



SOCIETY UPDATE

The Official Publication of the Michigan Supreme Court Historical Society

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In Memory of Wallace D. Riley & John W. Reed



*Mr. Riley presents the
Legal History Award to John Reed.*

At the Society's 2008 Annual Membership Luncheon, commemorating the Society's 20th anniversary, then-President Wallace Riley remarked that "The Historical Society was incorporated in April of 1988. Then-Chief Justice Dorothy Comstock Riley recognized the need for an entity separate from the Court to collect, preserve, and record its history. She suggested the creation of the Society and invited me to undertake its formation. With the help of many others and the continuous approval of the justices, we have managed to flourish and I have been proud to serve as President."

Mr. Riley then presented Professor John W. Reed with the Legal History Award (now known as the *Dorothy Comstock Riley Legal History Award*). The award was created in 2002 to recognize individuals who have greatly impacted Michigan's legal history through support of the Society and its efforts, or through their work in the law. Mr. Riley noted that Professor Reed was the only original board member, and for 20 years the Society had enjoyed the benefit of his wisdom, wit, guidance, and enthusiasm for law and legal history.

The Society, now in its 30th year, mourns the passing of both men.



Far left, law school student Wallace Riley; on the far right, law school professor John W. Reed.
University of Michigan Law School class of 1952.

“But there is one way in this country in which all men are created equal — there is one human institution that makes a pauper the equal of a Rockefeller, the stupid man the equal of an Einstein, and the ignorant man the equal of any college president. That institution, gentlemen, is a court. It can be the Supreme Court of the United States or the humblest J.P. Court in the land, or this honorable court which you serve. Our courts have their faults, as does any human institution, but in this country our courts are the great levelers, and in our courts all men are created equal.”

From Harper Lee's *To Kill a Mockingbird*

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Raconteur and the Rule of Law: Chief Justice Markman's Reflections on Wallace Riley

I met Wally Riley in Washington when he served as President of the American Bar Association and I was working for the Senate Judiciary Committee. In these positions, we had the occasion to talk about a variety of ABA legislative initiatives, as well as the ABA's, and Wally's, goal of advancing internationally the "rule of law." As Wally wrote in the *ABA Journal* at the time, this goal was based on the belief that lawyers can serve as "emissaries of cooperation" among nations by advancing an understanding of the legal precepts that had informed American civilization. During his tenure as president of the ABA, Wally traveled to the Soviet Union and China to confer with members of the legal profession and law-related organizations in those nations.

Later, when I returned to Michigan, I came to know Wally as co-founder and President of the Supreme Court Historical Society. Until the end of his life he was caretaker of the legacy of one of the most remarkable Justices of this Court, Dorothy Comstock Riley, now forever memorialized among the historical portraits of the Hall of Justice as our first Hispanic-American Justice. However, despite his deep love for her, he never lost sight of the contributions of any of the other 112 Justices who have served the Court before or after her tenure.

In each of these realms, I knew Wally Riley as a man of the law, a skilled and respected private practitioner, a man steeped in the history and traditions of his profession, one sophisticated and more-than-occasionally passionate in his views of public policy, and a raconteur of the quirks and personalities of our nation's legal culture. There is no Justice of the Michigan Supreme Court who is not in Wally's debt for his efforts in establishing the Historical Society, an institution remarkable for its celebration of the history and jurisprudence of the High Court of our state, and an institution that continues to flourish as it enters its third decade.

Wally told many stories but he didn't talk much about himself. Neither he nor Justice Riley recorded an oral history, which is a loss and should be borne in mind by my colleagues, but I believe he felt that his work spoke for itself. At the first Annual Luncheon after Justice Riley passed away, Wally observed that she had attended and participated in all of the Society's Board meetings following her retirement from the Court in 1997, and added further, "But somehow I'd like to think she's here in spirit." For myself, I feel that they have been reunited and are now together watching over what we do to preserve our legal history for the people of Michigan. Wally is quoted as having said the following concerning the creation of the Society, "Dorothy wanted to have an institution that could represent the court in a non-political fashion. When Michigan became a state, there was the court."

I will always cherish the beautifully-bound volume Wally and Dorothy presented me after one successful election campaign — Zechariah Chafee's *Freedom of Speech*, a landmark analysis of one of the subjects of Wally's passions. Chafee was a long-time member of the ABA's Bill of Rights Committee and served as a major intellectual influence upon both Justices Oliver Wendell Holmes and Louis Brandeis in their First Amendment writings. Inscribed inside the book that Wally and Dorothy presented me were the words, "With the guidance of the courts, our polity can survive almost limitless dissent." While John Milton was probably correct when he wrote, "Let [Truth] and Falsehood grapple; who ever knew Truth put to the worse in a free and open encounter," I would feel far more confident of Milton's proposition if Wally himself were still around to offer his *own* guidance to those same courts.

STEPHEN J. MARKMAN is the 103rd Justice of the Michigan Supreme Court. He was appointed to succeed Justice James H. Brickley on October 1, 1999, was elected to the remainder of that term on November 7, 2000, and to eight-year terms in 2004 and 2012. His current term ends on January 1, 2021.

John Reed: The Fred Astaire of the Law School World

By Justice Bridget McCormack

Part of me thinks that it was a mistake to agree to write this. You can't capture John Reed in 500 words or fewer. And it's not just the limit on the number of words, but also the limits of my ability to make them sing appropriately for the subject. It's a job more for a poet than a judge.

John was an extraordinary teacher. Most lawyers don't understand hearsay. All lawyers who were John's students do. He was a treasured colleague. Over many decades he was the person deans would turn to whenever a particularly sticky issue threatened to divide the community. He was a gifted administrator, giving mentor, thoughtful scholar, masterful storyteller, and passionate choir director. He was elegant and gracious. He was warm, and always kind. He was insatiably curious about the world and had an unforgettable twinkle in his eye. He was a giant.

His students and colleagues universally adore him for all of these qualities. I was fortunate to be his colleague at the University of Michigan Law School for twenty years. And in the last few years, in particular, he gave me more than my fair share of mentorship, and thoughtful insight during many conversations about wide ranging topics.

