



Society Update

The Official Publication of the Michigan Supreme Court Historical Society

Winter 2013

The Year in Review

A Message from Society President Wallace D. Riley

This year marks the 25th anniversary of the Michigan Supreme Court Historical Society. In 1988 Chief Justice Dorothy Comstock Riley realized the importance of creating an organization to preserve the history of the Court, and so she founded the Society. Our three-fold mission to collect, preserve, and display documents, records, and memorabilia relating to the Michigan Supreme Court and the other Courts of Michigan, promote the study of Michigan's courts, and seek to increase public awareness of Michigan's legal heritage has directed our efforts ever since.

Our work over the past twelve months has been both a continuation of that mission and a preparation for this special anniversary.

In the past 25 years, we have become the primary conservators of the historic collection of justices' portraits. Over the years we have steadily added to this collection as justices have gone off the Court and had their portraits dedicated in special session, as portraits have been posthumously commissioned and painted, and as we have worked with professionals to restore, maintain, and protect these irreplaceable treasures.

In the beginning days of the Society, our job was quite simple and yet also quite a mammoth undertaking. We first had to find the portraits! Some of these portraits or their framings had been seriously damaged for lack of a proper plan for care and a place to hang them. With the direction of the Court, the Society went on to catalog and photograph all of the portraits and they are now registered with the Library of Congress.

Just one example of the task set for us was the portrait of Justice Nathaniel Bacon (MSC 1855–1857). His portrait was found during an inventory of the portraits that we continue to conduct annually. The canvas had been badly damaged—shredded in a dozen

places—and had to be painstakingly pieced back together. It took an entire year, and upon its completion, was re-dedicated to the Court in a special session held on October 6, 1998.

Former Justice Tom Brennan in his remarks to the Court on that date, eloquently pointed out, “This is an occasion, if it may please the Court to indulge me, when men and women of sensibility to historic perspective will find themselves contemplating the threads of human existence that connect this sitting Court to the man's whose likeness has been renewed and returned.” And in pure circular fashion, to this I would today add, the man sitting as Chief Justice of the Court at that time was Conrad L. Mallett, Jr., whose portrait we most recently dedicated on April 25, 2012.

The Society has done much more than just this, however, although the portraits are perhaps one of the most visible symbols of the lives of these great historic leaders. Just a few of the projects in which we have been involved over the past 25 years have included the publication of the *Michigan Supreme Court Historical Reference Guide* which profiles the first 100 justices on the court, the *Verdict of History: The History of Michigan Jurisprudence Through Its Significant Supreme Court Cases*, and the oral history interviews—the stories of the justices in their own words and in their own voices.

None of this could have been achieved without the support of the Michigan Supreme Court, in its many different compositions over the past 25 years. We are continually grateful for their support. Additionally, we would be lost without the time and dedication of our incredible Board of Directors who provide the direction for our continued efforts. These men and women are truly the best of the best. And, finally you—our loyal members.

Thank you for 25 wonderful years!

Executive Director's Report

Carrie Pickett

cpickett@micourthistory.org

The Society celebrates its silver anniversary this year! Whether you have been a member since our beginning in 1988, joined yesterday, or something in between, this year is for you! We have so many things planned to make this one of our best years ever!

First up is the re-design of our website. It was last tinkered with in 2007, back when Twitter only got about 60,000 tweets per day (that number is now well over 200 million). To ensure that visitors to our site stick around to discover all that we have to offer, we commissioned the talented website designer John Clifford Taylor. He and his team have been working hard to create a site that engages both our members and new users. One of the new features we will be unveiling when the site goes live is a blog section to facilitate both more frequent communication with our members, and through the comments section, to hear back from you.

We are also quite pleased to announce that we have contracted with attorney and author David Chardavoyne to update the biographies of the justices. Beyond performing additional research into the lives and careers of the justices, Chardavoyne is also standardizing all of the biographies, which will make the job of

future researchers much easier. We anticipate being able to use the biographies for a re-publication of the *Michigan Supreme Court Historical Reference Guide* later this year.

Our Annual Luncheon will be held on Thursday, May 2nd this year, and we are planning a very special guest for the vignette. Be sure to mark the date on your calendars now, and watch for your invitation later this spring. You won't want to miss it!

As we celebrate our 25th anniversary I would like to pay special tribute to the three previous executive directors: Ellen Brennan Campbell, Jill Wright, and Angela Bergman. Each of these women helped craft the Society into what it is today, I am honored to carry on that legacy.

I would also like to point out that the membership roster in this issue represents much more than a list of names to me. Instead, you are the faces at our events, the voices calling on the phone, and the handwriting on the checks that make our organization operational. Thanks so much to each one of you for your support! I am excited to see what we can do together in the next 25 years!

New Look. Same Address!

www.micourthistory.org

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Investiture of Justice Bridget Mary McCormack

What follows are the remarks of 108th Justice Bridget Mary McCormack upon her investiture on Wednesday, January 23, 2013, in a special session of the Michigan Supreme Court.

