honorable Scott Lee Pavlich
54 <sup>th</sup> Circuit Court	Honorable Patrick Reed Joslyn
55 <sup>th</sup> Circuit Court	Honorable Thomas R. Evans
56 <sup>th</sup> Circuit Court	Honorable Thomas S. Eveland
57 <sup>th</sup> Circuit Court	Honorable Charles W. Johnson
1 <sup>st</sup> District Court	Honorable Mark S. Braunlich
2A District Court	Honorable James E. Sheridan
2B District Court	Honorable Donald L. Sanderson
3A District Court	Honorable David T. Coyle
3B District Court	Honorable Jeffrey C. Middleton
4 <sup>th</sup> District Court	Honorable Paul E. Deats
7 <sup>th</sup> District Court	Honorable Paul E. Hamre
8 <sup>th</sup> District Court	Honorable Richard A. Santoni
10 <sup>th</sup> District Court	Honorable John R. Holmes
12 <sup>th</sup> District Court	Honorable R. Darryl Mazur
14A District Court	Honorable Kirk W. Tabbey
14B District Court	Honorable John B. Collins
15 <sup>th</sup> District Court	Honorable Julie Creal
16 <sup>th</sup> District Court	Honorable Robert B. Brzezinski
17 <sup>th</sup> District Court	Honorable Charlotte L. Wirth
18 <sup>th</sup> District Court	Honorable C. Charles Bocos
19 <sup>th</sup> District Court	Honorable Mark W. Somers
20 <sup>th</sup> District Court	Honorable Mark J. Plawecki
21 <sup>st</sup> District Court	Honorable Richard L. Hammer, Jr.

22 <sup>nd</sup> District Court	Honorable Sylvia A. James
23 <sup>rd</sup> District Court	Honorable Geno D. Salomone
24 <sup>th</sup> District Court	Honorable John T. Courtright
25 <sup>th</sup> District Court	Honorable David J. Zelenak
26 <sup>th</sup> District Court	Honorable Michael F. Ciungan
27 <sup>th</sup> District Court	Honorable Randy L. Kalmbach
28 <sup>th</sup> District Court	Honorable James A. Kandrevas
29 <sup>th</sup> District Court	Honorable Laura Redmond Mack
30 <sup>th</sup> District Court	Honorable Brigitte R. Officer
31 <sup>st</sup> District Court	Honorable Paul J. Paruk
32A District Court	Honorable Roger J. La Rose
33 <sup>rd</sup> District Court	Honorable Michael K. McNally
34 <sup>th</sup> District Court	Honorable Tina Brooks Green
35 <sup>th</sup> District Court	Honorable Ronald W. Lowe
36 <sup>th</sup> District Court	Honorable Marylin E. Atkins
37 <sup>th</sup> District Court	Honorable Walter A. Jakubowski, Jr.
38 <sup>th</sup> District Court	Honorable Norene S. Redmond
39 <sup>th</sup> District Court	Honorable Joseph F. Boedeker
40 <sup>th</sup> District Court	Honorable Joseph Craigen Oster
41A District Court	Honorable Stephen S. Sierawski
41B District Court	Honorable Linda Davis
42 <sup>nd</sup> District Court	Honorable Denis R. LeDuc
43 <sup>rd</sup> District Court	Honorable Robert J. Turner
44 <sup>th</sup> District Court	Honorable Terrence H. Brennan
45A District Court	Honorable William R. Sauer

