



Other editions: [Mobile](#) | [News Feeds](#) | [E-Newsletters](#) | [Subscribe to the Free Press](#)

Find it: [Jobs](#) | [Cars](#) | [Real Estate](#) | [Apartments](#) | [Shopping](#) | [Classifieds](#)



SEARCH DETROIT [All](#) [Local News](#) [Classifieds](#) [Jobs](#) [More »](#)

SPONSORED BY:
[careerbuilder.com](#)

[HOME](#) [LOCAL](#) [NATION/WORLD](#) [SPORTS](#) [ENTERTAINMENT](#) [AUTOS/BUSINESS](#) [LIFE](#) [TRAVEL](#) [OPINION](#) [OBITUARIES](#)
[EXTRAS](#)

[Site Index](#) [Photos](#) [Videos](#) [Add your photos](#) [Lottery](#) [Past headlines](#) [Weather](#) [Subscribe to the Free Press](#) [Site Services](#) [Contests](#)

POWERED BY YOU AND THE **Detroit Free Press**
ON GUARD FOR 177 YEARS

TEXT MESSAGE SCANDAL

City Council balks at legal overload

Some members don't want to foot bill for opposition

BY ZACHARY GORCHOW • FREE PRESS STAFF WRITER • JUNE 21, 2008

[Read Comments \(168\)](#) [Recommend \(9\)](#) [Print this page](#) [E-mail this article](#)

SHARE THIS ARTICLE: [Del.icio.us](#) [Facebook](#) [Digg](#) [Reddit](#) [Newsvine](#) [What's this?](#)

It has come to this: The City of Detroit's lawyers have hired lawyers to sue the city the lawyers represent.

ADVERTISEMENT

On Friday, Councilwoman JoAnn Watson said she has had enough.

With the apparent support of a council majority, Watson said she will oppose paying the legal fees of two attorneys hired by Detroit's Law Department last week as part of the pitched battle over whether Mayor Kwame Kilpatrick should be ousted from office.

"It's outrageous to the nth degree," Watson said of the hires at a hearing Friday.

Her resolution, while nonbinding, essentially puts the Kilpatrick administration on notice that the council will not foot the legal bill for lawyers to block council's own efforts to remove Kilpatrick.

Based on the public comments Friday, Watson appears to enjoy majority support on the nine-member body. The measure is scheduled for a vote Tuesday.

The resolution is the latest turn in a drama that has gripped metro Detroit since the Free Press revealed the text message scandal in January. While the council has been generally critical of Kilpatrick's conduct, efforts to oust him from office have been complicated by shifting alliances, lawsuits, a vague city charter, and a contemporaneous effort to have Gov. Jennifer Granholm remove Kilpatrick under state law.

Kilpatrick and his former chief of staff, Christine Beatty, also face a slew of criminal charges stemming from the contents of their text



2005 photo by KATHLEEN GALLIGAN/Detroit Free Press
Detroit Councilwoman JoAnn Watson.

RELATED ARTICLES

- TEXT MESSAGE SCANDAL: McPhail likens case against mayor to 1950s treason trial -- 6/24/08
- BRIAN DICKERSON: Interim report: Grading Detroit's own cleanup crew -- 6/22/08
- TEXT MESSAGE SCANDAL: City Council balks at legal overload -- 6/21/08
- Union leaders join recall effort -- 6/21/08
- TEXT-MESSAGE SCANDAL: Council to fight paying bill for Mayor Kilpatrick's defense -- 6/20/08
- TEXT MESSAGE SCANDAL: Judge will handle newspaper appeal -- 6/20/08
- TEXT MESSAGE SCANDAL: California ruling could help mayor -- 6/20/08
- Kilpatrick supporters: Let Detroiters decide mayor's fate -- 6/19/08
- TEXT MESSAGE SCANDAL: Hearing is set on effort to remove Kilpatrick from office -- 6/19/08
- SOUTHFIELD: Mayor's buddy in a new jam -- 6/19/08
- Mayor's legal team alleges ethical breach -- 6/19/08
- DETROIT: More hearings on scandal considered -- 6/19/08
- IN OUR OPINION -- MAYOR KILPATRICK SCANDAL: No way to serve city -- 6/19/08
- Kilpatrick's legal team alleges ethical breach -- 6/18/08
- TEXT MESSAGE SCANDAL: Mayor's office files suit to block his ouster -- 6/18/08
- TEXT MESSAGE SCANDAL: City to attack vote on

messages.

