

Ex-court clerk wins \$3 million



By **MACOMB DAILY**

UPDATED: June 17, 2021 at 6:49 AM EDT

A federal jury awarded a former court clerk Tuesday lost wages and damages of \$3 million in her lawsuit against the Oakland County court.

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Michelle Horton, 40, of Washington Township, sued the court and its administrator, alleging that political pressures from a newly elected judge forced her from her job in December 2004, the year that she was named Employee of the Year.

The award, of which \$2 million was for punitive damages, represents what Horton, who had worked at the court for 14 years, would have earned in about six decades of employment.

Sources indicated that the court would not budge off of its offer of \$90,000 as a settlement.

The 48th District Court in Bloomfield Hills, represented by attorney Thomas Paxton, argued that its firing was justified because Horton had violated court policy on using the Law Enforcement Information Network, something she denied doing, though records showed her password had been used to run a questionable search on the database.

Neither Paxton nor court administrator James Harkins Jr. returned calls seeking comment, though Paxton reportedly promised an appeal.

It is believed that the verdict would be paid by the court's insurance carrier. The district court is paid for by the communities it covers — Bloomfield and West Bloomfield townships, as well as Bloomfield Hills, Birmingham, Keego Harbor, Sylvan Lake and Orchard Lake.

In the end, the two-week trial featured myriad of allegations of rumor-spreading and other bad behavior against both the court's leaders and Horton.

The jury of seven women and one man, though, needed only about four hours to figure out their unanimous verdict, asking U.S. District Judge Sean F. Cox first for a calculator after a couple of hours and then for instructions on how to fill out the verdict form.

“It (the verdict) tells me the jury obviously saw the truth and saw that there is something seriously awry at the 48th District Court as to how they conduct themselves, and wanted to rectify what had occurred,” Horton's Bloomfield Hills-based attorney, Deborah Gordon, said.

“It was a long trial, but the truth did come out,” she added.

The two weeks of testimony were not as mundane as employee status as the two attorneys searched for why Horton was fired amid countless allegations involving payoffs for cases being dismissed, misuse of the LEIN by more than a half-dozen court staff members and even a judge, drunken driving cover-ups and insight into the campaigning for judgeships.

Horton was investigated by the Bloomfield Township police after a series of reports surfaced in October. Simultaneously, an allegation came out of the court that then-judicial candidate Marc Barron's wife had two drunken driving arrests, even though she had only had one.

With Barron elected judge in November, Gordon said the court moved to fire Horton before Barron took office. She was fired in December.

"They couldn't wait to get her out of there," Gordon said. "This was never a search for the truth. In those 10 weeks, no one ever asked her a question until just before they fired her. It (the investigation) was only an attempt to document a termination."

Gordon attacked the police investigation, and several witnesses testified that what is in the police report attributed to them was not true.

Horton alleged that court leaders started a rumor that she had accepted a two-night stay at a swank Chicago hotel in exchange for helping prominent defense attorney Neil Rockind's wife get her drunken driving case dismissed. In truth, she did accept the hotel stay, but Rockind testified that he offered the stay because Horton had been friendly to him and because she had been nice to his wife. He testified he never asked Horton to help make the case go away, saying that a clerk would never have that kind of authority.

That drunken driving case was dismissed by a city prosecutor.

Rockind said that Kimberly Small was the judge in that case and should have killed the rumor by just reviewing her own records as to why it was dismissed.

The case also had conflicts between written reports and court testimony. For example, the police report stated that Bloomfield Hills officer Scott Wilson said that he "did receive a call from Michelle Horton about dismissing the case or giving a break. She explained how Neil (Rockind) was a 'nice guy.'"

But when testifying, Wilson said that he never told Bloomfield Township detectives that.

Asked if the report was a lie, Wilson said: "It's not accurate."

Wilson testified he and Horton had engaged in “just small talk,” with her asking once when they ran into one another in court what normally happened in first-offense cases of drunken driving. He said she never asked for any case to be dismissed.

In the court administrator’s note, Harkins suggested that Wilson had dated Horton and she was “instrumental in getting the case dismissed.” Wilson testified he never dated Horton.

Gordon said this is one example of the court’s leaders letting politics ruin the careers of low-level employees. She said court leaders overreacted to rumors and had already decided to fire her before the investigation was completed. Horton was never charged with any crimes.

Suits were filed last month by Horton in the Oakland County Circuit Court against Marc Barron and West Bloomfield Township Clerk Sharon Law, who initially reported the rumors about Horton.

Originally Published: December 13, 2006 at 4:20 AM EST