

Detroit judiciary attacks public defenders' right to strike

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Two Detroit public defenders who faced criminal contempt charges and up to 93 days in jail for participating in a lawful strike had the charges dismissed Friday. The dismissal came only after Wayne County judges used the threat of imprisonment and \$7,500 fines to intimidate legal services workers and attack the right to strike.

On August 28, Wayne County Third Circuit Judge Darnella Williams-Claybourne dropped the charges against Megan Gokey and Daniel Eichinger, attorneys at the nonprofit Neighborhood Defender Service (NDS), which handles roughly half of all court-appointed felony cases in the county. Rather than acknowledge that the proceedings should never have been initiated, Williams-Claybourne turned the hearing into a one-sided lecture and refused to allow the attorneys to respond.

Gokey and Eichinger were among approximately 80 NDS workers who struck for seven days beginning July 24 to defend their no-premium, no-deductible healthcare and win cost-of-living adjustments. The strike ended after members of United Auto Workers (UAW) Local 2325-Association of Legal Advocates and Attorneys reached a new contract with management.

Williams-Claybourne called the attorneys' decision to miss their July 29 court appearances "shortsighted" and declared, "It is the court's position that you did not make a thoughtful or wise decision."

The judge's original orders claimed the attorneys "disrupted the administration of justice, caused further congestion of the Court's docket, and wasted the time and resources" of the court. Gokey had been scheduled for the trial of a client accused of assaulting, resisting or obstructing a police officer. Eichinger was due the same day for a probation violation hearing.

What Williams-Claybourne's orders omitted is that the striking workers had prepared detailed case information in advance so supervisors could stand in, a fact union representatives repeatedly stressed. In Gokey's case, the client explicitly supported her right to strike and asked for an adjournment rather than be assigned an unfamiliar attorney. The judge refused. The union had also warned that, in certain cases, substituting a supervisor could itself raise issues of ineffective assistance of counsel, making adjournments the legally responsible course. Williams-Claybourne ignored this as well.

Williams-Claybourne declared, "You may advocate for yourself and your colleagues, but as counsel of record, you must also protect your clients' interests and respect the authority and

functioning of this court." By implication, the attorneys could plead for better conditions as individuals but could not take collective action to secure them.

The judge then warned that her lenient approach "will change" should Gokey or Eichinger fail to appear again. Although she dismissed the current charges, the warning was intended to leave the threat of future punishment hanging over the two attorneys and every legal services worker in Wayne County.

The third NDS attorney targeted, Joe McGuire, saw his contempt charge dropped by 36th District Court Judge Ronald Giles on August 13, but not before Giles subjected him to a public scolding. Giles read from the Michigan lawyer's oath of office, intoning that a lawyer must "never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any cause for lucre or malice." He then defined "lucre" for the courtroom as "monetary gain."

This is a disgusting interpretation of the lawyers' oath.

Workers striking to preserve their healthcare and win wages that keep pace with inflation are not pursuing "lucre." They are defending their living standards against an employer that pleaded poverty while paying managers \$500-a-day bonuses to cross the picket line and proposed a 1 percent cost-of-living adjustment with inflation running at 3.5 percent. Giles' interpretation of the oath, which is taken by individual lawyers on a personal level, implicitly attacks collective action by attorneys to fight for their living standards. Casting striking attorneys as "reject[ing] ... the cause of the defenseless or oppressed" while they had secured alternate legal coverage for their clients is deliberately dishonest.

Giles dropped the charge, acknowledging that McGuire is a "very talented and good attorney" with a record of zealous representation. This suggests the judge recognized that jailing a public defender for striking would provoke political blowback, particularly given that Giles' term expires at the end of 2026 and he is not on the November ballot.

The outcomes for the clients expose the social reality concealed by the judges' claims of concern. Eichinger's client pleaded guilty to a probation violation and was sentenced to jail. Gokey's client did not go to trial. His charge was reduced to a misdemeanor and he pleaded guilty to begging.

A working class man was arrested, processed and induced to plead guilty to the crime of being poor. The same court that threatened his lawyer with jail for striking churns thousands of indigent defendants through an assembly line of plea deals. The

system is designed not to dispense justice but to manage the social consequences of poverty, inequality and the destruction of public services.

