

STATE OF MICHIGAN



42-2 DISTRICT COURT

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July 1, 2016

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Michigan Supreme Court
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[via email only: ADMcomment@courts.mi.gov]

Re: ADM FILE NO. 2014-13
ANTINEPOTISM [A.O. No. 1996-11]

I write to comment on the Supreme Court's consideration of rescission of Administrative Order No. 1996-11 and adoption of Administrative Order No. 2016-XX. The attached news article is an example of what I believe to be the harsh and unfair implication of both the current A.O. and the proposed A.O.

In short, both A.O.s' punish employees and administrators that have no control over the decision of relative to either be appointed or elected as a judge. To put it bluntly, an administrator really has no control over whether a parent, spouse or child decides to fulfill a dream to become a member of the bench and these A.O.s result in the administrator suffering the sole consequence of that decision. It is one thing when a sitting judge decides to hire a relative, but quite another when relative has no control over whether another is either appointed by the Governor or elected by the voters.

Take the person identified in the news article [who happens to be the former Court Administrator for the jurisdiction I am sitting in] She served four (4) different chief judges, one who is now a Supreme Court Justice, and while all had the unilateral authority to terminate her, none did. She is obviously qualified, so much so that the Supreme Court Administrative Office decided to hire her to be the Regional Administrator for Region 6. I have also attached her resume reflecting she is beyond competent to hold the position of court administrator. Yet, in the wisdom of the application of prophylactic rule, she was under the imminent threat of being terminated because her father decided to run for election to an open circuit judge position and was lucky enough to be unopposed.

If the goal is hire and retain qualified and competent staff, then instituting rules that essentially “throw the baby out with the bath water” do not accomplish this and, quite frankly, is not what the judiciary should strive for. Admittedly there are issues regarding the omnipresent fears of “appearances” and “potential favoritism” but the judiciary is an institution that can administratively ferret those problems as they arise on an individual basis.

Also, the practical problem is that the administrator’s role is separate from the remaining staff, and usually means there is no bumping in to other positions at a court but instead is an outright termination of employment. So, when the administrator has to immediately leave, the court automatically loses the institutional knowledge that person possesses and can pass on.

In the end, I believe it punishes both the court and individual to automatically require the termination of a currently employed, highly qualified administrator simply because a relative has decided to become a judge in the same court. This is quite different than the judge hiring a relative or becoming romantically involved, which is obviously the choice of the person seeking the administrator position.

Thank you for your attention and time in considering this letter.

Very truly yours,

William H. Hackel III
District Court Judge
42-2 District Court

Attachments to the email