Ted St. Antoine called him the Fred Astaire of the law school world. And his explanation for this metaphor is perfect: "That doesn't mean John would win prizes for his waltzing and tangoing; the kinship runs much deeper. There is the same purity of line in gesture and speech, the same trimness of content and grace of expression, and the same ineffable talent for brightening up a scene just by entering it."

For many decades John served as the dean of sorts to the International Society of Barristers. The ISOB is the elite, international, invitation-only, organization of trial lawyers. The barristers are the very best of the best in the profession. And as their dean, John addressed the barristers each year at the end of their annual meeting. He gave them their charge. His lectures often addressed pressing issues of the day and lawyers' roles in them. He always reminded them of their power and their responsibility to bend the arc of history in the direction of justice.

In 1994 John's ISOB lecture was titled "They're Playing a Tango." It was about how lawyers should think about the change that is happening around us. His warning in the lecture does a nice job of capturing his own approach to everything, and I have reread it many times therefore. Because being more like John Reed is on my daily to do list. Here's the punchline: "All that is required is constant inquiry, and creativity and unselfishness in addressing the challenges that bear upon us... [I]t is essential that we address ourselves thoughtfully and intentionally to the future. We shall be overwhelmed by events if we do not anticipate them and if we do not invent new ways of coping with them. Like the women on the dance floor, we'll merely be waltzing faster while the world is playing a tango."

The world is a lot less bright without John in it. He was one of a kind and, lucky for me, my friend. I loved him very much.

BRIDGET M. McCORMACK is the 108th Justice of the Michigan Supreme Court. She was elected on November 6, 2012, to succeed Justice Marilyn J. Kelly. She joined the faculty at the University of Michigan Law School in 1998 where she taught criminal law and legal ethics while also creating a domestic violence clinic and a pediatric health advocacy clinic. In 2002, she was made associate dean for clinical affairs, and in 2008 founded the Michigan Innocence Clinic. Her current term on the Michigan Supreme Court ends on January 1, 2021.

In Memoriam: Wallace D. Riley Esq.

By Charles R. Rutherford, Past President, MSCHS



Photo courtesy of the State Bar of Michigan

The legal profession and the Michigan community suffered a great loss with the death of Wallace D. Riley Esq. on Thursday, May 17, 2018, at the age of 90 years. He was preceded in death by his wife, Honorable Chief Justice of the Michigan Supreme Court (Ret.) Dorothy Comstock Riley, who died on October 23, 2004.

Mr. Riley leaves a record and legacy of extraordinary achievements and accomplishments. In 1945, he graduated first in his class out of 477 students from Southeastern High School in Detroit, where he was on the varsity basketball team and was named to the 1945 Detroit "All City" basketball team. He accepted an Honor Entrance Scholarship to the University of Chicago where he earned a Bachelor's degree in Philosophy in 1947. He also lettered in basketball and baseball at U of C, in its last year in the Big Ten Athletic Conference.

In 1947, Mr. Riley enrolled at the University of Michigan where he received three degrees, including a Bachelor of Business Administration (1949), a Master of Business Administration (1952), and a Juris Doctor, also in 1952. His career at the University of Michigan included serving as an instructor teaching labor relations, taxation, real estate valuation, and finance.

Later on, Wally served two years in the U.S. Army where he initially attended the U.S. Army Judge Advocate General Legal Center and School, then was commissioned as a first lieutenant. He then was selected as a member of the Special Counsel Staff to the Secretary of the Army Joseph N. Welch, in connection with the Army-McCarthy hearings before the Permanent Subcommittee on Investigations of the United States Senate.

The Army-McCarthy hearings, held for several weeks in April 1954, sprung from Wisconsin Senator Joseph McCarthy's charge that the Army was "soft" on communism and that there were "200 known communists" in the U.S. Department of State. The hearings came to a head when McCarthy tried to smear an associate of the Army's chief counsel, Joseph Welch. With incredulity, Welch uttered his famous "have you no decency" remark, which elicited boisterous cheers and applause from the packed audience. McCarthy's popularity, which had already waned, crumbled soon after. The U.S. Senate voted to censure him in December 1954.

Wally indicated to me a number of times that he always wanted to write a book about his U.S. Army legal assignment at the Pentagon during the Army-McCarthy hearings. One historical film of the Army-McCarthy hearings shows First Lieutenant Wallace D. Riley entering the Senate, carrying two briefcases, and following Special Counsel Joseph Welch. While attending to this special assignment, he also had time to earn a Master of Laws degree in 1954 from George Washington University in Washington, D.C.

Upon his honorable discharge from the U.S. Army, Wally returned to Detroit and joined the law firm of Dykema, Jones & Wheat. I first met Wally around 1959 through his high school classmate and friend George T. Roumell, Jr. I first met George at the University of Detroit School of Law where he was an instructor. Both Wally and George started the Junior Bar Association, beginning my professional life in the law.

Current State Bar of Michigan President Donald G. Rockwell praised Mr. Riley: "Wally was a true pillar in the State Bar of Michigan and the American Bar Association. He was greatly loved by all who knew him and he will be deeply missed."

Wally was a true professional through his scholarship, leadership, and dedication to the legal profession and the rule of law. As examples, he was a very active volunteer with the State Bar of Michigan, Michigan State Bar Foundation, Michigan Supreme Court Historical Society, Detroit Bar Association, Federal Bar Association, Incorporated Society of Irish American Lawyers, and American Bar Association. He served as president of the Michigan State Bar Foundation from 1974 to 1982, and was a founding members of its Foundation Fellows Program. He served as president of the Michigan Supreme Court Historical Society for more than 25 years, and was president of the Michigan Historical Center Foundation.

Mr. Riley chaired the Michigan Attorney Discipline Board from 2000–2002. He served as chair of the Young Lawyer Section of the State Bar of Michigan and the Detroit Bar Association. He was national director and chairman of the Continuing Legal Education Committee of the ABA Young Lawyers Division. He served as president of the Federal Bar Association Detroit Chapter and Sixth District National Vice President of the FBA. Additionally, he co-wrote the *Wayne County Practice and Procedure Handbook* with attorney Allan Neef.