45B District Court	Honorable Michelle Friedman Appel
46 <sup>th</sup> District Court	Honorable Susan M. Moiseev
47 <sup>th</sup> District Court	Honorable James B. Brady
48 <sup>th</sup> District Court	Honorable Diane D'Agostini
50 <sup>th</sup> District Court	Honorable Preston G. Thomas
51 <sup>st</sup> District Court	Honorable Richard D. Kuhn, Jr.
52 <sup>nd</sup> District Court	Honorable William E. Bolle
53 <sup>rd</sup> District Court	Honorable Theresa M. Brennan
54A District Court	Honorable Frank J. DeLuca
54B District Court	Honorable Richard D. Ball
55 <sup>th</sup> District Court	Honorable Thomas P. Boyd
56A District Court	Honorable Harvey J. Hoffman
57 <sup>th</sup> District Court	Honorable Stephen E. Sheridan
58 <sup>th</sup> District Court	Honorable Susan A. Jonas
59 <sup>th</sup> District Court	Honorable Peter P. Versluis
60 <sup>th</sup> District Court	Honorable Andrew Wierengo
61 <sup>st</sup> District Court	Honorable Ben H. Logan, II
62A District Court	Honorable Pablo Cortes
62B District Court	Honorable William G. Kelly
63 <sup>rd</sup> District Court	Honorable Sara J. Smolenski
64A District Court	Honorable Raymond P. Voet
64B District Court	Honorable Donald R. Hemingsen
65A District Court	Honorable Richard D. Wells
65B District Court	Honorable James B. Mackie
66 <sup>th</sup> District Court	Honorable Ward L. Clarkson
67 <sup>th</sup> District Court	Honorable Mark C. McCabe

68 <sup>th</sup> District Court	Honorable Archie L. Hayman
70 <sup>th</sup> District Court	Honorable M. Randall Jurrens
71A District Court	Honorable Nick O. Holowka
71B District Court	Honorable Kim David Glaspie
72 <sup>nd</sup> District Court	Honorable John D. Monaghan
73A District Court	Honorable James A. Marcus
73B District Court	Honorable Karl E. Kraus
74 <sup>th</sup> District Court	Honorable Timothy J. Kelly
75 <sup>th</sup> District Court	Honorable John Henry Hart
77 <sup>th</sup> District Court	Honorable Susan H. Grant
78 <sup>th</sup> District Court	Honorable H. Kevin Drake
79 <sup>th</sup> District Court, Mason County	Honorable Peter J. Wadel
80 <sup>th</sup> District Court	Honorable Gary J. Allen
81 <sup>st</sup> District Court	Honorable Allen C. Yenior
82 <sup>nd</sup> District Court	Honorable Richard E. Noble
83 <sup>rd</sup> District Court	Honorable Daniel L. Sutton
84 <sup>th</sup> District Court	Honorable David A. Hogg
85 <sup>th</sup> District Court	Honorable Brent V. Danielson
86 <sup>th</sup> District Court	Honorable John D. Foresman
88 <sup>th</sup> District Court	Honorable Theodore O. Johnson
89 <sup>th</sup> District Court	Honorable Harold A. Johnson, Jr.
90 <sup>th</sup> District Court	Honorable Richard W. May
91 <sup>st</sup> District Court	Honorable Michael W. MacDonald
92 <sup>nd</sup> District Court	Honorable Beth Gibson
93 <sup>rd</sup> District Court	Honorable Mark E. Luoma

94 <sup>th</sup> District Court	Honorable Glenn A. Pearson
95A District Court	Honorable Jeffrey G. Barstow
95B District Court	Honorable Michael J. Kusz
96 <sup>th</sup> District Court	Honorable Roger W. Kangas
97 <sup>th</sup> District Court	Honorable Phillip L. Kukkonen
98 <sup>th</sup> District Court	Honorable Anders B. Tingstad, Jr.
Grosse Pte. Municipal Court	Honorable Russell F. Ethridge
Grosse Pte. Farms Municipal Court	Honorable Matthew R. Rumora
Grosse Pte. Park Municipal Court	Honorable Carl F. Jarboe
Grosse Pte. Woods Municipal Court	Honorable Lynne A. Pierce
Alcona County Probate Court	Honorable Laura A. Frawley
Allegan County Probate Court	Honorable Michael L. Buck
Alpena County Probate Court	Honorable Thomas J. LaCross
Antrim County Probate Court	Honorable Norman R. Hayes
Arenac County Probate Court	Honorable Jack William Scully
Baraga County Probate Court	Honorable Timothy S. Brennan
Bay County Probate Court	Honorable Karen Tighe
Benzie County Probate Court	Honorable Nancy A. Kida
Branch County Probate Court	Honorable Frederick L. Wood
Calhoun County Probate Court	Honorable Gary K. Reed
Cass County Probate Court	Honorable Susan L. Dobrich
Cheboygan County Probate Court	Honorable Robert John Butts
Chippewa County Probate Court	Honorable Lowell R. Ulrich
Clinton County Probate Court	Honorable Lisa Sullivan

