



SOCIETY UPDATE

The Official Publication of the Michigan Supreme Court Historical Society

Fall 2018

Justice Young's Portrait Unveiled



The official portrait of former Chief Justice Robert P. Young, Jr., painted by the late Patricia Hill Burnett, currently hangs in the Michigan Supreme Court Learning Center on the first floor of the Hall of Justice.

On Wednesday, November 28, 2018, the portrait of former Michigan Supreme Court Chief Justice Robert P. Young, Jr. was unveiled in a special session of the Michigan Supreme Court.

Young was appointed to the Michigan Supreme Court on January 2, 1999, by then-Governor John Engler. He won election to the remainder of that term in 2000, and to eight-year terms in 2002 and 2010. Young was elected chief justice by the other justices each January from 2011 through 2017. He is the longest consecutively-serving chief justice in Michigan Supreme Court history.

Justice Young retired from the Michigan Supreme Court in April 2017. In June 2018, he joined Michigan State University as vice president for legal affairs and general counsel.

The portrait dedication ceremony included remarks from former justices Maura Corrigan and Clifford Taylor as well as former Governor John Engler and current justices Brian Zahra, Bridget McCormack, and Chief Justice Stephen Markman.

Justice Young was joined at the special session by his wife, Dr. Linda Hotchkiss, their two sons, and many other family and friends including several former law clerks.





Justice Young visits with Court of Appeals judges Michael Riordan (L), Michael Gadola (C), and Attorney General Eric Restuccia (R) at the reception before the ceremony.



Justice Young poses with Lansing Judge Donald Allen at the reception held in the first floor conference center at the Hall of Justice.



Society President Emeritus Charles Rutherford and his wife Patricia applaud Justice Young during the ceremony. Seated behind them is Bruce Courtade, the chair of Justice Young's portrait reception fundraising committee.



Justice Young speaks with former colleague Joan Larsen, now on the U.S. Court of Appeals for the Sixth Circuit. Larsen served with Young on the Michigan Supreme Court from 2015–2017.



Justice Young's sons, Robert III and Barrett, and his spouse, Dr. Linda Hotchkiss, help him unveil the official portrait. At one time, the portrait hung in the family's dining room. Justice Young quipped that his sons, now adults, had to look at the portrait while doing their homework.



Justice Young poses with former Justice Maura Corrigan, former Governor John Engler, Chief Justice Stephen Markman, and former Justice Clifford Taylor. The bow tie in the portrait is red, representing Justice Young's Harvard and Harvard Law education. Now that he is working for MSU, he is sporting a green & white bow tie.

Invisible Scribes

2018 Michigan Supreme Court Law Clerk Directory

Chief Justice Stephen J. Markman

Cheryl Nowak, Senior Law Clerk

Michigan State University College of Law

David Loudon

Michigan State University College of Law

Andrew McInnis

Michigan State University College of Law

Jonathon Regal, Law Clerk

Western Michigan University Cooley Law School

Justice Brian K. Zahra

Brian Balow, Senior Law Clerk

University of Detroit Mercy School of Law

Samantha Cook

Michigan State University College of Law

William Cort DiSessa

Michigan State University College of Law

Louis F. Ronayne III

Michigan State University College of Law

Justice Bridget M. McCormack

David Arnold, Senior Law Clerk

Hofstra University School of Law

(now Maurice A. Deane School of Law)

Andrea Scanlan

University of Michigan Law School

Phillip Stadler

University of Michigan Law School

Daniel Tai

Chicago-Kent College of Law

Justice David F. Viviano

Gallant Fish, Senior Law Clerk

Michigan State University College of Law

Katherine Hopkins

University of Michigan Law School

Alicia McCaffrey

University of Michigan Law School

Dylan Tilbury

University of Notre Dame Law School

Justice Richard H. Bernstein

Vivian Chang, Senior Law Clerk

University of Michigan Law School

Daniel Ellman

University of Michigan Law School

Ogenna Iweajunwa

Western Michigan University Cooley Law School

David Sheaffer

Michigan State University College of Law

Justice Kurtis T. Wilder

Tamara York, Senior Law Clerk

Michigan State University College of Law

Kathryn Church

Michigan State University College of Law

Charlynn Turner

Western Michigan University Cooley Law School

Kristyn Webb

Loyola University New Orleans College of Law

Justice Beth Clement

Adam Pavlik, Senior Law Clerk

Michigan State University College of Law

Jesse Kirchner

University of Michigan Law School

Elizabeth Kingston

Michigan State University College of Law

Heidi Williams

Michigan State University College of Law



Justice Bernstein's senior law clerk Vivian Chang, law clerk David Sheaffer (center), and Justice Clement's senior law clerk Adam Pavlik.



