ONE COURT OF JUSTICE BLOG'S
INTERVIEW WITH CHIEF JUSTICE KELLY

TRANSCRIBED BY: Carrie S. Clark-Berry (CSR-4402)
Certified Shorthand Reporter
Registered Professional Reporter
Q (Mr. Nelson) Chief Justice Kelly, thank you so much for meeting with us. As you know, I'm Matthew Nelson from Warner, Norcross & Judd, and we're conducting this interview for Warner Norcross's One Court of Justice Blog. For the purposes of the record, as it were, we have provided you with the questions beforehand. And we, again, thank you for the opportunity to do this.

Please tell us about the 17 years you spent in private practice before ascending to the bench. What was your practice like? What types of cases did you handle? What did you learn from that experience, and what was your philosophy as an advocate?

A (By Justice Kelly) I spent 17 years in a variety of legal settings, and in retrospect I recognize that it was helpful to me to have such a variety of experiences. I was at one time in my own law firm, at another in a small partnership, and at another in one of the largest firms in the state, Dykema Gossett. I probably handled almost every kind of case, civil and criminal. Well, not all criminal, but certainly all civil that one sees in the law in both federal and state courts. Particularly at Dykema Gossett I did contract litigation, construction and commercial litigation in particular. In the latter years I did a lot of domestic relations law.
What did I learn from that experience? Well, I learned something about the variety of courts that we have in the state of Michigan; the different levels of skill that the jurors exhibit and the practitioners in those courts. And my philosophy as advocate was to represent my client to the best of my ability and to try to adhere to the canons of the profession regardless of the situation. I remember early on making the decision that I would sacrifice volume of work if need be in order to make sure that I was giving my clients as much attention as they needed in their legal matters.

Q You were elected to the Court of Appeals in 1988. What led you to decide to serve the state of Michigan as a judge?

A I had prior experience as an elected official, so I had some concept of what it was like to run and I wasn't too daunted by the prospect. And I had some constituency. Also, there was a wonderful opportunity in 1988 because in my district, which was then the 2nd District of the Court of Appeals, there were two openings and no incumbent. As you realize, incumbents just have never yet been beat on the Court of Appeals in this state. So this was an opportunity to run when there were much better opportunities to win. And I received some encouragement, and I was at a point in my career after
17 years of service where I had been able to gain a
certain amount of recognition, most recently as a member
of the State Bar Board of Commissioners and as President
of the Women's Bar Association and then as President of
the Women Lawyers Association. So I had a leg up, so to
speak, at that particular moment. So it was just the
right time to do it, and that's what made me decide to
do it in '88.

Q What adjustments did you have to make moving from
private practice to your new role as a Michigan Court of
Appeals judge?

A I've always said you lose something and you gain
something when you go from private practice to being a
judge, and I still regret some of the losses. The
thrill of combat in the courthouse -- in the courtroom;
the challenge of preparing a case so as to be able to
try it to completion, to success; the interaction among
other members of the Bar. I missed some of that because
when one becomes a judge a certain barrier goes up
between former friends in the Bar and oneself. But, of
course, the job of judging is a thrill, and one I've
always been -- I've always felt enormously privileged to
have got. And so I found that the adjustments that I
had to make were well worthwhile, and I've never really
looked back from that point of view.
Taking a step back to when you were in private practice, did you have an opportunity to argue in the appellate courts in the state in private practice?

I did. Even when I was running for the Court of Appeals, interestingly, I remember being up before a panel on a domestic relations matter. And that was the first time I remember looking at them and thinking, I just wonder if I'll ever be where you are?

And, sure enough, within a few months you were colleagues with that panel.

That's right.

In the more than 12 years that you've now been a justice to the Michigan Supreme Court and now, obviously, the chief justice, how has appellate practice changed?