Delta County Probate Court	Honorable Robert E. Goebel, Jr.
Dickinson County Probate Court	Honorable Thomas D. Slagle
Eaton County Probate Court	Honorable Michael F. Skinner
Genesee County Probate Court	Honorable Robert E. Weiss
Gogebic County Probate Court	Honorable Joel L. Massie
Grand Traverse County Probate Court	Honorable David L. Stowe
Gratiot County Probate Court	Honorable Jack T. Arnold
Hillsdale County Probate Court	Honorable Michael E. Nye
Houghton County Probate Court	Honorable Charles R. Goodman
Huron County Probate Court	Honorable David L. Clabuesch
Ingham County Probate Court	Honorable R. George Economy
Ionia County Probate Court	Honorable Robert S. Sykes, Jr.
Iosco County Probate Court	Honorable John D. Hamilton
Jackson County Probate Court	Honorable Diane M. Rappleye
Kalamazoo County Probate Court	Honorable Donald R. Halstead
Kent County Probate Court	Honorable David M. Murkowski
Keweenaw County Probate Court	Honorable James G. Jaaskelainen
Lapeer County Probate Court	Honorable Justus C. Scott
Leelanau County Probate Court	Honorable Joseph E. Deegan
Lenawee County Probate Court	Honorable Margaret Murray-Scholz Noe
Livingston County Probate Court	Honorable Carol Hackett Garagiola
Macomb County Probate Court	Honorable Kathryn A. George
Manistee County Probate Court	Honorable Thomas N. Brunner

Marquette County Probate Court	Honorable Michael J. Anderegg
Mason County Probate Court	Honorable Mark D. Raven
Menominee County Probate Court	Honorable William A. Hupy
Midland County Probate Court	Honorable Dorene S. Allen
Missaukee County Probate Court	Honorable Charles R. Parsons
Monroe County Probate Court	Honorable Pamela A. Moskwa
Montcalm County Probate Court	Honorable Charles W. Simon, III
Montmorency County Probate Court	Honorable John E. Fitzgerald
Muskegon County Probate Court	Honorable Neil G. Mulally
Newaygo County Probate Court	Honorable Graydon W. Dimkoff
Oakland County Probate Court	Honorable Elizabeth Pezzetti
Oceana County Probate Court	Honorable Bradley G. Lambrix
Ogemaw County Probate Court	Honorable Shana A. Lambourn
Ontonagon County Probate Court	Honorable Joseph D. Zeleznik
Oscoda County Probate Court	Honorable Kathryn Joan Root
Ottawa County Probate Court	Honorable Mark A. Feyen
Presque Isle County Probate Court	Honorable Donald J. McLennan
Roscommon County Probate Court	Honorable Douglas C. Dosson
Saginaw County Probate Court	Honorable Patrick J. McGraw
St. Clair County Probate Court	Honorable Elwood L. Brown
St. Joseph County Probate Court	Honorable Thomas E. Shumaker
Sanilac County Probate Court	Honorable R. Terry Maltby
Shiawassee County Probate Court	Honorable James R. Clatterbaugh

