



Society Update

The Official Publication of the Michigan Supreme Court Historical Society

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Fall 2024

An Event-Filled Spring

The Michigan Supreme Court Historical Society's event-filled spring/early summer began with the Annual Luncheon on Thursday, April 11. Chief Justice Elizabeth T. Clement offered introductory remarks, which she was kind enough to provide for our newsletter:



I am very much looking forward to hearing from Professor Simard. I would also encourage everyone to visit his website, the Citing Slavery Project. As we will learn from his presentation, this database is an invaluable source of information that both tells us about the role our profession played in legitimizing slavery but more importantly, how we might learn from the experience of our predecessors.

A key lesson, and the one I want to focus on for a moment, is that data, like the Professor's database, is a powerful tool to support positive change, community engagement, enhanced transparency, and improved decision-making.

That's why improved data collection and management is a top priority throughout the state judiciary. This effort is critically important to building public trust because every step we take to shine a light on how our

courts work and how decisions are made, we build public confidence in our branch of government.

To this end, we have already launched the Trial Court Data Dashboard – an interactive, easy-to-use platform that allows the public to review and analyze caseload information for every court in the state. Users can look at one or more casetypes, date ranges, and other variables to help understand the operation of their local courts.

In addition, we have made the most significant investment in a generation in the expansion of our case management system. As a result, we are on track to include every court in the state. Achievement of a statewide case management system will allow for more accurate data collection, save local courts from costly and time-consuming individual reports, and provide for shared services like text message notifications.

Related to this work is implementation of a next-generation Data Analytics platform for all trial court data statewide. Once this platform is in place, we will have enhanced public accessibility, detailed analysis tools for authorized court staff, and the foundation to share more higher quality data more rapidly with other state and federal agencies.

This data will help courts and policymakers in other branches make decisions based on real time data. And just as important, dashboards will allow the public to analyze data and engage in community conversations about how their local courts make decisions.

When it comes to data, there's much more I could talk about, but the take-home message is this: By improving data collection and management, we can make better decisions, be more engaged with the public, and build trust with the communities we serve.

The very next month, on May 9, 2024, the Society Advocates Guild hosted a symposium at the Wayne State University Law School on the 1981 decision in *Poletown Neighborhood Council v Detroit* (410 Mich 616) and the 2004 decision in *County of Wayne v Hathcock* (471 Mich 445).

Eminent Domain, *Poletown*, and *Wayne v. Hathcock*

The presenting panel was comprised of former Justice James Ryan, author of a dissent in *Poletown*; Mary Massaron and Alan T. Ackerman, who represented the defendants in the *Hathcock* case; and former Justice Robert P. Young, Jr., who wrote the opinion in *Hathcock*. The entire event was emceed by Justice Brian K. Zahra

Justice Ryan, who turns 92 this year, reminisced on the *Poletown* case and his dissent. He remarked that the case was argued and decided so quickly – 10 days! – that his dissent was filed more than a month after the opinion was published. His dissent begins with “This is an extraordinary case. The reverberating clang of its economic, sociological, political, and jurisprudential impact is likely to be heard and felt for generations;” he was right, the *Poletown* opinion controlled Michigan law and was highly influential around the country. More than twenty years later, *Hathcock* was argued before a completely different Court.

Alan Ackerman then provided a remarkable summary of the “factors that created an environment supporting the *Poletown* claims, the response to *Poletown*, and what has occurred since.” His remarks are published in full on the following page.

Mary Massaron, who chairs the Advocates Guild, noted that Justice Ryan’s dissent provided an excellent argument for the property owners. She recalled the argument before the Court and the approach that she and Alan Ackerman agreed on for presenting the property owners’ position urging a reversal of *Poletown*.

Finally, Justice Young gave the audience a constitutional lecture on the right to private property, remarking that (1) words matter when defining public use and benefit vs. public use alone; and (2) with no disrespect to his predecessors and Justice Ryan’s colleagues, but the “majority opinion [in *Poletown*] was intellectually flaccid.”

After the panelists spoke, questions were taken from the audience, which included SBM Executive Director and Society Board Member Peter Cunningham, Society President Emeritus Carl Herstein and his wife, Butzel Attorney Barrett Young, former county prosecutor (and legal legend) Tim Baughman, Retired Judge Giovan, Wayne County Judge Terrance Keith, Society Board Member John Fedynsky, and Advocates Guild Member Eric Restuccia.





Advocates Guild Chair Mary Massaron and Retired Justice (and Federal Court of Appeals Judge) James Ryan



Alan T. Ackerman has been a practicing lawyer since 1972.



Mary Massaron has been a lawyer since 1990 and involved in the Advocates Guild since its creation.



Former Justice Young served on the Court from 1998 to 2017, and was Chief Justice from 2011 to 2016.

Defendants argue that this exercise of the power of eminent domain is neither authorized by statute nor permitted under article 10 of the 1963 Michigan Constitution, which requires that any condemnation of private property advance a “public use.” Both the Wayne Circuit Court and the Court of Appeals rejected these arguments -- compelled, in no small measure, by this Court’s opinion in *Poletown Neighborhood Council v Detroit*.

