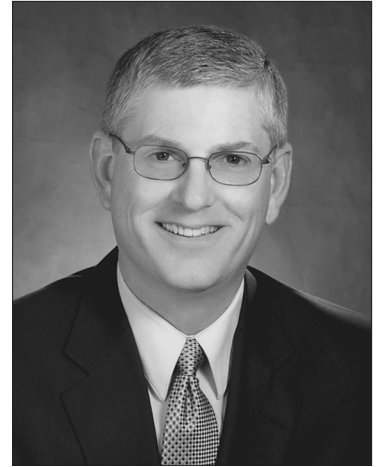


Tribute to Judge McDonald

*by Kevin M. Oeffner
Circuit Court Administrator*



It was 1972 and then-assistant prosecutor John McDonald had just secured a conviction of a defendant for assault with intent to commit murder. The defense attorney asked the presiding circuit court judge – Arthur E. Moore – to poll the jury members as to their verdict. The judge so ordered and one by one the jury members affirmed that the verdict was in fact their verdict.

Things went smoothly until the juror in seat #4 affirmed that the verdict was his verdict. Just then the defendant stood up and began yelling obscenities at assistant prosecutor McDonald. The tirade continued for a few moments until Judge Moore, after banging his gavel several times, captured the defendant's attention. The judge ordered the defendant to stop cursing, sit down and remain silent until the jury was polled.

The defendant had other ideas. He picked up a chair and heaved it at the judge. Then all you-know-what broke loose. Several of the defendant's family members spilled over the bar and began wildly throwing fists. Officers tried to subdue the defendant but to little avail. Bystanders in the courtroom dove for cover, hiding behind pews or huddling in the corners. The judge's clerk threw people out of the courtroom.

Additional troops from the sheriff's office arrived. The defendant was subdued, family members were removed from the courtroom, and the mayhem was soon under control. Assistant prosecutor McDonald was in the midst of the chaos the entire time yet didn't suffer a scratch.

I mention this event because it helped to secure in then-assistant prosecutor McDonald's mind that he would like to be a judge one day. By no means was this the sole event that led him to that conclusion ... it was one of many events, along with an abiding passion for the law, that collectively stimulated his interest in serving as a jurist.

Had it been me in the courtroom that day, well, I would have dived under the nearest pew or dashed away from the courtroom just as fast as my legs would carry me. Not Judge McDonald ... he decided to pursue the calling of judge – a position he eventually attained and from which he will soon retire after faithfully serving the citizens of Oakland County for 18 years.

In August 1993, Judge McDonald was finishing his 20th year in private practice. He received that cherished phone

call one day from then-Governor John Engler, who appointed Judge McDonald to the judicial seat vacated by the death of Judge John N. O'Brien. In early September Judge McDonald joined the circuit bench, beginning the next phase of a long and distinguished career. What follows is a rewind of that career.

Judge McDonald earned his undergraduate degree in political science from the University of Detroit. He later earned a graduate degree in education from Wayne State University and his law degree from the Detroit College of Law.

To earn money for college Judge McDonald worked tirelessly at various jobs, often holding two or more jobs simultaneously. During his high school and undergraduate days he worked in his father's gas station and labored as a garbage man, construction worker, waiter, door-to-door salesman, dry-waller, furniture mover, awning salesman and seller of donuts. The word "idleness" was clearly not in his vocabulary.

All that hard work paid off as did his athletic ability. He received a partial football scholarship from the University of Detroit where he played halfback on the football team. Receiving interest from the University of Detroit was no small feat considering he was born and living in New Philadelphia, Pennsylvania.

The football scholarship brought him to Michigan more than 50 years ago and he never left. Judge McDonald met his wife, Sharon, while in college. They met on a blind date while she was attending Marygrove College in Detroit. That blind date turned into a 48-year (and counting) marriage with three children – Michael, Julie and P. J.

