



Society Update

The Official Publication of the Michigan Supreme Court Historical Society

Spring 2015



David G. Chardavoyne

speaking to the crowd at the Society's Annual Luncheon on April 16, 2015.



The crowd listening to David G. Chardavoyne at the Annual Luncheon on April 16, 2015.

I am proud to be here today to talk about the newly revised and expanded second edition of the *Michigan Supreme Court Historical Reference Guide*, a book created by the Court's Historical Society and published just this month by Michigan State University Press. This book is a compilation, revision, and expansion of two of the Society's previous publications.

First, the Reference Guide's first edition, published in 1998, was the work of the Society's first two Executive Directors, Ellen Campbell and Jill Wright, its first Coleman intern, Jill Moore, and Ann Lucas, Serials Librarian of Thomas M. Cooley Law School. It contained biographies of the 109 members of the Supreme Court who had served to that time, portraits (if available) in black and white, and a chart showing the composition of the Court each year from 1805 to 1998.

Second, *The Verdict of History* by Professor Paul D. Moreno, the William and Berneice Grewcock Chair in Constitutional Law at Hillsdale College. The *Verdict* was originally published as special supplements to the *Michigan Bar Journal's* issues dated December 2008 and January through March 2009, then those four articles were published together later in 2009. Angela Bergman, then the Society's Executive Director, was a driving force in bringing this about. Professor Moreno discussed and analyzed nineteen of the Supreme

Court's most notable cases, explaining their importance to Michigan and to the law in general, and placing them in the context of their times, both locally and nationally.

The cases include the *Workman Case* (1869) which ended de jure segregation in Detroit's public schools; *Sherwood v. Walker* (1887) the nationally renowned barren cow case; the labor law case of *Book Tower Garage v. UAW* (1940); *Toussaint v. Blue Cross* (1980), which established the scope of employee rights regarding claims of wrongful termination; and *People v. Kevorkian* (1994) regarding the defendant's activities involving assisted death.

In 2012, the Society decided to compile a second edition of the *Historical Reference Guide*, combining the first edition with *The Verdict of History*. That is where I came in. Professor Moreno's work needed no changes and went into the second edition intact, but the first edition of the *Guide* did need revisions.

Since 1998, several more men and women had become Justices of the Court, so biographies for those not in the first edition needed to be written. The Society was also concerned that the judicial biographies in the first edition were not consistent in style and content, largely because they had been adopted from a variety of sources, and that there were errors in those biographies that traced back to the original sources.

**To continue reading and view photos
from the Luncheon, see inside >>**

For example, the first edition's biography of Territorial Supreme Court Judge John Griffin stated (based on a highly respected source), that he was born in Virginia around 1799 and that he was appointed to the court in 1805. Griffin was not a child prodigy and was, in fact, born in 1774 in Scotland and appointed in 1806. It was my job to research the life of each member of the Supreme Court from 1805 to the present and then rewrite or create their biographies using consistent style and content.

I also put together new appendices providing information regarding the Court's evolving structure, the candidates in every supreme court election since the first in 1850, a list of chief justices, and lists of the longest and shortest serving justices of the Court. In all of this I had the crucial help and guidance of the Society's present Executive Director, Carrie Sampson. I should also mention the efforts of the editorial and design staff of the Michigan State University Press who have created a truly beautiful volume.



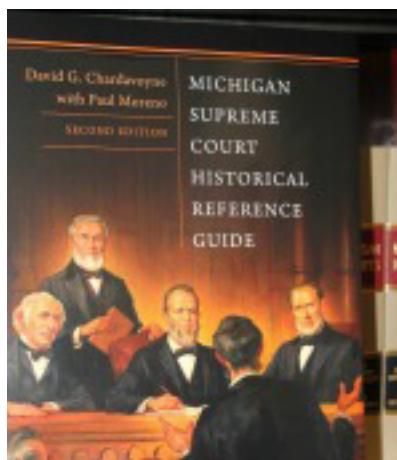
Chief Justice Robert P. Young Jr. and Judge Fred Borchard.



Justice Bridget McCormack and Carl Herstein.



Justice Brian Zahra and Mary Massaron.



The Society's new book can be purchased in bookstores and online from many vendors including Amazon, or directly from the MSU Press for \$34.95.

"No lawyer should be without this book!"



Justice Stephen Markman and John P. Jacobs.



Justice Mary Beth Kelly and Phil DeRosier of 2015 Corporate Sponsor Dickinson Wright.



A large crowd was in attendance for the Annual Luncheon at the Detroit Athletic Club on April 16, 2015.



Luncheon attendees Linda Rexer, Judge Alfred Butzbaugh, and Judge William Hampton listen attentively during the presentation.



