



Society Update

The Official Publication of the Michigan Supreme Court Historical Society

Winter 2014

25 Years: A Review

From Society President Wallace Riley's Report to the Michigan Supreme Court in October 2013.

"Mr. Chief Justice, Associate Justices, Society Board Members, Members of the Bar in attendance, ladies and gentlemen: It's my great pleasure to make another brief appearance on behalf of the Michigan Supreme Court Historical Society at the Court's "Opening of a new Court year".

There is something special about any "opening" and unique about another year... sort of a mixed feeling of opportunity and hope. And it is right that we should covet the chance to make the most of it.

But on this appearance I would like to focus on the past, in fact the past 25 years. Because this year the Society marks its 25th year since its founding in 1988. You have before you the Preface to our report which explains why and how the Society came about. The full report following sets forth a subject summary of the areas of activity that have evolved over the years.

On several occasions, we have been asked what is the most significant accomplishment of the Society? The response is the Portraits (collecting, repairing, refurbishing, cataloging, copying, dedicating, and hanging) on many different walls. So after 25 years, we may be back to the future. But going into the future, portraits are important because they are the faces of the Court as an institution. The cases you decide are for the lawyers. The portraits are of real persons chosen by the people to administer the rule of law.

Next time you are standing by the Supreme Court seal outside the Courtroom, take a look at Chief Justice Mennen Williams, 84th justice; Justice James Brickley, 92nd justice; Justice James Ryan, 89th justice; Justice Robert Griffin, 96th justice; Chief

Justice Conrad Mallett, Jr., 97th justice; and Chief Justice Dorothy Comstock Riley, 91st justice. If we had a group portrait, there would be 109 justices.

But there is Michigan legal history yet to be made. You will make it. With your help, we shall continue to record it. We are grateful to all the justices of the then and now for the support we have received over the past 25 years. Let us share great expectations... and may God Bless this Honorable Court!"



President Riley's annual report to the court in the old Supreme Court chambers of the state capitol has become a tradition. Here he is shown addressing the 2002 court.

PREFACE

Twenty-five years ago, in 1988, then Chief Justice Dorothy Comstock Riley noticed that several portraits of former Michigan Supreme Court Justices were stacked in a crowded closet in the Clerk of Court's office.

Their trash-like condition called out for "confession and avoidance." Chief Justice Riley opted for "restoration" and conceived the Michigan Supreme Court Historical Society to take on the task. Since then with the Mission set forth below, the Society's activities have expanded into a dozen more projects here listed.

CONT. >>

Save the date! Annual Luncheon Thursday, April 10, 2014



1998 Board of Directors

“The mission of the Michigan Supreme Court Historical Society is 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 the history of Michigan’s courts, and seek to increase public awareness of Michigan’s legal heritage.”

The Society sponsors and conducts historical research, provides educational materials for students, and sponsors and provides publications, portraits and memorials, special events, and projects consistent with its mission.

SPECIAL SESSIONS: Hosted or Participated In

- 7 Investitures
- 19 Portrait Dedications

Other special sessions

- Close of G. Mennen Williams Courtroom
- Opening Ceremony of Hall of Justice
- 300th Birthday of Detroit
- 200th Anniversary of Territorial Supreme Court
- 21 Annual Luncheons

--Bringing together between 100–150 supporters of the Michigan Supreme Court since 1992.

--Featuring legal historical vignettes by authors like Paul Carrington, Paul Finkelman, David Chardavoyne, and John Fedynsky, as well as other scholars and attorneys.

--Recognizing those who have greatly affected Michigan’s legal history through the presentation of the *Dorothy Comstock Riley Legal History Award*.

EDUCATION

- Sponsored the Big Four Writing and Research program that provided a research fellowship to

a graduate student at Western Michigan University

- Exhibited our traveling exhibit at each state law school

- Developed two-week lesson plans for teachers at both the high school and middle school level

- Lesson plans for the *Verdict of History: Top 20 Most Significant Cases of the Michigan Supreme Court*

- Both sets of lesson plans were recipients of Michigan Humanities Council grants

- 14 Coleman interns--and 3 Advocates Guild interns

- 11 Law Student Prize winners from each of the state’s five law schools (\$500 prize)

- Fiduciary for the Learning Center

PUBLICATIONS

- Quarterly newsletter since 1997

- *Index to Special Sessions*

- *Michigan Supreme Court Historical Reference Guide*

- *Verdict of History* booklet (also published in partnership with the *Michigan Bar Journal* in four successive issues 2008–2009)

- *Brief History of the Michigan Supreme Court*

- Two-week lesson plans for high school and middle school and *Verdict of History* lesson plans
- Website where all of this information can be accessed at no charge, any time of the day or night

PARTNERSHIPS: contributed to

- Initiated Round Table of Judicial Historical Societies as one of the first of its kind (only two years



2005 Board of Directors



2009 Board of Directors

after USSC Historical Society)

