

Judicial Power and Democracy (I)
In re Huff (1958)
352 Mich. 402

In re Huff is a case originating in the Michigan Supreme Court. It began when the Supreme Court issued an order to Eugene Snow Huff, circuit judge of the Tenth Judicial Circuit, directing him to move to the Third Judicial Circuit, and to be replaced in the tenth by Timothy C. Quinn of the Fortieth Judicial Circuit of Michigan. The purpose for this shift was to remedy the situation in the Tenth Circuit, where cases were severely backlogged. Huff refused to move to the third circuit as directed, and refused to give up his seat in the tenth to Quinn.

When brought to the Michigan Supreme Court in *In re Huff*, the defendant made several arguments, both bureaucratic and constitutional, as to why he should not be moved. Chief Justice Dethmers, in a unanimous opinion, dismissed the bureaucratic ones – arguments about the amount of time Huff was given to prepare for the court date, etc... – quickly, and then moved to the constitutional ones, of which Huff had three.

Huff argued, based on precedent from *Lamb v. Board of Auditors of Wayne County*, 235 Mich. 95, that “the people are entitled to the service of the judge whom they elect,” meaning that moving Huff to the Third Circuit would be unconstitutionally depriving the citizens in the jurisdiction of the Tenth Circuit of their chosen judge. However, Dethmers pointed out that the above quote, while coming from the *Lamb* case, was actually irrelevant to the decision reached there, which was about the compensation of a visiting judge. Dethmers further showed that there are distinct constitutional and statutory limitations to that right, while also snidely commenting that the people of the tenth circuit are also “entitled to efficient and effective judicial service and to courts which discharge their business promptly.”

Huff’s second argument was that the Supreme Court is in this instance acting as “complainant, prosecutor, jury and judge,” and that there was an absence of established legal proceedings to draw precedent from in this matter. As Dethmers admits, *Huff* is the first time in Michigan’s judicial history in which a circuit judge was cited for “contumacious disregard and willful and flagrant disobedience.” He does, however, find much precedent for the inherent power of the courts to punish those who disobey court orders, and finds in the Michigan Constitution a passage providing for the ability for the Supreme Court to control all other courts: “The Supreme Court shall have a general superintending control over all inferior courts.”

Lastly, Huff argues that he has the right, by Federal and State Constitution, to hold court in the circuit in which he was elected. The ruling of *In re Huff* disagrees, finding precedent in previous cases to show that there is no right to hold an office that was won by election, and that the Supreme Court has the authority to move judges to circuits other than those they were elected to. The court, for the first time in Michigan’s history, punished one of its lower court judges with a fine for contempt of court, and ruled that he must observe the initial order given.