Wally also served as an incorporator and past president of the Incorporated Society of Irish American Lawyers. He arranged a trip in 1989 for the Society to visit Ireland and meet with the Law Society of Ireland and the Supreme Court of Ireland. Wally died on the 40th anniversary of the Society, which was holding its annual dinner on May 17, 2018, at the Gem Theatre in Detroit.



Charles Rutherford and Wallace Riley (standing) at an FBA meeting in Atlanta, circa 1995. Seated are John MacMillan, Alan Harnisch, Geneva Halliday, Marcel Phillips, Lawrence Campbell, and Thomas Cranmer.

Mr. Riley and Justice Riley co-founded the Michigan Supreme Court Historical Society in 1988, while Chief Justice Riley was serving on the Court. Wally served as the Society's president for 27 years, until 2015. He was dedicated to contributing his time, talents, and finances to this organization. The Society celebrated its 30th anniversary on Thursday, April 19, 2018, at the Detroit Athletic Club. Although Wally could not attend, he was recognized that day for his many contributions. I believe that the Michigan Supreme Court Historical Society is Wally's legacy to the Michigan legal profession.

Wally was also very prominent in other civic activities. He served as a member of the City of Detroit Commission on Community Relations. He served as a lifetime member of the NAACP, on

the Board of Directors of the Detroit Chapter of the American Cancer Society, and on the Board of Directors of Blue Cross Blue Shield of Michigan from 1992–2002, and again from 2008–2018. In addition, he served on the Board of Directors of the SJS Bancorp Inc., and as Chairman of the Board of Tech Team Global Inc. He also served on the Michigan Board of Canvassers. For his outstanding achievements, he received many awards, among them the State Bar of Michigan's *Roberts P. Hudson Award* and the Michigan State Bar Foundation *Founders Award*.

No one knew Wally better than George T. Roumell Jr. In 1968, George, Wally, and Dorothy Riley founded the legendary law firm of Riley and Roumell with offices in the Ford Building in Detroit. In summing up Wally's career, George wrote in the 1983 *Michigan Bar Journal* when Wally became President of the American Bar Association: "Wally is a lawyer's lawyer, a Bar person through and through, a civic leader, a scholar. He is politically savvy, a person of principle, a sports buff, and a delightful friend. Few understand Bar activities the way Wally does. The hours and hours he has devoted to the interest of the Bar are legendary among those of us who practice with him."

A funeral service was held at 10 a.m. on May 22, 2018, at St. Paul on the Lake Catholic Church, 157 Lake Shore Road, Grosse Pointe Farms. Internment followed at Mount Olivet Cemetery. May he rest in peace.

Tribute to John Reed

By John Fedynsky, MSCHS Board of Directors



Photo courtesy of the State Bar of Michigan

Professor John Reed first crossed paths with me in April 2004 at the University of Michigan Law School. He was the subject of the last interview I ever did for *Res Gestae*, the student newspaper. Our long-format interviews of faculty members were quite popular, and we decided to profile John.

Why? Because he came out of retirement to teach an evidence class on short notice. Word of mouth had gotten around campus that there was a delightful, elegant professor emeritus who, in his eighties, was dazzling students like he had never left the classroom.

I sent John an email requesting an interview — also on short notice. He agreed. His email foreshadowed his signature wit and intelligence. “I am always uneasy about conversations that may be published, but I am willing to respond to your request and see what happens,” he wrote.

What happened, indeed. I met him in a quiet and forgotten corner of the Law Quad, up in the library stacks where other professors emeritus had a cluster of offices. We had a great conversation about his life in the law, and so many other interesting topics — being a

law student when Pearl Harbor was attacked, practicing on the home front during the war, getting into teaching, Ann Arbor over the years, that first class of his at Michigan Law (which included Society co-founder Wallace Riley), his years of activity with the International Society of Barristers, and much more.

John gave our paper nothing to edit, because it was all that good. Over seven pages of print, three columns across — including the cover page, of course. He would later ask me for copies of the paper to send to family. He thanked me for my generous and gentle handling of the interview, but there was no need. John embodied those characteristics all on his own, with plenty of other virtues to spare. He later honored me with the request to print the interview in a collection of his speeches that the Barristers published. With that request, he had me at hello.

How did you end up in the law?

I’m not quite sure when or why I decided to go to law school. There were no lawyers in our family except an uncle who went to law school, practiced a year or so and gave up and went into the book business. Somewhere along the way I just decided I wanted to be a lawyer and kept saying that. I never really reexamined the decision or was asked to justify it. I have never regretted it or had any doubts along the way.

When and where did you go to law school?

I went to Cornell Law School. I left for law school on the same weekend that Germany invaded Poland to start World War II. I was raised in Kansas City and had gone to college in Missouri and chose then to go east to law school, not really knowing much about Cornell as a school. [...]

What was it like being there as World War II was getting started?

[...] The war didn’t make much difference really until Pearl Harbor. But after Pearl Harbor, almost every day there would be one or two people gone from the class, having been drafted. At the end of the year we had no graduation ceremony because there were not enough people left to justify such a ceremony. We had a reception at the dean’s house and that was it. [...]

Did many of your classmates go and enlist voluntarily?

Yes, yes. Most were drafted, but a fair number enlisted. I, myself, was not in the service. Though called up

twice and volunteering once, I was turned down each time on physical grounds—a heart that was not quite sound and eyesight that was bad, among other failings. ... I graduated in 1942 and went into practice in Kansas City. There was great opportunity everywhere because all the junior partners and senior associates were being called up, and there was a lot of work that needed to be done. [...] Some firms were taking women for the first time. There were no women in the firm I joined, but it hired three very quickly at about the same time I came.

[How did you end up teaching law?]

[...] I received inquiries from some law school deans about whether I'd be interested in teaching. A faculty member at Cornell apparently had given my name to these people at a time when the law schools were gearing up to receive the flood of veterans returning under the G.I. Bill. I thought, well, I'm about ready to make a change anyway. So I won't lose anything if I try to teach and don't like it. I can come back and go into practice someplace. I accepted an invitation to go to the University of Oklahoma Law School and instantly liked teaching, and I have never considered doing anything else.

