



Society Update

The Official Publication of the Michigan Supreme Court Historical Society

Spring 2023

Since the last Society Update Newsletter there have been two special sessions of the Court for the presentation of the portraits of former Chief Justices Stephen J. Markman and Marilyn Kelly.

Chief Justice Stephen J. Markman's portrait was unveiled

on Wednesday evening, November 16, 2022. Markman was appointed to the Court by then-Governor John Engler in 1999, and served through 2020, including two years as Chief Justice.

Speakers at the unveiling included Richard Suhrheinrich, Jr., Judge on the 6th Circuit Court of Appeals; Father Michael Murray of the St. Martha's Parish, and former Chief Commissioner of the Court; Alan Gershel, former Chief of the Criminal Division, U.S. Attorney's Office; Cheryl Nowak, Markman's long-time law clerk; John Engstrom with the U.S. Department of Justice; former Governor John Engler, who appeared virtually; and portrait artist Samuel Knecht. Current Justices Brian K. Zahra and Richard H. Bernstein and former Chief Justice Clifford Taylor were also scheduled speakers.

Artist Samuel Knecht taught at Hillsdale College for over forty years before retiring in 2020, and his portraits are included in such collections as the U.S. Federal District Court for Northwestern Ohio, Michigan State University, Thomas M. Cooley Law School, and, of course, the Michigan Supreme Court, where he also painted the official portrait of Justice Thomas "the Good" Kavanagh.

Artist Knecht's remarks at the unveiling are below:



Stephen J. Markman, his portrait, and artist Samuel Knecht

(reprinted with permission from Richard Browne)

"May it please the Court:

I wish to express my thanks to Justice Markman and to the Michigan Supreme Court for shared respect for the tradition of painted official Justice portraits. There is something enduring and vital in that tradition. The process is slow, carefully measured, and fully considered. Perhaps it is comparable to adjudicating.

They say that a portrait painting is a collaboration of two: the subject with his or her views and the artist with

his or her skill and outlook. In the process there is a sense the painting represents both the Person and the Office. On one hand, it means depicting what is seen with the eyes. On the other hand, it means implying the subject's character. The latter gets us into nonvisuals and long-term career accomplishments. The two goals must be reconciled. What happens with corners of the mouth or the arch of an eyebrow can send the right message....or something else.

While painting Justice Markman I enjoyed capturing his appearance, skin tones, anatomy, light and shadow, and details. All that to make you feel an encounter with a live person who dedicated years and countless hours to the rule of law.

Regarding facial appearance, Steve joked that he wanted the portrait done before he got too old. He asked that we find a balance that was somewhere in the middle between jovial on the one extreme and stern on the other end. So, a slight smile, but a gaze that tells you he means business.

I learned about his dedication to high-minded work. His civic duty extends beyond the Hall of Justice. His primary service on the Michigan Court is clear to all present. Beyond that he has taught his judiciary course at Hillsdale College for over 29 years. Every Tuesday evening, every fall semester he has driven from Ingham County, through Jackson County, down to the center of Hillsdale County and the college there. Prelaw students get invaluable lessons in law and the Court from a seasoned veter-

an. Elsewhere I wish to cite examples of Steve's love of the traditions of law that are not so well-known.

1. On the wall in his former office there were post-cards of every county courthouse in Michigan. That stood out to me. They revealed fascinating variations of towers and enduring masonry construction. Built to serve the law; built to last.

2. Steve is mindful of the Court's legacy of past justices: on two different occasions Steve toured me around this building for my comments pro and con on the many portraits here. Understandably, I had little awareness of the track record of those I observed. I could only assess artistry: style, composition, poses, and degree of dignified bearing. It impressed me that Steve wanted to see the works through the artist's eye. And I sensed he wanted to gain a more sensitive measure of justices of the distant and recent past. How does that get communicated through paint?

3. Finally, there is Ukraine. He doesn't crow about it, but you should ask him about his trips there and to Poland to advise Ukraine on its judicial system and constitution. His hard work continues. No dust on his shoulders. Amazing!¹

¹ Steve was appointed by the government of Ukraine in 2021 to serve as a member of the Selection Commission of Ukraine, responsible for determining the judicial-selectors of that country on its High Qualifications Commission of Judges. He is one of three "international" commissioners and serves with three Ukrainian commissioners who are all sitting judges.



Justice Stephen J. Markman
with his wife, children, and
grandchildren
*(reprinted with permission
from Richard Browne)*

Through the experiences of sketching Justice Markman in the Court, photographing him here, and finally doing his portrait, I have sensed the vital life of the Court. What a treasured experience in civics that makes me more impressed than ever with the need for informed citizenship.

Thank you, Steve, for the work you have given me and the work you continue.