The posture of judicial concern for the “defenseless or oppressed” is grotesque coming from a court whose physical home, the Wayne County Criminal Justice Center, is a \$670 million boondoggle that transferred prime downtown real estate into the hands of billionaire developer Dan Gilbert.

The contempt campaign was not the work of one impulsive judge. Two judges issued essentially identical show-cause orders against three attorneys, all striking workers at the same employer, within days of one another. This reflects the institutional character of the judiciary, which recognized the NDS strike as a threat to the smooth functioning of the carceral apparatus and moved to suppress it.

The strike threatened to reveal that the workers who staff the public defense system are themselves workers, share fundamental interests with the clients they defend and are capable of withholding their labor. The contempt threats were an attempt to deny this reality and insist that a lawyer’s duty to the court supersedes the right to defend their own living standards.

Williams-Claybourne sought to obscure this by noting that she had also issued show-cause orders to police officers who failed to turn over evidence, a juror who skipped court and a court worker who delayed a transcript. “This is not about punishing you for taking a position in a labor dispute,” she said.

This is false. The officers, the juror and the court worker were not exercising the right to strike. The proceedings against the NDS attorneys arose directly from their participation in collective action against their employer.

The dismissals are a real, if limited, victory. Three workers faced the prospect of jail for striking and none will sit in a cell. Gokey and Eichinger have returned to defending their clients. “It’s small potatoes compared to what our clients are facing,” Eichinger said.

But the fact that two judges felt free to threaten imprisonment under these circumstances remains a warning. The contempt threat was itself a form of punishment. Its chilling effect did not require a conviction. It began the moment workers understood that a judge could threaten jail for walking a picket line, even after they had secured alternate legal coverage for their clients.

The attack on the right to strike is increasingly conducted through the courts and criminal law. When judges can threaten striking workers with jail through show-cause orders and then walk away without consequence, the working class is being told that its most fundamental rights exist only at the pleasure of the state.

The NDS strike was part of a developing national movement. Some 500 public defender workers walked out in July across New York, Michigan and Texas, including workers at Brooklyn Defender Services, NDS offices in Detroit, Harlem and San Marcos and the Bronx Defenders. They were fighting the same attacks: healthcare cuts, poverty wages and crushing caseloads.

The UAW bureaucracy, headed by President Shawn Fain, worked systematically to isolate these strikes from one another. On July 22, Local 2325 officials shut down the Brooklyn Defender Services strike with a tentative agreement. Two days later, NDS

workers walked out alone. Three days after that, the Bronx Defenders did the same. The bureaucracy’s strategy, dividing each workplace and settling one at a time to prevent a unified walkout, is the same one it has applied to autoworkers, aerospace workers and every section of the union.

Fain’s visit to the Detroit picket line, where he theatrically peppered a social media video with cursing and told workers to “keep doing what you’re doing,” was the pretense of militancy by an apparatus whose actual function is to suppress it. His subsequent denunciation of the contempt cases as “unacceptable intimidation” did not alter the bureaucracy’s role in isolating the strikes. His threat that “UAW members remember at election time” pointed workers not toward independent class action but toward the dead end of the Democratic Party.

Will Lehman, the socialist Mack Trucks worker running for UAW president on a program of abolishing the bureaucracy and transferring power to rank-and-file committees, warned legal services workers of precisely this. He called for a unified walkout across the entire sector, the formation of rank-and-file committees with full control over negotiations and the rejection of any strategy that subordinates workers to the Democratic Party.

The capitalist courts are not neutral forums where workers can expect a fair hearing. They are instruments of class rule. The lesson of the contempt proceedings is not that workers should be more deferential to court schedules. It is that the working class cannot rely on the institutions of the capitalist state to defend its interests.

The defense of the right to strike and the democratic rights of all workers requires building a politically independent movement of the working class, based on rank-and-file committees and the fight for socialism. The UAW bureaucracy, the Democratic Party and the courts all serve the same ruling class. Workers must rely on their own independent organizations and collective strength.



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