

Former Appellate Judge explains resignation

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Winnick insists court decision was politically motivated

By SCOTT BRAND

SAULT STE. MARIE - Local Attorney Michael Winnick explained that his resignation from the Sault Ste. Marie Tribal Court of Appeals came for one reason and one reason alone.

Integrity.

“My name is the only thing I truly own and I do not want it in any way shape or form dirtied by what is taking place on that reservation,” said Winnick. “I owe it to myself, my profession and to any mentor I have ever had who took the time to teach me right from wrong.”

Winnick said recent allegations that he stepped down because he was not named chief judge - a position the Appellate Court took in a 15-page memorandum dispensed at a recent meeting of the Sault Tribe Board of Directors - are simply untrue.

“I dismiss any scintilla of truth or merit to the allegation that my resignation was attributed to being passed up for Chief Judge,” he said, adding he did not even vote for himself. “I believed that the position of Chief Judge should have rested with a Tribal Elder and, as such, I voted for Judge (Jeannine) Gable.”

Winnick outlined a number of reasons for stepping down after coming to the realization that the Appellate Court was not ruling on the basis of law, but in response to external political pressure.

“The court should not be used as a referendum against any particular party,” he said. “The court should stick to adjudicating the legal questions that are properly brought before it.”

And, in referring to the Bouschor II Case - to determine if the former chairman should have the opportunity to appear on the ballot - Winnick had a simple summation. “That did not occur here.”

Carefully choosing his words, Winnick outlined detailed reasons for his decision to step down.

“The reasons I resigned from this court include, but are not limited to:

€ “Judge (Elizabeth) Kronk, before being sworn in as Judge Kronk, issued an order in this case, specifically outlining a course of action that she wanted argued before the court. Coincidentally, the petitioners in this matter failed on every argument they presented with the exception of the argument fed to the petitioner by Judge Kronk.”

€ “I did not know the order was signed until after oral argument was conducted.”

€ “When I learned that Judge Kronk was even thinking of signing an order such as this, I sent an e-mail to the court clerk indicating that under no set of circumstances should Judge Kronk have any involvement in this case, because she was not sworn in as a judge. And, more importantly, in my capacity as interim Chief Judge, I appointed a panel of judges to hear the dispute and Judge Kronk was not on that panel.”

€ “During deliberation, Judge (Cheryl) Nolan exited the room approximately 10 minutes after deliberations started and, at least in my presence, did not take part in the deliberation.”

€ “I drafted a dissenting opinion. I was told it would not be issued by the court unless it was e-mailed to the Tribe,” said Winnick, adding his words were severely edited in the end.

Winnick also explained the timing for swearing-in Judge Kronk and the subsequent removal of another panel member did not seem right.

“It was suggestive to me of some kind of intent to manipulate the panel of judges and the decision of the court,” he said.

Winnick was very clear about what he left behind in abandoning his post.

“I walked away from a four-year paycheck for nothing other than preserving my own sense of integrity,” he concluded. “I don’t have any facial hair, which forces me to look in the mirror once a day when I shave; I wanted to be able to do that and respect who I saw.”