Thank you, Justices of the Michigan Supreme Court.”

(Reprinted with permission from Samuel Knecht, Hillsdale College)

Chief Justice Marilyn J. Kelly's portrait was unveiled

less than a month later on Monday, December 5, 2022. Kelly was elected to the Court in 1996 and 2004 and served as Chief Justice from 2009 to 2010.

Justice Kelly's portrait was painted by Artist Robert Maniscalco – originally from Michigan, where he's resided the better part of his life – who has eternalized other Michigan justices such as Blair Moody, Jr. (1977 - 1982) and Augustus Woodward (1805 - 1824), as well as U.S. District Court Judges Anna Diggs Taylor and Cornelia Kennedy, and numerous others across the country.

On December 6, Mr. Maniscalco published the below blog post on his website, which includes his full remarks.

“Yesterday was the investiture celebration for the portrait of Chief Justice Marilyn Kelly at the Michigan Supreme Court. I presented the portrait before the full Court. As always, it is a solemn and joyous occasion. The investiture came fourteen years after the portrait was completed. I think that is a record for me. Keeping a portrait essentially under wraps for that long was painful for someone who preaches never to keep one's talent under a bushel. So we just had a little fun with the time lag during the event and afterwards at the beautiful reception provided by the supporters of Justice Kelly.

Fellow speakers included Jules Olsman, Robert Ri-



Maniscalco adds some finishing touches to the portrait of Chief Justice Kelly *(reprinted with permission from Robert Maniscalco)*

ley, Linda Rexer, and Justice Bridget McCormack.¹ Although my attempts at humor were mostly appreciated, I managed to land a few awkward moments in my speech. ‘Never let the portrait artist speak’ will be my future mantra. Fortunately, the portrait itself was well received and accepted by the Chief Justice Elizabeth T. Clement.

I am also including here a photo taken at the time I was working on the portrait with Justice Kelly, back in 2008 (see above). The time lag is explained by Justice Kelly's continuous and tireless public service. Case in point, I include her extensive bio at the end.

Below² is my speech just preceding the unveiling, fol-

¹ Chief Justice Elizabeth T. Clement served as the master of ceremonies.

² A link to Mr. Maniscalco's speech can be found online at <https://maniscalcogallery.com/portraiture/chief-justice-marilyn-kelly-portrait-unveiling/>.

lowed by a transcript.

‘Chief Justice Clement and the other prospective future subjects for my portraits! May it please the court. I love that expression, ‘may it please the court,’ particularly when it comes to one of my portraits. Truly, may it please the court. Fingers crossed.

It is a great honor to be here to present this portrait, painted back in 2008 – it’s dated under my signature – of the portrait of the honorable Dorian Gray! You haven’t aged a bit, your honor. But I guess time flies when you’re having fun! Sounds like you’ve had a lot of fun since I created your portrait, that is, if your idea of fun is doing endless great public service. Thank you for continuing to go above and beyond. But still, I highly encourage those present to act sooner than later when it comes to having your portrait painted.

And congratulations are in order to the Wayne State Board of Governors, re-electing their great sitter, Scout. (Her dog.)

No, all those euphemisms of course, refer to you, the inimitable Justice Marilyn Kelly. ‘COME ON DOWN. It’s your turn to play the PORTRAIT is right.’ You all may not know this, but we have common ties to Wayne State. I used to be the voice of the Wayne State marching band. I was even on the board of visitors, whatever that is.

As many here know, I have painted a number of posthumous portraits for the Court: (whispering) ‘I paint dead people.’ Perhaps the deadest of them all, was Augustus Woodward, the very first Justice of the Michigan Supreme Court, which in case you were wondering, I most definitely painted posthumously. I’m not that old yet!

I certainly prefer to meet and get a sense of the person that I paint in person. There is a connection that really must be made in person. Because long after we all have left this Earth our portraits will remain to carry on our legacy. And I’m very proud to, as my late great portraitist father, Joseph Maniscalco liked to put it, ‘we hang together in the halls of justice.’ I commend the ongoing



Portrait Artist Robert Maniscalco and Justice Marilyn J. Kelly (*reprinted with permission from Richard Browne*)

ing mission of the Michigan Supreme Court Historical Society, and I am proud to have aided in filling in all the missing gaps. I believe we now have portraits of every retired Justice, living and dead, of the Michigan Supreme Court.

I recall the great pleasure of creating this portrait of Justice Kelly. I like to keep it relaxed so I can get close to the soul of the person. I remember enjoying our time together, sharing great jokes, in response to the hilarious comebacks, in response to an endless array of witty quips in our brief time together, now so many years ago. In fact, it's been so long, I can't remember a single one.

