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TEXT MESSAGE SCANDAL

WSU prof to fight for mayor

City hires lawyer to contest council's removal effort

BY BEN SCHMITT • FREE PRESS STAFF WRITER • JUNE 12, 2008

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Add Wayne State University Law School Professor Robert Sedler to the growing list of attorneys involved in the text message scandal surrounding Detroit Mayor Kwame Kilpatrick.

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Sedler, a civil rights attorney, said Wednesday that he has been hired as a special counsel by the city Law Department to fight the City Council's efforts to oust Kilpatrick.

He'll likely face off against his good friend Bill Goodman, the council's special counsel.

"We've been friends for a long time," Sedler said. "He's a very, very fine lawyer."

Sedler said Detroit Corporation Counsel John Johnson Jr. contacted him last week and asked for his assistance in contesting the council's removal proceedings, known as forfeiture, involving Kilpatrick. The hearings are tentatively scheduled to begin July 7.

"Certainly my position is that the forfeiture should be resisted because it has no basis in law," Sedler said. "In our democratic political systems, we elect our public officials. Anything other than an election or recall is an end around the right of the voters to select their own leaders."

Johnson did not return a phone call seeking comment Wednesday.

The City Council first must approve Sedler's proposed service contract. At least one council member favoring Kilpatrick's removal said she is not ruling out approving Sedler's contract.

Sheila Cockrel said she knows Sedler has a good rapport with



Robert Sedler, a civil rights lawyer and expert on constitutional law, says the removal effort "should be resisted because it has no basis in law." He's friends with City Council lawyer Bill Goodman.

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Goodman.

"I think that would bode well for these proceedings," she said. "I'm only looking for fairness, and I will keep an open mind and wait to see the scope of his service."

Sedler said he asked for the same rate that Goodman is receiving. Goodman has said he is charging \$300 an hour.

"If that's what it is, then that's what I'll be getting, too," Sedler said.

Sedler said he is working for the city, not the mayor, though he opposes the forfeiture process and is opposed to any move by Gov. Jennifer Granholm to remove the mayor. The council has asked Granholm to oust the mayor under state law. That process is in its early stages.

Goodman and a majority of council members have said Kilpatrick violated the city charter by not revealing all aspects of an \$8.4-million settlement involving three former police officers, before asking the council to approve the deal last October.

Wayne County Prosecutor Kym Worthy in March charged Kilpatrick and his former chief of staff Christine Beatty with conspiracy, obstruction of justice, perjury and official misconduct in a case related to a police whistle-blower trial in 2007. Worthy's investigation began after the Free Press published text messages in January that contradicted their testimony about their sexual affair and whether they intended to fire former Deputy Police Chief Gary Brown.

Larry Dubin, a University of Detroit Mercy law professor, noted that Sedler has publicly made his position known that he is opposed to forfeiture. Sedler has written op-ed pieces in the Free Press saying that Kilpatrick should remain in office as the criminal case plays out.

"I understand from Professor Sedler's mind-set where he believes he's representing the interests of the city, not the interests of the mayor," Dubin said. "I simply would state that his position supports the personal interest of the mayor and not the best interest of the city."

Kilpatrick does not have to be present at the forfeiture hearings, but has the right to attend.

Dubin said the city Law Department may have turned to Sedler for his knowledge of constitutional law.

"There may be some constitutional arguments that Professor Sedler feels that he can address with respect to a legal challenge that might be brought," Dubin said.

Contact **BEN SCHMITT** at 313-223-4296 or bschmitt@freepress.com.

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Kwame Kilpatrick: A mayor in crisis

ROBERT SEDLER

Age: 72

Residence: Southfield

Born: Pittsburgh **Profession:** Professor of constitutional law, Wayne State University Law School

Law school: University of Pittsburgh, 1959

Proposed hourly rate: \$300, same as Bill Goodman, the City Council's outside counsel

Other high-profile case: Sued City of Dearborn in 1980s, successfully striking down ordinance that would have limited Dearborn parks to its residents. As he represented the NAACP in the Dearborn case, Sedler's cocounsel was Goodman, a fellow civil rights attorney.

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TEXT MESSAGE SCANDAL

Kilpatrick: A mayor in crisis

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