Well, I'm not certain -- it seems to me that I sense more -- less civility among lawyers today or more -- let me put it this way, more instances of incivility than I was conscious of before. I'm aware that there's tremendous competition today that has to account for some of that and that the times have changed such that I think generally people in our society have grown less civil with one another, which flows over, not surprisingly, into the legal profession. That's one of the things I'm most aware of.

If I can step onto the answer of the last question, how
have you seen that incivility appear in practice before
the Michigan Supreme Court?

A Generally in our court, as in the Court of Appeals,
lawyers treat one another quite well, and that's always
appreciated by judges, by the way. But I do see
examples where lawyers clearly are not showing deference
to one another and tend to some ad hominem attacks that
are inappropriate. And then I hear, you know, in just
moving around the state and intermingling with lawyers a
lot of complaints about -- especially from friends who
have been in the practice a long time about what they
view as the deteriorating condition in the practice with
respect to civility.

Q Do you have any recommendations for new appellate
lawyers who are just getting into the practice in terms
of how they can model their practice in a way to ensure
that they maintain civility even with -- excuse me, so
that they can maintain civility even with incivil
opposing counsel?

A It's a good question, and I think I've always felt that
new lawyers should try to find a good role model to
emulate or several role models to emulate, because we
certainly do have in the practice many lawyers who
behave very appropriately and even in situations where
they're faced with incivility by others. But I
recommend modeling oneself after a lawyer who has a reputation of being civil, who is respected by other members of the Bar, particularly members who practice on the other side, so to speak.

Q Has there been an increase in appellate specialization by attorneys practicing before the Michigan Supreme Court? And, if so, do you notice any difference in the advocacy of appellate specialists versus those who only occasionally appear?

A I think that there's always been a cadre of lawyers who are the specialists, so to speak, that we see frequently. I suspect that I see more today than, well, 20 years ago when I was on the Court of Appeals, who are not specialists. And as far as their competency, their ability, the quality of their performance, generally the ones who are specialists tend to do better, although certainly I've seen many who only occasionally appear in appellate courts and do an excellent job.

Q How has the Court's docket changed over your tenure? Have there been changes in the volume of applications, the number of cases heard, or the subject matter that the Court has been hearing more of?

A There has been -- there's been a steady flow of cases in the last five years, for example. The numbers have remained pretty constant between 2,200, 2,400. Now I
asked the clerk, Corbin Davis, and he goes back quite a few years, and he said that in 1974 there were only about 750 cases. So over that length of time certainly there has been a huge increase. As far as the type of cases, it tends to reflect what's going on on the Supreme Court, it seems to me. For example, when the Court decided that criminal defendants who were entitled to an appeal even if they had pleaded guilty at the trial level, when it was ultimately determined by the U.S. Supreme Court that they were entitled to an appeal we saw an increase of criminal cases. For a period there was like a bubble there. And often I perceive that if attorneys suspect that the Court is ready to rule on a certain issue they will then be more likely to bring that issue before us if they can. Certainly there have been many instances where members of the Court have broadcast allowing us to look at an issue. So they've encouraged, I think, some of those issues to come up.

And now with the change on the Court this last year I'm expecting some change also in the types of cases we're seeing because, again, of the expectation of experienced counsel on what will be of interest to the Court.

Q To change the conversation from the more legal to the more technical, how has technology affected the Court
and your work as a justice and now the chief justice?

A It's affected it a lot. I go back to times when --
well, before I was a judge we didn't have computers and
we were using Selectric typewriters and copying a paper
to make copies. I can remember having a secretary have
to repeatedly type a Will because they all had to be
original. I mean, it's unheard of now, right? And I
can remember when computers came in. Certainly since
I've been a judge we've seen increased communication
among judges and justices using the Internet and the
e-mail. There was a time when one could plausibly argue
that all seven justices really ought to be housed under
the same roof because that would increase the likelihood
that they would confer with one another, you know,
amicably. But now the ability to communicate using the
Internet is so widespread that it's no longer really a
question. We're also now, and I've seen since I've been
chief justice, increases in our ability to communicate
information among the courts and between the courts and
the State Police so that, for example, when a judge is
sentencing someone now it's much more likely that the
judge will have an up-to-date record of that person's
criminal convictions than in just even a few years ago.
That's a great improvement that we're hoping to be able
to improve on even now.
And I'm looking forward to the day when the court will become, if not paperless, certainly at least far less cluttered with hard copies of things and when e-mailing will be far easier and more available to attorneys. I think particularly in areas of the state where there is no court nearby this is very important. And, again, as I said at the very beginning, my experience in the practice did teach me that there are parts of the state where it's not convenient to try to file a paper if it has to be done by hand or by mail -- by snail mail.