It is often the case that we forget what is said. Only the emotion remains. That is perhaps the best definition of a portrait I can think of. It is the distillation of emotions exuded by the subject. Their essence, if you will. There are no words in a portrait. Just a feeling for the person.

So what I DO remember of my time with Justice Kelly is here, recorded in her portrait. No guile, no veil I had to penetrate. No BS to cut through to get to her soul. She struck me as a straight arrow, in possession of a profound genuineness and conviviality. And I hope I captured those singular qualities in my portrait of you. So it is, without further adieu, that I present to you my portrait of Justice Marilyn Kelly.”

(Reprinted with permission from Mr. Robert Maniscalco's blog <https://maniscalcogallery.com/portraiture/chief-justice-marilyn-kelly-portrait-unveiling/>)

Save the Date -

Thursday, April 20, 2023 -
Society Annual Luncheon at the
Detroit Athletic Club

Wednesday, June 14, 2023 -
Former Chief Justice Maura D.
Corrigan Portrait Unveiling

Wednesday, October 4, 2023 -
Opening Session for the 2023-2024
Court Year

Former Chief Justice Maura D. Corrigan – Official Portrait Commission

Photograph Credit - Michigan
Supreme Court

Former Michigan Supreme Court Chief Justice Maura D. Corrigan will hold her portrait unveiling ceremony on June 14, 2023, at the Hall of Justice.



The Society maintains a comprehensive collection of individual portraits of the justices dating back to the nineteenth century. It is one of the most complete sets of state Supreme Court portraits in the nation.

A group has begun the process of securing funding for the portrait unveiling. The suggested minimum donation is \$100, although donations of any amount are welcome. Donations of \$150 or more entitle individual donors to a one-year membership in the Society. You can make a contribution via www.micourthistory.org and indicate in the “add a note” section that it is for Justice Corrigan’s portrait. Checks can be sent to the Society at MSCHS, 3rd Floor Hall of Justice, 925 W. Ottawa Street, Lansing, MI 48915, and should indicate that it is for the Corrigan portrait fund. Questions should be directed to Lynn Seaks at lynnseaks2017@gmail.com.



Former Chief Justice Maura Corrigan at the recent portrait unveiling of Former Chief Justice Robert P. Young, Jr.

Chief Justice Elizabeth T. Clement Takes the Helm and Justice Kyra Harris Bolden Joins the Court!



Justice Kyra Harris Bolden, Chief Justice Elizabeth T. Clement, Justice Megan K. Cavanagh, former Justice Marilyn J. Kelly, former Chief Justice Bridget M. McCormack, and Justice Elizabeth M. Welch

Things have changed at the Court since the above photo was taken on December 5, 2022. Chief Justice Bridget M. McCormack retired at the end of the month after serving on the Court for nearly a decade, including three years as Chief Justice, leading Michigan's judicial branch through the global pandemic.

In late November, Governor Gretchen Whitmer announced her appointment of then-representative Kyra Harris Bolden to the Court, effective January 1, 2023. Justice Bolden makes history as the first African American woman to serve on the Court. She is the sixth African American overall, following Otis M. Smith (1961 - 1967), Dennis W. Archer (1986 - 1990), Conrad L. Mallett, Jr. (1990 - 1999), Robert P. Young, Jr. (1999 - 2017), and Kurtis T. Wilder (2017 - 2019).

After being unanimously chosen in November by her peers to finish out Chief Justice McCormack's term as chief, the now-Chief Justice Elizabeth T. Clement was again unanimously voted chief justice on January 4, 2023, by her colleagues. She'll serve through 2024.

Chief Justice Clement is the seventh woman to serve as chief justice of the Michigan Supreme Court, following Mary S. Coleman (1979 - 1982), Dorothy Comstock Riley (1987 - 1990), Elizabeth A. Weaver (1999 - 2000), Marilyn J. Kelly (2009 - 2010), Maura D. Corrigan (2001 - 2004), and Bridget M. McCormack (2019 - 2022). However, the newest Chief Justice of the Court is the youngest woman ever to serve in the position. Congratulations, Chief Justice Clement! Congratulations, Justice Kyra Harris Bolden! Enjoy your well-deserved retirement, Chief Justice Bridget M. McCormack!



Photograph Credit - Michigan Supreme Court

A Changing of the Guard at the Michigan Supreme Court Historical Society

The Michigan Supreme Court Historical Society announced that Lynn Seaks has been named the new Executive Director. Seaks is a veteran of the Michigan Supreme Court, having most recently served as the Court Relations Program Coordinator.

“We are pleased to announce that Lynn Seaks has accepted the position of Executive Director,” said Carl Herstein, President of the Michigan Supreme Court Historical Society. “We have all witnessed Lynn’s expertise and talent while working for the Supreme Court; she will be an invaluable asset to our organization. Lynn’s enthusiasm and energy is contagious, and she brings a wealth of Court knowledge to the position.”