- Renovation of Flint Courtroom (Genesee County Courthouse Square Project)
- Contributed to restoration of Judge Ross Wilkins portrait in the U.S. District Court for the Eastern District of Michigan
- Participated in Michigan Legal Milestone program with the State Bar of Michigan
- Collaborated with Vincent Voice Library at MSU to digitize and store oral history interviews
- Silver Sponsor, Michigan Women's Historical Center and Hall of Fame, *Women Who Dared to Lead* exhibit
- Co-host of 2004 Law Day event commemorating 50th anniversary of *Brown v Board of Education*
- Partner-host for 50th anniversary of the publication of *Anatomy of a Murder*
- Partner-host of book event celebrating Michigan's County Courthouses
- Commissioned reproduction of Isaac Christiancy portrait for Senate; hosted dedication event

ARTIFACTS

- Recipient of letters, photos, and other historic items relating to the justices and/or the courts of Michigan including the ledger of Justice Allen Morse and the desk & chair of Leland Carr
- Coordinated with the State Archives to house materials related to the Court under the heading of "Michigan Supreme Court Historical Society"

ORAL HISTORY INTERVIEWS

- Recorded with 14 former justices
- Audio available through website
- Transcripts available via website

ADVOCATES GUILD

- Created in 2007

- Nearly 100 members today
- Semi-annual newsletter featuring profiles of great appellate advocates including former Justice Durand and D. Augustus Straker
- Telling the story of the Court from the "other side of the bench"
- Created Pewabic Pottery tile memorializing façade of Hall of Justice for members in 2010

RESEARCH

- Intern projects have included the following:
 - Research and writing for the *Brief History of the Michigan Supreme Court*
 - Research on the biographies of the justices for the *Michigan Supreme Court Historical Reference Guide* (both the current edition and the planned re-issue)
 - Index to Special Sessions* charts
 - Index of Oral Histories (audio/text)
 - Women in the Law project
 - Bibliography project
 - On and Off the Court chart
 - List of all former Court Clerks and Commissioners with dates of service
- Other published articles have focused on:
 - Justices as Governors
 - Justices as Authors
 - The First Decade of the Supreme Court of the Territory of Michigan (by Chardavoyne)
 - History of the Commissioners' Office
 - History of the Criers' Office
 - 1986 Election
 - Defeat of Bert Chandler
 - Top Cases: The Verdict of History
 - Judicial Selection: The history of Michigan's election system for the Supreme Court.

PORTRAITS

- Worked with Court Curator to identify, locate, and catalog the portraits
- Commissioned the portraits of justices who had not had a painting done during their lifetime
- Coordinated with an art restorer to overhaul the portrait of Nathaniel Bacon, which was in shreds, and re-dedicate it to the Court
- Annual inventory of portraits and on-going restoration work

All along the way we have been led by our outstanding Board of Directors!

Tribute to Patricia Boyle

94th Justice of the Michigan Supreme Court



Patricia Jean Ehrhardt Pernick Boyle

March 31, 1937–January 13, 2014

Patty had three of her four sons while in law school at Wayne State. Not only did she manage to graduate, she was first in her class. That excellence did not translate into a job after graduation. The last of her class to be hired, she found a job clerking for Judge Thaddeus Machrowicz in the U.S. District Court for the Eastern District of Michigan from 1964–1965. She moved on to the U.S. Attorney's Office where she met her husband Terrance Boyle. Together they wrote Michigan's criminal sexual conduct statute, which became the model for similar laws around the country. She worked as the Director of Training and Appeals in the Wayne County Prosecutor's Office from 1970–1976, leaving only upon her appointment to the Detroit Recorder's Court. In 1978, President Carter named her to the U.S. District Court for the Eastern District of Michigan--where she got her start 14 years earlier as a clerk--to replace Judge Damon Keith. Her appointment was confirmed by the Senate on September 22, 1978. She had received a lifetime appointment at just 41 years old. But after five years she left for the Michigan Supreme Court, which she enjoyed for 15 years. She worked for the law firm Kienbaum Oppenwall Hardy & Pelton after retirement and joined the Board of Directors of the Society in 2009, chairing the Portraits Committee. She will be greatly missed by all who knew her. May she rest in peace!

“...but in the end I hope I will be remembered for the following: I'd like to be remembered by my children and my husband as a pretty good mom and a pretty good wife. I'd like to be remembered by my grandchildren ... as a little bit better than an average granny, and I'd like to be remembered by my colleagues on the Court as honest and guileless, even naive perhaps. I'd like to be remembered too as smart and tough. And I'd like to be remembered as funny because I love having fun. But most of all, I'd like to be remembered for the real reason that I came to the Court. I'd like to be remembered as someone who was a trial judge who never forgot that the criminal justice process must never forget about the victims of crime. That's why I came to the Court to try to have an influence on, and I think that I left some footprints in the sand because of the opportunity you gave me toward advancing that objective.”

Excerpted from Boyle's remarks at her portrait dedication on November 1, 2001.