The new justice began by thanking those who had introduced her: President Wallace Riley and the Society as host of the event; Justice Cavanagh, Evan Caminker, and Justice Mary Beth Kelly. Her family including brother Will; children Matt, Harry, Jack, and Anna; and her husband Steve Croley. And Chief Justice Young, Justice Zahra, and Justice Markman.

It is difficult to express just how honored I am. And how fortunate and grateful I feel today. I am so thankful for the support you all have shown me—my family, my friends, and the many new and lasting friends I have made along the way. I am grateful for your moral support, your hard work, and most of all for the confidence you have placed in me. I will do everything I can not to let you down: I will serve the taxpayers of our State by doing my work quickly and efficiently. I will serve the litigants before this Court by considering their arguments slowly and carefully.

Quite honestly, I never dreamed of being a judge, let alone a justice on our State's highest court. And I never aspired to it either. For years, I enjoyed the practice of law from the other side of the bench, and got great professional and personal satisfaction from advocating for justice for my individual clients, and teaching law students about the power and responsibility that comes with a law degree.

For I believe in the power of Law, and in the legal system that distinguishes our country from so many other places. After all, a legal document gave birth to our country, written by men who understood, perhaps more than any before or since, that fairness and justice require certain basic legal rules. In my practice as an attorney, I always tried to ensure that the legal system's rules were applied to advance the cause of justice.

Of course, anyone familiar with the legal system knows that perfect justice is not achieved in every case. But what is distinct about our system is that, where attorneys do their jobs, and judges do theirs, there justice might be achieved. This observation is one I emphasized for all the students I have taught



Chief Justice Robert P. Young, Jr. administers the oath of office to 108th Justice Bridget Mary McCormack during her investiture ceremony.

over the years as well.

The opportunity to advance the cause of justice from the bench instead of the well is a true honor. I fully recognize that this transition requires a different mindset, a fundamental mental shift on my part, from advocate to arbiter. For a judge must be an advocate not for any party to a case, but for evenhandedness—an advocate for the Rule of Law itself. That is why we say that justice must be blind. Yet blind only to the parties before the court, not to the importance of the role courts play in our system of government, and certainly not indifferent to the consequences of our decisions. But we are not legislators. And the robes we wear do not magically turn us into wise men and women. We are, rather, stewards of the law, whose job it is to administer the law created by our citizens and their elected representatives neutrally.

Much can be said, and much has been written, about this topic and the importance of a judge's philosophy and HOW the Rule of Law should inform a judge's deliberation. Far, far too little has been said, however, about an equally important aspect of judicial decision-making, and one I would like to address here. And that is the importance of collegiality and the role of COLLECTIVE decision-making.

For the volumes of commentary about judicial philosophy take the judge as an autonomous thinker, as an individual decision-maker who reasons—all by himself or herself—about how to apply the principles of law to the facts of a given case. This image of the judge as an autonomous decision-maker makes perfect sense for judges who, like most, preside in their courtrooms alone.

But the Michigan Supreme Court is, of course,

a COLLEGIAL body. We make our decisions collectively. And like other small collective bodies, the work-product of the Michigan Supreme Court is greater than the sum of the individual contributions of its members. Even when cases generate different opinions from its members, the judgments of the Michigan Supreme Court are the judgments of no single justice acting alone, and our written opinions reflect, and should reflect, our collective responses to the cases before us. Much like juries, or corporate boards, or scientific review panels, when our body is working as it should, our decisions will reflect our collective judgments.

And so I would like to emphasize my approach to this aspect of judicial decision-making—about my beliefs NOT about how I, but about how WE, approach our work.

My new colleagues, my judicial philosophy in this regard will guide me as follows. I will always take your perspectives and reactions to heart. I look forward to your legal insights, and to all the ways you will improve my own reasoning. I promise to be a good listener, to the litigants who appear before us, but no less to you as well. I will approach every case, and every conference with you, with an open mind. I will consider your legal analyses with the seriousness they deserve. And I will not view the written opinions I author as mine alone.

No doubt, there will be times we see issues differently. Of course. I am not pretending we will always reason our way to consensus, nor should we. What I AM saying is that even when inevitably we disagree, I will not be disagreeable. And most of all, I look forward to the analytical give-and-take that sound decision-making by a high court requires. For the Framers ALSO understood this point. They saw fit to establish a multi-member Supreme Court, not a supreme court of one. I look forward, then, to reasoning collectively, to rendering the very best decisions this body as a body can, so that we might vindicate the confidence the people of Michigan have placed in all of us. Each of you has shown me exactly this kind of collegiality already, in three short weeks. I thank you for that.

Once again, I am honored by your support. My deepest thanks to all of you for being here today. I will always be mindful that I was elected on the non-partisan ballot. And I will do all I can to earn your confidence through the work we do tomorrow.