Q I'm familiar with that as well.

A Are you?

Q Your Honor, with regard to -- you said that the justices now have, obviously, an easier time communicating because of the technology. Has it also led to a decrease in the amount of face-to-face interaction with justices where justices would, for instance, visit each others chambers?

A I'm not certain. I know that it's not practical to try to communicate with the other justices about many cases on a daily basis because there is so much to do. I mean, I could see how the communication over the Internet and e-mail has made it more likely in some cases that justices might drop in and speak with one
another in person merely because there's been more for
tthem to read to encourage that.

Q According to the most recent annual report of the
Michigan Supreme Court there were 2,612 cases filed with
the Court in 2007, most of which would have been by
application. Do you personally review each application
for leave as filed with the Court?

A Yes. I think all seven of us do. The applications are
processed through the clerk's office. The
commissioner's office then prepares a recommendation for
us with them, along with a copy of lower court opinions
and sometimes some exhibits, attachments, along with a
recommendation. So we see each application and vote on
it. And each month, twelve months a year, I go through
anywhere between 150 and 250 applications. And I do it
with the help of my clerks, but I definitely pour over
each one. And I do that probably because I view each of
them as important, and if I should miss an application
that should be considered at greater length, it probably
would never come back before me. It would probably
simply be dismissed. So I view it as very important,
and I actually hold or cause many applications to be
discussed before the others partly because of my concern
about allowing things to slip between the cracks.

Q Do you have an understanding as to whether or not your
practice of reading all of the applications is shared by your colleagues on the Court?

A

We don't necessarily compare notes about that, but I know that each justice votes each month on whatever number of applications have been submitted. So that -- and many others hold cases, too, so it certainly appears that they've had a close look at them.

Q

Under MCR 7.302(g) the Court can resolve an application for leave to appeal by granting or denying the -- issuing a peremptory order or by issuing a final order on the application. What do you personally look for in an application for leave to determine whether it should be heard as a calendar case?

A

Well, I look at the factors laid out in MCR 7.302(b). And, obviously, one is always interested in knowing whether the case history has potential significance or particularly whether it involves an issue that has been resolved differently by different courts below or if it involves a new statute, one that has never been tested before. Or if it involves an old law which maybe has seen better days and should be replaced. Those are some of the major reasons that I know I look at an application of being meritorious of grant.

Q

And what factors go into your decision or your preference with regard to hearing cases as a calendar
case or, for example, on argument on the application?

Occasionally a case has only one issue and it looks as if it could be disposed of rather easily if counsel argues in a certain way. And that is one reason why I might be interested in what we call a MOA, or an argument on the application. Occasionally the granting of a MOA is actually a compromise. You may have three justices who want to grant leave and three who don't want to grant leave, and the seventh one will say, Well, I don't want to go all the way through a grant, but I'll at least vote for a MOA and we can give it a closer look by allowing counsel to come before us. My default setting is that I'd prefer to grant leave on cases that appear to have merit and give counsel and -- to give counsel full opportunity of argument and briefing.

When you look at an application for leave I know from experience that because the Court has the ability to peremptorily decide a case based on the application that counsel tend to essentially resubmit all the arguments they made to the Court of Appeals. But there's another train of thought that perhaps what counsel should be doing is addressing those grounds -- focusing their application on the grounds for leave to appeal and diminishing the actual arguments in favor of their position. In other words, arguing this case is worth
granting leave and leaving the merits of their position somewhat in a lesser state. What is your preference when you see an application?