Tuscola County Probate Court	Honorable W. Wallace Kent, Jr.
Van Buren County Probate Court	Honorable Frank D. Willis
Washtenaw County Probate Court	Honorable David S. Swartz
Wayne County Probate Court	Honorable Milton L. Mack, Jr.
Wexford County Probate Court	Honorable Kenneth L. Tacoma
Alger/Schoolcraft Probate District 5	Honorable William W. Carmody
Luce/Mackinac Probate District 6	Honorable W. Clayton Graham
Charlevoix/Emmet Probate District 7	Honorable Frederick R. Mulhauser
Clare/Gladwin Probate District 17	Honorable Thomas P. McLaughlin
Mecosta/Osceola Probate District 18	Honorable LaVail E. Hull

IT IS ORDERED that the following judge is appointed chief judge for a one-year term commencing January 1, 2008:

8 <sup>th</sup> Circuit Court	Honorable Charles H. Miel
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IT IS ORDERED that the following judge is appointed chief judge for a one-year term commencing January 1, 2009:

8 <sup>th</sup> Circuit Court	Honorable David A. Hoort
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IT IS ORDERED that the following judge is appointed chief judge for a one-year term commencing January 1, 2008:

44 <sup>th</sup> Circuit Court	Honorable Stanley J. Latreille
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IT IS ORDERED that the following judge is appointed chief judge for a one-year term commencing January 1, 2009:

44 <sup>th</sup> Circuit Court	Honorable David J. Reader
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IT IS FURTHER ORDERED that the chief judges of the following courts operating according to a plan of concurrent jurisdiction pursuant to 2002 PA 678 are appointed as follows, for the two-year period commencing January 1, 2008:

Barry County Trial Court  
5<sup>th</sup> Circuit Court  
56B District Court  
Barry County Probate Court

Honorable James H. Fisher

Berrien County Trial Court  
2<sup>nd</sup> Circuit Court  
5<sup>th</sup> District Court  
Berrien County Probate Court

Honorable Alfred M. Butzbaugh

Crawford, Kalkaska, and Otsego Trial Court  
46<sup>th</sup> Circuit Court  
87<sup>th</sup> District Court  
Crawford County Probate Court  
Kalkaska County Probate Court  
Otsego County Probate Court

Honorable Patricia A. Morse

Iron County Trial Court  
41<sup>st</sup> Circuit Court, Iron County  
95B District Court, Iron County  
Iron County Probate Court

Honorable C. Joseph Schwedler

Isabella County Trial Court  
21<sup>st</sup> Circuit Court  
76<sup>th</sup> District Court  
Isabella County Probate Court

Honorable Paul H. Chamberlain

Lake County Trial Court  
51<sup>st</sup> Circuit Court, Lake County  
79<sup>th</sup> District Court, Lake County  
Lake County Probate Court

Honorable Mark S. Wickens

### **Court of Appeals**

CAVANAGH, WEAVER, and KELLY, JJ., would appoint Judge Owens as Chief Judge of the Court of Appeals.

### **3rd Circuit Court**

CAVANAGH, J., (*dissenting*)

I again dissent from this Court's appointment of Chief Judge for the Third Judicial Circuit Court. I note that the current Chief Judge, whom a majority of this Court selected for the past three terms, has done a good job in administering that court under many difficult and trying times. I believe, however, that position should devolve to the only other nominee, Judge Robert

J. Colombo who has, again, received the overwhelming support of more than a majority of his colleagues, including, I am informed, that of the current Chief Judge.

Judge Robert J. Colombo, Jr., was elected to the Wayne County Circuit Court in November 1982 and took office on January 1, 1983. His first major administrative responsibility was to serve on a committee that formulated a plan of converting the Wayne County Circuit Court docket from a master calendar to an individual calendar. In 1985, Judge Colombo chaired a subcommittee that came up with the concept of a Docket Review Committee. The purpose of the committee was to instruct judges on proper case management techniques, set goals, and ensure that judges' dockets did not become backlogged. Judge Colombo chaired the Docket Review Committee three different times under three different Chief Judges, including Richard Kaufman, James Rashid, and Mary Beth Kelly. Initially, his extensive responsibilities were to make certain that judges were properly trained regarding the individual calendar system, and to make certain they met the goals of the Docket Review Committee. Thereafter, he was called back to chair the committee two additional times after the dockets had fallen into disrepair.