Eric Pelton of Kienbaum Opperwall Hardy & Pelton poses with Justice Young's former clerk Sean Dutton during the reception before Young's portrait unveiling.

Society Visits West Side of State: Breakfast with the Michigan Supreme Court a Success



The Society was pleased to once again attend the State Bar of Michigan's NEXT Conference. It was held from Wednesday, September 26 through Friday, September 28, in Grand Rapids. On Thursday, September 27, our first *Breakfast with the Michigan Supreme Court* was held in the Imperial Ballroom of the Amway Grand Plaza Hotel. This event was attended by nearly 125 people including almost all of the current Justices of the Michigan Supreme Court. Chief Justice Stephen Markman, Society President Carl Herstein, and Grand Rapids host and Society board member Bruce Courtade provided brief remarks.



The following list represents those Society members who began their membership in conjunction with the *Breakfast with the Michigan Supreme Court* or at the Society's booth at the trade show of the State Bar of Michigan.

- Juanita Bocanegra
- Matthew Borgula
- Hon. Clinton Canady
- Ashley Chrysler
- Conor Dugan
- Denise Glassmeyer
- Stacey Heinonen
- Corey Hemmerich
- Bernard Jocuns
- Scott Noto (1999 Coleman intern)
- Hon. David A. Perkins
- Jerry Reif (law clerk of Chief Justice Brennan)
- Robert Rutgers
- George Walters
- Erane Washington

Thank you to everyone who attended the Breakfast with the Michigan Supreme Court and to everyone who visited our booth at the NEXT Conference!



Justice Elizabeth Clement speaks with Ann Sherman, a member of the Society's Advocates Guild.



Justice Bridget McCormack speaks with new members of the Society.



Justice Brian Zahra speaks with Terri Lynn Land, a lifetime Society member.



Justice Kurtis T. Wilder speaks with Al Butzbaugh from the Society's Board and Jennifer Bentley, Executive Director of the Michigan State Bar Foundation.



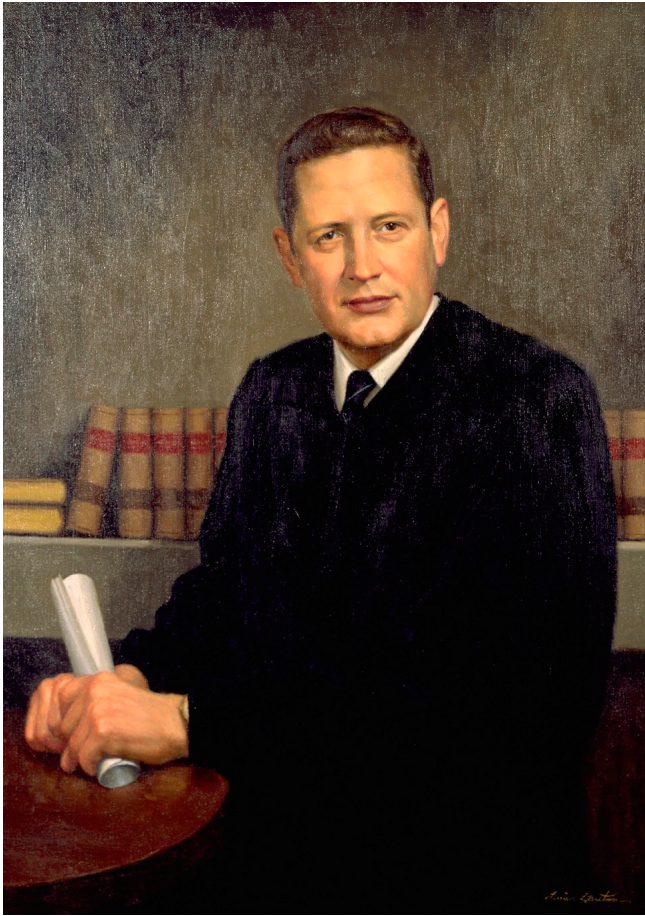
Judge David Perkins of Detroit (L) and Judge Clinton Canady of Lansing (R) .



