

Sean Cox, Newest Chief Judge U.S. District Court for Eastern Michigan

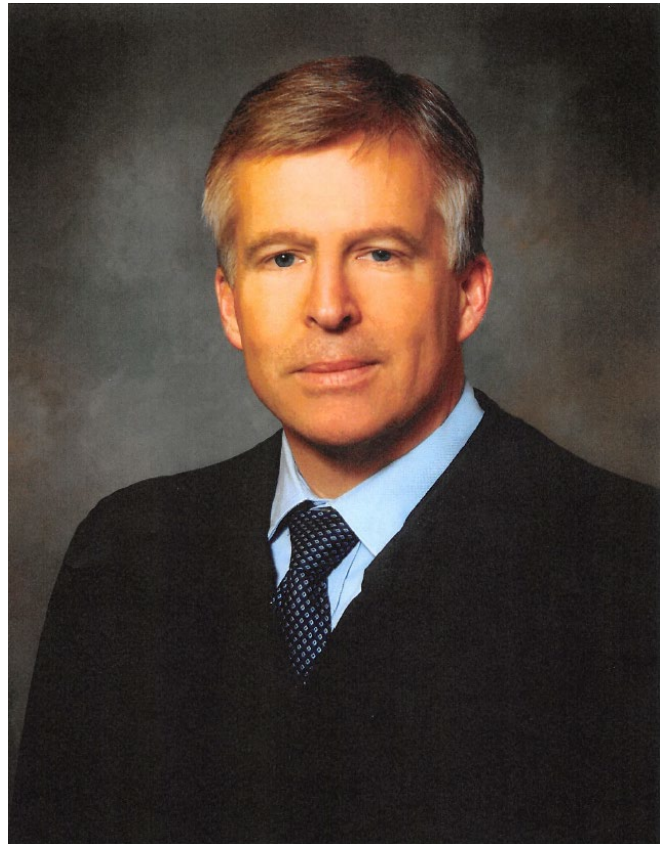
Few federal judges can say they have run with the bulls in Pamplona, Spain.

But U.S. District Judge Sean Cox can.

It happened in 1977 before Cox's junior year in college after he had earned enough money working a summer construction job that he could afford to backpack alone in Europe for two months.

Cox said he met three students from Boston at a Fourth of July celebration at the U.S. Embassy in Paris and decided to accompany them to Pamplona for The Running of the Bulls, the highlight of the popular nine-day festival of San Fermin.

He not only ran through the crowded streets without being trampled or gored, he said he managed to tap two charging bovines on the rump.



"When you are 19 you think you are infallible and are going to live forever," Cox said with a laugh. "But I succeeded."

Cox, 64, who served on Wayne County Circuit Court before becoming a federal judge, embarked on a new adventure Monday, Feb. 21, 2022 – as Chief Judge of the U.S. District Court for the Eastern District of Michigan.

Instead of supervising a staff of four in an eighth-floor office at the Theodore Levin U.S. Courthouse in Detroit, Cox will be responsible for 318 employees at federal courthouses in Ann Arbor, Bay City, Flint, Port Huron and Detroit.

"Quite frankly, I'm a little bit nervous," Cox admitted recently. "It's a big responsibility."

But the Court is in exceptionally good hands, said Dennis Barnes, recent past president of the State Bar of Michigan. Barnes grew up in the same neighborhood as Cox, has appeared before him several times and has worked with Cox and his staff as a court-appointed mediator.

“Sean Cox is a man of integrity,” Barnes said. “It’s reflected in the way he treats his family, friends, staff and community, and the way he lives his life. He cares deeply about the lawyers and litigants who come before him, and about the rule of law and the administration of justice.”

“He will treat the judges, staff, and the constituents of the U.S. District Court the same way – as a public servant in the best, humblest, and highest sense of the term,” Barnes added.

Sean Cox was born in 1957 in Detroit and grew up in a working-class neighborhood in Redford Township.

His parents are Irish immigrants. John Cox arrived penniless when he was 21, worked as a carpenter for Detroit Public Schools and eventually became a construction supervisor at Ford Motor Company. Rita (McGuane) Cox arrived when she was 19 and worked as a nanny for a Detroit physician.

