

U.S. District Judge Marianne O. Battani 1944-2021



U.S. District Judge Marianne Battani, who served 40 years on the bench of four courts, has died.

She passed away peacefully at her Oakland County home surrounded by friends and family on Sept 9, 2021, after a lengthy illness. She was 77.

During her time on the bench, Battani forged a reputation as a top-notch jurist known for her legal intellect, fairness, compassion, and a pleasant, professional courtroom demeanor.

“Marianne was a remarkable public servant throughout her 40 years as a judge,” said U.S. District Judge David Lawson, who joined the federal bench at the same time as Battani.

“Her sense of right and wrong was uncanny,” Lawson added. “For me and many of us on the Eastern District bench, she was a source of wise counsel and sage advice. She embodied all the best qualities that we hope to see in our finest judicial officers. We have lost a gem of a person.”

Added Chief U.S. District Judge Denise Page Hood: “Judge Battani was an outstanding member of our bench in terms of both intellect and court management. She was a leader and role model especially for women judges and lawyers. She taught me excellent lessons about judging. I am deeply saddened to lose her listening ear and good counsel.”

Battani said she operated according to basic judicial philosophy all these years: “You look at a case with an open mind, listen and then apply the law. It’s as simple as that. It really is.”

Nearly every judge has a watershed moment in their legal or judicial career and for Battani, it happened soon after she became a Wayne County Circuit judge and had to sentence her first criminal defendant to prison.

“He was a beautiful young man who had his whole life ahead of him, and I knew I had to sentence him to mandatory life in prison,” Battani said in an interview with the Court last year.

“It was an odd reaction, but I actually found myself angry with him for putting me in that position. But I realized I had no other choice and so I did it.”

The young man was the first of many criminal defendants Battani sentenced during her judicial career.

Marianne Olga Battani was born in Detroit in 1944, the second of four daughters who grew up on the city’s far eastside. Her father was a tool and die maker, and her mother was a homemaker.

After her father became ill and could no longer work, her mother, at age 57, became a waitress at Somerset Inn in Troy. Zelinda Battani was such an exceptional worker, Somerset Inn renamed a small café after her, “Zelinda’s Express.”

Battani credits her parents for providing her with the determination to achieve her goals – but not in the way some might think.

She said her father, John, a first-generation Italian, did not believe women should work outside the home or go to college. But it apparently had not occurred to him that the college preparatory courses his daughter was acing at Dominican High School, an all-girls Catholic academy on Detroit’s eastside, were grooming Battani for both. Battani said her father “had a fit” when she informed him that she planned to enroll in college, but that he relented when she agreed to attend the University of Detroit and become a teacher. She was the first person in her family to attend college and graduated with honors in 1966 with a degree in mathematics.

But teaching math wasn’t in her career cards. During her senior year in college, IBM recruited her to become a systems engineer in Detroit. “So, my father had another fit, insisting that systems engineering was a man’s job,” Battani chuckled. Once again, she stood firm.

In 1968, she decided to enroll in a contracts course at Detroit College of Law to better deal with a project at work. But when she discovered the tuition fee for a single course was the same as taking a full load, she decided to become a full-time student, working at IBM during the day and studying the law at night.

Once again, and to no avail, her father protested, insisting that becoming a lawyer “was a man’s job.”

But the law had become Battani’s career passion, and she received her law degree with honors in 1972. She said her entire family joined in the celebration – including her father, who beamed with pride the entire day.

Battani was offered a job with a small Detroit firm, the Law Offices of Donald Gratrix, but only after Mr. Gratrix checked with clients to see if they would accept a female lawyer. Two years later, she opened her own firm, the Law Office of Marianne O. Battani, specializing primarily in family law.

In 1980, her law associate, Beverly Clark, urged her to run for an open seat on the Wayne County Circuit Court. "I had no political background, no name recognition and knew nothing about campaigning," Battani recalled.

But she ran anyway and recruited her sister Susan, who also was a campaign neophyte, to become her campaign manager. Battani ran an exceptional campaign and went to bed on election night believing she had won only to discover the next morning that she had lost after absentee ballots were counted.

Her disappointment did not last long.

Two months after the election, then-Gov. William G. Milliken appointed her to a vacancy on Detroit Common Pleas Court, the forerunner of 36th District Court. "It was a real shocker," Battani said. "I didn't know the governor, and to this day, I have no idea how he found out about me."

Perhaps Battani came to his attention through her campaign which highlighted her service in various civic and legal organizations. She served as a State Bar of Michigan commissioner from 1972-84 and as president of the Women Lawyers' Association of Michigan in 1976. She also was president in 1978 of the Women-in-Transition Shelter for abused women and children. She also sat on the Parish Council of her church.

The governor wasn't finished with Battani. In 1982, Milliken appointed her to a vacancy on Wayne County Circuit Court. She won election four times, served as Chief Judge pro tempore from 1982-92, and played a key role in developing a system which significantly shortened the time it took cases to get to trial.

