

Michigan Supreme Court Justice

General Election: November 6, 2018
6 Candidates on the Nonpartisan Ballot

Duties: The Michigan Supreme Court is the state's highest court and makes the final determination and interpretation of Michigan's laws. It supervises all other state courts. The Supreme Court has seven members.

Term: 8 years Vote for no more than **TWO (2)** candidates.

SAMUEL BAGENSTOS



Website: <http://www.BagenstosForJustice.com>

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Occupation / Current Position: Frank G. Millard Professor of Law, University of Michigan Law School

Education: B.A. with highest honors and highest distinction, Univ. of North Carolina (1990); J.D., magna cum laude, Harvard Law School (1993) (first in class)

Questions:

1. What educational, occupational, civic and community experiences have you had that particularly qualify you for this judicial office? Why are you running?

A: Early in my career, I was a law clerk to Justice Ruth Bader Ginsburg on the U.S. Supreme Court. I served two stints in the U.S. Department of Justice, first as an attorney in the Civil Rights Division's Appellate Section during the mid-1990s, then returning as Principal Deputy Assistant Attorney General for Civil Rights under President Obama and Attorney General Holder. I have argued four cases in the Supreme Court of the United States. I have litigated for voting rights, disability rights, women's rights, and accountability for the Flint Water Crisis. The Court needs justices who have fought for people's rights.

2. Do you believe the current process for electing Supreme Court Justices should be altered in any way - including how candidates are nominated for election or appointed for vacancies and how campaigns are funded and regulated?

A: There is no perfect system of selecting judges. Our current system is suboptimal, however, in two respects. First, in our current process, candidates are nominated by political parties, but they appear on a "nonpartisan" ballot that hides that information from voters. Either a purely nonpartisan system or an honestly partisan system would be preferable. Second, campaigns for the Michigan Supreme Court are expensive, and they are largely funded by attorneys and others who might have business before the Court. That corrodes public confidence in the impartiality of the Court. Campaign finance reform would improve things.

3. What, in your opinion, are the two greatest areas of need in the Michigan justice system, and how should the Supreme Court respond to them?

A: First, the Michigan Supreme Court must be prepared to perform the state courts' historic function of serving as the last line of defense for basic rights, such as the rights to liberty, equality, and a clean environment. As the federal courts pull back from protecting these rights, the role of the Michigan courts will grow in importance. Second, the Michigan Supreme Court should use its administrative authority to maintain public confidence in the courts (by addressing such issues as jury diversity) and to promote alternatives to the criminal justice system as appropriate (for example, through problem-solving courts).

MEGAN KATHLEEN CAVANAGH



Website: www.cavanaghforsupremecourt.com

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Occupation / Current Position: Shareholder, Garan Luow Miller P.C.

Education: B.S. Engineering, University of Michigan, 1993; J.D., Wayne State University School of Law, 2000

Questions:

1. What educational, occupational, civic and community experiences have you had that particularly qualify you for this judicial office? Why are you running?

A: I graduated from the U of M College of Engineering and Wayne State University Law School. I have over fifteen years of experience as an appellate attorney, representing people in all levels of state court and handling over 150 appeals. I have held leadership positions with the Appellate Practice and Negligence Sections of the State Bar of Michigan. I am a member of the Attorney Grievance Commission. My experience reflects a commitment to improving the fairness of Michigan's justice system. I believe that each person should stand on equal footing before the Court and receive fair consideration of the issues.

2. Do you believe the current process for electing Supreme Court Justices should be altered in any way - including how candidates are nominated for election or appointed for vacancies and how campaigns are funded and regulated?

A: I am comfortable with the people of the state of Michigan judging my experience and temperament and determining whether I am the best candidate for this important office. Spending by interest groups on issue ads (dark money) undermines public confidence in the judiciary because it makes the public believe that Justices are bought and paid for when this branch of government does not operate that way. The job of a Justice is to make decisions according to the law, no matter who likes that decision. Public funding would eliminate the influence of dark money on judicial elections.

3. What, in your opinion, are the two greatest areas of need in the Michigan justice system, and how should the Supreme Court respond to them?

A: The two greatest areas of need are reform of the juvenile justice system and improving access to justice. The Supreme Court should be actively engaged with other stakeholders in considering solutions such as diversion programs, community based detention, and specialty courts. Our current justice system doesn't provide equal access to justice for those most vulnerable among us. Everyone has the right to effective counsel and I will fight to fulfill that promise for all regardless of race, religion, gender, sexual orientation, gender identity, marital status, disability status, geography or income level.

ELIZABETH T CLEMENT



Website: www.clementforjustice.com

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Occupation / Current Position: Justice of Michigan Supreme Court

Education: Michigan State University, Juris Doctorate; Michigan State University, BA Political Science

Questions:

1. What educational, occupational, civic and community experiences have you had that particularly qualify you for this judicial office? Why are you running?