Cox said his parents appreciated the value of education and hard work and imparted it to their three sons, all of whom became lawyers. Younger brother Mike Cox served as Michigan Attorney General from 2003-2011. Kevin Cox is a Wayne County Circuit judge.

“The reason why all three of us are where we are is because of the work ethic we learned from our parents,” Sean Cox said.

The brothers had paper routes, worked construction and other jobs to make money. Cox worked his way through high school, college and law school.

“That was the world as we knew it,” Cox said.

Cox said he painted houses with an uncle and worked at a screw factory in Taylor – 10 hours on Saturdays and 55 hours a week in the summer – so he could pay the tuition to attend Detroit Catholic Central, an all-boy’s college preparatory high school. It now is in Novi.

Catholic Central changed Cox’s life.

Its students came from varied backgrounds. Some, like Cox, were the sons of blue-collar workers. Others, like the boy with whom Cox shared a locker, were the sons of millionaires. Cox said the quality education and positive peer pressure he experienced at Catholic Central were enormous influences.

“I went to school with college-bound kids whose dads were doctors and lawyers,” Cox recalled. “It was an experience that drove me to excel.”

Cox said he was accepted at Notre Dame University on a half-ride scholarship, but didn't have the money to attend.

So, he opted for the University of Michigan. He spent his freshman year at the Dearborn campus and next three in Ann Arbor, paying his own way by working construction.

The worst job was helping build a new processing plant one winter at Great Lakes Steel on Zug Island.

"It was cold... so very, very cold," he remembered.

Working those jobs inspired him to succeed, he said.

"They knew if they put me on a job site, I would be there on time and do the work," he said. "That's how I got through college."

That's how Cox earned the extra money to backpack in Europe and run with the bulls. He said he finished the summer of 1977 by visiting his family's ancestral farm in County Clare, Ireland.

Cox is proud of his Irish heritage, has a large photo of the farm hanging in his office and talks about his parents' experiences when he swears in new citizens.

"This country still represents hope and the chance for a better life for people all over the world," he said.

After receiving his bachelor's degree from U-M in 1979, Cox interviewed for a labor relations job at Ford Motor Company, but auto industry cutbacks dashed his plans.

He applied to Detroit College of Law in 1980 at the recommendation of the father of a high school friend.

"I had to warm up to it," Cox said about law school. Some classes were interesting, and others were not.

"I didn't go there for intellectual stimulation," Cox said. "I wanted the ticket, the next step up. And a law degree was the next step up the ladder."

Cox clerked at law firms while attending law school.

After getting his degree in 1983, he became an associate at a prominent Detroit law firm then known as Kitch, Suhrheinrich, Saurbier & Drutchas. He was hired by Richard Suhrheinrich, now a judge on the U.S. 6th Circuit Court of Appeals.

In 1990, he joined Cummings, McClorey, Davis & Acho, in Livonia, and became a partner. He represented Schoolcraft Community College and specialized in medical malpractice, products liability and other cases.

The firm encouraged its lawyers to get involved in politics. Cox, who had dabbled in Republican Party activities in college, did so. He helped candidates win election to the county commission, state Legislature and Congress.

Michigan Gov. John Engler noticed and appointed Cox in 1996 to a vacancy on Wayne County Circuit Court. He won elections in 1996, 1998 and 2004, and presided over divorces, child custody, criminal cases and civil lawsuits.

On Sept. 10, 2004, President George W. Bush nominated him to the U.S. District Court for Eastern Michigan.

Cox had to wait because of political infighting over federal judicial appointments. The Senate confirmed him on June 8, 2006, and Bush signed his commission four days later.

As with colleagues, becoming a federal judge took some getting used to, Cox said.

"It was an adjustment because of the breadth of the law," he said. "There were a lot of employment, patent, and other areas I hadn't practiced in, and I had to get up to speed... The litigation is more complex in federal court and that's why I wanted to be here."

He said it took five years to become comfortable and credits his legal staff, lawyers, and his federal judicial mentor, the late U.S. District Judge Patrick Duggan, the father of Detroit Mayor Mike Duggan.

