



Society Update

The Official Publication of the Michigan Supreme Court Historical Society

Fall 2011

Society Portrait Collection Grows Dedication for Justice Taylor Held in September

On September 14, 2011, the portrait of former Chief Justice Clifford W. Taylor was dedicated to the State of Michigan in a special session of the Michigan Supreme Court.

Tradition dictates that once a justice of the Michigan Supreme Court leaves the bench, he or she returns at a later date to dedicate their painted portrait.

Justice Taylor's portrait was painted by esteemed Michigan artist Patricia Hill Burnett. The 30"x40" oil on canvas shows Justice Taylor in his judicial robes, holding his trademark spectacles, with the American flag in the background.

The first justice to have his image immortalized for the Court was George Morell, an Andrew Jackson-appointed to the Territorial Court of Michigan who later became the Court's second Chief Justice after Michigan attained statehood. Morell's portrait was dedicated on June 10, 1880, thirty-five years after his death in Detroit.

In accepting the portrait of Morell from his family, Chief Justice Isaac Marston said that it was "eminently proper that the portraits of early Judges should be placed in the court room" and that these judges "should be remembered with gratitude because of the

ability and learning with which they had built upon the foundation of the common law system of jurisprudence which exists in the state."

Justice Taylor's portrait presentation was accompanied by eulogies from many of his close friends and colleagues from over four decades practicing law. Former Senator Spence Abraham, Hon. Maura Corrigan, Attorney General Bill Schuette, Ave Maria Dean Bernard Dobranski, Clarence Pozza of Miller Can-

field, and former Governor John Engler, as well as Chief Justice Robert Young and Justice Stephen Markman, took turns sharing memories, many of them humorous, of working with Justice Taylor.

And so it is that 87 portraits have since been dedicated to the Court.

Society President Wallace Riley introduced the portrait presentation by recounting the portraits that have been dedicated since

the Society was founded in 1988, saying:

"Today, the likeness of Justice Taylor, our 100th justice on the Court, will join the likenesses of G. Mennen Williams, Robert Griffin, James Brickley, Mary Coleman, Blair Moody Jr., John Fitzgerald, Charles Levin, Patricia Boyle, James Ryan, Thomas Giles Kavanagh, and so many others to illustrate in a more profound way the

Continued on next page...



The official portrait of former Chief Justice Clifford W. Taylor appears in the background over his left shoulder. See more photos from the September portrait dedication inside this issue of *Society Update*.



More than 100 people attended the September 14th portrait dedication of former Chief Justice Clifford W. Taylor in the Michigan Supreme Court.

Quote continues...

history of the Michigan Supreme Court.

Finally if it may please the Court, I choose to offer an observation most personal.

You may have noticed I chose to omit from my list of justices, the name of Dorothy Comstock Riley, whose portrait hangs just outside this Courtroom. It was presented in 1997 shortly after she was diagnosed with Parkinson's and resigned from the Court. Governor John Engler appointed Judge Clifford Taylor to her remaining two-year term. She took great comfort in his selection of her successor.

Nine years earlier in 1988 when she was serving as Chief Justice, she founded the Michigan Supreme Court Historical Society to record and preserve court history.



Former Chief Justice Clifford W. Taylor and artist Patricia Hill Burnett pose next to his official portrait during the September 14th portrait dedication.

Today we close another memorable chapter in that history with the presentation of the portrait of Justice Clifford W. Taylor."

The Michigan Supreme Court portrait collection has been one of the most treasured aspects of the Society's mission since it was begun in 1988. At that time, these historic artifacts were widely-cast and had to be searched out from closets and storage facilities to form the basis of the collection on view today. Some of the portraits were in poor condition due to how they had haphazardly been stored. Most especially is the case of the portrait of Nathaniel Bacon, which was literally shredded in a dozen places. Working with art restorers to maintain the canvases and their ornate frames is an on-going mission of the Society.

The tradition of dedicating the portraits of justices has itself been memorialized. In Michigan Notable Book Award winner *Wounded Warrior: The Rise and Fall of Michigan Governor John Swainson*, author Lawrence Glazer prefaces his biography by writing about Justice Swainson's portrait dedication to the Court in 1984.