Wayne Co. v Hathcock, 471 Mich 445 (Mich 2004)



Alan T. Ackerman offered the following remarks:

I will discuss the factors that created an environment supporting the *Poletown* claims, the response to *Poletown*, and what has occurred since the 1980 act, *Hathcock*, and the 2006 Constitutional Amendment.

All institutional and political decision-makers found that the Michigan industry was failing even before the 1974 oil embargo. The demographics and our never-ending industrial revolutions have created less demand for industrial employment. In 1974, legislation establishing local ‘development’ boards was enacted. The Economic Development Act provisions allowed the planning and acquisition by eminent domain. (MCL 125.1601)

Detroit’s auto industry experienced tumultuous times in the 1970s. The *Poletown* majority reviewed the employment losses and dire circumstances of Detroit.

What has not been frequently discussed was the confluence of several other factors.

Dodge Main, a 67-acre complex built on the Hamtramck side of the city border, was the Chrysler plant built as the Ford Rouge facility’s competitor. Over 35,000 were employed at the plant through the early 70s. The Dodge Revolutionary Union Movement (“DRUM”) had crippled activities at the plant. Simply put, Chrysler wanted to expand in Detroit in the North Industrial Project and get out of the Dodge Main employment and plant is-

sues. Between the DRUM activities and the age of the Dodge Main plant, Chrysler wanted ‘out’ and planned to close in 1980.

In the 1970s, Judge Keith entered a significant damage award against Hamtramck for the city’s racial discrimination in having I75 moved through the African American portion of the city. The sizeable financial penalty exacerbated Hamtramck’s problems.

Another factor precipitating the *Poletown* process, but not frequently discussed, was DeLorean Auto’s failure to construct a Detroit plant. In the mid-70s, John DeLorean wanted to build a plant in what is now the Connor Creek area, east of Detroit’s large water plant on the South side of Jefferson. This is where the condemnation issue enters the *Poletown* story.

Under the 1908 Michigan Constitution, over thirty eminent domain statutes authorizing eminent domain existed. There were slow takes, quick takes, and cases in Probate, Circuit, and tribunals, all dependent on the statutory delegation. The process allowed for what was called slow takes. Some statutes allowed the condemning authority to walk out of the case if the verdict was too high but allowed transfer of possession only after the final judgment and when an appeal was made so that the acquisition could take years. The certainty that the property acquisition would take so long terminated the hope of the DeLorean Motor Car Company borrowing our money by building a Detroit plant! It was one of the few good breaks for Detroit in the 70s.

At the same time, everyone was dissatisfied with the plethora of condemnation provisions. The utilities were upset with a process in which lawyers were paid to bring challenges for non existing reasons. Governmental agencies could not move with the slow-take procedure. Lawyers could not deal with the multitude of provisions allowing court and judge picking. The DOT was provided a quick take, but only for nonresidential property.

For twelve years, Jason Honigman, as leader of the then all-powerful Michigan Judicature Commission, and Bert Burgoyne, as Michigan Bar Condemnation Committee Chair, would attend a session where each offered a proposal of what each thought the law should be. Mr. Honigman sought uniformity in each act, which the General Court Rules to apply to all provisions. Mr.

Burgoyne sought uniformity in the acts, with one process that would apply to all acquisitions.

After all those years, in 1979, the three of us agreed that we should include both goals in one draft. The new act allowed a quick take for all properties, ending the logjam that had required slow takes for nonresidential property.

At the time, neither Mr. Burgoyne nor I knew that GM had shown interest in what is now described as the Poletown square mile. The land consisted of about 600 acres, including over 100 of Hamtramck and Dodge-Main, and was then in the process of closure. In addition, the discrimination award against Hamtramck was being paid via federal grant funding. However, the changes to Act 87, allowing a quick take or relatively immediate possession of urban residential property, was an earthquake change of the Michigan eminent domain statutory framework. With Poletown purely economic development reasons, it would be enough to obtain private property from all citizens.

What is too rarely discussed is Justice Fitzgerald's relatively short but precise challenge to the mislaid constitutional premise that the Constitution validly contemplates the taking of private property for the benefit of a designated user. Justice Fitzgerald noted Cooley's comments that "the question of public use is always one of law. Deference will be paid to the legislative judgment, expressed in enactments providing for an appropriation of property, but it will not be conclusive" is to remain as our standard.

In the then-existing blight clearance cases, the jury was required to determine whether the area was blighted, negating the objection that the property was being turned over to a private party.

Justice Fitzgerald distinguished the few commercial redevelopment projects of other states that allowed acquisition for industrial development, noting that the government, not the private end user, chose the location for industrial development.

This is distinct from taxes, where no sole burden is singly divested of property, and others will not be potentially affected.

Finally, Justice Fitzgerald posited that the notion that

public use is evolving destroys the concept of private property. The problem with *Poletown* was that the public purpose was fulfilled only after the transfer to GM. This was not for the eradication of blight.

In the respected *pod Poletown*, Justice Young noted the speed of the trial process, the expedited appeal process, and the immediacy of the Michigan Supreme Court decision. Justice Ryan filed a lengthy and reasoned opinion after the March 1981 decision. Justice Ryan's concurring opinion served as a clarion call for a return to the constitutional limitations contemplated by the 1963 Constitution.