How is it that you ended up at Michigan?

[...] I went off to Columbia for a year on a fellowship to work in the field of civil procedure, which became the area of my dissertation. While I was there, the then-dean of the University of Michigan, Blythe Stason, came calling and asked if I would be interested in the possibility of a position at Michigan. And so I came to Ann Arbor for interviews. An offer led to my joining the faculty in the fall of 1949.

What were the students like back in 1949?

[...] After the war, nearly everyone had been away for awhile in service, which added a level of maturity and to some extent dedication and seriousness. Over the years since then, a lot more students have done something else before coming to law school — employment, graduate study, travel, whatever. The consequence of that for the teacher is a student body that is a little more sophisticated, brings differing perspectives to bear and the classroom becomes richer because of those experiences.

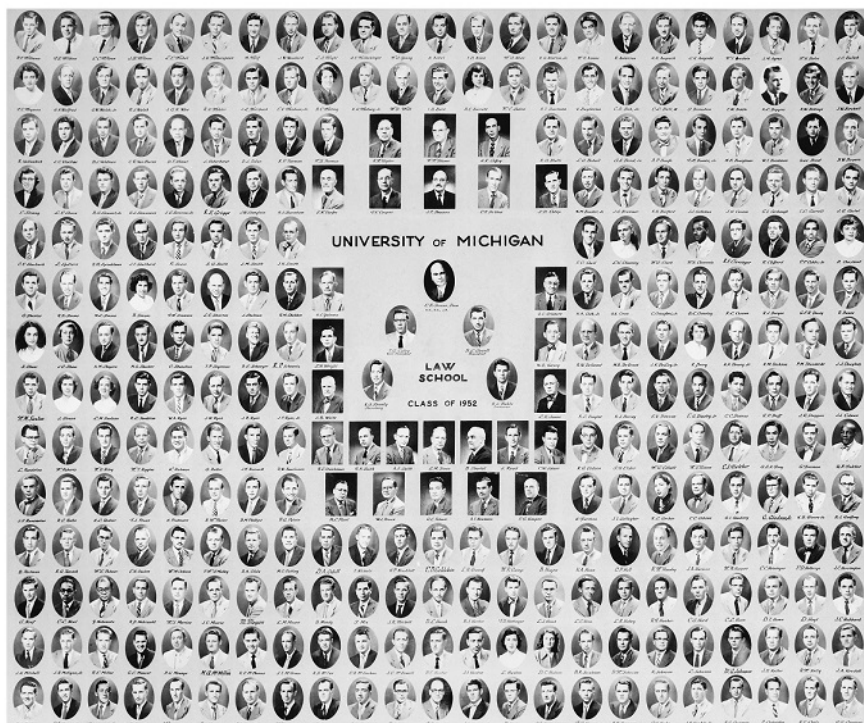
Is there one class you remember vividly in the many years you've been teaching — one set of students?

Well, yes, it's the first class that I had here. They entered in 1949. They graduated in 1952. So we had our

first three years here together. I remember more of them by name than I can remember recent students by name. Part of that of course is that they were high achievers, and I keep running into them around the country (though it now makes me feel old to realize that most of them are retired by now). I must concede a bias in their favor because they generously endowed a scholarship in my name [as their fiftieth reunion gift].

You've visited in many schools, haven't you, over the years?

[...] I was a semester at Harvard and a year at Yale. I taught a summer at Chicago and a winter term at San Diego. I taught a summer term at NYU early on. And I have been a regular member of the faculty at Colorado, Michigan, Oklahoma, and Wayne State. And a couple of



summers at the Salzburg seminar in Austria.

You were dean at both Colorado and Wayne State?

I didn't learn my lesson at Colorado, or I wouldn't have done it again at Wayne. (laughing)

So was it a challenging experience, would you say?

It was no mistake to do either one of them. I enjoyed them. First of all, I got acquainted with new arenas in the law school world — dealing with alumni, university administrators, local bar associations, professional groups like the ABA and the Association of American Law Schools and the ABA, being concerned about student life, and raising money. Most of those experiences I enjoyed.

I didn't enjoy the personnel part of things, especially faculty evaluation. And as a faculty member most of my life, I know that no dean can keep the faculty pleased 100 percent of the time. So the personnel part of deaning, I didn't particularly enjoy, but the rest of it I did.

I enjoyed the Wayne State deanship in particular because of the character of the Wayne State student body, which has many students who are the first in their families to have access to higher education, let alone professional training. Those students are thrilled to be there, honored to be there. Students in top tier schools like Michigan sometimes give the impression of having a sense of entitlement since, by definition, they have been consistently outstanding in their pre-law years. Large numbers of the Wayne students were openly excited to be successful and felt they were honoring their supportive families. To see their reactions was very moving.

Going back to teaching, how did you find an interest in evidence?

I simply was assigned to teach the course. (laughs) I hadn't tried any cases as a young lawyer. I was a tax lawyer. The dean [at Oklahoma] said, "I need to have you teach evidence." And so that was it. [...] I enjoyed it but didn't expect to concentrate in it. Civil procedure was going to be my field. I was a graduate fellow in civil procedure at Columbia and wrote my dissertation on compulsory joinder of parties.

Through the years, I continued to teach procedure, but I also taught evidence regularly and came, in due time, to consider it my primary interest. I find evidence a delightful and fun course to teach. The situations are invariably interesting. It's no wonder that television and movies and the stage all deal with lots of lawsuits because most lawsuits are inherently intriguing.

[...] For many years, I managed the annual advocacy institutes that were first done by the Law School and then taken over by the Institute of Continuing Legal Education. With as many as 1,500 lawyers in attendance in Hill Auditorium, we presented the nation's best-known trial lawyers, who engaged in trial demonstrations with comparative cross-examinations. Those institutes consumed a lot of my time for many years, writing the scenarios, assembling the casts, and presiding over the sessions.

Has it been a challenge keeping up with the evolving federal rules of evidence?

A challenge, but an interesting one. The adoption of the federal rules in 1975 simplified the law by giving us something closer to a common source, and it changed the way evidence is taught everywhere.

You also have an interest in judicial selection?