In addition, Carrie Sharlow, from the State Bar of Michigan, will also be joining the Historical Society in a part-time capacity as Assistant Executive Director, and will focus primarily on the quarterly newsletter and other historical projects. “Carrie’s passion for all things historical is a perfect fit for the organization,” said Historical Society Secretary and retired Oakland County Circuit Judge Denise Langford Morris.

“With the addition of these two highly talented individuals to our staff, we will focus on growing our membership and developing and pursuing numerous historical projects.”

The Michigan Supreme Court Historical Society is a nonprofit organization that 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 aims to increase public awareness of Michigan’s legal heritage.



Lynn Seaks with Justice Stephen J. Markman at Justice Markman’s recent portrait unveiling.
(reprinted with permission from Richard Browne)

2023 Contribution Form

Please use this form to join the Society or renew your dues for 2023, or to make an additional contribution

Name: _____

Address: _____

City, State, ZIP: _____

Email: _____

Phone: _____

Mail checks to: Michigan Supreme Court Historical Society, 3rd Fl Hall of Justice, 925 W. Ottawa St., Lansing, MI 48915

Pay online at www.micourthistory.org

CONTRIBUTION LEVEL

Individual dues \$150.00

Advocates Guild member \$50.00 + Dues

Law Firm Sponsor \$1,000.00

Other amount: _____

TOTAL

\$ _____

Pay Via Credit Card

We accept Visa, MasterCard, and American Express

Card No. _____

Exp Date: ____/____ Security Code: _____

Signature: _____

The Advocates Guild Dinner, October 26, 2022



The Advocates Guild Dinner in the Michigan Supreme Court rotunda on October 26, 2022
(reprinted with permission from David Trumpie)



Justice Brian K. Zahra
(reprinted with permission from David Trumpie)

Chief Justice Elizabeth T. Clement and John Pirich
(reprinted with permission from David Trumpie)





Justice Megan K. Cavanagh
(reprinted with permission from David Trumpie)

The Advocates Guild held its first post-Covid annual dinner on Wednesday, October 26, 2022. It was a welcome celebration of the advocates who appear before the Michigan Supreme Court and their role in the appellate process. Chief Justice Bridget M. McCormack, Justice Brian K. Zahra, Justice David F. Viviano, Justice Megan K. Cavanagh, Justice Elizabeth T. Clement, and Justice Elizabeth M. Welch all attended the dinner. Chief Clerk Larry Royster also attended. As is our tradition at the dinner, we enjoyed gathering in the justices' conference room, had photos taken with the justices

Chief Justice Bridget M. McCormack's table with Advocates Guild Chair Mary Massaron
(reprinted with permission from David Trumpie)

“The Ornaments of a House are the Friends who Frequent It”

By Mary Massaron, Advocates Guild Chair

and attendees in the courtroom, and then dined together in the Hall of Justice's rotunda. The photos in this issue of the newsletter show what a lovely evening it was.

We don't have a long formal program at these dinners. The point is to celebrate each other. Appellate courts operate in a formal fashion. Unlike in a trial proceedings when the parties and the judge often confer in chambers, at the Supreme Court, the advocates and the justices only speak with each other in the courtroom. The interaction focuses on argument about the issues in the case. The advocates offer their key points. The justices ask their most important ques-

tions. The Advocates Guild dinner provides a rare opportunity for us to speak informally with each other.

But it is more than just a social event. The dinner is an important moment in the life of the Court each year. Let me try to explain why by borrowing from the words of Ralph Waldo Emerson. He said:

“The ornament of a house is the friends who frequent it.”

“The only way to have a friend is to be one.”

“Friendship should be surrounded by ceremonies and respects, and not crushed into corners.”

We live in a fraught world in which our judicial institutions are regularly subject to attack. The Advocates Guild dinner reminds each of us – advocates, justices, court staff – that we are privileged to be where we are. For me, it is a time to reflect on how lucky we are to be alive right now in this country with its history of judicial independence and democratic institutions. I hope it also reminds us that though we may disagree strenuously with opposing lawyers on our cases or with justices on the Court who view the issues through a different lens, we are friends. That is, we are engaged in a mutual endeavor of vital importance to our democracy, and our democracy fails when we cannot maintain that friendship and respect for the others working with us as part of the appellate process.

When Emerson says that the ornaments of a house are the friends that frequent it, we can smile and think about moments when we have been in the Hall of Justice for argument and been able to advocate for our clients. On those occasions, we may also recall sitting in the Rotunda at dinner with our friends in the Advocates Guild and on the Court.