As a result of Judge Colombo's work on the Docket Review Committee, he has extensive experience in training new judges on proper case management techniques, and in managing dockets in different divisions. He also ran a training program when Recorder's Court was merged into Wayne County Circuit Court. As a result of these experiences, his colleagues have come to trust and rely upon Judge Colombo. He is often consulted by his colleagues with respect to issues that arise in the courtroom.

In 1985, Judge Colombo was a member of a committee that created the successful individual calendar for the civil and family cases in Wayne County. Of two proposed plans, Judge Colombo's plan was ultimately selected and is still in operation today.

In 1990, Judge Colombo was Chair of the Chief Judge/Court Administrator Manual Revision Committee that drafted the Michigan Court Administration Reference Guide for the State Court Administrative Office.

In 1993, the Michigan Supreme Court assigned all breast implant cases in the State of Michigan to Wayne County Circuit Court, with the understanding that the docket would be managed by Judge James Mies and Judge Robert Colombo. With Judge Mies' instruction, Judge Colombo primarily handled that docket until most of the cases were resolved by either the bankruptcy of Dow Corning or the Global settlement in the federal class action. Judge Colombo tried one of the most complex cases in the history of Michigan involving Dow Corning's declaratory judgment insurance coverage case with 50 insurance company defendants and over one billion dollars of coverage at issue.

During the mid 1990's, Judge Colombo was selected to sit on the Mass Tort Litigation Committee, a committee comprised of state judges, who dealt with complex litigation and met periodically to train other judges on the methods for handling complex litigation.

Because of Judge Colombo's experience and organizational skills, he has handled the Wayne County Asbestos Docket for almost 14 years. He has recently implemented electronic service of documents on the asbestos docket.

Around 2000, Judge Colombo was also selected by the Michigan Supreme Court to handle a class action brought against Microsoft for overcharging on its software products under the Michigan Antitrust Act.

The Michigan Supreme Court has also shown confidence in Judge Colombo by appointing him as a Special Master to review disciplinary files to determine if there were any discoverable materials in those files.

In 2005, Judge Colombo undertook assisting in the creation of a new case management system for the Wayne County Juvenile Division. He chaired a subcommittee that drafted a scheduling order.

At the request of a Michigan Supreme Court Justice and the Chief Judge of the Wayne County Circuit Court, Judge Colombo joined a team of attorneys in conducting an audit of child protection cases to determine whether the orders entered in those cases comply with Title IV-E. Significant federal funding was at stake because there was an audit of the juvenile files that began in March 2006. As part of his responsibility, Judge Colombo was asked to move over to the Juvenile Division and assist in the implementation of the new case management system that began January 1, 2006. He was also been requested to hear all motions for adjournments of trials. In the past, Judge Colombo has served as the Presiding Judge of the Civil Division. He has also served on numerous committees dealing with court administration and the hiring of court administration personnel.

Inexplicably, however, this Court's majority has sought out and prevailed upon another, very qualified and able, member of that bench to accept the appointment. Perhaps the majority prefers to ignore Judge Colombo's significant accomplishments and leadership qualities out of their concern that he is too outspoken and direct and has, my heavens, had the audacity to critique, occasionally, this Court.

In light of his most impressive record of service, much of which has been at the request of this Court, I would heed the clear preference of the overwhelming majority of Third Circuit judges and honor Judge Colombo's request to serve as Chief Judge.

WEAVER and KELLY, JJ., join in the statement by Cavanagh, J.

