

Q AND A

With Michigan's newest appellate judge, Mike Gadola

By FREDERICK BAKER JR.

Though he comes from a distinguished family of three generations of judges, Mike Gadola has spent much of his career working in the background, as counsel to the House Majority, Governor Engler, the Supreme Court and, most recently, Governor Snyder.

Working in those advisory roles, he has not cast a long public shadow until now, so we thought our readers would like an opportunity to learn a little more about Michigan's newest appellate judge.

For those who have not had the pleasure of working with him, this personal interview, for which we thank him, should prove to be a valuable introduction.



Question: *You come from a family that, by my count, now includes 5 judges. I know my grandfather was on the probate bench when your grandfather was a circuit judge in Genesee, because they were good friends.*

And Tom Gadola, your father's brother, served on the Genesee probate bench while your father was a federal judge. Now a third generation is carrying on the tradition, with your cousin John Gadola serving on the Genesee Circuit bench, and you on the Michigan Court of Appeals. How did growing up in a family with such a tradition of judicial service shape your life and career?

Answer: It had a big impact on me and is undoubtedly one of the main reasons I am where I am today. My grandfather

was someone my dad, Paul, and my Uncle Tom idolized. He was totally committed to the rule of law and to civil freedoms; he was incorruptible and very patriotic. In addition to being a judge for 30 years he was a constitutional convention delegate after he left the bench. They revered him and I'm sure that his influence led them into the legal profession. I don't have much memory of my grandfather, but like any boy I wanted to be like my Dad and I wanted to do something to uphold the Gadola name in Genesee County, because it meant something. I developed a keen interest in politics and current events at a young age, and that led me to the debate team and extemporaneous speaking in high school, to James Madison College at MSU, to work at the state capitol, and then into law school. My Dad loved being a lawyer, loved politics and public policy, and loved being a judge. I share the first two passions and I'm sure will develop the third in short order.

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Q: *My uncle, who served on the Genesee Circuit, once remarked to me that he was glad that he had practiced law and made his friends before assuming the bench, because once one assumes that position of trust, life is a little lonelier, and a judge always has to be careful to examine what motives may underlie friendly gestures. Have you noticed any change in the way you look at the world or respond to people in the short time since you have taken the bench?*

A: Yes and no. It has been a big adjustment and I am not yet used to people calling me "Judge." I'm not sure I want to get used to it, however. I still introduce myself to all people, whether in or out of the workplace, as "Mike Gadola." As I've heard many other judges say,

"Judge" is my title, not my first name. I don't discourage people from using the honorific, but I certainly don't demand or expect it either. I am the same person I was before I took the oath of office and want to retain a sense of humility, while still working to improve myself, of course! I don't sense a change in the way people treat me, which is good, but I have changed to some degree the way I think of myself. I am conscious of the fact that I'm a judge now, and that I have to carry and conduct myself in a certain way. I'm in a position of public trust and certainly don't want to do anything to dishonor the office or the good family name.

This job can be isolating, if you allow it to be. I think it's incumbent upon the judge to remain engaged in the community and the bar so as not to lose touch with the "real world." But in keeping with your uncle's remark, a little distance is to be expected and is somewhat necessary to the position, I suppose.

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Q: *Was it always your ambition to follow in the family tradition? Did you ever consider a career other than the law? If so, do you have any regrets about joining the "family business?"*

A: I'm not sure I've had all that much ambition in my life! I sometimes wonder how things have worked out so wonderfully well for me in the absence of those "10-year plans" that job interviewers seem to feel we are all supposed to have. I have just done what has seemed to come naturally to me in life, and I've been very lucky to have been associated with a lot of great people who have put me in positions to succeed, which has gotten me where I am today. To answer your question more directly, I think law was somewhat

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inevitable for me, not just because of the family tradition but also because of natural aptitude. After graduating MSU I worked in the political arena for a couple of years in the state senate. That was an awful lot of fun and I met people who were vital to my career development during those two years. But it sure didn't pay much and I didn't see myself doing it for a lifetime. I decided to take the LSAT, did quite well on it, and went to law school at Wayne State. Things just sort of flowed from there.

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Q: *You were considered for a federal court appointment during President George W. Bush's second term, if I recall correctly, but political winds blew the wrong way in the Senate when you were on that short list, and the moment passed. Did you think at the time that your opportunity to follow in the family tradition had passed?*

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A: I did actually. To be more accurate, I decided at that point that I was done "pursuing" a judicial appointment. In addition to the federal judgeship opportunity you mention, I was considered for appointment a couple of times by Governor Engler but was not appointed. It was disappointing at the time, but I've since told Governor Engler that not receiving an appointment from him was the best thing that never happened to me, because it gave me 10 years as Supreme Court counsel and four years as Governor Snyder's legal counsel, which was the career opportunity of a lifetime. I would not be nearly as well prepared for this job without that 14 years of experience, and I would have missed out on a lot of career growth as well as personal and professional relationships that will last a lifetime. There's no substitute for that. So yes, as is so often the case, it was only when I stopped looking for this opportunity that it eventually came my way.

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Q: *Sadly, your father passed away in December, before you could be appointed and assume the bench. But you worked long and hard for Governor Snyder as his counsel. Do you think your father had a hunch you would follow the family tradition? Did you talk about that possibility with him?*

A: I know that my dad wanted this for me a great deal. I think it hurt him more than it did me when I was not able to join him on the federal bench. I think he believed that given where I was positioned in my career something like this would come my way eventually. My father suffered profoundly from dementia in his later years. In my very last conversation with him in December I told him that Governor Snyder had

appointed me to the Court of Appeals. He twice offered me his congratulations. His condition worsened from there and he died just three weeks later.