To see the portraits of the other justices mentioned in this story, please visit the Society's website at www.micourthistory.org, click on "Justices" then select "Portraits".



The portrait dedication of former Chief Justice Taylor was a special session of the Michigan Supreme Court, presided over by Chief Justice Robert P. Young, Jr. The ceremony was recorded by MGTV and the transcripts will be published in the Michigan Reports.



Former Governor John Engler, Attorney General Bill Schuette, and former Chief Justice Cliff Taylor talk before the portrait dedication. Governor Engler appointed Taylor to the Michigan Supreme Court in 1997. Both Schuette and Taylor served on the Michigan Court of Appeals, however, at different times (Taylor, 1992–1997; Schuette, 2003–2009).



Former Justice and current head of the Michigan Department of Human Services Maura Corrigan talks to former Senator and Secretary of Energy Spencer Abraham during the portrait presentation. In the background is Society President Wallace D. Riley.



Ave Maria School of Law Dean Emeritus and Professor Bernard Dobranski spoke during the portrait presentation about former Chief Justice Taylor's role as Justice in Residence at the law school.



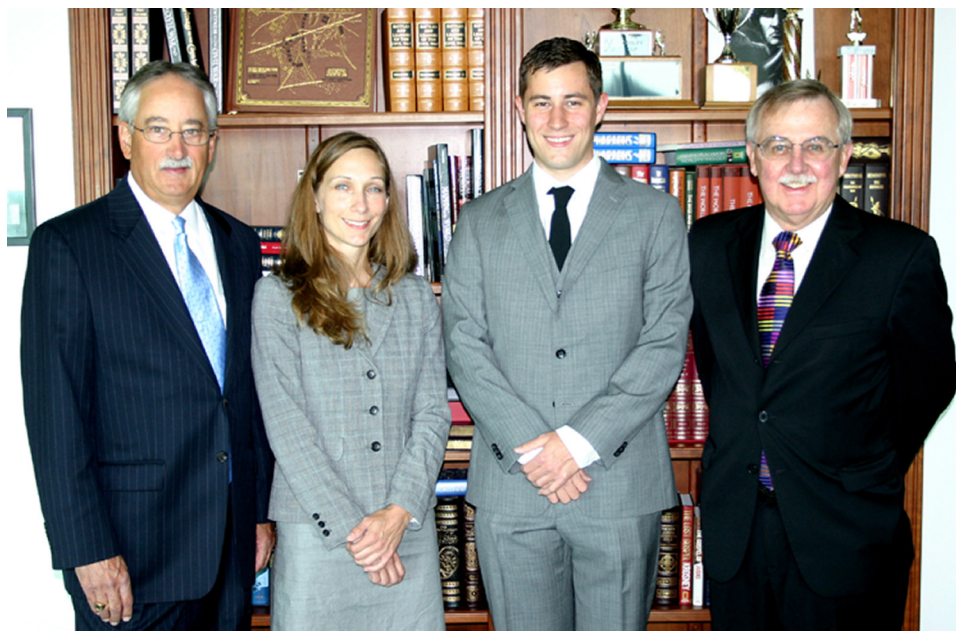
Justice Stephen Markman accepted Justice Taylor's portrait on behalf of the Michigan Supreme Court. Standing between the justices is Clarence L. Pozza, Jr. of Miller Canfield, who was a speaker during the portrait presentation. Justice Taylor is of counsel to Miller Canfield.

The portrait now hangs in Chief Justice Young's Lansing suite at the Hall of Justice.

Photos courtesy of Dave Trumpie www.trumpiephotography.com

Law Student Prize

Thomas M. Cooley Law School



Thomas M. Cooley Law School graduate Judson Herzer is pictured here with Society Treasurer Lawrence P. Nolan, Executive Director Carrie Pickett, and Cooley President Don LeDuc.

The Society Law Prize Winner from Thomas M. Cooley Law School for 2011 is Judson (Judd) Herzer. He graduated cum laude from the law school in September of this year.

Mr. Herzer graduated from Western Michigan University in 2007 with a Bachelor of Arts in Economics and Political Science. He began studying at Cooley the following year. The Society's award was presented to him by fellow Western Michigan and Cooley alum, Lawrence P. Nolan, who serves as the Treasurer on the Society's Board of Directors as well as Vice Chair of the Thomas M. Cooley Law School's Board.