A  My preference is to look for the grounds for grant rather than all of the merits. And my preference also is not to dispose of cases peremptorily. There's been a tendency to do that a lot in recent years, and I'm hoping that we will depart from that in the future.

Q  How and to what extent do amicus curiae briefs influence your vote on an application for leave?

A  They can be very important, and I'm always happy to see amicus. Number one, if I see one or several amicus I tend to suspect that the case involves an issue that has some broad appeal or interest. Also, frequently -- well, not frequently, but certainly from time to time counsel for the litigants, although he or she might do a good job for his or her client, doesn't really look at the big picture that we really must look at in this court to determine what the effect of the case could be on the jurisprudence of the state. So often amicus will come in with a more broad view of what the implications of the issue are and give us an understanding that we might not get from retained counsel or assigned counsel.

(Brief break.)
Chief Justice Kelly, I think I know what the answer to this question is after your response with regard to reading all of the applications for leave, but do you read every brief that's been submitted to the Court before oral argument?

Yes. Sometimes I read some briefs more closely than others. It depends, of course, on the status, you know, of the case, just how challenging it appears to be. But I certainly do get all the briefs.

What do you find persuasive in a brief on the merits?

Well, I like a brief that -- where the attorney is able to identify the crucial point or the linchpin of the issue or issues and to also grasp the significance of the holding that the attorney is requesting from us, the significance on the rest of the law in the area, and how it will affect the development of the law in the area. And I find very helpful if counsel can describe in logical steps the course that the rationale of the opinion might take in order to arrive at the holding that is sought.

And on the flip side, what do you find particularly unpersuasive?

It's always unpersuasive if a mistake is made or a misrepresentation is made of fact or law. It's not persuasive and it's somewhat vexing when the brief is
not easy to understand. So clarity is truly essential. And it can get irritating if the counsel is making a shotgun approach to the case and covering many issues as if they were all of equal importance when in fact counsel should be able to identify the most important issues and the most -- the most important issues to the success of the case and get them right up in front for us.

Q What would your advice to counsel be with regard to the maximum number of issues that should be presented in a -- to the extent there is one, in a case?

A Well, I don't know what the maximum is. I know that when we get over five it's unlikely that it's going to be effective, I think. It certainly does depend on the kind of case, of course. For example, when we get some of these MPSC cases, Public Service Commission cases, there can be a huge number of issues because they will involve enormous amounts of money and many organizations and sometimes the litigation has been taking place over a period of years. So in cases like that one expects a great number of issues.

Q What three to five suggestions do you have for a practitioner hoping to submit a winning merits brief to this court?

A We're talking briefs now, not oral arguments?
Q: Yes.

A: Well, I'd suggest trying to identify what I'm calling the linchpin or the crucial point on the issues and trying to organize the issue so that the most persuasive issue is probably first. And, again, trying to give the Court a clear sense of how -- not only how to rule but what steps the ruling should take in order to reach its conclusion. Because it's often in laying out the logical sequence that one finds the error or the glitch that prevents one from getting from Point A to Point C.

Q: Do you have a typical practice in terms of do you approach briefs in the same manner every time, reading the same parts first and the same parts last?

A: I don't approach them the same way, but by the time I get to the briefs I know what I'm looking for. So I will, for example, look at the index and look for the issue that I feel is most important and go to that first. Of course, if it's a real short brief then, you know, it doesn't take long to get through it no matter how one does it. But that's the best I can say with regard to my approach.

Q: Do you spend much time reviewing the questions presented in the briefs?

A: Oh, yes. As a matter of fact, I try to look out appropriate questions for oral argument when I read the
briefs so that I know exactly what information I need and what flaws I'd like to try to probe with counsel in that oral argument.