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Q: *You served for 10 years as counsel to the Michigan Supreme Court before joining then newly-elected Governor Snyder as his counsel. Do you think your experience will be of value to you as you carry out your judicial duties? If so, in what way?*

A: Absolutely. It already has been of value. First of all, it's been helpful just in terms of knowing my way around the Hall of Justice and seeing familiar faces here. It doesn't feel nearly as alien as it otherwise would. In fact, I have to stop myself from pushing the 5th floor elevator button and heading into my old office! More to the point, my 10 years at the Supreme Court gave me a sense of how an appellate court operates from both a case management/decisional point of view as well as from an administrative point of view. There is a lot that goes into the work of our appellate courts that is probably under-appreciated or not well understood.

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Q: *The same question, but this time about your experience as counsel to the governor?*

A: Also very helpful. That job, and my earlier work on Governor Engler's legal staff, gave me a keen understanding of the prerogatives of each branch of government (I also served for two years as House Majority Counsel in the legislature), and of legislative and executive process. That background will undoubtedly serve me well as I consider cases involving the workings of state government, and all levels of government really.

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In addition, as everyone knows, Governor Snyder practices "Relentless Positive Action." I have modified that somewhat and intend to bring "Relentless Positive Adjudication" to my new role.

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Q: *If I am not mistaken, you are the first Gadola to serve as an appellate judge. Having grown up in a family of distinguished trial court judges, how do you think your experience will be different from theirs?*

A: That fact had not occurred to me until you mentioned it. It will be different, but I think in a way that will play to my strengths. I worked in the litigation arena for just two years in private practice, but I essentially served in a general counsel capacity in my various jobs in state government, with a lot of exposure to litigation. Still, I was not the one trying the cases, so it would have presented an even greater challenge to me to go into the role of trial judge. I tend to be a bit more contemplative than some and I like the challenge of working through legal issues. I was one of those rare people who enjoyed law school!

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At the court of appeals we have the luxury of time to think through the issues, consider them with our law clerks and colleagues, and try to arrive at the correct legal conclusion. We don't have to make on the spot judgments and rulings the way trial judges do from the bench. I admire their capacity to do that, but I think I've found a better niche for my skill set here.

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Q: *Having grown up in the company of judges, practiced law for over a quarter century, and worked closely for years with the justices of the state's highest Court, you must have developed a judicial philosophy that will guide you in deciding the cases that come before you. Can you articulate it for our readers? Is it in any part derived from what you learned from the other members of your family who were judges?*

A: I consider myself a textualist. That involves attempting as best one can when reading a legal document, whether it's a contract, regulation,

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statute, or constitution, to determine the objective meaning of the words at the time of their drafting. I believe the job of a judge is to say what the law is, based upon the plain meaning of legal texts, and not to try to divine some abstruse or recondite meaning derived from the intent of the drafters, or to bend the meaning in order to reach what the judge believes is a "just" result. Legislators and governors enact laws. Judges interpret and apply them. The system works best when we all stay in our swim lanes. Textualism may have become a dirty word to some, but it's the way that virtually all judges decided cases until the latter half of the twentieth century, and it's certainly the way my Dad, uncle, and grandfather decided cases.

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Q: *I know you like to exercise – I have seen you arriving at the Michigan Athletic Club, sometimes pretty late in the evening after a long day at work. What do you like to do to keep a sound mind in a sound body?*

A: This all began when I took up spinning at the MAC several years ago. That evolved into buying a pretty high end road bike, which then evolved into swimming and running. I've done several triathlons at the sprint and Olympic distances, and I've completed three marathons. I've made a lot of great friends through running and cycling. I love the social aspect of it. I enjoy the competitive side as well, but the competition at my age and ability level is more with myself than with my fellow competitors. It is nice to know that you can still be (or even become) an athlete into your mid-50s.

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Q: *Do you have a hobby or a favorite respite from the law?*

A: See above. I also enjoy spending time with my family. I have a beautiful and devoted wife, Preeti, who is a member of the Michigan Tax Tribunal. My son Sameer is in his first year at Lansing Community College and my daughter Molly is a junior at Haslett High School. They are great kids and we have a lot of fun together, whether traveling or just hanging out. Our trip to the Rose Bowl last year was a lifetime highlight.

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Q: *Judge Tom Gadola was a University of Michigan graduate, but your father and you were Spartans, and I think I read that your cousin John bleeds green, too. Does the family miss the rivalry that used to exist between your father and his brother Tom, or are there still some Gadola Wolverines?*

A: My cousin John, who is a circuit judge in Genesee County, I'm afraid has a mental defect of some sort. He attended and graduated from MSU, but remains a diehard U-M devotee! I'm not sure how that can happen, but I give him credit for remaining true to his Wolverine loyalties, which my Uncle Tom carefully inculcated in all four of his children. My Dad, brother, and I were just as devoted Spartan fans, and the rivalry produced a lot of fun and great memories over the years. As an example, we are going to watch John's daughter play basketball for Byron High School against Webberville High School tonight. I told John that because Webberville is the Spartans, I will be rooting for them. Not true, of course, but I couldn't resist telling him that. □

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