[...] My particular interest in judicial selection, however, has been at the state level, particularly Michigan. Michigan's judges are chosen supposedly by partisan nomination and nonpartisan election — which itself is a bit crazy. But since the governor can fill interim positions by appointment and the interim people run with a ballot designation as "judge" whereas those who are not incumbents have no designation and almost never win, probably a majority of judges reach the bench by way of a largely unfettered judicial appointment system. I firmly believe it does not work to Michigan's advantage.

You're affiliated with the International Society of Barristers. Would you tell us about them?

Yes, I'm their administrator and editor. About 35 years ago, there began to be concern among some trial lawyers that all the trial lawyer organizations were oriented too much to the particular classes of clients they represented. [...] So this group that became the Barristers Society said that, advocates being advocates for all parties who need them, there ought to be a less cause-oriented place where they could come together and talk about issues that are common to all. The group put together the International Society of Barristers. They used the term Barristers, not to adopt the English dichotomy, but rather to distinguish the Society from other groups like the American College that included the term "trial lawyers."

It's an honorary society, and Fellows must be nominated by a member of the Society.

They're screened by their peers and by at least a half-dozen trial judges before whom they've appeared. They must be excellent advocates of unquestioned integrity, and they must be "amiable of disposition," a quality relatively uncommon among trial lawyers. A rule of the annual meetings is that they may not talk about their

cases. But there is an exception. They can talk about cases they lost — so there is not a lot of shop talk.

Their spouses attend the sessions also and the programs, therefore, are directed not just to lawyers, but to intelligent, questing people in general. A speaker at the most recent meeting, for example, was a justice of the Ontario Court of Appeals who apparently is going to be appointed to the Supreme Court of Canada, talking about human rights, herself a Holocaust survivor. A man named Bryan Stevenson from the Equal Justice Initiative of Alabama, dealt with the provision of legal services to the poor. A woman who is Ansel Adams's biographer and curator of his photographs, spoke about him and his vision, not about the law at all. [...] With this kind of program, the Fellows go back home with their memories refreshed as to the ideals with which they became lawyers, and particularly trial lawyers.

One story you reportedly shared with your students is how you heard Thurgood Marshall argue *Sipuel v. Board of Regents*. Please tell our readers about that.

When I was a beginning teacher at Oklahoma, Ada Lois Sipuel (later Fisher) applied for admission to the law school. On order of the Board of Regents, the school denied her application on the sole ground that she was "colored." Litigation, sponsored by the NAACP, produced a ruling that she was entitled to a legal education either at the University of Oklahoma or at an "equal or substantially equal" Oklahoma school. In a matter of days, the legislature created the Langston University Law School, and Ms. Sipuel was invited to apply. Langston was an all-black university some miles north of Oklahoma City, but the law school was sited in Oklahoma City. Committee rooms in the capitol building were declared classrooms, the law library in the building was designated the school's library, and a faculty of well-credentialed Oklahoma City lawyers was named to teach the courses from a curriculum from the University of Oklahoma catalog. Ms. Sipuel declined the offer and renewed her application to the school in Norman. She was turned down again, which led to another suit, in which the issue, under the law of that time, was whether the new school was equal or substantially equal to the University of Oklahoma's school. The trial, held in Norman, was conducted masterfully by Thurgood Marshall and involved an array of leading figures in the law school world as expert witnesses: the deans of Harvard and Penn and faculty members from Columbia, Chicago, Wisconsin, and Berkeley, among others. Only two — former deans at Duke and Oklahoma — testified that the two schools were substantially equal. All the others derided the newly created school.

How did the case evolve?

[...] When the ruling finally came down that Ms. Sipuel had to be admitted, the Regents directed the law school to seat her on the back row of classes, separately, with a sign in front of her that said "colored." Although this stage of the matter occurred after I had gone off to Columbia, I am told that on her first day, she sat as ordered, with the sign in front of her. On the second day, however, when she entered the classroom, she discovered that the students themselves had moved the sign to the teacher's desk and she was seated in the midst of them. In due course she graduated and, in a kind of sweet irony, she ultimately became a regent of the University of Oklahoma. Sadly, she is now deceased.

What hobbies do you have?

Music, primarily. I played the violin a lot when I was young. I played in the Cornell Symphony and some others, but for many years now I haven't played at all. Choral music has been my principal love. I was a choir director for more than 40 [years], and I still sing in a choir. I have been on the board and served as president of the University Musical Society, which presents the concerts at Hill Auditorium. Music is essential to me.

Had you entered teaching at a later stage, do you think you may have entered the area of law and music?

Probably not. (laughs) What I like about my connection to music is that it is as a sheer amateur and it's great fun. When I'm with professional musicians, many of whom are my dear friends, I see that they are occasionally unhappy because of the pressure and competition. So I don't think I would have gotten into music, or even the music side of the law.

Well we're about at our end. I always like to ask everyone if they have any sort of final message they might like to send to our readers.

The one thing that concerns me, not about the Law School but about the profession that you're all going into, is that during the past twenty or thirty years, the law has become much more a business. With advertising, special-

ization, emphasis on the bottom line, and lawyers serving more as instrumentalists than advisors, the law has become less a learned profession and more a commercial business with emphasis on the bottom line.