During his time at Cooley, Mr. Herzer was involved with several student organizations, serving as the President of the Incorporated Society of Irish-American Lawyers (TMCLS Chapter) and as Treasurer and Co-Founder of the American Constitutional Society (TMCLS Chapter). He also founded a men's amateur soccer team in 2009.

Mr. Herzer was selected for the Society's award because of his excellent work in Cooley's Jurisprudence course, where he received a Certificate of Merit Award. His scholarship has also included working as a research assistant for two Cooley Law School professors who are writing a textbook on the state-level legislative process.

After the February Bar Exam, Mr. Herzer's career plans include campaign management, legislative affairs, or lobbying, and he hopes to be working for a campaign for State Representative, U.S. Representative, U.S. Senator, or the Presidency next year.

Law Student Prize

Michigan State University College of Law



MSU College of Law 2011 graduate Rachel Dowell receives a \$500 check from former Michigan Attorney General Frank Kelley. Ms. Dowell is pictured with her professor Charles Ten Brink and Dean Joan Howarth.

The Society Law Prize Winner from MSU College of Law for 2011 is Rachel Dowell. She recently graduated magna cum laude from the law school. Before leaving the state for a position in Washington, D.C., Ms. Dowell came back to campus to receive the Society's \$500 prize which was presented to her by former Michigan Attorney General Frank J. Kelley, who serves on the Society's Board of Directors.

Ms. Dowell was nominated for the award by professor Charles Ten Brink for her excellent work in the American Legal History Seminar.

While at MSU Law, Ms. Dowell served as an associate editor of the *Journal of Medicine and Law*; worked as a student attorney at the MSU College of Law Low-Income Taxpayer Clinic; served as a law clerk at Sinas, Dramis, Brake, Boughton, & McIntyre; and served as a judicial extern to the Honorable Amy Krause.

Ms. Dowell also participated in the Washington, D.C. Semester Program, where she worked at the U.S. Office of Government Ethics. In the summer of 2010, she studied at the Paris Institute for International and Comparative Law. Prior to law school, she graduated summa cum laude from Central Michigan University, earning a Bachelor of Science in Journalism and Political Science.

Justice Voelker's *Laughing Whitefish* Re-Published by MSU Press



Written By: Bill Castanier

By any measure the career of John D. Voelker was a phenomenal success. He was a successful author, having written the bestseller *Anatomy of a Murder* (later made into a movie directed by Otto Preminger and starring James Stewart, Lee Remick, and George C. Scott) and he was a

member of the Michigan Supreme Court. But something was gnawing at him.

As a younger man, he had heard a story about an Indian woman who had, against all odds, taken on the white power structure of the Upper Peninsula's mining industry while seeking what she thought was compensation owed to her family.

Voelker had always wanted to do a fictional treatment of this real-life case, but the success of *Anatomy* and his job as a justice had kept him too busy.

In his letter of resignation to Governor G. Mennen Williams he wrote, "While other men can write my legal opinions (although I would debate that) they can scarcely write my books. I am sorry."

Voelker, who wrote under the pen name Robert Traver, retreated to the Upper Peninsula, where he would spend two winters writing his Indian story. *Laughing Whitefish* was published in 1965, but soon went out of print.

Now, Michigan State University, working with the Voelker family, has reprinted the book with an introduction written by MSU College of Law Professor Matthew Fletcher, who heads the Indigenous Law and Policy Center.

The book tells the story of a young Indian woman, Charlotte Kawbawgam (her real name was Kobogum), who seeks compensation for her father. He had been promised a "wee fractional interest" after leading a group of mining executives to the world's largest deposit of iron ore. Kawbawgam hires lawyer

Willy Post, a newcomer to Marquette.

Although the real-life case was extremely complicated, Voelker simplified it for the book; in essence, it shows how tribal law has supremacy over state law in domestic disputes.

Fletcher said the book, which provides great context for state/tribal relations, still can be used as a textbook in Indian law. In his introduction, he puts the book into the context of little-known aspects of Indian law. *Whitefish* also explores little-known tribal customs and laws, including the practice of polygamy.