WEAVER, J., (*dissenting*). I join Justice Cavanagh's dissent to the order appointing Judge Giovan as Chief Judge of the 3<sup>rd</sup> Judicial Circuit Court.

With all due respect to Judge Giovan who has served with distinction as Judge of the 3<sup>rd</sup> Circuit, Judge Colombo would be better suited to serve as Chief Judge at this time, especially since Judge Giovan will only be able to serve as Chief Judge for one year. Judge Giovan is up for reelection in November 2008 and is ineligible to run for reelection in 2008 because of his age.

Further, for the sake of continuity and avoidance of unnecessary change in the largest and busiest circuit court in Michigan, it is in the best interest of the 3<sup>rd</sup> Judicial Circuit Court for this Court to appoint Judge Colombo, who is most qualified and eligible to serve the full two-year Chief Judge term.

## **16<sup>th</sup> Circuit Court**

WEAVER, J., (*dissenting*)

I dissent from Chief Justice Taylor, and Justices Corrigan, Young and Markman's decision to appoint 16<sup>th</sup> Judicial Circuit Court Judge Richard L. Caretti as the Chief Judge of the 16<sup>th</sup> Circuit Court. I, like Justices Cavanagh and Kelly, have voted to appoint Judge Donald G. Miller as Chief Judge.

With all due respect to Judge Caretti, Judge Miller has more experience and would be better suited to serve as Chief Judge at this time. Judge Miller has already served as presiding judge of the Family Division of the 16<sup>th</sup> Circuit Court and has been a judge with the 16<sup>th</sup> Circuit for almost ten (10) years. He has extensive administrative experience as a military officer and as Chair of the Workers' Compensation Appellate Commission. He has five (5) years experience as an elected representative of the Michigan Judges' Association (MJA) and has served on the Rules Committee of the MJA. Judge Miller, who was appointed to the 16<sup>th</sup> Circuit Court in 1998, has had nearly ten (10) years of experience on the bench, and ten (10) of the thirteen (13) judges serving on the 16<sup>th</sup> Judicial Circuit Court have endorsed Judge Miller to serve as Chief Judge. In contrast, Judge Caretti, who was appointed to the 16<sup>th</sup> Circuit Court in 2002, has been a judge for five (5) years, and has only served as Pro Tempore Chief Judge at the request of Chief Judge Antonio Viviano, whose term ends December 31, 2007.

The majority of four has failed to provide sufficient reasons for selecting Judge Caretti over Judge Miller who is more-experienced, has more seniority, and is favored by his colleagues over Judge Caretti.

CAVANAGH, J., joins in the statement by Weaver, J.

## **Macomb County Probate Court**

WEAVER, J., (*dissenting*)

I dissent from the order appointing Judge Kathryn George as Chief Judge of the Macomb County Probate Court. A cloud of doubt over her appointment remains.

At the time that this Court was considering whether to appoint Judge George as Chief Judge, the Court lacked sufficient information about certain events and actions concerning Judge George. Consequently, a majority of this Court (Chief Justice Taylor and Justices Corrigan, Young and Markman) should have refrained from selecting her as Chief Judge. Like Justices Cavanagh and Kelly, I voted for Chief Judge Pamela O'Sullivan to continue serving as Chief Judge because she has given outstanding service as the Chief Judge for almost eight (8) years.

Specifically, more and sufficient information is needed as to why Judge George, only nine (9) months into her first year as a judge, was assigned to Genesee County in October of

2003, for a period of months, to fill the vacancy created as a result of a Genesee County probate judge's death. It is not the usual practice when a judge dies in one county to send a full-time judge from another busy county to fill the vacant seat for several months at a time. Instead, typically, a judge is assigned for a few days or weeks, or a retired judge is assigned to sit for an extended period of time. The cost of such assignment is usually paid by the county with the vacancy (in this case Genesee County), not the state of Michigan. It appears a special arrangement was made for the assignment of Judge George to serve on the Genesee County Probate Court.<sup>1</sup>

It further appears that this Court, or the State Court Administrator's Office (SCAO), had the state of Michigan pay Macomb County approximately \$30,000 for Judge George's assignment to the Genesee County Probate Court during the several months she was assigned to Genesee County.<sup>2</sup> No satisfactory answers have been supplied as to why this unusual assignment was made, and as to why this unnecessary expense was incurred because Macomb County rightly had to be reimbursed for the expense it incurred to cover Judge George's caseload while she was absent from Macomb County and assigned to Genesee County.

