

# Counting up campaign cash



MSC candidates collect big contributions, but does the public really care?

## Elections

By Carol Lundberg

The numbers are in, and this year's Michigan Supreme Court race has been a barn burner that will set fire to nearly \$2 million in cash.

According to data released by Lansing-based Michigan Campaign Finance Network, Justice Robert P. Young Jr. has raised \$776,000 and as of Oct. 17 had \$583,464 on hand. Justice Alton Thomas Davis had quickly raised \$691,000 and had \$617,000 on hand. Republican-nominated Judge Mary Beth Kelly had raised \$293,000, while Democrat-nominated Judge Denise Langford Morris raised \$76,000.

Campaign contributors lined up as expected — with insurance political action committees lining up behind Republicans Kelly and Young, and Michigan Education Association PAC and plain-

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tiff's attorneys backing Democrats Davis and Morris.

It's the first election since the Michigan Supreme Court passed its recusal rules in 2009.

At the heart of the rules, which Young and his Republican colleagues justices Maura D. Corrigan and Stephen M. Markman, strongly opposed, was the "appearance of impropriety" standard.

How that standard will be defined is difficult to predict, said Lawrence Dubin, professor at University of Detroit Mercy School of Law.

"It's hard to say whether the standard, and the various campaign contributions would ever be used by a party to a case," he said. "But what I can say is that there is a greater sensitivity to how campaign contributions can create the appearance of impropriety."

Lansing attorney Richard D. McLellan disagrees.

"There are only two groups who pay much attention to who is contributing to these elections — the Campaign Finance Network, and the media," he said.

He said it's possible that Democratic groups might criticize a Republican justice over the source of their campaign contributions, and vice versa. But that doesn't measure up to the appearance of impropriety.

"What it is, is the appearance of complying with the law," McLellan said.

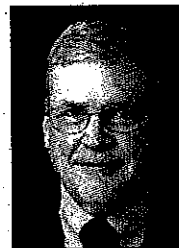
"Large law firms have PACs and they have individual campaign contributors. It's no different than the SEIU [the Service Employees International Union] making contributions," he said. "And the SEIU contributes more than any other group to various campaigns."

Lawyers can only make contributions of up to \$3,400 to judicial candidates, noted Robert Sedler, professor at Wayne State University Law School.

While that is considered a tiny portion of the total amount of money raised, when those contributions are added together, and pooled with a law firm PAC, the dollar amounts start to look more substantial.

Of the law firm contributions, the largest came from Southfield-based Som-

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— Richard D. McLellan, Lansing attorney

mers Schwartz, P.C., which gave a total of \$25,300 to Davis' campaign, according to the Michigan Campaign Finance Network.

Likewise, personal injury lawyers at The Bernstein Law Firm, in which individual contributors combined gave a total of \$17,000 to Davis' campaign, while Sinas, Dramis, Brake, Boughton & McIntyre PC and Fieger, Fieger, Kenney, Johnson & Giroux PC, contributed \$10,900 and \$8,750 respectively.

On the Republican side, the firm of Dickinson Wright PLLC contributed \$10,820 to Kelly's campaign and \$17,074 to Young's. Miller, Canfield, Paddock and Stone, P.L.C. and its PAC also donated \$13,250 to Young's campaign.

But none of that is enough to sway a judge, even if a judge were inclined to be swayed, McLellan said. And he stressed that voters don't seem to care much about who donates to judicial campaigns, or the fact that judges have to raise money to get elected.

"There is this complexity in Supreme Court races," he said. "And the public has had the opportunity to go another way [to select a different manner to select justices] but it has not."

What's more interesting, he said, is just to observe which firms back which candidates this year, especially during a year when the Michigan Supreme Court will have the final say on reapportionment.

All the same, it's not the money that makes the public suspicious.

"It's groups that criticize judicial elections, groups like Brennan Center, ginning up of voters that most erodes the confidence in our judicial system," McLellan said.

Amount raised  
by four Michigan  
Supreme Court justices  
for the 2010 election:

**\$1.83M**

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## Top contributors to Michigan Supreme Court candidates

(through 10/17/2010)

### Mary Beth Kelly

MI Republican Party	\$60,000
Auto Club of MI PAC	\$15,000
<i>Dickinson Wright</i>	\$10,820
Frankenmuth Ins PAC	\$10,000
MI Doctors PAC	\$10,000
Michigan Chamber PAC	\$10,000
Michigan Farm Bureau PAC	\$10,000
Byker, Gaen J. & Susan	\$6,800
DeVos, Daniel & Pamela	\$6,800
DeVos, Douglas & Maria	\$6,800
DeVos, Richard, Sr & Elisabeth	\$6,800
DeVos, Richard, Jr. & Helen	\$6,800
Vanderweide, Robert & Suzanne	\$6,800

### Robert P. Young, Jr.

MI Republican Party	\$61,270
Health PAC - MI Health & Hospital Assn.	\$34,000
MI Realtors PAC	\$34,000
MI Farm Bureau PAC	\$33,700
MI Bankers Assn. PAC	\$20,000
<i>Dickinson Wright</i>	\$17,074
Auto Club of MI PAC	\$16,200
Frankenmuth Ins PAC	\$15,400
MI Doctors PAC	\$15,000
<i>Miller Canfield</i>	\$13,250
COMM-PAC	\$10,000
Detroit Regional Chamber PAC	\$10,000
Friends of Farmers Insurance PAC	\$10,000
MI Chamber PAC	\$10,000

Names of law firms in italics indicate a sum of contributions from PAC, partners & associates.

Source: Michigan Campaign Finance Network

### Alton Thomas Davis

MI Assn for Justice PAC	\$34,000
MI Education Assn PAC	\$33,950
<i>Sommer Schwartz</i>	\$25,300
<i>Bernstein Law Firm</i>	\$17,000
IBEW COPE	\$16,000
<i>Sinas Dramis Law Firm</i>	\$10,900
MI Democratic State Central Cmte	\$10,738
<i>Fieger Fieger Kenney &amp; Johnson</i>	\$8,750
Conybeare, Barry & Jody	\$6,800
Gunabalan, Ram & Joanne	\$6,800
Howard, Barry & Cynthia	\$6,800
Koblum, Martin & Sarah	\$6,800
Lipton, Marc & Ellen	\$6,800
Mendelson, Stephen & Alice	\$6,800
Sakwa, Gary & Becky	\$6,800

### Denise Langford Morris

MI Education Assn. PAC	\$16,950
Langford Morris, Denise	\$8,000
MI Democratic Party	\$6,991
Sakwa, Gary & Rebecca	\$6,800
Morganroth, Mayer	\$3,400
Young, Rodger	\$3,400
Markus, Doraid	\$2,500
Rachmale, Avanash	\$2,000
Bogas, Kathleen	\$1,000
Dynkowski, Darius	\$1,000
Fanego, Jose R.	\$1,000
Hardiman, Thomas	\$1,000
Howard, Barry L.	\$1,000
Lustig, Dov	\$1,000
Miesowicz, Steven	\$1,000
Papas, Edward	\$1,000
United Food & Commercial Workers	\$1,000
Yousif, Tommothy	\$1,000