You will hear about the ramifications of the decision in the next hour. Acknowledging *Hathcock* existed but concerned that it may be reversed in the future, the 2006 constitutional amendment ratified and reinforced the *Hathcock* decision. In addition, the amendment changes the burden of proving the public use from the owner to the authority by a preponderance of evidence standard and clear and convincing evidence in blight takings.



Justice Brian K. Zahra introduced each speaker and provided the microphone to audience members with questions.

Retired Chief Justice Robert P. Young and author of the *Hathcock* opinion offered the following comments:

In the early 1980s, Detroit was hemorrhaging jobs; the auto industry was under siege by the success of foreign imports, and joblessness was running 18% in Detroit.

Detroit Mayor Coleman Young persuaded GM to build a new modern plant on the site of the then-defunct Chrysler Dodge Main plant, supplemented by additional surrounding property in a community known as Poletown that had been the center of Detroit's Polish community for a century.

The additional Poletown properties necessary for the new GM plant were to be acquired by condemnation, justified as a "public necessity," to "alleviate unemployment," and because the benefit to the public was primary and the benefit to GM was "incidental."

Unquestionably, the creation of new jobs was a major economic benefit to Detroit. However, whether the benefit to GM could be characterized as "incidental" is questionable.

GM paid Detroit a minimal amount for the new plant project. The development costs borne by Detroit was a fifth of a billion dollars and GM was granted 12 years of tax abatement. When the GM plant project was announced and the condemnation of Poletown became apparent, the residents of Poletown objected and eventually sued to prevent the taking of their homes and businesses.

The case eventually came to the Michigan Supreme Court that decided the case in just 10 days.

Poletown permitted government takings for a public benefit – where it advances "industry and commerce" – not a public use as required by our constitution.

The issue in *Hathcock* was whether Wayne County was constitutionally authorized to take private property of landowners around the Detroit Metropolitan Airport in suburban Wayne County to advance economic development of this area. The Wayne County Pinnacle Project, as it was called, proposed to condemn the property of landholders around the airport and sell it to developers to create an "enterprise zone" of new businesses. Wayne

County argued in *Hathcock* that its challenged takings to advance development of the area surrounding Detroit Metro Airport promoted the growth of "industry and commerce" and were supported by the Poletown decision. The property owners argued that the taking of their property was not for a "public use," the only kind of government takings the 1963 constitution permitted.

Hathcock held that a person's property cannot be taken by the government and given to another private person, no matter how much "industry and commerce" might be advanced by the taking, and overruled *Poletown*.

Hathcock examined the Court's previous takings decisions and held that "the transfer of condemned property to a private entity....would be appropriate in one of three contexts":

- (1) Where "public necessity of the extreme sort" requires collective action (e.g., highways and railroads);
- (2) Where the property remains subject to public oversight after transfer to a private entity (e.g., regulated pipelines); and
- (3) Where the property is selected because of "facts of independent public significance," rather than the interests of the private entity to which the property is eventually transferred (e.g., slum clearance to promote public health).

Shortly after *Hathcock* was decided, the citizens of Michigan enacted an amendment by referendum ratifying the *Hathcock* construction of the takings clause and explicitly removed the ability of the government in Michigan to take one person's property to give another in service of a "public purpose."

The amendment, ratified in 2006, provides that

"Public use" does not include the taking of private property for transfer to a private entity for the purpose of economic development or enhancement of tax revenues. Private property otherwise may be taken for reasons of public use as that term is understood on the effective date of the amendment to this constitution that added this paragraph.

The people of Michigan decisively decided the question, favoring *Hathcock*.

June resulted in back-to-back events, beginning with

Justice Alton T. Davis’ Portrait Unveiling



Jules B. Olsman, President of the Olsman MacKenzie Peacock & Wallace firm served as event emcee.

On Wednesday, June 12, 2024, the Michigan Supreme Court courtroom was packed with retired Justice Alton T. Davis’ friends, family, and colleagues to celebrate the presentation of Justice Davis’ long awaited portrait. Nearly fourteen years in the making, the event was emceed by Jules B. Olsman and included remarks from Former Governor and Current United States Secretary of Energy Jennifer Granholm, United States District Court Judge for the Western District Jane Beckering, who served with Justice Davis on the Michigan Court of Appeals; Judge George Mertz, who currently serves on the 46th Circuit Court, where Justice Davis began his judicial career in 1984; Former Law Clerk Frank McLaughlin, who now serves as a research attorney for the Michigan Court of Appeals; and Justice Davis’ daughters, Brion Davis Thompson and Colby Davis Chilcote.



Judge Jane Beckering served with Justice Davis on the Michigan Court of Appeals from 2007 to his appointment to the Supreme Court in 2010. Judge Beckering remarked on Justice Davis’ “subtle leadership,” one “who listens just as often as he speaks. Who leads through collaboration and effectively communicating his wisdom in a way that makes others want to listen and understand.” In preparing her comments, Judge Beckering also spoke with several of their mutual colleagues on the court – Chris Murray, Bill Murphy, David Sawyer, Kurt Wilder, and Doug Shapiro – all of whom agreed to Davis’ effective leadership, common sense, and quick mind: “Tom brought out the best in all of us. Without pushing, pulling, or cajoling, he



led the panels he was on to the right outcome.”