My observation is that a lot of lawyers who are in the middle of their careers and beyond are disillusioned. One of the things I like about my International Society of Barristers is that when we get together, the underlying questions are “Why did I become a lawyer?” “Are there ideals that I had that I have lost?” “Am I really serving my own ideals and my own vision of what a lawyer should be?” I don’t know whether the law schools can play a large role in this. You can preach all you want. You can lecture all you want about ethics and morals and, more importantly, about professional responsibility in the sense of being of service, considering the law as a service profession. But preaching doesn’t do it. It’s got to be done by role models, by mentoring; but law firms these days are so focused on the bottom line that the mentoring aspect of law practice has diminished greatly. I was paid a very low salary when I first started, even by that day’s standard — \$100 a month. It was not peanuts, but on the other hand it was barely enough to live on. But in my first couple of years in practice I was learning both skills and professional responsibility day by day with oversight from the partners. But now, new lawyers often are paid very large amounts of money and the firms need to be able to bill for their time. The rather relaxed, possibly inefficient mentoring that used to take place — inefficient in the sense of billable hours — is incompatible with that need. I have the feeling that it’s made the law a little less rewarding as a profession — more rewarding financially, but less rewarding ultimately in the emotional, social, and even spiritual sense. I find that many lawyers are hungry for a return to that. I am a short-term pessimist and a long-term optimist about the profession. I think I see signs that we are more and more aware of the decline of professionalism and are wanting to reverse the trend. There is more emphasis on pro bono activity and on providing legal services for the underserved. Courtroom civility is a new emphasis as Rambo-style tactics fall into disfavor. Organized mentoring groups such as the American Inns of Court are picking up some of the slack. And I know hundreds of lawyers who give great amounts of their time to law improvement and reform through associations of lawyers. They spend so much time in matters of the public interest that I sometimes wonder how they can afford the hours away from billable work. They truly are committed to serve the public interest. That’s one of the reasons I am an optimist — at least in the long term. Someone said, “Hope has an agenda but not a timetable.”

“ I am a short-term pessimist and a long-term optimist about the profession. ”

JOHN WESLEY REED was born December 11, 1918, in Independence, Missouri, the only child of Novus Homo E. and Lilian (Houchens) Reed. He was the Thomas M. Cooley Professor of Law at the University of Michigan Law School.

In 2011, the State Bar of Michigan created an award in his name — the *John W. Reed Lawyer Legacy Award* — to honor an educator from a Michigan law school whose influence on lawyers has elevated the quality of legal practice in our state. John believed that education must go beyond the classroom. Among recipients of the award are Harold Norris, Robert Sedler, James J. White, Joseph Kimble, George T. Roumell Jr., and Alan Schenk.

John was a devoted and generous family man. He married Ivy Vonada in 1946 and they had three children, Alison, Mark, and Randy. The marriage ended in divorce. During Christmas 1960, he met Dorothy (Dot) Floyd Jodoin, a widow with two daughters, Suzanne and Victoria. The families were united on March 5, 1961.

John passed away peacefully on Tuesday, March 6, 2018. His memorial service was held on March 17 at First Baptist Church in Ann Arbor, Michigan.

Tribute to Wallace D. Riley

John P. Jacobs, Treasurer, MSCHS

Our co-founder and our longstanding president, the late Wallace D. Riley Esq., had a remarkable legal career, from his running a nationally recognized labor law firm, to his contributions as State Bar President, American Bar Association President, his outstanding record as a gifted political and civic leader, his support and establishment, alongside Justice Dorothy Comstock Riley, his gracious wife, towards the founding of the Michigan Supreme Court Historical Society. His passing is a blow to our continued effectiveness.

I have a story about Mr. Riley's life that I am certain many of you know, but, as a point of departure, I have added a very small denouement out of that story that reinforces his larger-than-life sterling character.

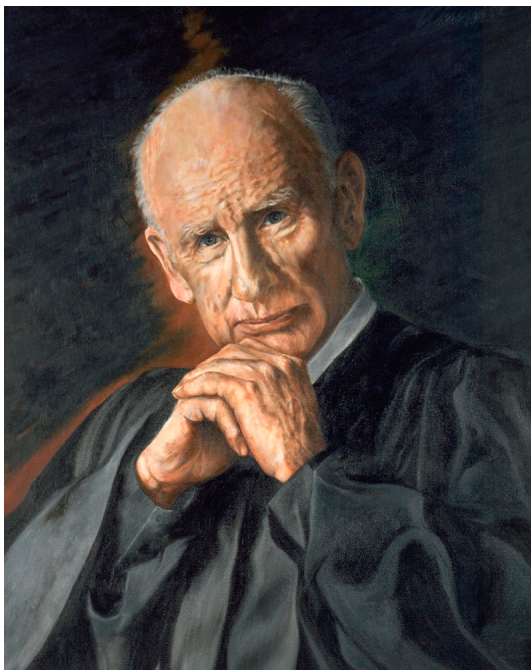
Most of you may know that Mr. Riley was second chair/junior counsel to that giant of a lawyer from Boston's prestigious Hale and Dorr firm, Joseph N. Welch, lead counsel for the Army, who confronted Senator Joseph R. McCarthy in 1954 during the Army Congressional Hearings, with Welch's unforgettable rejoinder, "Have you no sense of decency at last, Senator?" as a show-stopping, chilling riposte to the calumny and shameless personal invective of McCarthy's attacking the loyalties of a young lawyer who was also at Hale and Dorr as a hapless associate.

In his role as associate counsel for the Army, Mr. Riley indefatigably worked behind the scenes in this extremely dark period of American history. He, rarely, if ever, publicly mentioned his remarkable role there, let alone ever boasted of it or aggrandized himself because of it. To my recollection, he never made his part in bringing down McCarthy a "war story" to capitalize on his historical role, not once.

Mr. Riley never exalted himself on any occasion, not ever. Over a lunch at the Little Club last summer, I told him I knew about his significant piece of history. I then wryly suggested a provocative parallel to Senator McCarthy in contemporary politics. Mr. Riley simply looked at me and, with a small, self-effacing smile, this Great Gentleman nevertheless remained the taciturn sphinx, keeping his own counsel about what he thought about current events, refusing to trade on his precious time in history, for the cheap doggerel of gossipy political table-talk.

I was left to guess what the Great Man thought. I never had any doubts about his personality and character strengths, however.

Needless to say, I was deeply fond of him and am proud to have been a very small part of his life in my connection with the Society he co-founded.



Portrait by Michael Clauser

Citation for a Good Man

At the portrait presentation for Justice Talbot Smith (MSC 1955–1961) held in 1991 after Justice Smith's, President Riley remarked that he was a former law clerk of Justice Smith's shortly before he went on the Michigan Supreme Court.

It was in March 1952, while Mr. Riley was waiting to take the April Bar exam and completing his MBA at the Michigan Business School, that he began working for Talbot Smith at Burke, Burke & Smith in Ann Arbor. It was a happy way to begin a legal career, Mr. Riley noted, working "in the giant shadow of this model ... of professionalism and civility."