"I learned so much from him," Cox said of Judge Duggan. He occupies Duggan's former chambers and courtroom. He plans to remain in that location rather than moving to the historic chief judge courtroom on the seventh floor.

Cox has acquired a reputation for his legal ability, preparation and courtroom demeanor, according to the Almanac of the Federal Judiciary.

"He's got a very good judicial temperament; he's respectful to litigants and courteous to attorneys," one of them said. "He follows the rules carefully and closely," said another.

Cox has presided over several high-profile cases.

In late 2010, he inherited the Detroit Water and Sewerage Department (DWSD) case after the retirement of Judge John Feikens, who had made himself de facto czar of the utility and water quality in southeast Michigan. The federal government sued the city in 1977 to stop its sewage treatment plant from polluting the Detroit River.

“The case had been going on for 34 years when I got it,” Cox said. “I discovered all of these consultants that had been appointed and had to figure out who they were, what they were doing, and how much it was costing,” he said, adding that the fees were exorbitant. He and his law clerk spent six weeks wading through the court files.

Cox concluded that the Court was too involved in managing a governmental entity.

Over the next three years, he encouraged city and suburban leaders, who for years had bickered for control of the utility, to work together to solve its problems. They ultimately decided to revamp the Board of Water Commissioners to give the suburbs more input into water and sewage treatment issues. He ordered them to come up with a plan to clean up the pollution problem.

After the city declared bankruptcy in 2013, Cox was asked to mediate DWSD issues, resulting in the creation of the Great Lakes Water Authority, the regional entity that now oversees water and sewage treatment for millions of residents of Detroit and southeast Michigan.

In 2016, Cox drew a landmark gender identity case involving Aimee Stephens, who was fired from her job as a director at the R.G. & G.R. Harris Funeral Home in Garden City after notifying her boss of plans to transition from male to female.

Although Cox ruled that Stephens established some discrimination claims, he said transgender status and gender identity were not protected classes under existing 6th Circuit caselaw. He concluded that the funeral home was entitled to a religious exemption based on federal caselaw.

The U.S. 6th Circuit Court of Appeals reversed Cox, breaking new ground that transgender status is protected under federal law and disagreeing with Cox about the religious exemption.

In 2020, the U.S. Supreme Court ruled 6-3 that gay and LGBTQ+ employees are protected under the Civil Rights Act of 1964. It said employees cannot be dismissed solely based on their gender identity or sexual orientation. It didn’t address the religious exemption because the funeral home didn’t raise it on its appeal to the high court.

Stephens, then 59, died two months before the Supreme Court ruling.

Cox awarded her estate \$130,000 in back pay and damages, ordered the funeral home to provide employees with gender discrimination training and ordered it to pay \$120,000 to the ACLU Foundation for her costs and attorney fees.

In 2017, Cox fined Volkswagen AG, the German automaker, \$2.8 billion for manufacturing diesel engines equipped with software to defeat federal emissions tests.

The criminal violation involved 590,000 vehicles over a decade. Cox also put the company on probation for three years.

"This is a case of deliberate, massive fraud perpetrated by VW management," Cox said at the time.

He also sentenced two VW executives involved in the scheme to hefty fines and prison.

On Friday (Feb. 18), former Chief Judge Denise Page Hood presented Cox with the 3-foot-long chief judge's gavel during a ceremony as his parents, family members and others looked on.

His wife, Janine (Cutcher) Cox was there, too. They met when he was in law school and married 1986. She is a registered nurse who retired last summer from Oakwood Hospital in Dearborn. They have five children ranging in age from 24 to 34.

Cox said his goal for the Court is to continue to serve the public.

"This Court and its judges are public servants," he said. "This court will continue to provide justice to this community in a fair and efficient manner."

"It is important that the Court continue to move forward with respect to the ongoing pandemic," he said, adding that one of his priorities is for the court to resume more in-court proceedings and conduct more civil and criminal jury trials.

He believes that adopting best practices and protocols that are being used across the federal judiciary will help achieve that goal.

This story was researched and written by David Ashenfelter, Public Information for the U.S. District Court of the Eastern District of Michigan.