Judge Beckering was followed by Judge George J. Mertz, currently serving on the 46th Circuit Court. Justice Davis began his judicial career in 1984 when he was elected to the 46th Circuit Court, covering Otsego, Crawford & Kalkaska counties. Four years before Davis was appointed to the Court of

Appeals, Mertz started his own legal career, working as the former justice’s law clerk.

Justice Davis’ appellate law clerk, Frank McLaughlin, reminisced on working with Davis. In his own remarks, Justice Davis referred to Frank as his “full partner in legal analysis and opinion production.”



Justice Davis’ daughters, Brion Davis Thompson and Colby Davis Chilcote, tag-teamed their own remarks before their father’s portrait was unveiled by his grandsons.



Justice Davis thanked all those in attendance and gave his own – both entertaining and eloquent – remarks, which are well-worth printing in full, if space allowed. Instead, readers are encouraged to view the full recording on the Court’s YouTube page.

About halfway through his remarks, Justice Davis observed how he came to the law fifty years before:

My mother was determined that I be college educated and be employed at a recognized profession. Marching to that incessant drum beat I surveyed the apparent options: medicine was the first to be rejected because I am squeamish around the sight of human blood and don’t like needles. Engineering wasn’t an option because I have no math skills and was so frustrated with an erector set I was given that I threw it away and said it got lost. One look at a periodic chart convinced me that science would be better served by people crazy enough to fool around with something like that. What remained was theology or the law.

I did give a fair amount of thought to theology, but ultimately came to a conclusion that if I were to go around holding myself out as a salesman for the divine I very likely would be struck dead by a lightning bolt once the celestial forces caught up with me. It was an undertaking better left to people like the two stalwart representatives petitioning on my behalf here today.

So the law it was. I obtained my law degree and was admitted to the bar in the fall of 1974....my last year and a half of law school I was fortunate

enough to secure a position in the chambers of Judge John Feikens in the Federal District Court in Detroit. It was my first real exposure to lawyers, judges, courts, trials, and the system as a whole. It was an invaluable experience that has served me well to the present time.

In August of 1975, I was in Grayling, Michigan and formed a partnership with Tom Kent. We scratched up the money to buy a defunct pool hall on main street, remodeled it with the help of somebody who knew what they were doing, and hung out our shingle as a general practice law firm. Four months later, at Christmas we paid our secretary the pittance she was getting and divided the \$70.00 left in the till and went home for the holiday. It was never easy but we never operated in the red or borrowed money.

The following summer in the Republican primary Tom was elected prosecuting attorney in Crawford County and I became the chief assistant, and later the prosecutor – to finish that term.

I continued in private practice and in the early spring of 1984, the circuit judge called me into his chambers and said: “The legislature has approved a second judgeship for this circuit. You’ll have to run for election in the 3 counties, but the first term will be for 8 years, and I’ve wondered if you’ve ever thought of a judgeship as a career?” I did not jump out of my chair and yell, “Oh, just about every waking moment since I was about 12!” I did not do that.

What I did say was, “That’s very interesting. Thanks for thinking of me but you know, it’s a big decision. I’ll have to think about it and talk with my wife and I’ll get right back to you.”

As I remember I left work early that day, went home, found my wife and said: “Sandra Kay, guess what we’re going to do.”

It was a hotly contested election from May to November over 3 counties against a popular opponent from Gaylord – which has about double the population of the other counties. When the dust settled, I had prevailed by slightly over 400 votes out of 14,000 total votes cast.

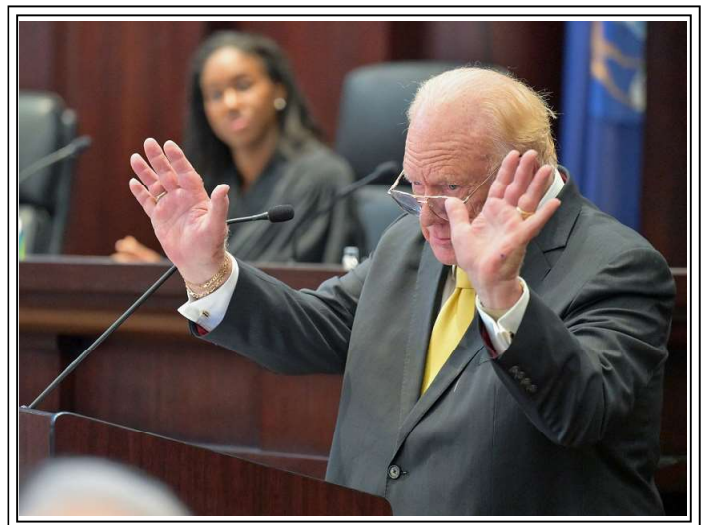
I have since always referred to that election as “the good election.” It provided me with an uncontested 26-year judicial career on three benches.