Q     What role do your clerks play in preparing for oral argument?

A     Well, they write a bench memo for me, and usually the clerk who does that is the clerk who is working the case right from the start. The clerk also gives me a written update on the position that other -- the questions that other justices have put forth in written memos that have been circulated so that by the time I get on the bench for oral argument I know not only what the issues are but how other justices have expressed their positions or their questions on those issues and how I have come down on those issues in prior conferences and the justices and also how the commissioner's office has made -- what recommendations the commissioner's office has made.

Q     Is it true that the justices never discuss a case amongst themselves before the argument?

A     You realize we always discuss them many times in the sense that by the time they get to oral argument they will have gone through probably a number of conferences. The initial conference after the case comes in on application, and then sometimes a whole series of conferences before the decision is made whether to grant
leave. Now maybe from the time the decision to grant is
made until oral argument there may be no group
discussion on it at all. Usually there's no discussion
just before oral argument on the cases among the seven
of us.

Q You referenced a moment ago that there are memos that
pass between the justices before oral argument.

A Right.

Q What's typically contained in those memos, if I may ask?

A Sure, you can. By all means. I think that's
appropriate. It's a huge variety of things. For
example, I or another justice might write the others
saying, I really think that we should give this case
special attention because it raises issue X and this is
why that issue is deserving of our attention at this
time. Now that might be the kind of memo that would go
out when we're first looking at the case after the
application has been submitted to us. And then later on
as we're preparing the case for oral argument it's not
unusual for justices to issue a memo saying -- well, for
example, before then even it's not unusual for the
justices to issue a memo saying, Here's how I think the
grant order should be worded so as to make sure counsel
knows to treat a certain issue or here's an issue I want
to make sure is treated and this is the wording I'd like
to see. So that could be another subject in a memo. And then later there might be memos before oral argument indicating that a given justice has learned about some recent ruling by the United States Supreme Court or another court even, the Court of Appeals, that does impact the case.

Q     Do you have any intention to modify the five-minute free-fire zone that has been used in recent years at Michigan Supreme Court oral arguments?

A     No. I think it's a good practice. And I moreover urge people to waive it with great caution, because it's the one chance that counsel has to speak without being interrupted, and we tend to be what's called a hot court. So I think that counsel should take every advantage of that five minutes free-fire. And if a justice asks them to waive it, I think they should consider politely requesting the justice to allow them to finish and then telling the justice that they'll get right back to them as soon as their free-fire time is over, because otherwise they may never -- counsel may never be able to get the big point out. Likewise, that five minutes should be used to make the most effective presentation of the most convincing points that the attorney has to make. Too many times I see counsel using that five minutes to just review the facts or
review what the issues are, and I always think to myself
it's a waste of their time. If any of the justices is
not aware of the necessary information they'll probably
ask about it, but it's -- counsel shouldn't waste that
time by telling us things that are in the briefs that we
ought to know.

Q What do you find persuasive in an oral argument?

A Well, I like a good response to the opposing brief --
the opposing counsel's brief. In other words, picking
up the give and take where it left off when the briefs
were last -- were finished. I particularly like oral
argument that will show an understanding of where the
various justices have been on the issue if it's one
where justices have taken a position. And, finally, I
particularly like to hear some vision of how the
decision will shape the law. Now not all cases lend
themselves to that, of course, but some do. And where
they do I've found this is -- a failure to do that is
one of the biggest weaknesses in oral argument that I
have seen.

Q And again on the flip side again, what do you find
particularly unpersuasive in oral argument?

A It's really unpersuasive if counsel makes a mistake or
misrepresents fact or law, just as in the written
briefs. It's unpersuasive if counsel is asked a
pertinent question and can't seem to find a good answer. Some justices will go after an attorney under those conditions. My approach usually is not to -- although I do sometimes, but usually not to because I form the conclusion at that point that if the counsel can't make a better answer to that question there isn't a better answer and that that's why they didn't say something. Sometimes, too, it's unpersuasive, if you like, for counsel to miss important points that they really ought to be making. One wonders why they're not picking up sometimes on points that are so obvious and needed, and even sometimes when questions from the bench hint at the need to do it. One mistake I've seen many less experienced attorneys make is to misread a question and assume that it's a combative question when in fact it's really meant to encourage them to make a point they haven't made and ought to be making.