She also made news.

In 1986, she ruled that a couple would be listed on a birth certificate as the parents of their test-tube baby that was carried to term by a surrogate mother. It was believed to be the nation's first legal opinion to determine the parentage of a test tube baby. Best-selling author James Patterson even quoted her in "The Lake House," his 2003 novel about extraordinary children: "We really have no definition of *mother* in our law books. *Mother* was believed to have been so basic that no definition was necessary."

Perhaps influenced by the controversy, Battani became a mother herself. She went to Paraguay in 1989 to adopt an infant girl she named Amanda, referring to the event as "the most important accomplishment of my life."

In addition to her other activities, Battani served on the Michigan Judicial Tenure Commission, the state's judicial watchdog group, from 1991-2000, including the final two years as Chair. The Commission was created to maintain public confidence in the judiciary by holding judges and magistrates accountable for misconduct.

Battani also served on the Board of Trustees of the Detroit College of Law (DCL) now Michigan State University College of Law, from 1984 through 1999, participating in its transition from small city school to major university. She served as Secretary from 1994-1999. DCL eventually became the MSU College of Law.

In August 1999, President Bill Clinton nominated her for a vacancy on the U.S. District Court for the Eastern District of Michigan, based on a recommendation from then-U.S. Sen. Carl Levin, D-Mich. She and U.S. District Judge David Lawson were selected from a field of 120 candidates.

"It's a miracle. I'm just so stunned," Battani told The Detroit News after learning of her nomination. "It's a chance to do a lot of good." The U.S. Senate confirmed her in May 2000, and she was commissioned on June 2, 2000.

During her 20-year tenure as a federal judge she handled a diverse docket of civil and criminal litigation.

In 2005, she sentenced Wilbourne Kelley III, 69, to 44 months in prison, and his wife, Barbara, 57, to 41 months, following their conviction for extortion, bribery, embezzlement and making false statements to the FBI. Prosecutors said Kelley, former Wayne County Deputy Chief Operating Officer who oversaw contracts at Detroit Metropolitan Airport, accepted more than \$125,000 from a contractor who had been awarded \$20 million in airport contracts.

In 2006, Battani played a small part in the ongoing mystery of Teamsters boss James R. Hoffa, who vanished and presumably was murdered by the mob 31 years earlier. She denied a request by the Detroit Free Press to unseal a search warrant and supporting affidavit authorizing what turned out to be a failed search of a horse farm in Milford for Hoffa's remains. She declined to place the court in the role of advising the government as to how best to investigate cold cases by setting arbitrary time restrictions on how long the government could proceed with an investigation in secrecy.

In March 2007, Battani revoked the citizenship of retired Troy autoworker John Kalymon, 85, who persecuted Jews during World War II as an armed Ukrainian Auxiliary police private in Nazi-occupied L'viv, in what now is Ukraine. Battani concluded that Kalymon had lied about his war record in obtaining U.S. citizenship. He died before federal authorities could deport him.

In November 2009, Battani sentenced Alan M. Ralsky, the self-proclaimed "Godfather of Spam" to 51 months for his role in an international stock fraud scheme that involved the illegal use of bulk commercial e-mails, or "spamming," to drive up the prices of stocks. She also ordered him to forfeit \$250,000 seized by the government in December 2007.

In January 2018, she sentenced Roger Tam, 56, a Novi restaurant owner, to nine months in prison for harboring five illegal Mexican immigrant workers who died in a fire in the basement of his home due to careless smoking. Battani spared Tam's wife, Ada Lei, of prison time, but ordered the couple to pay \$173,999 to the victims' families.

Battani called it a difficult case but concluded that the couple didn't recklessly create a "substantial risk of death," a key finding that kept the sentencing guidelines to a year or less.

From 2012-2020, Battani presided over the largest automotive price-fixing civil case in U.S. history. The federal criminal prosecution that preceded the civil case resulted in hefty fines and prison time for scores of auto supply executives and their companies for rigging bids and fixing prices of auto parts installed in vehicles sold in the U.S for decades. The criminal case spawned scores of class action lawsuits and the Judicial Panel for Multidistrict Litigation tapped Battani to handle the initial cases, which involved more than 40 automotive parts and resulted in over a billion dollars in settlements for victims of the scheme.

Battani took senior status in 2012 but continued with a full caseload. President Obama appointed attorney Matthew Leitman to fill the vacancy.

Her judicial career ended Dec. 31, 2020, when she went on inactive status.

"It has been my great joy to work with you and to create so many friendships," Battani said in a farewell letter to her colleagues. "Thank you for all your help and support through the years, especially this last year," she added, referring to cancer treatments that began in 2019.

"I've had a marvelous career," Battani said. "I think it's the best job around."

Asked how she would like history to remember her, she said: "As a fair and just judge."

Researched and written by David Ashenfelter, Public Information Officer for the U.S. District Court of the Eastern District of Michigan.