

## Truth in Advertising

### To the Editor:

The State Bar's request to the Secretary of State for a declaratory ruling that would end secret funding in judicial elections is an appropriate discharge of the profession's duty to protect and inform the public.

During the last election, more than \$1 million was contributed from unknown sources to influence a circuit court race in Oakland County. Circuit court judges decide divorce, criminal, business, and other civil matters.

We need to make it clear that justice cannot be influenced under the cloak of secrecy.

This disclosure issue is not about free speech. Every individual and organization has a right to comment about a judge and his or her decisions, opinions, ethics, or intelligence.

But the cornerstone of the American judicial system is public confidence that the system is fair and impartial. Every litigant is entitled to a judicial decision maker who has not been influenced in any way by secretive contributors. Every citizen who

appears before a judge in every county courthouse in Michigan has the right to know the identity of the individual, corporation, or organization contributing \$1 million or more to elect or defeat the judge deciding his or her case.

In the words of Roberts P. Hudson, first president of the State Bar of Michigan, "No organization of lawyers can long survive which has not for its primary object the protection of the public."

In *Falk v State Bar*, 418 Mich 270 (1983), the Michigan Supreme Court acknowledged the duty of the State Bar to the public when it stated, "The discharge of the profession's duty to protect and inform the public are purposes in which the State of Michigan has a compelling interest."

The impropriety of secret contributions influencing judicial elections is of critical importance to every private or corporate citizen and every private or corporate litigant in our state courts. You can contribute money to say anything you want to influence a judicial election, but you cannot conceal where the money is coming from and call it an impartial system of justice. We need to make it clear that justice cannot be influenced under the cloak of secrecy.

Every lawyer who has held a client's future in his or her hands before a judge in a court of law knows that the entire judicial system is based on public confidence that the system is fair and the judge is impartial. Secret contributions to judicial elections undermine that confidence and have no place in our system of justice.

Congratulations to the State Bar of Michigan for speaking out on this issue.

**George A. Googasian**  
Past President, State Bar of Michigan  
Bloomfield Hills

## Thinking Big

### To the Editor:

I want to express my thanks to John Postulka for his thought-provoking article in the October *Bar Journal* on the Michigan Constitution as an independent source of legal rights. This is an essential, if overlooked, point, and I am gratified to see it given greater attention. It is my feeling that this is an example of the *Bar Journal* at its best—broadcasting to a wide audience of lawyers an interesting analysis of a legal subject of general interest. My hope is that the bar will be inspired by this article to look to the Michigan Constitution in making creative arguments on behalf of clients around the state.

Has the State Bar of Michigan ever considered a program to recognize strong writing in the *Journal*? Perhaps something along the lines of "Best General Article" and "Best Theme Article" might be appropriate. The potential of the *Journal* to be a source of "big think" articles that are made widely available is, I think, too often missed, and a program of recognition might be a valuable way to incentivize more high-quality submissions like this one.

**Adam D. Pavlik**  
Caro

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