Q And what suggestions do you have for a practitioner hoping to make a winning oral argument to the Court?

A Well, I'd suggest that they certainly be accurate in their presentation, that they stay on message even though they're questioned lots of times so that they make sure they get their points out before they have to sit down, and that the time they get before us they have a clear view of what the linchpin is of their issues and
that they have a vision of how the result they're seeking will shape the area of the law that they're arguing about.

Q How often does oral argument change your mind about a case's outcome?

A It changes my mind, and it changes other judges and justices' minds, too. I can't tell you how often, but the fact that it does sometimes is enough to make it important, in my view. And I can scarcely tell you the number of times that I've come off of the bench and heard another justice or judge say to me, You know, I went in ready to vote for the petitioner, and I came out on the other side. So there can be no question but that the oral argument had a huge outcome on the -- a huge impact on the outcome of the case.

Q What is the single most important judicial philosophy to which you ascribe? And I realize that's a very broad question.

A That's a very broad and tough question, but it's a good question and a fair one. And I sat down and worked a little on this and I have an effort at this, although obviously from one day to the next I'm sure I'd pick something different on what I want to talk about. But let me say this regarding basic judicial philosophy, in interpreting precedent I think that there must be a
presumption that existing precedent -- that the existing interpretation of the law is valid and it should be upheld, but, of course, the presumption is rebuttable. In interpreting Constitutional or statutory law the law should be construed as written. If there are two or more reasonable interpretations of it, it has to be construed according to the intent of the drafters. And I agree with Justice Stephen Breyer who wrote in his book, Act of Liberty, "A judge when interpreting provisions must avoid being willful in the sense of enforcing individual views. At the same time a judge must avoid being wooden and uncritically resting on formulae and assuming the familiar to be necessary and not realizing that any problem can be solved if only one principle is involved. But then, unfortunately, all controversies of importance involve if not a conflict, at least an interplay of principles."

Q Thank you. I suspect that had we done this without providing you with notes we wouldn't have gotten nearly as comprehensive an answer.

A That's right. I'd probably say something about -- certainly much shorter, you're right.

Q I think that's very insightful. I think it'd be helpful for the bench -- or, excuse me, for the Bar.

A Thank you.
What goals do you have now as the newest chief justice of this court?

Well, my goals are emerging, but I can say that I'm particularly interested in improving access to the courts for people. Not just the underprivileged, the economically underprivileged, but even the middle class for whom it's often too expensive to go to court. I'm particularly concerned about criminal indigents who have to rely on the State to provide them attorneys for their defense. And the statistics show that they are so badly underpaid in this state that we're almost at the bottom of the ranking of the entire United States. I'm interested in -- very interested in doing what can be done to improve the public's perception that the system is fair and unbiased. I'm very aware that great segments of our population believe that those who are not in the minority, for example, are treated more fairly.

I'm very concerned about transparency, and I've been an advocate of our doing all our administrative work, to the extent at least that it's not involving personnel matters and things of that sort, in public and letting the public see how we operate when we make rule changes and do other things that are strictly administrative. I'm very interested in these bad
economic times in seeing initiatives that are underway
to improve the courts continue. And so I, in testimony
to the Senate and to the House, have urged the use, if
necessary, of federal stimulus money for the
continuation and growth of drug courts and mental health
courts and also for handling the problems that have
arisen as a result of the closing of the crime lab in
Detroit. I also have urged the use of stimulus money to
allow us to continue to keep our -- to bring our
computerization technology into the 21st century,
because it's moving so fast and it's expensive. And so
I'm, as I said earlier, interested in seeing technology
be a major concern of our court.