Mr. Riley read from Richard Evans's *Citation for a Good Man*: "the high distinction of having earned the right to be called 'a good man,'" and that it is the good man "...who has made our civilization as good as it is, despite all of its weaknesses."

The same could be said for Mr. Riley. A good man indeed.

Justice Riley's Husband



The Riley family at home. Detroit Free Press, December 13, 1984.



Judge Riley's Court of Appeals robing on April 16, 1976.
The Legal Advertiser, April 22, 1976

Although remarkable in his own right as a talented attorney, State Bar President, and ABA President, Wallace Riley was delighted to be known as “the husband of Justice Riley,” as one newspaper identified him after her election to the Supreme Court.

The couple met through the Young Lawyers Club of the Detroit Bar Association in the late 1950s. He was attracted to her gentle demeanor and sharp intelligence. They were married in 1964 after a long courtship, and their son Peter was born in 1967. Shortly thereafter the couple partnered with Mr. Riley's high school friend George Roumell Jr. to found the Riley Roumell law firm.

In 1972, Governor Milliken appointed Dorothy to the Wayne County Circuit Court. Milliken appointed her to the Court of Appeals in 1976 — making her the first woman on that bench — and later to the Michigan Supreme Court upon the death of Mr. Riley's friend Blair Moody Jr.

Justice Riley served on the Michigan Supreme Court until September 1, 1997.

Investiture of Justice Elizabeth T. Clement



On Wednesday, March 28, 2018, Justice Elizabeth T. Clement celebrated her judicial investiture in the Michigan Supreme Court. She is the 113th Justice on the Michigan Supreme Court and the eleventh woman on the Court.



Shown above with her four children and spouse, Tom Clement, who serves as the Supreme Court's General Counsel.



Speakers at Justice Clement's investiture included parish priest Father Mark Inglot and former Michigan Supreme Court Chief Justice Maura Corrigan (MSC 1999–2011). Also shown is Lieutenant Governor Brian Calley. Court of Appeals Chief Judge Mike Talbot was the emcee for the event.

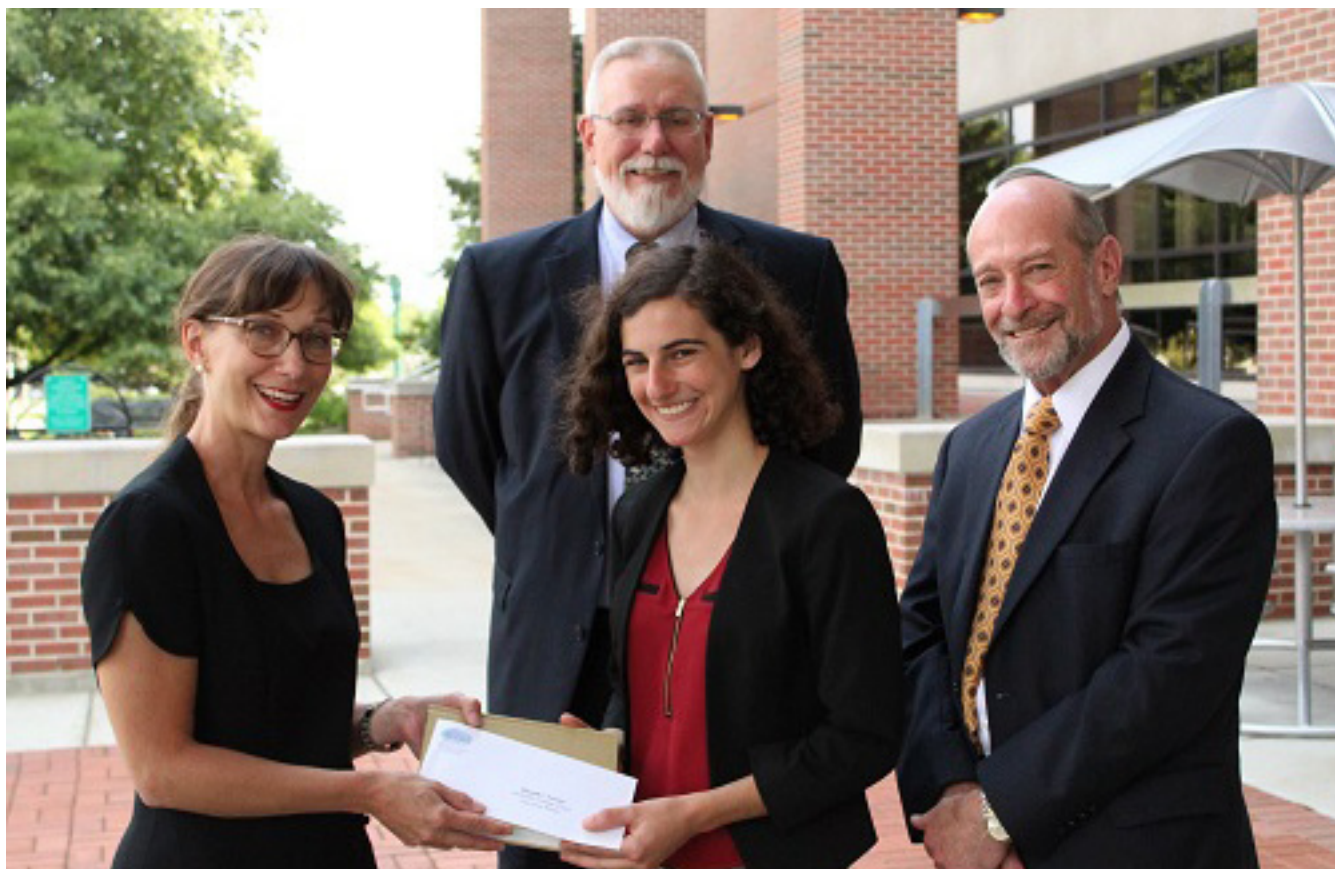


Appointed to the Court in November by Governor Rick Snyder, shown above shaking hands with former Chief Justice Thomas Brennan (MSC 1967–1973), Clement's appointment now gives the Justice experience in all three branches of state government.