From left to right: Society Board member and Grand Rapids host Bruce Courtade, Society President Carl Herstein, Justice David Viviano, and Michigan's former Secretary of State Terri Lynn Land.

Tribute to Justice Thomas E. Brennan

Michigan Supreme Court's Youngest Chief Justice



The official portrait of Justice Thomas E. Brennan, painted by Lucien L. Breton, dedicated to the Michigan Supreme Court in a special session on July 11, 1980.



Justice Brennan is shown here with his son Judge Thomas E. Brennan, Jr. (R) and Lawrence P. Nolan, a graduate of the first law school class at Cooley, at the Society's Annual Luncheon on April 19, 2018. Nolan, the vice president of the Society, wrote about his friendship with Justice Brennan in the September 2017 issue of the *Michigan Bar Journal*.

Thomas E. Brennan was born in Detroit on May 27, 1929 and died in Lansing on September 29, 2018.

Justice Brennan was elected to the Michigan Supreme Court in 1966. In 1969 and 1970, he was elected Chief Justice, the youngest in Michigan Supreme Court history. Justice Brennan resigned from the Court at the end of 1973.

While he was serving on the bench, Justice Brennan was often asked for law school recommendations. This inspired him to develop a nonprofit law school in Lansing. Thomas M. Cooley Law School was incorporated in 1972 with the belief that "An educated citizenry that understands the law is critical to the strength and progress of the nation." Cooley Law School grew from its initial class of 76 students to become the largest accredited law school in the country.

An engaging storyteller, Justice Brennan authored three books including his novel *The Bench* about a fictionalized Michigan Supreme Court at the turn of the last century.

He leaves behind his wife of 67 years Polly and their six children (Thomas, Jr., Margaret, John, Bill, Marybeth, and Ellen), their spouses, nineteen grandchildren, and nine great-grandchildren.

The Society thanks the family and friends of Justice Brennan who have contributed to the Society in his memory. Justice Brennan served on the Society's Board of Directors from 1998–2006.



Justice Brennan is shown here shaking hands with Governor Rick Snyder at the investiture for Justice Elizabeth Clement in March of this year. Justice Brennan's portrait hangs in Justice Clement's chambers at the Supreme Court.

What follows is an excerpt from Justice Brennan's February 7, 2010, blog post on oldjudge.blogspot.com. It was modeled after the *Last Lecture* by Randy Pausch and was read by his son, Judge Thomas Brennan, Jr., at his funeral on October 4, 2018.

“If you just decide to be happy, you can be happy. Nobody else can make you happy. Nothing you do, nothing you acquire, nothing you learn, or see, or experience will make you happy. Happiness comes from the inside. It is self generated.

A happy person is happy. An unhappy person is unhappy. It's as simple as that.

I have a dozen things on my plate. Things I want to do. Spend time with my darling wife, and hear her laugh. Improve my golf game. Write a book or two. Promote golf as a team sport. Advocate for a convention to propose amendments to the United States Constitution. Travel. Visit my grandchildren and my new great granddaughter.

But these things don't make me, won't make me, can't make me happy. I bring my happiness with me. I take it with me wherever I go. To the dentist's office. To the movies. To a wake or a funeral. Happiness is a state of mind.

I sincerely hope to be happy on my death bed. The good Lord has blessed me with a long and healthy life, filled with love, achievement, friends, and beautiful moments. I thank God for the life He has given me.

At the end of it, I only hope it will be said of me that I finished the race, that I kept the faith, that I did my best and went out with courage and grace.

”

THE BENCH Justice Brennan donated the remaining inventory of his novel *The Bench* to the Society five years ago. The Society has made the novel available for purchase to members and the public. The novel was the topic of his historical vignette at the Society's luncheon in 2001. A transcript of that speech is on our website at www.micourthistory.org. Have you read *The Bench* yet? Purchase a hardcover copy for just \$10. Contact Carrie at the Society at carriesampson@micourthistory.org or by phone at (517) 373-7589 to place your order. Great for book clubs!

2018 Society Member Contribution Form

Please use this form to renew your annual membership or to make an additional financial contribution.

Name _____

Address _____

City _____ State _____ ZIP _____

Phone _____

Email _____

Individual membership \$150.00

Advocates Guild membership \$200.00

Corporate/Law Firm membership \$1,000.00

Other amount: _____

TOTAL PAYMENT \$ _____

Check Enclosed [] Credit Card []

Circle one: Visa MasterCard American Express

Name on card _____

Account Number _____

Exp. Date _____ CVV Code _____

Signature _____

Thank you!

