

Filling Judicial Vacancies

To the Editor:

It is a given that judicial appointments are too often political and judicial elections are too often influenced by money.

My suggestion to fill judicial vacancies would be to have the attorneys residing or having an office in the electoral jurisdiction vote under the auspices of the State Bar on the applications for any judicial appointment. Attorneys and law offices would vote as two separate entities, and the top two candidates decided by each entity would move on in the appointment process. These top four candidates would then be evaluated by the State Bar, and the governor would appoint the new judge from these four—allowing for some preference, but hopefully ensuring quality candidates. It's not a perfect solution, but this would allow the persons with the most knowledge of the judicial candidates—attorneys—to decide who would be the best judge for the vacancy.

For elections, I would propose a retention vote whereby a judge would remain in office unless the voters decided on his or her non-retention by a two-thirds majority. This significantly high requirement would discourage the removal of good judges but not eliminate the opportunity to remove bad judges.

**Hon. David A. Hoort
Ionia**

Classified Information

To the Editor:

I am an SBM member currently seeking a new position, and am using the *e-Journal* and *Bar Journal* classifieds in my search. I have two concerns—one ethical and one practical—about the practices of some prospective employers.

First, a number of employers require that a writing sample be submitted with an application and résumé. My previous employers have been in-house legal departments, and my work product has been the confidential property of my employers, protected by privilege. I have never retained any of my files when leaving a position—out of concern for my in-house clients' property rights and my obligations of confidentiality and

the observation of privilege. I realize that such a requirement could be more reasonable in the case of recruitment for a litigation position; candidates could submit writing samples in the form of pleadings or briefs that are matters of public record. I, however, am ethically and practically unable to submit a writing sample and should not be placed at a disadvantage in this regard. I believe that this practice should be strongly discouraged.

Second, a number of employers provide only an e-mail address for submitting résumés. Although I have submitted résumés by e-mail in the past, I find e-mail to be un-

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reliable and never know what precautions potential employers have taken against hacking. Employers should provide a mailing address as an option for submitting applications. If confidentiality is a concern for employers, the State Bar's blind-box service is available and more secure for candidates and employers.

I would hope that the *Bar Journal* could adopt requirements or recommended practices to address these issues.

**R. Eric Vogt
Houston, Texas**

No Ifs; Plenty of Ands or Buts

To the Editor:

But for the interest sparked in learning of the deliberate way in which Mr. Cooney apparently dealt with "transgressors" who deigned to violate the Finklebean rule ("To Mrs. Finklebean: The Truth About Conjunctions as Sentence-Starters," August 2010

Michigan Bar Journal), I might have paid less attention to his humorous recollections of elementary school grammar lessons. And had he not used a conjunction to begin sentences five times in his brief essay, it may have left me without comment. But since he used two *Buts* and three *Ands* to begin sentences, I felt obliged to mention it. And as a new transgressor, I am making this rather easy for his red pen, as my letter contains only four sentences, each of which begins with a conjunction!

**Dennis Hayes
Wyandotte**

Survey Says...

To the Editor:

Dean Nelson P. Miller, in his article "Legal Education as a Pie-Maker" (October 2010 *Michigan Bar Journal*), suggests that a lawyer's seven-year investment in college and law school is justified because median lawyer income as of 2007 was reported in the State Bar's economic survey to be \$92,000. The survey in question, however, was based on fewer than 1,300 responses out of a lawyer population exceeding 37,000—approximately 3.5 percent of the lawyers licensed in Michigan at that time. The potential for "nonresponse bias" in such a survey (as well as surveys put out by law schools regarding employment rates for graduates) should be kept in mind by anyone considering whether to attend law school. I suspect that the \$92,000 figure would shrink dramatically with a more complete sampling of lawyers.

**Robert E. Edick
Detroit**

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