A: In addition to the regular Court docket, I serve as liaison to child welfare issues and problem solving courts, including mental health, Veteran's treatment, and sobriety/drug treatment courts. Prior legal experience includes private practice focusing on family and criminal law and government practice as legal counsel in the legislative and executive branches handling legal issues in both state and federal courts. I am running because my experience demonstrates measured deliberation, attentive listening, collaborative decision making and my sincere commitment to equal justice to all and independence of the judiciary.

2. Do you believe the current process for electing Supreme Court Justices should be altered in any way - including how candidates are nominated for election or appointed for vacancies and how campaigns are funded and regulated?

A: Many cases before the Court are inherently political, so it seems that the process of having political parties nominating non-partisan justices is counterintuitive to a fair and impartial judiciary. I'd like to see process changes that protect the independence of the judiciary through the removal of partisan politics from the elective process. The election of judges should never be based upon how a judge or Justice rules on particular cases of interest, but rather whether they maintained integrity, applied the law as written and served as a neutral unbiased arbiter.

3. What, in your opinion, are the two greatest areas of need in the Michigan justice system, and how should the Supreme Court respond to them?

A: Our courts have seen improvement in access to justice but two important areas we continue to work on are trial court funding and indigent defense. These issues directly impact the people we serve. The public deserves fines and fees that are fair, reasonable, and affordable. Those involved in the criminal system deserve their Constitutional promise of an attorney if they cannot afford one. I made great progress on these issues before joining the bench and I value the opportunity to continue working towards solutions with the Trial Court Funding Commission and the Michigan Indigent Defense Commission.

DOUG DERN

Twitter: twitter.com/Mich13

Education: Jd from Cooley law school

Questions:

1. What educational, occupational, civic and community experiences have you had that particularly qualify you for this judicial office? Why are you running?

A: Life. I have been a lawyer working in the trenches helping everyday people. I have a deep understanding of how rule rulings effect the common Jane. My opinion is that the current justices have lost site of that.

2. Do you believe the current process for electing Supreme Court Justices should be altered in any way - including how candidates are nominated for election or appointed for vacancies and how campaigns are funded and regulated?

A: No

3. What, in your opinion, are the two greatest areas of need in the Michigan justice system, and how should the Supreme Court respond to them?

A: Police corruption is always a concern. The Flint water situation should be a concern. I think the current is light on reviewing criminal appeals. The Flint water crisis is the result of corporate greed

KERRY LEE MORGAN



Website: <https://www.pck-law.com/About-Our-Attorneys/Kerry-L-Morgan.shtml>

Occupation / Current Position: Kerry Lee Morgan is "Of Counsel" to the law firm of Pentiuk, Couvreur, & Kobiljak, P.C.

Education: Regent University, M.A. Public Policy, magna cum laude, 1985. Detroit College of Law, J.D., 1981. Michigan State University, B.A. Political Science and Criminal Justice, with honors, 1977.

Questions:

1. What educational, occupational, civic and community experiences have you had that particularly qualify you for this judicial office? Why are you running?

A: The Supreme Court needs Justices who will apply the law as written, not as it ought to be written in the mind of the Judge. My background in the law for over thirty five years has taught me the importance of this purpose. My experience in the practice of law before judges has taught me that judges are sometimes reluctant to simply apply the law as written. I can bring a balanced respect for the written law and the Constitution in particular to the bench, so that Justice may be done.

2. Do you believe the current process for electing Supreme Court Justices should be altered in any way - including how candidates are nominated for election or appointed for vacancies and how campaigns are funded and regulated?

A: The nomination and election process for Supreme Court Justices is adequate. Campaigns will always be funded in part by special interest sand those who propose schemes to limit the effect of those interests, have an interest of their own in influencing the outcome of elections. The People are the best check on those interests and funding abuses through the ballot box. Government "solutions" and the snake oil of "bipartisan" support are designed to simply increase major party control of the Supreme Court and should be avoided.

3. What, in your opinion, are the two greatest areas of need in the Michigan justice system, and how should the Supreme Court respond to them?

A: The future of the judicial system is for the People to decide, but that future must recover a solid commitment to the rule of law, not the law of judges. Michigan Lawyers must also be freed from the politicized State Bar of Michigan by elimination of compulsory membership. The Supreme Court should be leading this fight. Instead, it sides with the Bar. It compels lawyers to pay money to the Bar for the propagation of ideas with which they disagree. The Court also tramples down the natural rights of conscience in the process. Securing natural rights is the states only compelling interest.

Kurtis T. Wilder

Did Not Respond in Time for Inclusion