Please detach this form and mail to:

Michigan Supreme Court Historical Society, 1st Floor Hall
of Justice, 925 W. Ottawa Street, Lansing, MI 48915.

Advocates



Advocates Guild First Chair Mary Masaron clerked for Justice Boyle. Photo by Justice Brian Zahra.

The Advocates Guild dinner took place in the Rotunda of the Michigan Supreme Court this past October. Once more, attendees enjoyed time with all the justices in those beautiful surroundings. And as is our tradition, many of us had photos taken with the current justices. My own set of past photos of the Court and me serves as a lovely memento recalling past and current justices. The photos reflect both stability and change — as justices come and go, and as my image changes from the earliest photo, in which I look much younger, and that of today. This year, my remarks during the dinner focused on the annual dinner as a space in which we all come together to celebrate the Court, its history, and the history of the past justices and advocates. We are truly lucky to live in a place and time when the rule of law protects us all — and where reason and collegiality can still be found in a world filled with an often harsh cacophony of anger and disagreement. A special part of the evening for me was the chance to see Justice Patricia J. Boyle’s portrait, which recently moved from Justice Zahra’s chambers to the Learning Center. I love the photo I now have with Justice Boyle’s portrait, a reminder for me of the great scholar and great person from whom I learned so much.



Justice David Viviano (L) visits with Cooley Law School Professor Gerald Fisher (R) and Judge Michael Warren (C).



Justice Bridget McCormack (R) and SBM past president Lori Buiteweg (L) speak. In the background father and son lawyers Robert F. and Robert M. Riley.



Justice Richard Bernstein (R) speaks with Mark Bendure (L).

Guild Dinner



Chief Justice Stephen J. Markman welcoming Advocates Guild members to the Court during the Dinner.



Advocates Guild First Chair Mary Massaron addressing the attendees during the Dinner.



Justice Brian Zahra (L) speaks with Judge Michael Warren (C) and Liisa Speaker (R).



Justice Kurtis Wilder (L) chats with Professor Fisher (C) and Patrick Rose (R). Kenneth Brooks is in the background.



Liisa Speaker poses with the Court. She was elected to the Advocates Guild Executive Committee by the Society's Board of Directors at the October board meeting.



An overview of Advocates Guild Dinner guests in the Justices' private conference room. The group is gathered here for hors d'oeuvres before photos with the Court.

Advocates Guild Dinner photos by Dave Trumpie.