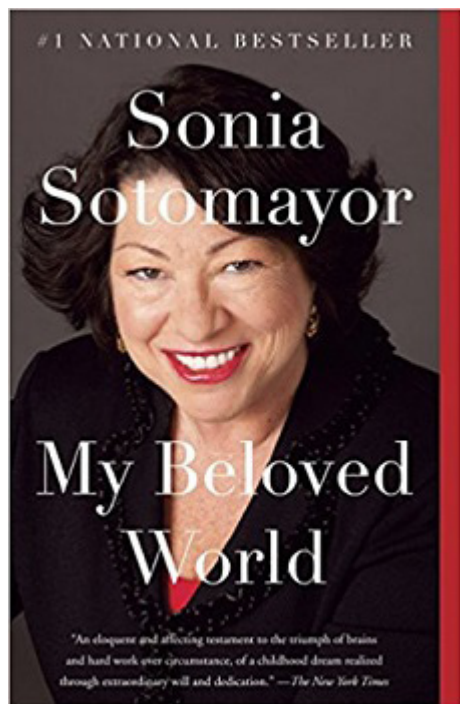


During her investiture remarks, Justice Bridget McCormack noted that Justice Clement "is genuinely interested in knowing the people who work with her, for her, and around her."

Shown at left are Justice Clement (center) with her law clerks. From left, Jesse Kirchner; Adam Pavlik, Senior Law Clerk; Heidi Williams; and Elizabeth Kingston.

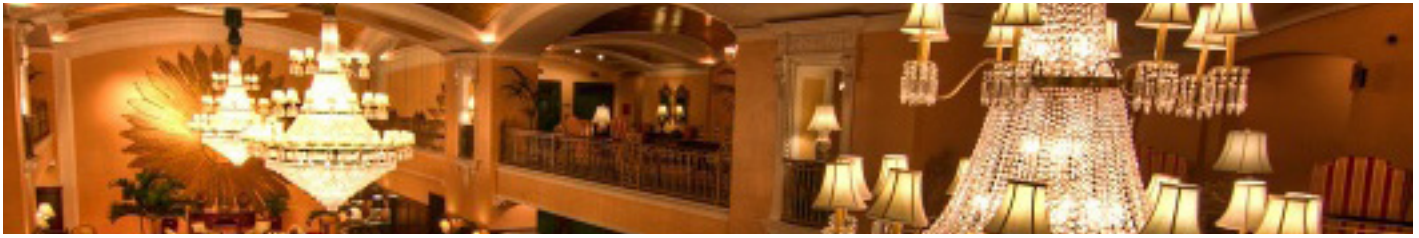


The Society's Law Student Prize was presented to recent MSU College of Law *magna cum laude* graduate Hannah Stocker on August 14, 2018. Ms. Stocker received the top grade in Professor Charles Ten Brink's American Legal History Seminar. Ms. Stocker's paper was on American marital expatriation, which robbed many American women of their citizenship until the early 1920s. Ms. Stocker received a \$500.00 check from the Society for her scholarship and a copy of the Society's *Index to Special Sessions*.



Sotomayor Visits Mid-Michigan One Book, One Community is a Hit

Sonia Sotomayor, Associate Justice of the Supreme Court of the United States, visited East Lansing on August 26 and 27th to speak to community members and incoming freshman at Michigan State University. On Sunday, August 26, Justice Sotomayor spoke at East Lansing High School to a crowd of nearly 1,200 residents. Justice Sotomayor mingled with the crowd throughout the question and answer session, shaking hands and hugging children. Sotomayor said that every night as she goes to sleep she asks herself two questions: what did I learn today and what act of kindness did I do? She mentioned that she had recently finished reading a novel by former Canadian Chief Justice Beverley McLachlin, and she also sold copies of her own book *My Beloved World*, a biography published in 2013. Justice Sotomayor, appointed in 2009, is the first Hispanic woman on the U.S. Supreme Court.



Breakfast with the Michigan Supreme Court

Thursday, September 27, 2018 * 7:30 a.m. to 8:45 a.m.

Amway Grand Plaza Hotel * 187 Monroe Ave NW, Grand Rapids, MI 49503

Buffet breakfast will be served. Capacity is limited so please be sure to register early for this special event.

Full name: _____

Preferred first name: _____

Company or firm name: _____

Address: _____

City/State/ZIP: _____

Phone number: _____ Fax: _____

Email address: _____

- ☐ Society member \$35.00
- ☐ Judge \$20.00
- ☐ Non-member \$135.00 (includes one-year of membership + the breakfast, a \$50.00 value)
- ☐ Non-member \$75.00 (breakfast only, no membership)

Total amount due: \$ _____

PAYMENT

Checks should be made payable to *Michigan Supreme Court Historical Society*

Credit cards accepted: Visa / MasterCard / American Express

Card number: _____

Expiration Date: _____ Security code: _____

Signature: _____

Return completed form with payment to: Michigan Supreme Court Historical Society, 925 W. Ottawa Street, Lansing, MI 48915. Questions? Call (517) 373-7589. Seating is limited, reserve your spot early.





MICHIGAN SUPREME COURT
HISTORICAL SOCIETY

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

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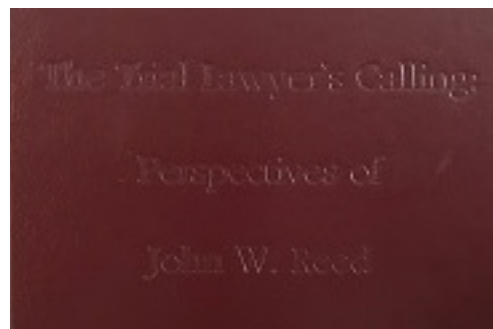
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Society Update is published quarterly by the Michigan Supreme Court Historical Society. Writing submissions, article ideas, news, and announcements are encouraged. Contact the Society at: 1st Floor Hall of Justice, 925 W. Ottawa Street, Lansing, MI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

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



The Trial Lawyer's Calling: Perspectives of John W. Reed is a collection of John Reed's speeches to the International Society of Barristers. The ISOB plans to make more copies of the book available for purchase in early 2019.

SAVE THE DATE
Advocates Guild Dinner
Wednesday, October 17, 2018
Hall of Justice