When Emerson talks about having a friend by being one, it calls us to think outwardly. If we are true friends of the Court – whether representing an amicus or a party – we are candid and thoughtful and respectful in the briefs that we write and the arguments we present. If we are true friends of each other, we make a point to compliment the other lawyers on a terrific argument, to tell them how much we enjoyed their brief because it made a complicated subject clear, and how much we appreciate the hard work of the Court

in resolving the difficult cases that come before it.

When Emerson urges us to surround friendship with ceremonies and respects, he might have been describing what the Advocates Guild dinner has come to be for us. Ceremonies and respects are important symbols to honor the friendship that we value. The Advocates Guild dinner is a ceremony to show respect for the lawyers who appear before the Michigan Supreme Court. We are privileged to engage in its work as advocates. When I next file a brief or appear for argument in the Supreme Court, I will spend a moment at the outset, recalling the terrific evening and also the respect and friendship we can have with each other as we do our work.

Calling All Law Clerks!

By John Fedynsky, Law Clerk Committee Chair

The Law Clerk Committee is hard at work on the life of the Court as seen through the eyes of its law clerks. Society cofounder Wallace Riley called them the invisible scribes, working behind the scenes and outside of the spotlights that would often shine on the justices. Toward that end, we are happy to announce the current roster of law clerks and their law school affiliations, upon which annual bragging rights and alumni pride can find their latest expression. Former law clerks among our readership are encouraged to complete and return the law clerk questionnaire. Take your pick between electronic link and hard copy. Other readers are encouraged to pass the questionnaire on to colleagues and friends who have clerked for the Court.

These efforts are aimed at an ongoing project to compile a comprehensive directory of Michigan Supreme Court law clerks. Additionally, we are always interested in documenting oral tradition about clerkship experiences and anecdotes about the justices themselves. In many chambers, the relationship between justice and law clerk extends well beyond mere employment and mentorship. Clerks become a part of the Court’s extended family, with friendships, marriages, and other lifelong connections that extend well beyond a term or career law clerk’s formal service to the Court. Fill out those questionnaires! The Society also welcomes donations of photographs, Court memorabilia, and other manageable tangible artifacts of the clerkship experience.

The Invisible Scribes: Law Clerk Directory

Your name:

Justice served:

Term as judicial law clerk:

If you served as a law clerk to more than one Michigan Supreme Court Justice, please add them below with years served.

Other clerkships (if applicable):

Law School:

College or university:

Home address:

Current work address or employment plans:

Email address:

Phone number:

Why did you decide to apply for your clerkship?

What did you learn in the application and interview process?

What is one thing you learned from your justice that you would not have learned elsewhere?

What was the relationship like with the clerks in the other justices' offices during your term?

How do you remember your justice?

Do you recall others who clerked for the Court at the same time? Please name them.

A link to this questionnaire can be found on our website at www.micourthistory.org or you may submit your reply to MSCHS, 3rd Fl Hall of Justice, 925 W. Ottawa St, Lansing, MI 48915 or via email lawclerks@micourthistory.org.

Law Clerks – January 2023

Chief Justice Elizabeth T. Clement's Office

Elizabeth Kingston, Sr. Clerk – MSU College of Law
Kate Markey - University of Michigan Law School
Alicia McCaffrey – University of Michigan Law School
Maria Ruggirello – University of Notre Dame Law School

Justice Brian K. Zahra's Office

Brian Balow, Sr. Clerk – University of Detroit Mercy
Samantha Cook – MSU College of Law
Nick Johnson – MSU College of Law
Robert Kuhn – University of Michigan Law School
Walter Pelton - University of Chicago Law School

Justice David F. Viviano's Office

Alexander Gallucci, Sr. Clerk – University of Notre Dame Law School
Nathaniel Haynes – Lewis & Clark Law School
Nathan Inks – Wayne State University Law School
Rebecca Wenman – University of Toledo College of Law

Justice Richard H. Bernstein's Office

Vivian Chang, Sr. Clerk – University of Michigan Law School
Michelle Goyke - Northwestern University Pritzker School of Law
Jessica Hoyer – Wayne State University Law School
Vonica Sallan – Wayne State University Law School

Justice Megan K. Cavanagh's Office

Brett DeGroff, Sr. Clerk – University of Michigan Law School
David Loudon – MSU College of Law
Kirsten Perry – MSU College of Law
Dana Ziegler - University of Michigan Law School

Justice Elizabeth M. Welch's Office

David Sheaffer, Sr. Clerk – MSU College of Law
Marissa Kreutzfeld – MSU College of Law
Connor Rubin – University of Michigan Law School
Amal Shukr – MSU College of Law

Justice Kyra H. Bolden's Office

Philip Stadler, Sr. Clerk – University of Michigan Law School
Alexis Ringman – Wayne State University Law School
Danielle Smart – George Washington University Law School