Supreme Court

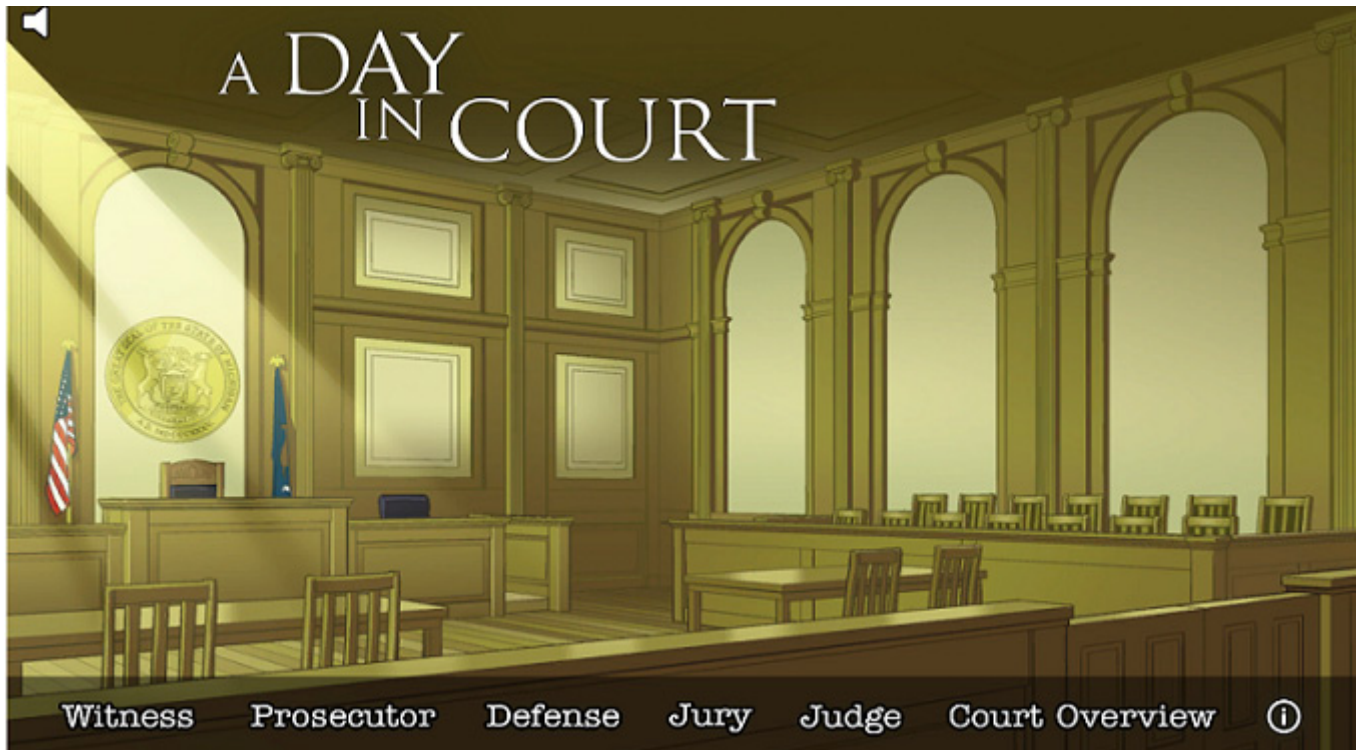


Rule of Law — Chief Justice Stephen Markman commemorated Constitution Day on September 17, 2018, by opening a new exhibit on the Rule of Law in the Michigan Supreme Court Learning Center. Eighth grade students from GEE Edmonson Academy in Detroit were welcomed as the first visitors to experience the new exhibit. “The rule of law, the equal rule of law, ensures that our laws apply equally to all citizens,” noted the Chief Justice.



The People of the Three Fires — Justice Bridget McCormack provided introductory remarks at the opening of the new tribal courts exhibit in the Michigan Supreme Court Learning Center on October 31, 2018. The People of the Three Fires discusses the governments and culture of the twelve federally recognized tribes in Michigan and the common ground shared among federal, state, and tribal courts. Justice McCormack is the Court’s liaison to all the tribal courts in the state. To learn more visit courts.mi.gov/courts/tribalcourts