Along the way, Justice Davis was president of the 46th Circuit Bar Association and the Crawford County Fair Board and the Rotary International Club of Grayling and the Michigan Judges Association, and chairman of too many boards and committees to count. As Judge Beckering said, Justice Davis’ “fingerprints of service have left indelible imprints in many arenas” within Michigan, including innovations within the trial court system.

From Petoskey and Burt Lake to the Inland Lakes High School to the North Central Michigan College and Western Michigan University to the Detroit College of Law to the 46th Circuit Court to the Michigan Court of Appeals to the Michigan Supreme Court and back again fourteen years later following that much time as a mediator around the state. Justice Davis ended with:

And finally, I imagine you’ve all been in a casino at some point, and you may have noticed that the people running the games all do the same thing when they finish their shift. I never understood that but now, I think I do. They are displaying to the cameras in the ceiling that their shift is over and they’re not leaving with anything that belongs to the house.....

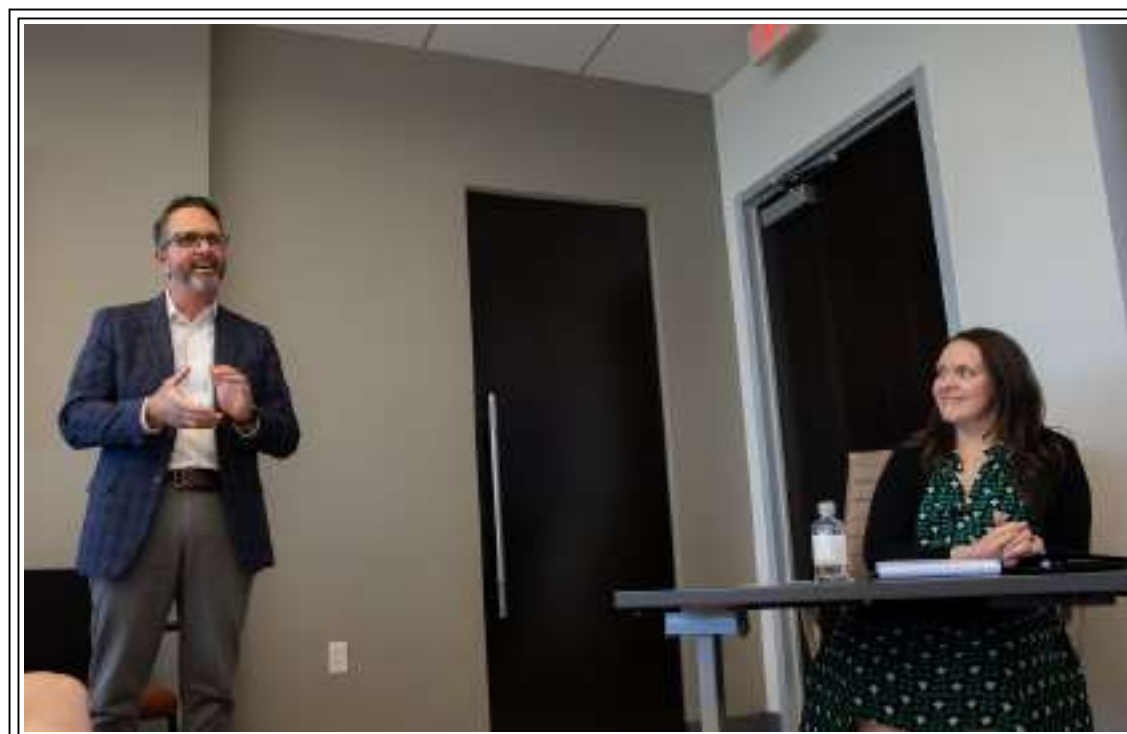
And so, he did, having left Michigan with a winning hand.



The very next day, the Society was at Miller Johnson's Grand Rapids location for

The Legacy of Women on the Michigan Supreme Court: A Conversation with Current Justice Elizabeth Welch and Former Justice Maura Corrigan

If you could sit for an evening with one of Michigan's Supreme Court justices and ask that individual about their life, career, journey to the Court, and any number of things, what would you ask? What if it was not just one justice, but two? On June 13, 2024, West Michigan attorneys, clerks, judges, former State Bar presidents, and two United States District Court judges crowded into Miller Johnson's conference center to do just that.



Society President and Miller Johnson partner, Joseph Gavin, introduced Justice Elizabeth Welch and Retired Justice Maura Corrigan to the audience, along with moderator Alison Khorey, who also practices at Miller Johnson.



Journey to the Michigan Supreme Court

Each justice¹ was asked how their career led them to the Michigan Supreme Court, and their paths were fairly different with some key similarities. Each justice had a successful career before ascending the bench, though Justice Welch primarily began her career in private firms before starting her own business, and Justice Corrigan worked in government agencies before she was appointed to the Michigan Court of Appeals.

Both justices reached the high Court at age fifty and both received calls from important individuals requesting they consider running for the elected office. And both initially said “no.”