Researching the Origins of Law Clerks and the Michigan Supreme Court

By Jack Sweeting, 2021-22 Coleman Intern

Often relegated to the shadows of the courtroom, judicial clerks play and have played a vital, although an often-unsung role in the functioning of America's courts for nearly the past two hundred years. Although clerk responsibilities have expanded throughout the years, they remain like what they were over a century ago. In today's courts, clerks have several duties. Some clerks work directly for the court, and other clerks work for one specific judge on the court. Court clerks conduct research, prepare legal documents, and ensure the court properly functions. The "elbow clerks" that work for a specific judge are also responsible for preparing legal documents, conducting legal research, and compiling case materials for judges and lawyers. Though they often work behind the scenes, all clerks are tasked with ensuring the functioning of vital components of the court. Michigan's Supreme Court currently employs several court and elbow clerks in a variety of capacities.

State courts employed judicial clerks well before federal courts. In Michigan, clerks were employed as early as 1859, almost a quarter-century before the United States Supreme Court first utilized them. Records indicate that one of these early Michigan clerks, Thomas J. Ramsdell, served for the then Chief Justice of the Supreme Court of Michigan, George Martin, in the summer of 1859 before beginning his own legal career. Ramsdell's clerkship indicates that Michigan clerks served as trailblazers for the adoption of clerking throughout the nation.

Clerks were first widely used by courts due to necessity. Throughout the 19th century, the American Court System suffered from several structural inefficiencies. Court information moved slowly, and excessive caseloads quickly overwhelmed even the best judges of the era. Due to the rapid growth of the American population and industry, courts lacked the bureaucratic apparatus necessary to manage their caseloads. To address this issue, U.S. Supreme Court Justice Horace Gray became the first federal judge to hire law clerks in 1882. The assistance provided by clerks to justices quickly became an indispensable part of the court's functioning. Following Justice Gray's decision to employ clerks, courts across the country quickly began to more widely utilize

law clerks to address their increasingly unmanageable caseloads. Within a century, judicial clerks had become an essential role in the courtroom. In Michigan, the position of judicial clerk became formalized by the time of the passage of the State's Revised Judicature Act of 1961. This statute outlines the formal duties of clerks within Michigan's circuit courts:

A law clerk shall conduct legal research and prepare memoranda under the direction of the judges of the court, and under the general supervisory control of the chief judge of the court. The court may prescribe other duties by local rule.

The Act also outlines the Michigan Supreme Court's power to hire clerks and other court staff as it seems fit:

The supreme court may appoint, remove and shall have general supervision of its staff. It shall have control of the preparation of its budget recommendations and expenditures of moneys appropriated for any purpose by the legislature pertaining to the operation of the court or the performance of the activities of its staff. All fees and perquisites collected by the court staff shall be transmitted to the state treasury and credited to the general fund.

Even though Michigan Supreme Court clerks currently play the vital role of engaging in case research and assisting judges with their duties, clerks are likely to become an even more crucial part of the courts in the coming years. Law clerks have always played an essential role in their management of the courts. With the growth and development of new informational technologies, their role has gained renewed importance in the information age.

We should recognize the importance of all roles in the courtroom. So let us celebrate our Michigan Supreme Court Clerks for the role they continue to play in ensuring there remains liberty and justice for all within both our state and our nation. Let us take a moment to celebrate these unsung heroes of the courtroom and

recognize their contributions to our republic.

Sources

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2. Cyclopedia of Michigan: Historical and biographical, comprising a synopsis of general history of the state, and biographical sketches of men who have ... HathiTrust. (n.d.). Retrieved June 16, 2022, from <https://babel.hathitrust.org/cgi/pt?id=loc.ark%3A%2F13960%2Ft15m6hc83&view=page&seq=397&skin=2021&q1=Thomas++J.+Ramsdell>

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4. REVISED JUDICATURE ACT OF 1961 (EXCERPT). Michigan Legislature – Section 600.1471. (n.d.). Retrieved June 16, 2022, from [http://www.legislature.mi.gov/\(S\(ev0vfhsfwsoe044puqklqe0\)\)/mileg.aspx?page=getobject&objectName=mcl-600-1471](http://www.legislature.mi.gov/(S(ev0vfhsfwsoe044puqklqe0))/mileg.aspx?page=getobject&objectName=mcl-600-1471)

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Jack Sweeting is the Society's 2021-22 Coleman Intern. He graduated from Farmington High School. He is a junior at The University of Michigan, studying Cognitive Science.