After graduating from the University of Detroit, Judge McDonald served as a teacher at the junior high and high school levels. After a few years he went to work for General Tire and shortly thereafter attended law school at night. Soon after receiving his law degree he was hired by the Oakland County Prosecutor's Office as an assistant prosecutor – first in the district court unit, followed by appointment to the circuit court division. It was during the latter appointment that the incident mentioned at the outset of this column occurred.

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After a few years in the Prosecutor's Office, Judge McDonald and four other lawyers started a law firm in which he managed a general practice. For the next 20 years he served as a practicing lawyer in both the state and federal courts.

It was while in law practice that he was bitten by the political bug. At the suggestion of others he ran for and was elected to the Oakland County Board of Commissioners, serving from 1974 to 1988, representing the communities of Farmington and Farmington Hills. Among his accomplishments while serving on the Commission were his elections to the chairmanships of the Personnel Committee, Transportation Committee and Personnel Appeal Board.

In 1988 Judge McDonald was persuaded to run for Oakland County Prosecutor. He lost his bid for the position and so he continued his general law practice, serving another five years as legal counselor until his appointment to the bench in September 1993.

Judge McDonald ran for and won the judicial seat to which he had been appointed in 1994. He was elected twice more – in 1998 and 2004. According to court records, at the time of his appointment he was the 50th person to hold the position of circuit court judge in Oakland County history.

Judge McDonald and I sat down recently and talked about his judicial career. I love stories and they were in no short supply. Space is limited so I will mention one or two brief stories. The judge mentioned one case involving a man who was a defendant in a criminal case. He was a bonder and on the date of his court appearance he showed up with his wife and two kids in tow.

During the hearing Judge McDonald noted that the defendant's wife was making several loud editorial comments about the proceeding at hand. She was also chomping on gum, making a "smacking" noise with every chew.

The judge temporarily halted the proceeding and asked the wife to refrain from making comments and to lose the gum.

Most people would heed the judge's suggestion, especially when her husband's status hangs in the balance. Not this wife. She stood up and blurted out, "You don't have jurisdiction over my mouth!" She learned that the judge did indeed have jurisdiction over her whole person as her ever-deteriorating behavior, scuffle with deputies, and finding of contempt earned her a night's stay in the Oakland County Jail.

During Judge McDonald's assignment in the Family Division of Circuit Court he presided over many divorce cases. As a matter of policy the judge made it a point to ask if the divorcing parties were pregnant so that he could preserve the response (if "yes") in the judgment for purposes of a future child support obligation.

On one particular case the divorcing parties were in their upper 70s. The husband arrived to his scheduled procon to put his proofs on the record. The judge, following his script, asked the man if his wife was pregnant. The man responded "no" and so the judge prepared to ask the next question.

A grandmotherly figure abruptly arose in the back of the courtroom and shrieked, "Yes I am!" Judge McDonald said the expression of panic on the husband's face was priceless. I could just envision the husband thinking that his situation was the second edition of the biblical Abraham and Sarah story.

The grandmotherly woman who repeated several times "Yes I am" was the man's wife. Only she thought the judge asked her husband if his wife was "present."

Sit down with Judge McDonald some time and you will learn that these few stories represent only the tip of the iceberg. I suggested that he write a book filled with stories about his experiences as a practicing attorney and judge. If he does write it, count me as a customer.

I asked Judge McDonald recently why he wanted to be a judge. He said it was the epitome of practicing law. He loves to be involved in resolving cases. He thought he could make a difference and he did. Best of all, he said, "People laugh at my jokes."

Folks may laugh at his jokes, but his devotion to the law and this bench is nothing but serious. Daily he demonstrates a devotion to this bench and the administration of justice. With his background he could have done anything, yet he chose a career of public service, which is something to be admired.

Judge McDonald has an open-door policy and that makes my job much easier. I appreciate the time, support and encouragement he gave to me and the example of decency and generosity he continues to set. I always tell people this is a great bench and he is one of the reasons. On behalf of the judges and employees of the Circuit Court I want to publicly thank Judge McDonald for his example, work ethic, and friendship. We wish him well as he enjoys some much-deserved time off.

Until next time ...



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