The current dispute arose after Detroit's Law Department, which has supported the mayor's positions throughout the scandal, hired two lawyers last week to help fight the council's removal proceedings,

known as forfeiture.

The lawyers -- Wayne State University law professor Robert Sedler and civil rights attorney Godfrey Dillard -- promptly filed a lawsuit to block the forfeiture proceedings. The hearings were to begin July 7, but now face a likely delay.

Watson said Friday that city lawyers breached their relationship with the council by essentially funding the mayor's defense in the forfeiture proceedings. She said her research shows that a city attorney's primary responsibility is to represent the council, not the executive branch.

Mayoral spokeswoman Denise Tolliver said Friday that the resolution is a sign the council realizes the forfeiture process is legally shaky.

"Councilwoman Watson clearly realizes the law is not on her side and is making this desperate attempt in the form of a politically symbolic resolution to save face," Tolliver said in a statement. "This resolution is not only meaningless, it is also an attack on the character and integrity of the hardworking men and women who serve the citizens of the city of Detroit."

It remains unclear how many council members second Tolliver's position.

"I just don't think we should validate the lawless Law Department," said Councilwoman Barbara-Rose Collins.

Councilwoman Alberta Tinsley-Talabi said she would oppose blanket opposition to paying the mayor's attorneys in the forfeiture case.

"I think these should be dealt with on an individual basis," she said, though she did not specifically comment on the wisdom of the Sedler and Dillard hires.

University of Detroit Mercy law professor Larry Dubin said the council has legitimate questions about Sedler and Dillard.

"I think maybe the question in there is, who are they representing?" he asked of the Law Department attorneys.

"If they are suing the City of Detroit and indeed representing the personal interests of the mayor, then I think it's reasonable for the city not to have to pay their legal tab."

Peter Henning, a Wayne State law professor, was less sure of the council's position.

"They hold the purse strings. They don't have to agree to pay it. Whether that's the best idea is a different issue," Henning said.

The council hired Goodman after coming to the conclusion that lawyers for the city had put the mayor's interests ahead of what is best for the city when they helped Kilpatrick hide the contents of damaging text messages last fall as part of a police whistle-blower settlement.

In other action Friday, the council postponed a vote on proposed rules governing the process to remove Kilpatrick from office.

Also Friday, Wayne County Chief Circuit Judge William Giovan decided to handle a newspaper appeal of a Detroit district judge's decision in the text messaging scandal.

TEXT MESSAGE SCANDAL: City to attack vote on mayor's ouster -- 6/18/08

TEXT MESSAGE SCANDAL: Mayor to sue to stop council's ouster hearings -- 6/17/08

Conyers apologizes for letter on Kilpatrick's behalf sent to Granholm -- 6/16/08

TEXT MESSAGE SCANDAL: Attorney to help mayor file suit against removal effort -- 6/16/08

TEXT MESSAGE SCANDAL: Council to review ouster hearing procedures today -- 6/16/08

PEOPLE & POLITICS: Don't let lawyers distract from main point about mayor -- 6/15/08

TEXT MESSAGE SCANDAL: Mayor denies role in letter - - 6/13/08

TEXT MESSAGE SCANDAL: Mayor's aide had hand in letter to Gov. -- 6/13/08

Office of the Governor's disclosure of documents related to the council's petition -- 6/13/08

COMPLETE COVERAGE

Kwame Kilpatrick: A mayor in crisis

JUDGE DECIDES TO HANDLE NEWSPAPERS' APPEAL

Wayne County Chief Circuit Judge William Giovan decided Friday to handle a newspaper appeal of a Detroit district judge's decision in the text messaging scandal involving Detroit Mayor Kwame Kilpatrick and his former top aide.

Giovan decided to hold onto the appeal after lawyers for the Free Press and Detroit News and for Kilpatrick and former chief of staff Christine Beatty said they wanted him to preside over the dispute.

Newspaper lawyers had the case sent to Giovan because he had presided over an earlier dispute in the ongoing Kilpatrick-Beatty criminal case.

They're charged with perjury in a police whistle-blower trial last summer when they denied having a sexual relationship and they denied firing Deputy Police Chief Gary Brown.

The newspapers are appealing a decision by 36th District Court Judge Ronald Giles to close a May 20 court hearing so the lawyers could discuss keeping potentially incriminating text messages under wraps.

The newspapers want Giovan to release a transcript of the hearing and to order Giles to conduct future hearings in public.