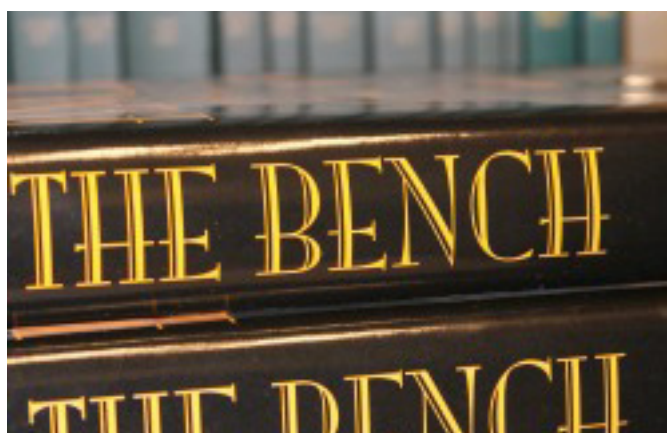
Justice Richard H. Bernstein and Judge Denise Langford Morris.



Justice David Viviano and Danielle Brown.



Lawrence Charfoos reads a copy of the new book.



Also for sale at the Luncheon were copies of former Chief Justice Thomas Brennan's novel *The Bench*, a fictionalized story about the Michigan Supreme Court.

All Annual Luncheon photos in this issue by Dave Trumpie. All rights reserved.

To view more photos or purchase prints, visit TrumpiePhotography.com and use password "Court".

Exit Smiling

Wallace D. Riley, Society President 1988–2015



In 1988 shortly after Justice Dorothy Comstock Riley became Chief Justice of the Court, she came upon the need to found the Michigan Supreme Court Historical Society. She asked me to organize the undertaking. (I leave to anyone's imagination why I might have been willing to accept.)

The mission of the Society as stated by its Founder was "to preserve Court artifacts, collect memorabilia, and inform and educate the students and citizens of Michigan about their State's judicial history." For 27 years we have made our primary purpose to follow that mission statement in the many projects we have undertaken and reported to the membership in the *Society Update* and at the Annual Luncheons.

Over those same 27 years the Society (and I as its President) have had 24 active Board of Director members and 40 Directors Emeritus. Whatever has been done to satisfy former Chief Justice Riley's stated mission must be credited to their dedication and selfless efforts.

Time to move on to my most important concern, the future leadership of the Society. Freely admitting that I "may have stayed too long at the Fair," you may know that I have had some experience in passing Presidential leadership in the American Bar, State Bar, State Bar Foundation, Federal Bar (Detroit Chapter), and now this Society. I have never had a greater comfort level than I feel now with Charles R. Rutherford succeeding me as your Society President. He has been with me on the Board since the beginning. You can count on Charlie. I have!

ford succeeding me as your Society President. He has been with me on the Board since the beginning. You can count on Charlie. I have!

Lastly, my thanks to all the Society members of the then and now for your participation and support. Because of you, I can.....

EXIT SMILING

Post Script required:

The Society has always had the best but smallest staff. One at a time, and they deserve mention and thanks for their devotion:

Ellen Brennan Campbell
Jill Wright
Angela Bergman
Carrie Sampson

President's Message

Magna Carta and Its American Legacy

Charles R. Rutherford, Society President

"The democratic aspiration is no mere recent phase in human history ... It was written in Magna Carta."

Franklin Delano Roosevelt, 1941 Inaugural Address



As the world prepares to celebrate the 800th anniversary of the sealing of the Magna Carta on June 15, 2015, it is important for us as citizens and lawyers, to reflect on the importance of this document to our legal system and our way of life.

On June 15, 1215, in a field at Runnymede, King John affixed his seal to the Magna Carta. Confronted by 40 rebellious barons, he consented to their demands in order to avert civil war. The agreement was nullified and England plunged into internal war. Although Magna Carta failed to resolve the conflict between King John and his barons, it was reissued several times after his death. Finally, several

hundred years later, the king agreed to follow the Magna Carta. There are two principles expressed in Magna Carta that resonate today:

- 1.) "No freeman shall be taken, imprisoned, disseised, outlawed, banished, or in any way destroyed, nor will We proceed against or prosecute him, except by the lawful judgment of his peers or by the law of the land."
- 2.) To no one will We sell, to no one will We deny or delay, right or justice."

During the American Revolution, Magna Carta served to inspire and justify action in liberty's defense. The colonists believed they were entitled to the same rights as Englishmen, rights guaranteed in Magna Carta. They embedded those rights into the laws of their states and later into the U.S. Constitution and Bill of Rights. The Fifth Amendment to the Constitution ("no person shall ... be deprived of life, liberty, or property, without due process of law ...") is a direct descendent of Magna Carta's guarantee of proceedings according to the "law of the land."

Magna Carta has become a universal symbol of due process, the rule of law, and restraint on powers of the state. It outlines basic rights with the principle that no one is above the law, including the king. The Great Charter has been instrumental in the development of some of our key legal values, such as habeas corpus, trial by a jury of one's peers, the right to a speedy and fair trial, and protection against excessive fines or cruel and unusual punishment.

Throughout the centuries, Magna Carta has inspired other great documents of freedom, including the Declaration of Independence, the U.S. Constitution, the U.S. Bill of Rights and the United Nations' Universal Declaration of Human Rights.