Executive Director's Report

Carrie Pickett cpickett@micourthistory.org

Writing the tribute for former Justice Patty Boyle who died earlier this year was a heart-felt experience. This is true not only because I had known her from our Board of Directors for the past five years, but because of how she came to life in my reading of the special session transcripts. There is so much that cannot be conveyed in a simple biography. For example, how brilliantly her mind worked or how assiduously she worked to know the law. How well known she was for her sense of fun and her deep laugh. But most strikingly to me, her love for her family. She passed on being the next U.S. Attorney General under President Clinton because she would have missed out on the lives of her grandchildren, as just one example.

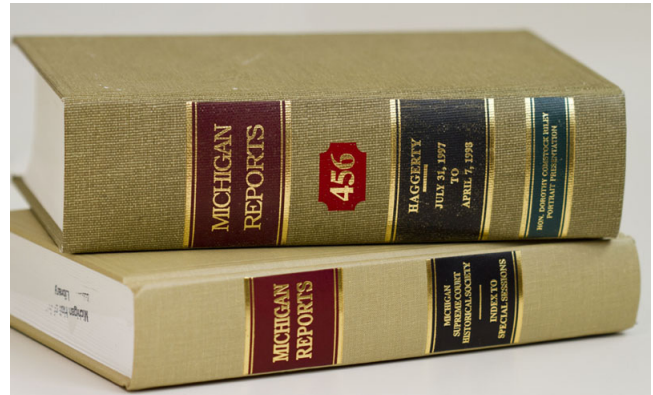
Justice Boyle's portrait was dedicated on All Saints Day 2001. Six weeks or so after the attacks of 9/11. But the transcript of her portrait dedication--found in our *Index to Special Sessions*--is full of love and fun, like the story about her Tupperware party with Mary Coleman. Check it out on our website if you don't know what I mean.

As President Riley pointed out in his speech before the Court in October, one of the most important duties of the Society is the maintenance of the portrait collection. Justice Boyle called portrait dedications "great occasions" because "they are celebrations of the past that represent the completion of political life."

So much can be learned about life and leadership through reading the transcripts of the special sessions. Besides portrait dedications like Justice Boyle's, the book contains a list of the Chief Justices of the Michigan Supreme Court from 1836–2004, charts of the Courts by Year (1805–2004), and alphabetical indices of the special sessions by honoree, speaker, and date of event.

The *Index to Special Sessions* was published ten years ago, in 2004. It begins with the first act of the newly formed Michigan Supreme Court Historical Society, the dedication of an historical marker outside the old Supreme Court courtroom in the Capitol on April 28, 1988.

The book goes on to record state of the judiciary addresses for 1988, 1990, 1994, 1995, 1998, and 2000



by five different chief justices; the portrait dedications of G. Mennen Williams, Talbot Smith, Thomas G. Kavanagh, John Fitzgerald, James Ryan, Robert Griffin, Dennis Archer, Eugene Black, Dorothy Comstock Riley, Charles Levin, John Voelker, Patricia Boyle, Neil Reid, Edward Sharpe, and James Brickley. The investiture ceremonies of Elizabeth Weaver, Marilyn Kelly, Clifford Taylor, Robert P. Young, Jr., and Stephen Markman; the groundbreaking ceremony for the Hall of Justice, closing ceremony in the Law Building, and Hall of Justice dedication ceremony, as well as the Detroit Proclamation (on its 300th birthday) and several opening sessions.

The *Index to Special Sessions* thus is both a history of the Court and a history of the Society. All of the information in the book--and much, much more--can be accessed via our website at www.micourthistory.org. But the book is a beautiful, hard-cover way of having it all together.

We now have a select number of copies of the *Index to Special Sessions* that we want to make available to YOU. They can be given as a gift or presented as an award. Whatever you feel is the most inspirational way to share the legacy of our Court and its people with others.

There is no charge for the book, but we do ask that you arrange for local pick-up or shipping. Please contact me by email cpickett@micourthistory.org to figure out distribution.

Save the Date!
Annual Luncheon
Thursday, April 10, 2014

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Please note the Society has made a sincere attempt not to forget anyone, misspell any names, or incorrectly account for donations. If you have a question or notice an error, please contact the Society at (517) 373-7589 or cpickett@micourthistory.org. Thank you for your support!



1st Floor, Hall of Justice
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Lansing, MI 48915



Annual Luncheon

Thursday, April 10, 2014
at the Detroit Athletic Club

INVITATIONS TO MAIL IN MARCH
TO ALL CURRENT MEMBERS

2014 Annual Luncheon

with historical vignette by David A. Collins

During the Civil War, most northern states altered their election laws to allow absent soldiers to vote. The move was radical and controversial at the time.

In 1864, Michigan enacted such a law and soldiers used it to vote in the 1864 elections. The ballots of absent soldiers were decisive for Washtenaw County Prosecutor, electing Daniel Twitchell, the Republican candidate. But among civilian votes cast at home, the Democrat Amos Blodgett received more votes. The county election canvassers deemed the soldier-voting law unconstitutional, and gave the election to Blodgett. Twitchell contested the outcome in Court, eventually reaching the Michigan Supreme Court in 1865.

The historical vignette will describe *People v Blodgett*, place it in context of the constitutional and political conflicts of the time, and invite reflection on the role of the judiciary in shaping election outcomes.