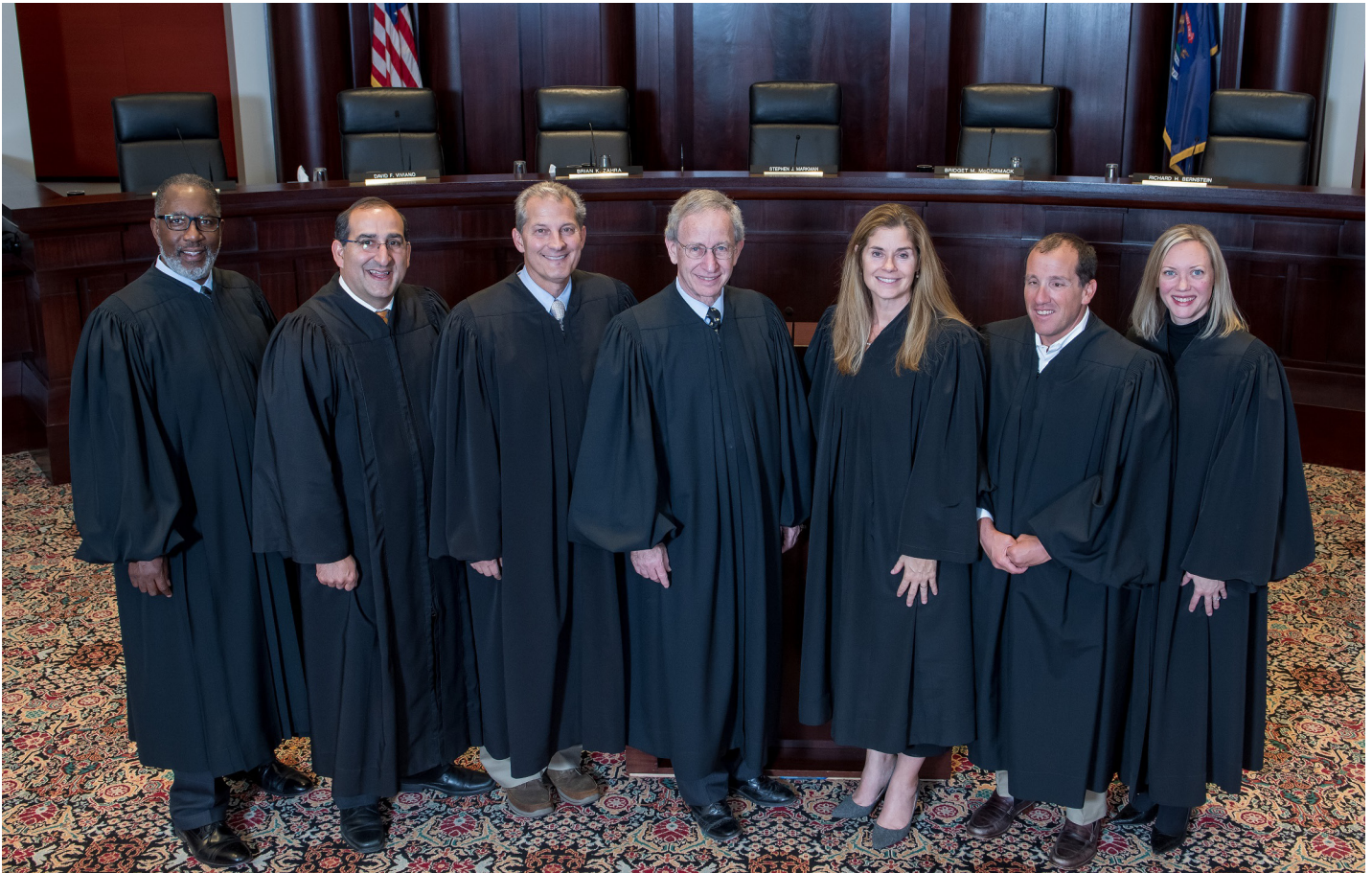
Learning Center



A Day in Court is the Michigan Supreme Court's newest interactive exhibit. Now online as a game, it can be used by teachers before or after field trips to the Learning Center, or as a separate activity. The interactive game helps players learn more about the judicial branch of government, highlighting the work of trial courts. Players learn about important roles in our justice system including witnesses, juries, prosecutors, defense attorneys, and judges. *The project was supported in part by the Michigan State Bar Foundation and the Michigan Supreme Court Historical Society Learning Center Fund.*

Retired Justice Michael Cavanagh, the former liaison to the tribal courts, Justice Richard Bernstein, liaison to the Learning Center, Judge Allie Greenleaf Maldonado of the Little Traverse Bay Bands of Odawa Indians Tribal Court, Justice Elizabeth Clement, and Justice Brian Zahra were in attendance for the opening of the *People of the Three Fires* exhibit in the Michigan Supreme Court Learning Center on October 31, 2018.





The 2018 Bench — from left, Justice Kurtis T. Wilder, Justice David F. Viviano, Justice Brian K. Zahra, Chief Justice Stephen J. Markman, Justice Bridget McCormack, Justice Richard H. Bernstein, and Justice Elizabeth Clement. When the Court resumes in 2019 it will be the first time since Justice Archer was appointed in 1986 that not one of the justices sitting on the Court is African-American. Justice Kurtis Wilder will be succeeded by Justice-Elect Megan Cavanagh.



Crier Jeff Mills calling the Court to order.

New Crier, Bailiff on MSC Bench

Other new faces in the Michigan Supreme Court are Jeff Mills, the Court's new crier and Frank Mraz, the Court's bailiff and lead security officer. Jeff was hired as the crier on February 28, 2018. He previously served as the records clerk/manager for the Court of Appeals from 1981 to 1998 and as data administrator in the Clerk's office of the Supreme Court since 1998. Frank started his position with the Michigan Supreme Court on July 30, 2018, after a 31-year career with the Michigan State Police including the Governor's detail and a stint with the Attorney General's office.



Bailiff and lead security officer for the Court is Frank Mraz.

Megan Cavanagh Makes History

First Father-Daughter Duo on MSC



On November 6, 2018, Megan K. Cavanagh was elected to the Michigan Supreme Court. When she is sworn in on January 1st, Cavanagh will be the 114th justice and the 12th woman.

