

PRESS & ARGUS QUESTIONNAIRE

Questionnaire for Michigan Supreme Court justice candidates

1. Name as it will appear on the ballot
 - **Bridget Mary McCormack**
2. Age and place of birth
 - **46, Washington D.C.**
3. Phone number, email address etc to contact you for future story information (this information will not be published in any form).
 - **<Redacted>**
4. Occupation/employer
 - **Clinical Professor of Law and Associate Dean for Clinical Affairs, University of Michigan Law School**
5. Political experience, list offices held as well as unsuccessful races, including year and campaign and/or work done for others
 - **None**
6. Education from high school on including college, professional, technical studies
 - **1984 – 1988, Trinity College, BA in political science and philosophy**
 - **1988 – 1991, New York University Law School, JD**
7. List your civic activities during the past five years
 - **Huron Valley Swim Club, 2007 – present, board member (past)**
 - **Saugatuck-Douglas Historical Society, 2010 – present**
 - **Saugatuck Center for the Arts, 2011 – present**
 - **Lakewood Elementary School, Slauson Middle School: various volunteer positions in classrooms and for teachers, ongoing**
 - **Dexter Community Aquatic Club: various volunteer positions, ongoing**
 - **Pioneer Swim and Dive: various volunteer positions, ongoing**
8. Please list your noteworthy professional or personal accomplishments.
 - **Cooley Law School Distinguished Brief Award (best brief filed in Michigan Supreme Court), 2012**
 - **Equal Justice Award, National Lawyers Guild, 2012**
 - **Patriot Award, Washtenaw County Bar Association, 2011**
 - **Access to Justice Distinguished Lecturer, University of Windsor, 2005**
 - **Edwin N. West Faculty Recognition Award, 2002**
 - **Root-Tilden Scholarship, 1988 – 1991 (Covered law school tuition)**
 - **Ann Petluck Poses Prize in Clinical Advocacy, 1991**
 - **Phi Beta Kappa, 1988**
 - **The Ferguson Prize for Government, 1988**
 - **The Mean Prize for Philosophy, 1998**
9. Why did you decide to run for the office?

- I would like to see Michigan's judiciary respected as one that is fair, has integrity and independence, and works equally well for all of us. I have been practicing and supervising law students in the state and federal courts for almost 21 years and I have had an up close view of the places where our justice system can do better. I also teach law students about the important and unique role the Court plays in our constitutional democracy. Through its decision-making, rule-making and administrative functions, the Supreme Court can set a tone and example for all of the courts in the state, and it should do so to ensure that everyone who comes into contact with the justice system is treated with dignity and respect, and to ensure access to justice for all. I am interested in all of these functions, and working to improve the quality of justice in Michigan.

10. Have you ever been reprimanded or disciplined by the Michigan Bar Association or any other professional or governmental entity?

- No

11. Please summarize your law practice experiences

- 1991 – 1994, Legal Aid Society, New York: Staff Attorney/Senior Trial Attorney
- 1994 – 1996, Office of the Appellate Defender, New York: Staff Attorney
- 1996 – 1998, Yale Law School, Robert M. Cover Fellow in Clinical Teaching
- 1998 – present, University of Michigan Law School, Clinical Professor of Law and Associate Dean for Clinical Affairs

12. What makes you the most qualified candidate in this race?

- I graduated from NYU law school in 1991, where I was a Root-Tilden scholar and won the Petluck Poses Prize for Advocacy. I worked as a Legal Aid lawyer in New York City, representing hundreds of clients in the trial and appellate court of New York. I then joined the Yale Law School faculty as a teaching fellow and spent two years teaching in Yale's clinical programs before joining the University of Michigan Law School faculty in 1998. Since 1998, I have been supervising students in a variety of clinical programs, including a General Practice Clinic, a Domestic Violence Clinic, a Pediatric Health Advocacy Clinic and currently in the Michigan Innocence Clinic. I am also the law school's Associate Dean for Clinical Affairs, and I teach criminal law and ethics courses.