In 1998, Justice Corrigan was serving as the chief judge for the Court of Appeals – having been appointed to that court six years earlier and elected twice in the ensuing years – and was working late when her phone rang. Justice Corrigan “liked to pretend [she] was [her] secretary after 5 p.m. and answered, ‘Chief Judge Corrigan’s office.’” Governor John Engler was on the line and announced that Justice Patricia Boyle was not going to run for re-election, and that he “wanted Justice Corrigan to run for the Supreme Court.” He’d asked before, in 1996, and received a firm “no.” This time, though, she would think about it: the prospect of succeeding Justice Boyle – who’d hired Corrigan into the Wayne County prosecutor’s office years earlier – was both daunting and providential. Justice Corrigan went

¹ Much of the below and on the following pages is a paraphrase of the Justices’ remarks. Direct quotations are included where applicable. We hope to post the video and/or transcript.

home and spoke with her husband, Joe Grano, a professor at Wayne State University, who said, “Go for it, you ought to do it.”

What Justice Corrigan did not highlight then was that when Professor Grano said “Go for it,” he was very sick with Multiple System Atrophy and had been ill for many years. He would pass away the same year Justice Corrigan began her first term as Chief Justice of the Michigan Supreme Court, so his support of a statewide campaign was incredible.



While Justice Corrigan began in Ohio (she was born in Cleveland) and moved to Michigan, Justice Welch did the opposite: she was born in Grand Rapids and moved to Ohio to attend law school. After earning a law degree from Ohio State University, she worked in Louisville, Kentucky. Eventually, Justice Welch “realized that if [she and her husband] wanted to have a family and maintain [their] careers, they were going to need back-up.” They made the decision to return to Grand Rapids where a village of parents and grandparents awaited them. Justice Welch began at Miller Johnson and later launched off into her own work with small firms and nonprofits.

As her children entered school, Justice Welch became involved in public school advocacy. A key budget item would be cut and “you start investigating what’s going on and get sucked in and before you know it, you’re in the Capitol trying to tell people how to vote.” This led to certain political relationships and Justice Welch began recruiting people to run at all levels – “School Board, City Commission, [State] Senate, [State] House” – and helped candidates launch their campaigns. She herself later served as “Vice President and a Trustee on the East Grand Rapids Public Schools Board of Education.”

She did this work as a volunteer – while also running her law practice and raising her children – because she cared deeply about “elevating smart people, particularly smart women.” But it was only a matter of time before people started asking her to run for higher office. And, like Justice Corrigan, Justice Welch initially said “no.” Then a couple of years went by, and things had changed: “Justice Markman was retiring, leaving an open seat.” Chief Justice Bridget McCormack called, the Governor called, and the same folks who had asked several years before asked again and Justice Welch said “yes.”

It was the end of 2019, and, suffice it to say, Justice Welch’s campaign, which took off in 2020, was a very different format than Justice Corrigan’s.

Women Are Regularly Asked This Question

One of the usual questions asked of women in high positions and very demanding fields is how they balance career and family. Both justices noted that their male colleagues are not asked this question as regularly.

Justice Welch remarked that her “first husband, Jerry, was an excellent partner, both professionally and with their children, and they divided the duties” – for example, he was the primary cook. Her experience was unique and many of her peers did not have the same. She also reiterated that she made an intentional decision to move back to Grand Rapids where there was familial support.

Justice Corrigan also noted that she didn’t feel well-qualified to talk about this topic because her marriage was so unusual, with her “husband being ill for half of their marriage and seriously ill for the last three years of their marriage.” There wasn’t any work-life balance in her household: she had to do it all.



Justice Elizabeth Welch

- * Generation X
- * Born in Michigan
- * B.A. Penn State University
- * J.D. Ohio State University
- * Practiced in Louisville, Kentucky and Grand Rapids, Michigan
- * Joined the Supreme Court in the midst of a Global Pandemic
- * Began service under a female Chief Justice – Bridget M. McCormack
- * Served with a female majority in 2021, 2022, 2023
- * Married, with four adult children

Justice Maura D. Corrigan

- * Baby Boomer Generation
- * Born in Ohio
- * B.A. Marygrove College
- * J.D. University of Detroit Law
- * Practiced primarily in Detroit before Court of Appeals appointment
- * Joined the Supreme Court the year before the New Millennium
- * Began service under a female Chief Justice – Elizabeth Weaver
- * Served as Chief Justice from 2001 to 2004
- * Served with a female majority in 2009, 2010
- * Widowed, with two adult children

That New Associate You Mentor Now Could Become a Supreme Court Justice

Each of the Justices were asked about their mentors. Justice Corrigan responded that her mentors were her late husband, Joseph Grano; former United States District Court Judge and Justice Patricia Boyle, who was Chief of Research Training and Appeals at the Wayne County Prosecutor's Office while Corrigan worked there; and Leonard Gilman, Chief of the Wayne County Prosecutor's Office Criminal Division and later U.S. Attorney. All three were notably good lawyers, who "wanted to do the right thing, and saw the profession as a high calling."

Justice Welch reminisced on her grandmother's influence in her life. Elaine "Laney" Merrill Mitchell, who passed away on March 29, 2018, was a strong source of stability in Justice Welch's youth and a bit of a force to be reckoned with in the neighborhood. Another mentor was Miller Johnson partner (now of counsel) Jon March, who graduated from law school the same year Justice Corrigan received her B.A. When Justice Welch started at Miller Johnson, she worked on a case with Jon March and found him to be a legal giant and a highly supportive mentor. Justice Welch also highlighted her involvement with the Women Lawyers Association of Michigan and other legal associations.