Q During the 2007-2008 term the Court heard oral arguments
in 88 cases, but reached a unanimous result in a
published decision in 11 cases. What value do you as a
justice, and now as chief justice, place on unanimity?

A Well, I place a great value on it, and I strive to bring
my colleagues into a unanimous position on cases. I
remember when I was practicing law I used to really
criticize the Supreme Court in particular for its
splintered decisions, but now that I'm on the Court I
understand a little better why that happens. And one
fact is -- and it's true in the case that you had before
us, that where you have a multiplicity -- the most
recent one. The Tomecek.

Q  Tomecek versus Bavas.

A  Bavas case, uh-huh. There were a number of issues, important issues. If you have a multiple of important issues for seven people to decide, the likelihood that you're going to get a unanimous decision of seven -- on all those issues among seven is not very high. And so it's not surprising in many ways that there are so few unanimous decisions, as troublesome as it is to the bench and Bar to have to sort those out. And I'm very sympathetic with that, but strong differences in philosophy among justices certainly can make it impossible for us to be unanimous on many difficult cases.

Q  And if I may on follow-up to that, when do you for yourself consider it appropriate to write a dissenting opinion?

A  Well, if I can't sign the majority opinion then I feel it's necessary to explain why. So either -- at that point either I sign someone else's dissenting statement or opinion or I write my own. Or I write a concurring opinion, which makes a distinction in the reasoning without changing the result. But I do feel that even with respect to orders people are entitled to know why justices take a position, not just simply what their
position is. So I avoid simply signing on the left, as
we say, showing that I concur in result only. I avoid
it whenever I can.

Q In this challenging budgetary climate what conversations
should the bench and the Bar be having with the
legislature about the importance of a well-funded
Judiciary?

A It should be, I think, the same conversation that I was
describing to you that I had with the House and the
Senate when I gave testimony on behalf of the Judiciary,
and that is that the courts simply must be allowed
enough funds to keep up with the times in their
technology and their new approaches, such as the mental
health court, and to remedy possible major breaches of
just decisions such as could be the result of the
problems with the crime lab in Detroit. And ultimately
the members of the legislature need to be reminded that
if we can't fund the system well enough to keep it
running well that we're going to run into frequent
instances where justice delayed is justice denied. And
it's just not acceptable in this society.

Q On a much lighter note, do you read the One Court of
Justice Blog?

A Yes, I do, and I applaud you for it.

Q Is there anything that you find particularly helpful
about it?

A: I like the timely updates. For example, I think today I could look and learn all about the possible resignation of one of the U.S. Supreme Court justices and get a little information there and also some links, I think, also. I've enjoyed looking at the summaries of decisions as well, and I appreciate the work that goes into that. I'm not aware of any other source right now of that kind of information, so I think you should continue to do it.

Q: And speaking of that recent Supreme Court justice resignation, have you heard from the Obama administration about any interest that you might have in moving to Washington?

A: That's a nice question and I appreciate it, but one thing I think they're going to look for is someone to appoint who they could count on being on that court for a long time. So that means they're going to look for somebody in their 40s or 50s at the most, I think. And that's not surprising. It makes good sense.

Q: Is there anything else that you'd like to tell us or to share with the bench at this time?

A: Well, I'd like to remind lawyers that the Supreme Court really values their input on our proposed rule changes and other administrative matters. And maybe everybody
knows by now, but you can go to our website, courts.mi.gov and read what proposals are before the Court and make comments, and you can also read comments from other people, which is very helpful sometimes. You're actually looking at the same material we look at when we make our decision. And I think this is a very appropriate improvement in our process, and definitely comments from people who know about the effect or the likely effect of rule changes has a big influence on us.

So don't be shy.

Q Well, thank you so much for your time this afternoon.

A Thank you. It's my pleasure.

Q I really appreciate it.

(End of interview.)