My background as a professor has taught me to evaluate the reasoning behind laws, compare similar laws in different states, and neutrally evaluate what works best in any given situation as well as understand deeply the value of predictability and precedent. A good Supreme Court justice should be comfortable thinking through the big abstract questions of why the law is the way it is, and that is something I have been doing my whole career. I publish in a broad variety of areas including constitutional criminal procedure and clinical education pedagogy.

- In addition, in my clinical practice I have years of experience with how our judiciary is working for every day people. I believe that by working in all levels of the state courts and on a variety of legal problems I have a unique perspective of the ways in which our system of justice can be improved. My experience and commitment to improving the administrative ways in which our justice system handles difficult problems will make me an effective justice.

13. What are two of the most significant trials and/or litigated matters that shows your litigation experience? Give a capsule of the substance of each.

- **People v Gavitt:** David Gavitt lost his family in a house fire in 1986. Afterward, he was charged and convicted of arson and murder. The conviction, however, rested

on arson science that has since been disproved as well as an expert witness's misreading of chromatography reports in 1986. In 2010, I took on the case in the Michigan Innocence Clinic. We demonstrated to the prosecutor that several independent arson experts agree that there was no evidence of arson. Given that there was no motive nor any evidence of guilt, aside from the debunked arson science, the prosecutor agreed that David had not committed the crimes for which he had been convicted. David was freed after 27 years in prison.

- **People v Likine:** Selesa Likine was convicted in 2008 for failure to pay child support and received a sentence of two years probation. During the time that Selesa allegedly failed to pay child support, however, she was disabled, unemployed, and confined to a mental institution. At trial, she was not able to present any evidence pertaining to her inability to pay. I took on the case in the Michigan Innocence Clinic. In early 2010, citing Michigan case law dating back to 1889, we argued before the Court of Appeals that no person can be constitutionally convicted of a crime for failing to pay an assessment she cannot pay. The Court of Appeals rejected Selesa's appeal, failing to account for the fact that she was in fact being punished for an act she had no control over (being mentally ill). The Clinic appealed to the Michigan Supreme Court, which held arguments in the case in late 2011. This past summer the Michigan Supreme Court reversed the Court of Appeals, and recognized that applicability of the impossibility defense for the crime of felony non-support.

14. What are the top three issues facing the court?

- **1) Restoring the judiciary's integrity and independence: public confidence in our judiciary is at an all-time low and needs attention; 2) partisanship and a lack of civility among the justices: this is related to 1, and has no place in this branch of government. The court has a very different role than the legislature and has to play that role for its outcomes to have force; 3) opaque campaign finance laws: this is plainly an issue across government but in the context of judicial elections is even more poisonous than elsewhere given the court's uniquely independent role. More robust disclosure of funding of judicial elections would improve public confidence in the judiciary.**

15. What skills do you possess that qualify you for the office?

- **Supreme Court justices consider and decide abstract questions of unclear laws, and announce principles that guide lower courts for generations. This is a very different job description than that of a trial court judge. In my 16 years as a legal academic, I am comfortable evaluating the "why" of judicial rules, which is an excellent background for the Supreme Court. Furthermore, my background as a professor taught me to evaluate the reasoning behind laws, compare similar laws in different states, and neutrally evaluate what works best in any given situation. A good Supreme Court justice should be comfortable thinking through the big, abstract questions of why the law is the way it is, and that is something I have been doing my whole career.**

I also publish in a broad variety of areas including constitutional criminal procedure and clinical education pedagogy. I believe that by working in all levels of the state courts on a variety of legal problems I have a unique perspective of the ways in which our system of justice can be improved. My experience and commitment to improving the ways in which our justice system handles difficult problems will make me an effective justice.

16. How do you deal with difficult people, including peers, lawyers, judges etc?

- **Dealing with difficult people is an important part of my job as a teacher, a legal supervisor, an advocate and a member of the bar. I believe that relationship-**

building is critical with difficult people. By remaining calm, genuinely listening to and trying to understand what that person is seeking to accomplish and figuring out where there is common ground can go a long way.