The Privilege Of Service

To no one's surprise, each justice is incredibly fond of their time on the Court. Justice Corrigan noted that "I value my law degree more than anything." Justice Welch remarked "It has been an absolute privilege. I love it."

The justices are also nonchalant at their historical roles and their positions in history. Justice Welch noted that it is no longer "a big deal" for the Michigan Supreme Court to have a female majority; indeed, it is a regular occurrence in our state.



We had the opportunity to celebrate Justice Corrigan's birthday, which is June 14.

The Michigan Supreme Court Historical Society includes Biographical Blurbs on each of our justices. Justice Corrigan and Justice Welch's information is below:

Maura D. Corrigan

Served from 1999 through 2011
Chief Justice: 2001, 2002, 2003, 2004

Maura D. Corrigan was born in 1948 in Cleveland, Ohio. She received her B.A. from Marygrove College in 1969, graduating magna cum laude, and her J.D. from the University of Detroit in 1973, graduating cum laude.



Corrigan's legal career began when she served as a law clerk to the Honorable John Gillis of the Michigan Court of Appeals. She then moved on to become an assistant prosecuting attorney in Wayne County from 1974 to 1979; in 1979 she was appointed Chief of Appeals in the U.S. Attorney's Office for the Eastern District of Michigan. In 1986, she was promoted to Chief Assistant U.S. Attorney, becoming the first woman to hold that position. In 1989, Corrigan became a partner in the law firm of Plunkett Cooney, specializing in litigation and appeals.

Corrigan's judicial service began when Governor John Engler appointed her to the Michigan Court of Appeals in March of 1992. In 1992 and 1994 she was elected to terms on that court. In 1997 she was appointed Chief Judge of the appeals court, a position she held for two years before her election to the Michigan Supreme Court in 1998. In 2001 and 2003, her peers on the Michigan Supreme Court elected Corrigan Chief Justice.

Corrigan has participated in numerous community and professional activities. She is a past president of the Incorporated Society of Irish American Lawyers and the Detroit Chapter of the Federal Bar Association. She served as a public member of the Michigan Law Revision Commission from 1991-1998, as an executive board member of the Michigan Judges Association, and as a member of the Judicial Advisory Board of the Center for Law and Organizational Economics at the University of Kansas Law School. She also served on the Board of Directors of Boyssville of Michigan.

Corrigan won many awards for her professional achievements, including the U.S. Department of Justice Director's Award for Outstanding Performance as an Assistant U.S. Attorney and the Federal Bar Association's Leonard Gilman Award to the 1989 Outstanding Practitioner of Criminal Law. She also published in journals such as the Wayne Law Review and University of Toledo Law Review and taught as an adjunct professor at Wayne State University Law School.

Corrigan is the widow of Wayne State University Distinguished Professor of Law Joseph D. Grano and is the mother of Megan and Daniel.

Elizabeth M. Welch

Served from 2021 to present

Justice Elizabeth M. Welch joined the Michigan Supreme Court on January 1, 2021. She currently serves as the Justice Liaison on data gathering and transparency in the civil, criminal, and juvenile justice systems, as well as the Liaison to the Michigan Judicial Institute. She co-chairs the Diversity Equity & Inclusion Commission, co-chairs the Justice for All Commission's (JFA) Technology and Data Sharing Work Group, and serves on the JFA Communications Work Group and JFA Resource Work Group.

Justice Welch received her law degree from Ohio State University (where she served as Research Editor of the Law Journal) and her undergraduate degree from Penn State University. After law school, she practiced labor/employment law at large law firms located in Louisville, KY and Grand Rapids, MI prior to starting her own law practice. She also published many articles in academic and industry publications, including serving as a Chapter Editor for The Developing Labor Law treatise.

During her 25-year career, she counseled nonprofit organizations, businesses, and individuals on labor/employment law matters and represented her clients in arbitrations, administrative agency matters, and litigation. Justice Welch also handled pro bono abuse/neglect matters, worked as counsel to a criminal defense law practice, and counseled nonprofit organizations on board governance. Justice Welch is a trained mediator and volunteered for many years with the West Michigan Dispute Resolution Center.

Justice Welch has been a member of numerous professional and nonprofit boards, including serving as a Trustee for the Grand Rapids Bar Association and a board member for the Women Lawyers Association of Michigan – Western Region (where she also served as President). Justice Welch is currently Vice President of the Steelcase Foundation and a Trustee of the Grand Valley University Foundation.

Prior to her joining the Supreme Court, Justice Welch served as Vice President and a Trustee on the East Grand Rapids Public Schools Board of Education. She worked with leaders across the state to engage and train

community members to be advocates for local public schools and regularly worked with legislators on public school policy. She also served on the School Finance Research Collaborative (a statewide coalition of education stakeholders who commissioned a study to determine the true cost of educating a child in Michigan). Justice Welch also served on the Grand Rapids Mayor's Task Force in 2013 and 2016, which was charged with examining and improving local elections.