Voelker, who spent most of his life in the Upper Peninsula, also creates a window into the customs and language of the Cornish mining community around Ishpeming, where he lived. He often said he used the keen ear he developed sitting in his father's bar listening to miners in order to recreate a lifestyle that has all but disappeared in the western Upper Peninsula.

Fletcher said that since *Laughing Whitefish* has been republished many readers have told him that it would "make a good movie." Fletcher said he could see the plot set in the modern era, keeping all the facts, but treating it as if there had never been a Supreme Court decision.

"All the underlying concepts are the same," he said.

For more information, please visit the Voelker Foundation at www.voelkerfdn.org or the MSU Press at www.msupress.msu.edu.

Bill Castanier writes a weekly literary column in the *Lansing City Pulse* and manages the blog mittenlit.com. He is a member of the Michigan Notable Book selection committee and serves on the Board of the MSU Press. This article is excerpted from one that first appeared in *Dome Magazine* (www.domemagazine.com) and is re-printed with the permission of the author.

Cavanagh Portrait Fund Established

Justice Michael F. Cavanagh has established a portrait fund and begun the process of having his official portrait painted.

In October, artist Michael Del Priore came to Michigan to meet Justice Cavanagh and to see the portraits in the Society's collection. In his 20-year career, Del Priore has painted more than 600 portraits. He is a national award-winning artist whose other notable commissions have included Ronald Reagan, Strom Thurmond, as well as governors, senators, and congressmen.

Justice Cavanagh was elected to the Michigan Supreme Court in 1982, and is now serving in his fourth term as a justice. When his current term ends in 2014, he will have served on the Court for 32 years—the longest serving justice in Michigan Supreme Court history, equalling James Campbell, one of the Big Four!

The *Justice Michael Cavanagh Portrait Fund Committee* is chaired by Megan K. Cavanagh, a shareholder with Garan, Lucow, Miller P.C. and daughter of Justice Cavanagh. Other committee members include former Justice Dennis Archer, James Brady, James Cavanagh, Peter Dunlap, Judge James Giddings, John Jacobs, Brian Jeffries, Peter Kellett, Helen Mickens, Mary Massaron Ross, Joseph Reid, Joseph Shannon, Joe Thomas, and Dan White.

Contributions to the *Cavanagh Portrait Fund* can be made to any committee member listed above or mailed directly to the Michigan Supreme Court Historical Society, First Floor Hall of Justice, 925 W. Ottawa Street, Lansing, MI 48915.

Contributions are tax-deductible. Contributors who give \$100 or more receive a one-year membership in the Society; individuals who contribute \$1,000 or more to the fund receive a lifetime membership in the Society.



Portrait Dedication of Conrad Mallett, Jr. POSTPONED

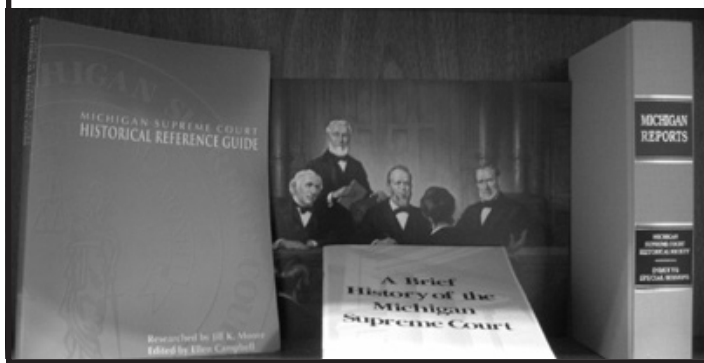
Former Chief Justice Conrad Mallett, Jr., regrettably had to postpone his portrait dedication, which had been scheduled for November 16, 2011.

Once a new date has been selected for the presentation of the portrait, all Society members will receive a new invitation to this historic event.

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Mission Statement

The Michigan Supreme Court Historical Society, a non-profit 501(c)(3) corporation, collects, preserves, and displays documents, records, and memorabilia relating to the Michigan Supreme Court and the other Courts of Michigan, promotes the study of the history of Michigan's courts, and seeks to increase public awareness of Michigan's legal heritage. The Society sponsors and conducts historical research, provides speakers and educational materials for students, and sponsors and provides publications, portraits and memorials, special events, and projects consistent with its mission.

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Dorothy Comstock Riley

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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

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