Given Giovan's decision Friday, lawyers for Kilpatrick and Beatty have 10 days to file a response to the newspaper's appeal. In the meantime, Giovan said he will ask Giles for a copy of the May 20 hearing transcript. Eventually, Giovan is to conduct a hearing to decide the newspaper's request.

David Ashenfelter

RELATED NEWS FROM THE WEB

Detroit, MI

Michigan

Michigan Government

Wayne County, MI

Detroit Metro

Discuss Detroit Metro

Powered by Topix.net

The newspapers are appealing a decision by 36th District Court Judge Ronald Giles to close a May 20 court hearing so the lawyers could discuss keeping potentially incriminating text messages under wraps.

Contact **ZACHARY GORCHOW** at 313-222-6678 or zgorchow@freepress.com. Staff writers Jim Schaefer and David Ashenfelter contributed to this report.

In your voice

READ REACTIONS TO THIS STORY

Newest first 

```
function ({staffMark}, staffMark) { return T.processArg(staffMark, expr); }
function ({authorIcon}, authorIcon) { return T.processArg(authorIcon, expr); }
    function ({authorHandle}, authorHandle) { return T.processArg(authorHandle, expr); } wrote:

function ({commentBody}, commentBody) { return T.processArg(commentBody,
expr); }
function ({commentTimestamp}, commentTimestamp) { return T.processArg(commentTimestamp,
expr); }
function      function      function      function
({recommendLink}, ({newpostLink}, ({replylink}, ({reportAbuseLink},
recommendLink) { newpostLink) { replylink) { return reportAbuseLink) {
return      return      T.processArg(replylink)return
T.processArg(recom T.processArg(newpcexpr); }      T.processArg(reportAbuseLink,
expr); }      expr); }      expr); }

function ({staffMark}, staffMark) { return T.processArg(staffMark, expr); }
function ({authorIcon}, authorIcon) { return T.processArg(authorIcon, expr); }
    function ({authorHandle}, authorHandle) { return T.processArg(authorHandle, expr); } wrote:

function ({commentBody}, commentBody) { return T.processArg(commentBody,
expr); }
function ({commentTimestamp}, commentTimestamp) { return T.processArg(commentTimestamp,
expr); }
function      function      function      function
({recommendLink}, ({newpostLink}, ({replylink}, ({reportAbuseLink},
recommendLink) { newpostLink) { replylink) { return reportAbuseLink) {
return      return      T.processArg(replylink)return
T.processArg(recom T.processArg(newpcexpr); }      T.processArg(reportAbuseLink,
expr); }      expr); }      expr); }

function ({staffMark}, staffMark) { return T.processArg(staffMark, expr); }
function ({authorIcon}, authorIcon) { return T.processArg(authorIcon, expr); }
    function ({authorHandle}, authorHandle) { return T.processArg(authorHandle, expr); } wrote:

function ({commentBody}, commentBody) { return T.processArg(commentBody,
expr); }
function ({commentTimestamp}, commentTimestamp) { return T.processArg(commentTimestamp,
expr); }
function      function      function      function
({recommendLink}, ({newpostLink}, ({replylink}, ({reportAbuseLink},
recommendLink) { newpostLink) { replylink) { return reportAbuseLink) {
return      return      T.processArg(replylink)return
T.processArg(recom T.processArg(newpcexpr); }      T.processArg(reportAbuseLink,
expr); }      expr); }      expr); }
```

More Local News headlines

- Abraham heading back to court on alleged bond violations (5)
- Council sets public hearing on rules of mayor's removal (14)
- McPhail likens case against mayor to 1950s treason trial (199)
- Day of riverfront fun ends with a bang (6)
- Mich. committees give OK to bills to limit taking of water from state (3)

MOST POPULAR

MOST E-MAILED

1. Michigan star QB recruit wavering on commitment?
2. Joey Harrington worst QB in NFL history
3. Report: Dizon arrested days before Lions drafted him
4. National writer: Michigan's speed-obsessed regime creates 'frightening and limitless' possibilities
5. Don't close case on Carmelo Anthony-to-Pistons just yet
6. McPhail likens case against mayor to 1950s treason trial
7. Back in the race: Finally, Tigers living up to lofty expectations
8. 3 metro teens charged in Mt. Clemens mob attacks
9. Sheffield may return to roster tonight
10. Where is the outrage over DPS?

```
function ({staffMark}, staffMark) { return T.processArg(staffMark, expr); }
function ({authorIcon}, authorIcon) { return T.processArg(authorIcon, expr); }
function ({authorHandle}, authorHandle) { return T.processArg(authorHandle, expr); } wrote:

function ({commentBody}, commentBody) { return T.processArg(commentBody,
expr); }
function ({commentTimestamp}, commentTimestamp) { return T.processArg(commentTimestamp,
expr); }

function      function      function      function
({recommendLink}, ({newpostLink}, ({replylink}, ({reportAbuseLink},
recommendLink) { newpostLink) { replylink) { return reportAbuseLink) {
return      return      T.processArg(replylink,return
T.processArg(recomT.processArg(newpcexpr); } T.processArg(reportAbuseLink,
expr); }      expr); }      expr); }
```