Interviews with the Michigan Supreme Court Justices is a collection of oral history interviews of former members of the state's highest court. Since September 1990, the Michigan Supreme Court Historical Society has conducted sixteen such interviews with Michigan's judicial luminaries and plans to continue to add to this vital and rich historical record as justices finish their service with the court.

In 2001, the Historical Society began a partnership with the Michigan State University Libraries aimed at bringing these priceless historical audio documents to the world, via the World Wide Web. All of the existing analog interview recordings have been digitized, along with all written transcripts, by MSU Libraries' G. Robert Vincent Voice Library. All of materials have also been professionally cataloged and are served from the Libraries' online public access catalog (OPAC) and via Web pages designed by MSU Libraries' staff.

Since its founding in 1836, the Michigan Supreme Court has featured an array of colorful and astute legal giants who have shaped Michigan law and national legal scholarship and have made both history and headlines. In these interviews, the Justices talk about the inner workings of the court, their colleagues, legal and legislative issues and important cases they heard during their tenure. As in the best oral histories, the Justices are often candid in their comments and eager to set the historical record straight.

The G. Robert Vincent Voice Library of the Michigan State University Libraries is one of the largest academic collections of spoken word recordings in the United States and includes over 40,000 hours of speeches and interviews, dating back to 1888. Voice Library collection policies are eclectic by design, but strong areas of emphasis include American and foreign politics and government, popular culture, sports, literature and the arts, old radio, labor history, Michigan history, and current events and news. Items are cataloged at the item level and are found in the MSU Libraries' OPAC and at the Voice Library Web page.

www.lib.msu.edu/branches/vvl/justices/

The Sparrows and the Michigan Supreme Court

This past October Sparrow Hospital, Lansing's largest regional hospital system, celebrated its 100th anniversary. In an event entitled "Sparrow Hospital 1912-2012 Commemorating 100 Years on Michigan Avenue" the hospital honored Edward Wheeler Sparrow, its founder.

The hospital began in 1896 with just eleven beds in a house on West Ottawa Street (not far from where the Hall of Justice is now located). Edward W. Sparrow, an Irish immigrant and successful businessman, donated the land on Michigan Avenue and \$100,000, and the hospital was opened to the public in 1912. Sparrow died soon after the hospital was opened, and is buried in Mount Hope Cemetery in Lansing. His legacy is forever linked with the hospital that bears his name.



Mrs. Helen Sparrow Roosevelt visiting the portrait of her great-grandfather Justice Claudius Grant.

The Sparrow Connection to the Michigan Supreme Court

Sparrow experienced the tragic loss of his first wife, Helen, during childbirth. Helen was the daughter of Michigan Supreme Court Justice Claudius Grant (MSC 1890–1905). In fact, the baby that survived her was named for both men—Edward Grant Sparrow. When the elder Sparrow wished to remarry, it is reported that Justice Grant accompanied him to Vassar to choose one of Helen's friends to become his second wife.

But the connection to the Michigan Supreme Court goes even deeper. Helen Grant Sparrow's mother Caroline was the daughter of Alpheus Felch, who served on the Michigan Supreme Court from 1843 until he was elected Governor of Michigan in 1845.

Helen Sparrow Roosevelt, the granddaughter of Edward W. Sparrow and daughter of Edward Grant Sparrow, attended the 100th anniversary celebration along with her son, Robert Roosevelt. They came in from New York, much like Edward W. Sparrow did a century before them. Reportedly he slipped into town for a look at the hospital bearing his name, and was gone long before the public knew he had been there.¹ Unfortunately for his descendants' travel plans, Hurricane Sandy struck while they were here in Michigan, and they spent a few extra days in their ancestor's adopted homeland.

On November 1, 2012, Helen Sparrow Roosevelt (named for the mother Edward Grant Sparrow knew for only moments as an infant) and her son Robert toured the Hall of Justice with Sparrow Foundation representative F.B. "Tom" Plasman and Society executive director Carrie Pickett. Ms. Pickett showed them the portrait of Grant, which hangs in the lobby of the court recorder's office.

The portrait of Mrs. Roosevelt's great-great-grandfather Alpheus Felch was lost sometime between when it was dedicated to the Court on January 8, 1895—a year before his death—and when the Society was founded in 1988. It has never been recovered.

Thanks to the volunteer efforts of Tom Plasman and Mrs. Mary Jane Wilson of Sparrow Hospital, however, we are once again on the hunt for this historic treasure! Anyone with information on the missing portrait is asked to please call the Society at (517) 373-7589 or email cpickett@micourthistory.org.

¹ Palmer, Ken. "Sparrow Hospital celebrates its 100th birthday on Michigan Ave." *Lansing State Journal* 28 October 2012.

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 from Linda Rexer

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Detroit Athletic Club

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Society Update is published quarterly by the Michigan Supreme Court Historical Society. Writing submissions, article ideas, news, and announcements are encouraged. Contact the Society at: 1st Floor Hall of Justice, 925 W. Ottawa Street, Lansing, MI 48915 Phone: (517) 373-7589 Fax: (517) 373-7592