Cavanagh is one of Michigan's top appellate attorneys, a shareholder at Garan Lucow Miller PC, and the mother of two daughters, Georgia and Eloise. Her father is former Michigan Supreme Court Justice Michael F. Cavanagh, the longest-serving appellate judge in Michigan history, who retired from the Michigan Supreme Court on January 1, 2015, due to the constitutional age restriction.

The Cavanaghs are the first father and daughter to both serve on the Michigan Supreme Court. The first woman elected to the Michigan Supreme Court occurred in Megan's lifetime — Mary Stallings Coleman elected in 1972.

The only other parent-child relationship in Michigan Supreme Court history were the nineteenth-century Witherells.



Judge James Witherell. Image courtesy of the State Archives.

James Witherell, the father, was born in Massachusetts in 1759. He served as a judge and member of both the Governor's Council and the state legislature in Vermont before being elected to Congress. In 1808, President Thomas Jefferson appointed him to the Supreme Court for the Territory of Michigan. Here, he was in frequent conflict with Judge Augustus Woodward and his acolyte John Griffin (at that time there were only three judges on the Court). Later, Witherell became unpopular because of his abolitionist views. When he was in Congress, he had debated and eventually voted for the act abolishing slavery; in Michigan, he was accused of delaying paperwork on a fugitive slave in order to give the slave's friends time to organize a successful rescue. He left the Court on January 31,

1828, to serve as secretary for the territory of Michigan.

Benjamin Witherell, his son, loved local history and wrote for the *Detroit Free Press* under the pen name "Hamtramck." Witherell was appointed to a brief term on the Michigan Supreme Court by Governor Kinsley Bingham in 1857 to succeed Samuel Douglass during the restructuring of the Court. After his term on the Supreme Court ended, Witherell continued on the separate Third Circuit Court, to which he had been elected in April of that year. He remained on the Third Circuit until his death in 1867.



Judge Benjamin F.H. Witherell. Image courtesy of the Detroit Historical Society.

The history of the Witherells has been excerpted from the *Michigan Supreme Court Historical Reference Guide, 2d ed.*, researched for the Society by David Chardavoyne. Buy the book on Amazon or contact the Society at (517) 373-7589 or by email at carriesampson@micourthistory.org

Justice Elizabeth Weaver's Portrait Dedicated Post-Humously



Justice Elizabeth Weaver was born in New Orleans, Louisiana, on March 28, 1941.

She received her undergraduate degree from H. Sophie Newcomb Memorial College, the women's branch of Tulane University, and her law degree in 1965 from Tulane Law School. She served as an editor of the *Tulane Law Review* during law school, and her legal career began when she worked as a law clerk to Judge Oliver P. Carriere of the Louisiana Civil District Court in 1965. She worked as an attorney and title specialist for the Chevron Oil Company.

In 1973, Justice Weaver moved to Glen Arbor. Upon her arrival in Michigan, she taught at the Leelanau School and at the Glen Lake Community School, serving as a dean of girls and a first grade teacher before she was elected probate/juvenile judge for Leelanau County in 1974. She was re-elected in 1976 and 1982.

Issues of education and juvenile justice featured prominently in Justice Weaver's life. She was featured in *People* magazine and on *Good Morning, America* for her position on juvenile justice. One of her proudest achievements while on

the Michigan Supreme Court was the establishment of the Michigan Supreme Court Learning Center at the Hall of Justice in Lansing, which has welcomed more than 150,000 students from around the world since it opened in 2002.

Justice Weaver was elected to the Michigan Court of Appeals from the third district in 1986 and re-elected in 1992. In 1994, Justice Weaver was elected to the Michigan Supreme Court to succeed fellow northern Michigan justice Robert Griffin of Traverse City. She, along with Justices Dorothy Comstock Riley, Patricia Boyle, and Marilyn Kelly, comprised the Court's first female majority in 1997—only the second in the nation after Minnesota. Justice Weaver served as Chief Justice from 1999 to 2001, and was re-elected to the Supreme Court in 2002. Justice Weaver resigned from the Michigan Supreme Court in August 2010.

Justice Weaver passed away unexpectedly on April 21, 2015—just as she had followed Justice Griffin onto the Michigan Supreme Court, her death followed his by only six days.

About the Artist...