A Supreme Court Brief: “A Loose Form of Verse”

In the November 2014 Michigan Bar Journal, attorney William K. Fahey highlighted Theodore W. Swift in a “Michigan Lawyers in History” article. Theodore “Ted” Swift is the “Swift” in the firm “Foster Swift Collins & Smith, PC” and a frequent advocate before the Michigan Supreme Court. Author Fahey noted that

In one Michigan Supreme Court case, he [Ted] submitted a 10-page reply brief, including the statement of facts, five arguments, and relief sections, written entirely in iambic pentameter—not only in verse and in rhyme, but with meaningful content.¹

You’ve never seen a brief like this, and it is reprinted in full below:

Eyde Brothers Developments Company, A Michigan Co-Partnership, Plaintiff-Appellee

v.

Eaton County Drain Commissioner, County of Eaton, Eaton County Road Commission, Board of County Road Commissioners of Eaton County, County Board of Commissioners, Charter Township of Delta, and Blue Cross and Blue Shield of Michigan, Defendants-Appellants.

Brief of Appellant Blue Cross and the Blue Shield of Michigan in Opposition to Motion for Rehearing Filed by Appellee

Filed by Foster, Swift, Collins & Coey, P.C. (Dated: February 3, 1987)

Introduction

This case, we aver, has been written to death,
Briefs have been penned to the very last breath,
In an effort, at last, to keep wording terse,
We resort, with apology, to a loose form of “verse.”

Statement of Question Involved

***Does the petition of Eyde contain matters endearing,
Which would warrant an order granting rehearing?***

The Plaintiff-Appellee says “Yes.”

The Defendant-Appellant says “No.”

The Amicus Curiae says “No.”

(For the ease of the reader, though perhaps a mistake,
We’ll respond to the Petition, for clarity’s sake.)

¹ Fahey, *Michigan Lawyers in History: Theodore W. Swift: The One-Eyed Javelin Thrower*, 93 Mich B J 47 (Nov 2014).

Statement of Facts

Petitioner, methinks, overreacts

By questioning the Court's finding of facts

The Petitioner levels its newest attack,

On the Court's recitation of salient fact,²

The point of this claim, we must candidly note,

Is nowhere germane to the majority vote.

Our foes protest the Opinions' views,

That no contract was made by the Edyes and the "Blues,"

This finding, we guess, sparks trepidation,

For the Eydes' next round of litigation.

So deprecate, they must, the finding so true,

But the edict they challenge, has nothing to do

With the law of this case--(subsurface right)--

The facts are correct, well written and tight.

Argument I

We Do No Respond To The Litany Of Odes,

Describing The Genesis Of Highways And Roads.

This portion of the Brief contains vast overloads,

Of discourse concerning the "modes" of the "roads,"

We hold our response to the merest suggestion,

That the discourse, so long, begs the question.

Argument II

Many Thanks To Our Foes For The Edification,

That The Mount Hope "Mode" Was Not Plat Dedication,

Such A Statement Of Truth Does Not Shake Us With Terror,

Nor Does It Unearth A Finding Of Error.

The Court, in its wisdom, found dedication by user,

But this ruling is challenged--with heat--by the loser,

Just why this attack, we don't comprehend,

Because the ruling is right, and helps Eyde in the end.

The Court held that Eyde owned to the center,

This finding was made without a dissenter,

On page 9 of their Brief, Eyde claims right to the fee,

But what is the point? All parties agree.³

The right to the fee is not the point of these fights,

The question is one of "attendant rights,"

That is the issue--"attendant rights", and their scope,

On that simple question, rides all of their hope.

But the "attendant right" issue has nothing to do,

² Blue Cross and Blue Shield, for purposes of this motion, accepts the facts set forth in the Opinion of the Court issued on December 29, 1986. See Slip Opinion, pages 1-7.

³ Paragraph 2, page 8, Slip Opinion. "...Eyde is correct in stating that it retains the title in fee simple to property up to the center line of a highway dedicated by user....," or Paragraph 3, page 13, Slip Opinion, "Because the highway is a public highway by user, Eyde remains the fee owner." Blue Cross and Blue Shield has never challenged such findings.

With all of the verbiage in Argument Two,

"Two" belabors the obvious, that's easy to see,

So we leave it behind and move on to "Three."

Argument III

The Thrust Of This Case, From The Movants Description,

Rests On A Theory That A Road By Prescription,

In Some Way Transforms The Subservient Fee,

Into A Valuable Right (Drain Code, S73),

In Spite Of Eydes' Efforts And Elaborate Plea,

This Court, In Its Wisdom, Chose Not To Agree.

In spite of the Eyde claim at page number nine,

This Court took the time to clearly define,

The meaning of the Drain Code (see 321),

The rationale shaped was properly done.