Further, the Region One Deputy Court Administrator's November 17, 2007 memo to the Court indicates that the deputy is awaiting the results of the SCAO Region One office's audit on the Drwencke conservator case—a matter which has generated negative publicity directed at Judge George and the Macomb County Probate Court.<sup>3</sup> At this point, consideration of an independent audit of the situation involving Judge George and the ADDMS Guardianship Services organization appears to be necessary, rather than an "in-house" audit by the SCAO, or the Macomb County Probate Court. If necessary, a private firm, or the Auditor General, should be requested to do the audit.

While this Court lacked sufficient information to make an informed decision about whether to appoint Judge George as Chief Judge, the Court had ample reasons to re-appoint Judge Pamela O'Sullivan as Chief Judge of the Macomb County Probate Court. Having been first elected as a judge in 1994, reelected, without opposition, for a second term in 2000, and again reelected, without opposition, for a third term in 2006, Judge O'Sullivan has served on the Macomb County Probate Court bench for nearly thirteen (13) years, and has also excellently served the past seven plus (7+) years as Chief Judge, since her initial appointment as Chief Judge in 1999, and for successive appointments by this Court as Chief Judge in 2001, 2003, and 2005.

In addition to her nearly thirteen (13) years of bench experience, Judge O'Sullivan is a member of the Michigan Judicial Institute Faculty and also sits on the Institute's Academic Advisory Committee. Since 1999, she has served on the Governor's Task Force on Children's Justice, having been appointed to that position first by Governor Engler, and then by Governor Granholm. Also in 1999, Judge O'Sullivan established the second Juvenile Drug Court in the state of Michigan. In addition, she serves as a State Court Administrative Office approved

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<sup>1</sup> Letters from SCAO to Macomb County Probate Court dated October 14, 2003 and December 5, 2003.

<sup>2</sup> Macomb County Probate Court financial record entries for fiscal year 2004.

<sup>3</sup> *Referrals draw fire for Macomb Judge; Firm gets bulk of work handling finances of disabled.* The Detroit News, November 8, 2007 <<http://www.detroitnews.com/apps/pbcs.dll/article?AID=/2007/11/08/METRO/711080368/1408/LOCAL>> accessed November 20, 2007.

general civil mediator, and serves on various community boards of directors, including: (1) Care House—Child Advocacy Center, (2) CARE—Community Assessment and Referral Education, (3) Human Services Coordinating Body, (4) Macomb County Traffic Safety Commission, and (5) Childhelp, USA.

Finally, Judge George is up for re-election in November 2008 and already two opponents have announced their intention to run against her. Thus, a contested race for the judgeship appears in the offering, likely drawing Judge George's attention away from the administration of the Macomb County Probate Court.

Given Judge O'Sullivan's years of experience, both on the bench and in the larger community, and the fact that unanswered questions still remain with regard to Judge George, it is in the best interest of the Macomb County Probate Court for this Court to re-appoint Judge Pamela O'Sullivan as Chief Judge for 2008. Assuming Judge George is reelected, and the issues concerning ADDMS are independently audited to the Court's satisfaction, and assuming questions about Judge George's performance have been satisfactorily resolved, in November of 2008, this Court can consider appointing her as Macomb County Chief Judge for 2009.

CAVANAGH and KELLY, JJ., would appoint Judge O'Sullivan as Chief Judge of the Macomb Probate Court.