The American Bar Association's Magna Carta celebration will culminate June 11–15, 2015, at historic sites in London and Runnymede where more than 1,000 U.S. lawyers and their families will be in attendance, along with English barristers, solicitors, and some special guests and political leaders.

Society Elects New Officers

At its meeting on April 16, 2015, the Society's Board of Directors unanimously elected Charles R. Rutherford to be its new president. Carl W. Herstein was elected Vice President. Lawrence P. Nolan was elected Secretary. John P. Jacobs was elected Treasurer.



The Society's Board of Directors pictured here, front row, left to right: John P. Jacobs, Treasurer; former Justice Charles L. Levin; Lawrence P. Nolan, Secretary; Wallace D. Riley, President Emeritus; Charles R. Rutherford, President; Judge Denise Langford Morris. Back row, left to right, Judge Alfred Butzbaugh; Janet Welch; Matthew C. Herstein; Judge Fred Borchard; Bruce Courtade; Carl W. Herstein, Vice President; John Fedynsky; Mary Massaron; Stephen K. Valentine Jr. Not pictured: Judge Avern L. Cohn; Peter H. Ellsworth; Julie I. Fershtman; Susan E. Gillooly; Hon. Michael G. Harrison; Ronald D. Keefe; Frank J. Kelley; John W. Reed; Richard D. Reed; Hon. James L. Ryan.

Gillooly Elected New Member of Board of Directors



Susan Gillooly was elected by the Society's Board of Directors to a term ending in 2018. Ms. Gillooly is employed at the U.S. Attorney's Office in Detroit, where she is the Deputy Chief of the General Crimes Unit, specializing in the prosecution of federal firearms and narcotics cases. Prior to this position she prosecuted attorneys for the State Bar of Michigan on ethical violations.

Ms. Gillooly sits on the Judicial Qualifications Committee for the State Bar of Michigan, the Character and Fitness Committee for the State Bar of Michigan, and is the Vice President of the Federal Bar Association – Eastern District of Michigan. She is also active in the Irish Lawyers Association, the Catholic Lawyers Association, the Federalist Society, the Eastside Republican Club, and the Grosse Pointe Women's Republican Club.

She lives in Grosse Pointe Park with her two sons.

At the Michigan Supreme Court Learning Center

by Rachael Drenovsky, Learning Center Coordinator

Law Day, May 1st

On May 1, the Michigan Supreme Court Learning Center celebrated Law Day 2015 with special tours that followed the national theme “Magna Carta: Symbol of Freedom Under Law.” Activities illustrated how concepts in England’s Great Charter – such as the rule of law, due process, and trial by jury – were written into the U.S. Constitution and Michigan Constitution.



Students play characters related to the Magna Carta, U.S. Constitution, and Michigan Constitution.



Justice Richard Bernstein speaks to students from Gardner Leadership, Law, and Government Academy in Lansing.

Michigan Court of Appeals, 1965–2015

To commemorate the 50th anniversary of the Michigan Court of Appeals, a temporary exhibit is on display at the Learning Center. Through artifacts, text, and images, the exhibit discusses the history of the Court of Appeals and how a case is decided. The exhibit will remain on display at the Learning Center, Monday–Friday, 9 a.m.–4 p.m., through July 31.



Exploring Careers in the Law, July 20–24

The Learning Center is also pleased to partner with the Michigan Supreme Court Historical Society to offer Exploring Careers in the Law 2015. High school students from across the state will act as justices and attorneys to argue and decide how far First Amendment protections of free speech extend to ranting on social media. Guest speakers will include members of the judiciary, court staff, law professors, and appellate attorneys. Throughout the week participants will work with attorneys and law students to prepare their oral arguments and opinions. Program applications are available through the Learning Center website at <http://courts.mi.gov/education/learning-center/Documents/MootCtApplication.pdf> or by contacting Rachael L. Drenovsky, Learning Center Coordinator at 517-373-5027 or drenovskyr@courts.mi.gov. Limited openings remain.



2014 Exploring Careers in the Law program



1st Floor, Hall of Justice
925 W. Ottawa Street
Lansing, MI 48915

Presorted First Class
US Postage
PAID
Permit #1200
Lansing, Michigan

2015 Society Member Contribution Form

Please use this form if you would like to begin or renew an annual membership to the Society for 2015. We are a 501(c)(3) nonprofit organization so all contributions are tax-deductible for federal income tax purposes.

Name _____ **Individual \$100.00 / Advocates Guild \$150.00**
Life Membership \$1,000.00

Address _____ **TOTAL PAYMENT \$ _____**

City _____ State _____ ZIP _____ Check Enclosed ☐ Credit Card ☐
Circle one: Visa MasterCard American Express

Phone _____ Email _____ Name on card _____

Please detach this form and mail to: Michigan Supreme Court Historical Society, 1st Floor Hall of Justice, 925 W. Ottawa Street, Lansing, MI 48915. Account Number _____

Exp. Date _____ CVV Code _____

Visit www.micourthistory.org to pay online! Thank you for your support! Signature _____

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

E-mail CARRIESAMPSON@MICOURTHISTORY.ORG Website: WWW.MICOURTHISTORY.ORG