Frederick Petroskey was born on November 3, 1933, in the village of Lake Leelanau. He attended St. Mary's High School where he met his wife of 61 years Grace "Molly McGee." After serving in the U.S. Air Force, Petroskey received a Bachelor of Fine Arts from Western Michigan University. Petroskey established the art department at the Delton Kellogg School in Kalamazoo. In 1967, he, Molly, and their three children relocated to Boston. He taught in the Bedford Public Schools as well as at the prestigious DeCordova Museum of Art in Lincoln, Mass. He and Molly moved back to Leelanau in 1984, where he taught at Northwestern Michigan College. He was proud to have his portraits hanging on the walls of the Hall of Justice. Besides painting the portrait of Justice Weaver, Petroskey painted the portrait of Justice James Brickley, dedicated on January 14, 2003. Petroskey's portraits also include Emelia Schaub, Michigan's first elected woman prosecutor, and Dean Robb, founding member of the first interracial law firm in the U.S. *Petroskey: A Leelanau Portrait* by G.R. Kastys is a sampler of the 2,000 portraits Petroskey painted during his lifetime, and a fond look at the people and way of life in Leelanau County. Petroskey died peacefully on November 17, 2018, at his home in New London, New Hampshire, where he and his wife had moved to in 2015.



Michigan's First Female Majority Supreme Court—

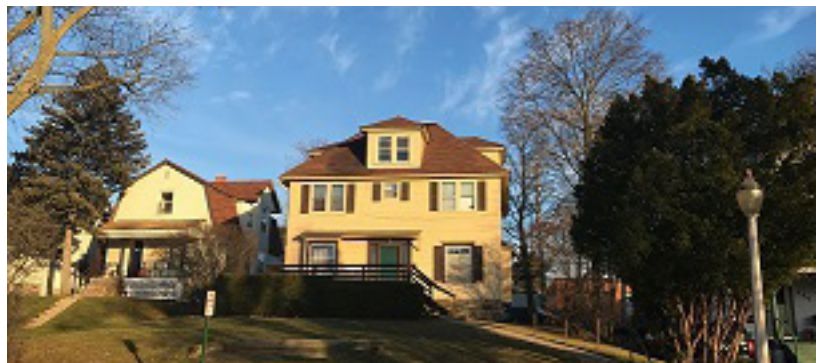
Seated are Justice Patricia Boyle (L) and Justice Dorothy Comstock Riley (R); Justice Elizabeth Weaver (L) and Justice Marilyn Kelly (R) are standing. This Court served together, along with Justices Michael Cavanagh, Conrad Mallett Jr., and James Brickley, from January 1, 1997 to September 1, 1997, when Justice Dorothy Comstock Riley stepped down due to the onset of Parkinson's disease. Michigan was the second Supreme Court in the United States after Minnesota to have a majority of women justices. They achieved this feat in 1991, and it is something that Justice Dorothy Comstock Riley referred to in a 1992 speech to the American Association of Corporate Counsel.

When the Court resumes in January 2019, there will be three women on the Court: Justice Bridget McCormack, Justice Elizabeth Clement, and Justice Megan Cavanagh.

Justice Potter's House



The portrait of Justice William W. Potter was painted by Roy C. Gamble. Former Court of Appeals Judge Glenn Allen served as law clerk to Potter and Emerson Boyles from 1939–1940.



The house at 334 Evergreen Avenue in East Lansing, Michigan, (pictured above) was built in 1909 and was the home of Michigan Supreme Court Justice William W. Potter until his death on July 21, 1940. He died in an automobile crash while driving himself to his chambers at the Court. Potter taught school and served as superintendent of schools in Harrison. He was the author of *A History of Barry County*, published in 1912. He was the city attorney of Hastings, and later prosecuting attorney of Barry County. He served as a state senator, member of the draft board during WWI, and fought for racial integration of the Michigan State Bar Association. He was elected state Attorney General in 1926 and appointed to the Michigan Supreme Court in 1928, serving as Chief Justice in 1935. His widow rented the house to Michigan State College for use as an off-campus women's cooperative after his death; it is now owned by the City of East Lansing.



MICHIGAN SUPREME COURT
HISTORICAL SOCIETY

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

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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Society Update is published quarterly by the Michigan Supreme Court Historical Society. Writing submissions, article ideas, news, and announcements are encouraged.

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

Save the Date!

Society Annual Membership Luncheon
Thursday, April 18, 2019
Detroit Athletic Club

Happy Holidays!
*from the Michigan Supreme Court Historical
Society*