1 2 3 4 5 >> Last

FULL PAGE VIEW *See more comments per page and quote other replies*

You must be logged in to leave a comment. [Login](#) | [Register](#)

1000 characters left

INSIDE FREEP.COM



TEXT MESSAGE SCANDAL

Kilpatrick: A mayor in crisis

Mayor Kwame Kilpatrick stands accused of perjury, conspiracy, obstruction of justice and misconduct.



HUNGRY? FEAST ON THIS

Metro Detroit's best sandwiches

Check out our mouth-watering photo guide to see what's good in the Detroit area between two slices.



PANORAMIC VIEW

360 degrees of Obama rally

Check out this freep.com exclusive -- a panoramic view of Sen. Barack Obama's rally at the Joe Louis Arena.



PHOTO GALLERIES

Relive the magic of Wings' win

Check out our dozens of photo galleries from the Detroit Red Wings Stanley Cup championship season.



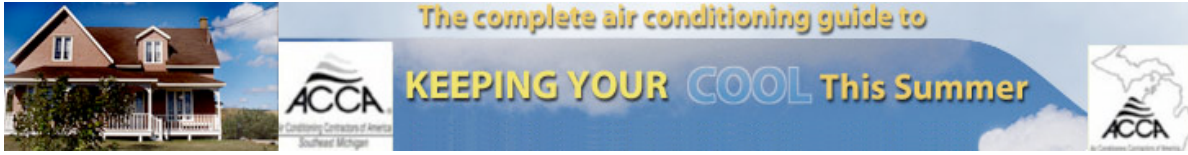
ECONOMIC STIMULUS

When will you get your rebate?

Check out our complete guide to your tax rebate — including when to expect to see it in your bank account.

SITE INDEX

- | | | | | | | | | |
|---|--|--|---|--|--|--|---|--|
| <p>Home
Photos
Videos
Add your photos
Lottery
Print edition
Contact us
Frequently
Asked Questions
Help</p> | <p>Local
Detroit
Wayne
Oakland
Macomb
Metro
Michigan
Election 2008
Driving & traffic
School closings
Columnists</p> | <p>Nation/World
Top stories
Lotteries
Election 2008
Nation/World
Business</p> | <p>Sports
Lions
Pistons
Red Wings
Tigers
U-M Wolverines
MSU Spartans
High School
Sports
Scores
Columnists
Shock
Outdoors
Olympics sports
Golf
Auto racing
Detroit Marathon</p> | <p>Entertainment
Search for events
Things to do
Celebrities
Movies
Music
TV/Radio
Casinos
Theater/Arts
Dining
Video games
Metromix.com
Photos</p> | <p>Autos/Business
Auto news
Business news
Markets
Auto reviews
Technology
Detroit Auto Show</p> | <p>Life
Travel
USA Today
Travel
Shopping
Relationships
Food
Pets
Health
Columnists
Technology
Twist
Motor City Moms</p> | <p>Opinion
Editorials
Blogs
Cartoons
Letters to the Editor
Columnists
Forums</p> | <p>Obituaries
Death notices</p> <p>Extras
Photos
Videos
Databases
Digital Free Press
Forums
Lottery
Comics
Scores
Contests</p> |
|---|--|--|---|--|--|--|---|--|



Partners: [Jobs: CareerBuilder.com](#) [Cars: Cars.com](#) [Apartments: Apartments.com](#) [Shopping: ShopLocal.com](#)

[Home](#) | [Local](#) | [Nation/World](#) | [Sports](#) | [Entertainment](#) | [Autos/Business](#) | [Life](#) | [Travel](#) | [Opinion](#) | [Obituaries](#) | [Extras](#) | [Site Map](#)

[Contact Us](#) | [Subscribe](#)

Copyright ©2008 ...

Use of this site signifies your agreement to the [Terms of Service](#) and [Privacy Policy](#) , updated March 2007.