17. If you observed a party in your courtroom being poorly represented by an unprepared or ineffective lawyer, how would you handle the situation?
- **The legal system works better when all litigants are represented well: efficiency is increased and litigants are more satisfied with the process no matter the outcome. I think courts have the duty to play a role, therefore, in ensuring adequate representation. At the Supreme Court level this falls squarely within the Court's administrative function and I believe the Court's role in regulating the profession is an important one. Continuing education, certification programs and more robust reporting of misconduct should all be on the table.**
18. When called upon to interpret law, what considerations do you believe appropriate, and what, if anything should be considered?
- **First and foremost, the plain language of the law. I would also consider the legislative intent behind the law, prior case law, and the state and federal constitutions. Laws are made by the other branches of government and the court's job is simply to apply that law as faithfully as possible.**
19. Critique yourself on integrity, impartiality, legal ability and temperament – as to how they make you qualified?
- **I believe I have the integrity and calm temperament to work well with all of the justices, even if we disagree. It is important to have a court where disagreements of legal opinion do not lead to personal hostilities. As to impartiality, judges are called upon to use their legal experience and expertise as a guide to decide what legal ruling best fits a given situation in a given case. Our nation's justice system depends on independent judges who decide cases based on the law and not on personal bias or partisan interest. As an expert of legal ethics, I have consciously considered these values my whole career, and I can say without hesitation that I will live up to them if elected as a Justice on the Michigan Supreme Court. I have confidence in my legal ability to serve on the court. I have been practicing at all levels in the state and federal judicial system for 21 years, worked as both an advocate, litigant, educator, and scholar, and I am committed to putting that experience to work for Michigan's justice system.**
20. Describe the case in which you are most proud of your work as a lawyer/judge.
- **I have litigated a number of cases throughout our state and federal systems which have resulted in reported decisions and have, in some cases, announced new standards. However, I am most proud of some of the cases which are never reported. For example, in our Pediatric Health Advocacy Clinic, one of our first clients came to us with four distinct legal problems, all of which were making her life, and that of her children with sickle cell disease, very complicated. She had an issue with the medical coverage for one of her sick children, a loan issue, a housing issue, and a special education issue. We were able to solve all of these problems in a way that made it far easier for her to get her children the care they needed. These are the kinds of cases of which I am most proud.**
21. What qualifications and/or experience makes you qualified for the Supreme Court justice position?
- **Having argued cases in Michigan courts for nearly 15 years, I have always known the importance of the Michigan Supreme Court, and respected its central role in our judicial system. Our Court can and should be recognized nationally and within**

Michigan for its productivity, independence and influence over the national legal landscape. Michigan is too important a State to have a Supreme Court that is considered anything less than the best in the country. I think a fresh voice like mine on the Court can make a big difference. I respect the Court and the work that it does, and given my diverse legal background, I believe I can be effective in ensuring that the Court is serving the public. I am committed to making Michigan a better, more prosperous and safer place for our families and children. The best way that I can do that is to put my legal education and experience to work on the State's highest court.