A right-of-way, said the Court, was really a must,

Said reasoning, we thinking, was certainly just,

But no further easement was to be later required,

That had been done when the road was acquired.⁴

Eyde says the Drain Code, (see 74)

By its analysis, settles the war,

But this Court discovered an obvious flaw,

And rejected--summarily--Eydes' view of the Law.⁵

The key to this issue is the word "within,"

Our foes disregard it--absent chagrin,

It lies "within" the Road, our much maligned drain,

And can be granted by government, that much is plain.

If, in fact, there could be any doubt,

The state highway law erases it out.

In pari materia comes into play,

As the Court neatly found, it shows us the way.

Delta Township approved, as it properly should,

Recognizing the gain to the public good,

Section 13 insured the township that right,

And that ruling, alone, should have settled this fight.

Before moving on, it perhaps should be noted,

That this Court labored long, and properly voted,

That the precedents extant controlled its decision,

A ruling unworthy of such unbridled derision.⁶

⁴ Paragraph 4, page 13, Slip Opinion. "In the instant case, because there already is an easement in the public, there is no need to acquire an easement for the construction of a sewer."

⁵ Paragraph 2, page 14, Slip Opinion. "Under S 74, Eyde claims that the consent of the fee owner is necessary for a release of a right of way when the proposed drain is to be constructed within a highway. We disagree."

⁶ E.G., see Eyde Brief in Support of Motion For Rehearing, "The Supreme Court has missed this issue." (Page IV Argument I).

"This Court's Opinion either ignores or confused the different modes of creating a highway." (Paragraph 1, page 3)

"However, the Court's analysis...is confused and in error." (Paragraph 3,

In *Warren-Grand Haven*,⁷ this Court followed Cooley,
A safe route to travel, we would note most duly,
Our opponents complain, and curse at the night,
But fail to point out why the rule is not right.

Argument IV

***Eyde Reasons That Its Fee, Covered By Road,
Amounts To A Stake – A Veritable Lode,
Of Cash, Or Lucre, Or Some Sort Of Money,
The Implications Of Which Are Clearly Not Funny.***

An easement includes, as Justice Williams opined,
Much more than the roadway on the surface defined,
The attendant rights, it seems easy to see,
Flow with the easement, and not with the fee.

Eyde vocalizes hard for condemnation,
Concomitant with—"just compensation,"
But the Court ruled wisely, sounding the knell,
That Eyde, with its "fee," has nothing to sell.

No servitude was added with the use of a drain,
To be used by the public, for citizen gain.
Eydes' demand for rehearing echoes on high,
Chanting error on error, without telling us why.

The ruling of law which Eyde would impose,
Would impact this state, and penalize those
Who would, through their tasks, improve quality of life.
And now are impeded with this legalized strife.

Argument V

***The Court Disposed Of The Question Of Width,
The Answering Salvo Is Loaded With Pith.***

Eyde errs on this issue in a basic assumption,
That a Four Rod width is not a presumption
That it must rebut, in order to say,
That it can claim the right-of-way.

Eyde reserves the Rule; it questions the call,
And insists that the public must carry the ball,
By provings it rights to Four Rods wide,
A premise quite contra to the legal tide.

This Court, in its wisdom, showed plenty of class,
In denying accretion for the mowing of grass.
The public would be rendered much less than convivial,

page 5)

"This Court's Opinion and analysis...is also misplaced." (Paragraph 2,
page 7)

"Reliance upon *Gunn v. Delhi Township*,...asserting it to be similar to the
instant case, is also in error." (Paragraph 2, page 9)

"This court's interpretation of *Rigoni v. Michigan Power*,...is alarming."
(Paragraph 5, page 18)

"This Honorable Court's Opinion...resulted in an erroneous and unjust
decision." (Paragraph 2, page 20)

7 30 Mich 24 (1874).

If road rights were lost to actions so trivial.

Relief

For three long years of convolution,
We have hoped for this solution,
We would think ourselves remiss,
If we did not seek an end to this.

We would urge an early ruling,
To terminate this easement duelling,
Our foes are vocal, but out of starch,
Beware delay and the Eydes of March.

Our client has suffered from delay,
Let's not postpone the Judgment Day.
Issue a Judgment Order, please,⁸
And bring this lawsuit to its knees.

Wisdom has prevailed, a decision rendered,
No challenge of merit has yet been tendered,
The needs of the public, so long defied,
Must now be honored – MOTION DENIED!!!⁹

Submitted now with due respect,
The Opinion issue to project.

FOSTER, SWIFT, COLLINS & COEY, P.C.
Attorneys for Defendant-Appellant
Blue Cross and Blue Shield Of Michigan

Dated: February 3, 1987.

⁸ See MCR 7.313(D)(2)

⁹ The litigious Eyde, having suffered the loss,
Is properly taxable to cover our cost.



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