22. Name one change you would make in the Michigan court system
- I would call for increased transparency in the financing of judicial campaigns. I believe this single change could dramatically increase public confidence in our court and its outcomes.
23. What is the biggest challenge facing the judicial system? What can be done to lessen this problem?
- In difficult economic times the judiciary, like the rest of government, is faced with difficult choices about how to best function with fewer resources. In addition to that practical challenge, the partisanship in our Supreme Court makes it far more difficult for that Court to make decisions (legal and administrative) and have the public's support for those decisions. I support reforming the partisan nomination process, and bringing greater transparency to the financing of Supreme Court races would be a great start in reforming this problem. Judicial campaigns in Michigan are some of the most expensive in the nation, and 2012 will likely break previous campaign spending records. This spending hurts the public perception of the court. It can also lead to concerns of bias and basic fairness when litigants are also donors. The partisan atmosphere of the court itself can result in opinions based not on legal principles, but instead on party rivalries. If elected, I will also work to build strong working relations with fellow justices and promote reforms that increase public confidence.
24. What is your website and/or public Facebook pages, if applicable?
- <http://www.mccormackforjustice.com/> and <http://www.facebook.com/mccormackforjustice>
25. What community teaching or civic activities have you had, if applicable?
- I have been teaching at the University of Michigan Law School for 14 plus years, and before that taught at Yale Law School for two years. I also taught short courses at the Tokyo Law School twice in the past 8 years. Finally I have been a presenter at countless continuing education programs and professional conferences in Michigan and nationally.
26. How would you describe your judicial philosophy?
- I believe that it is the responsibility of courts to apply the law to the facts of every case. Our law is grounded in the Constitution – the bedrock of our legal system that all judges must follow. Specific laws are made by the political branches of government, not by judges, and the courts are duty-bound to apply those laws as written by the legislature. Michigan citizens and businesses alike must be able to trust our courts to be the branch of government that provides stability and consistency in government. Judges, therefore, must interpret and apply the law neutrally to the cases before them, and not put their thumb on the scales of justice to reflect their own personal beliefs.
27. How could the costs of judicial administration be reduced? Can you give a specific example of

how you reduced costs in your law practice or courtroom?

- **One effective way to reduce the costs of the administration of the courts is increased specialty courts. There have now been a number of empirical studies on the cost-effectiveness of specialty courts here in Michigan. These courts reduce recidivism significantly and therefore save taxpayers significant resources.**

28. Have you ever woken up in the middle of the night thinking about a case and wishing you had handled it differently? If so, please describe one situation.

- **As a litigator I am often called upon to make strategic decisions. There have certainly been times when I made a decision one way and later with more information wish I had made it differently. One comes to mind: in a state court appeal where I represented the defendant, I made the decision to not cross-appeal any of the issues available for cross-appeal, and simply defended the appeal. In retrospect, I should have cross-appealed one of the issues available for that process.**

29. Please describe one instance in which you faced an ethical dilemma and how you resolved it?

- **In our clinical work, we are often put in the position of interviewing people who are unrepresented by counsel. To complicate things even more, it is often law students, who are still learning the professional rules and norms, who are conducting these interviews. Just recently we had a situation where an unrepresented person, who could well be a witness in one of our cases, began asking for legal advice before discussing the case. The students wanted to answer her questions so they could proceed with the interview. Luckily, they contacted me right away, and we discussed what the rules of professional conduct required in the situation, and what was the best way to handle it. The students explained to the witness why they could not provide legal advice to her, told her how she could find an attorney who could, and asked her to contact them if she felt comfortable after speaking with an attorney.**

30. What has been your greatest accomplishment in your legal career? In your personal life?

- **I consider my greatest professional accomplishment to be my students who are working to improve their legal communities. I keep in touch with many of my former students, and there are so many of them doing incredibly impressive work in both the private and public sectors.**
- **As a personal matter, I am most proud that my husband and I are raising four kids who care about the world, work hard, are respectful and already good citizens in their communities.**

31. What are the major influences in your life? Why?

- **First and foremost, my parents have been major influences throughout my life. My father served in the United States Marine Corps before he went to college and worked 7 days a week his entire working life as a small businessman. My mother went back to school when I was in high school to get degree in social work, and she always taught my siblings and me that we have a responsibility to improve our communities. In addition, Justice Sandra Day O'Connor is a very important influence on me, just as she has been for the many women of my generation in the legal profession. Her tenure on the United States Supreme Court was a model of consistency, professionalism and intellectual strength.**

32. Please discuss your view of proper judicial temperament.

- **Proper judicial temperament requires that a judge be an excellent listener and treat all litigants and colleagues with courtesy, patience and respect. An even temperament is important, as is an open-mind.**