Justice Welch has received several awards in recognition for her public school and other community work. She and her husband Brian Schwartz live in Grand Rapids and have four adult children.



This photo includes a bit of a who's who in West Michigan law and a mini-legacy of Women in Michigan law, as former State Bar of Michigan president and Rhoades McKee attorney, Bruce Courtade so eloquently noted during the question-and-answer period.

Retired State Court Administrator and past president of the National Judicial College Chad Schmucker observes, with Michigan State Capitol Historian and Curator Valerie Marvin in the background. In the next row, with her back to the camera is Janet Welch, Society Secretary and the first woman to serve as the executive director of the State Bar of Michigan. Next to Janet is Senior United States District Court Judge Janet Neff, who also served as one of the Michigan Supreme Court's first female commissioners; Nancy Diehl, legendary chief of the Wayne County Prosecutor's Office and former State Bar of Michigan president, sits next to Judge Neff. Finally, United States District Court Judge Jane Beckering, Judge Neff's successor, sits to Nancy Diehl's left.

The event was incredible and the Society hopes to have many such gatherings in the future. Thank you, Miller Johnson, for hosting, and Justices Welch and Corrigan for participating!

The History of the State Appellate Defender Office

by Kathy Swedlow and Jonathan Sacks



Kathy Swedlow is the Manager of the Criminal Defense Resource Center at SADO



Jonathan Sacks is the Director of SADO

By the end of 1972, SADO employed 7 staff attorneys⁷ and expanded to 12 staff attorneys by the end of 1973.⁸

In 1974, SADO felt the impact of *Mitchell v Johnson*, a Sixth Circuit decision that held that a state cannot refuse to appoint counsel to indigent defendants for discretionary appeals to the state supreme court.⁹ Thus, SADO's full-time staff quickly grew to 75, but later in 1975, budget cuts led to a reduction to 41 full-time employees, rotational two-week layoffs for the staff who remained, and the need to return assignments to the trial courts. Even so, many of the staff continued "to work during that period without pay."¹⁰

Michigan's State Appellate Defender Office was formed in 1969 after the Michigan Commission on Law Enforcement and Criminal Justice approved grants totaling \$70,000 for SADO's support. The funding was contingent upon the establishment of a governing commission, and in March 1970, the Supreme Court issued an administrative order establishing the Appellate Defender Commission, to be composed of seven members.¹ The commission would be comprised of individuals recommended by the Michigan Judges Association, the Supreme Court, the Court of Appeals (still in its infancy), and the State Bar of Michigan.²

The United States Supreme Court had only then-recently recognized the right to counsel in state trial proceedings³ and on appeal⁴ generating a need and demand for state appellate defense. SADO stepped in the fill the gap and began accepting appointments in September 1970, and by the end of 1972, SADO had received 849 assignments.⁵ And SADO was successful from the start: by the end of 1972, SADO obtained favorable decisions on 72% of people's cases.⁶

The office grew quickly. The first State Appellate Defender was Arthur J. Tarnow, who was only in his late twenties when hired and thirty when he resigned. Twenty-five years after his departure from SADO, he was appointed to the United States District Court for the Eastern District of Michigan.

At the time, SADO's operations were financed by vouchers paid by the counties and "monies supplied by the Legislature through the Office of the Supreme Court" – a continuation of a policy established in the 1972-1973 fiscal year.¹¹ SADO requested an admittedly low fee of \$15.00 per hour for its case work but reported that it was only being paid \$9.75 per hour.¹²

Originally located only in Detroit, less than ten years after it took its first case, SADO opened an office in Lansing to better serve other parts of the state.¹³ That same month, the Legislature enacted the Appellate Defender Act, which formally established SADO, ratified

Chief State Appellate Defenders:

Arthur Tarnow
James Neuhard
Dawn Van Hoek
Jonathan Sacks

the Appellate Defender Commission, established state funding for continued operations, and set the office caseload: “not be less than 25% of the total criminal defense appellate cases for indigents pending before the appellate courts of this state.”¹⁴

Support for the Defense Bar and Criminal Defense Resource Center

From the start, SADO staff provided support to other members of the defense bar and those affected by the criminal legal system. In the mid-1970s, SADO was responding to 2,000-2,500 requests for assistance annually, i.e., requests beyond those associated with its own cases.¹⁵ Early on, SADO also developed a brief bank – a resource it continues to this day – which grew to over 3,000 briefs by 1978, i.e., in less than a decade of operations.¹⁶

Recognizing the need to formalize its support to the defense bar and larger community, SADO requested and received a grant in the mid-1970s from the Office of Criminal Justice Programs to develop a Legal Resources Project.¹⁷ The Project had a small staff, and was expressly developed “in response to legislators seeking information and assistance for their constituents or opinions on pending legislation, from professional and citizen groups interested in the area of criminal law and corrections, and from attorneys seeking both procedural and substantive advice on pending cases.”¹⁸

The Project launched a monthly Criminal Defense Newsletter (CDN) in November 1977, consisting of articles about substantive and procedural law, legislative updates, and summaries of appellate opinions from Michigan courts.¹⁹ For the first few years, the CDN was free to subscribers, but in October 1983, the Project announced that it would have to begin charging subscribers for the CDN. During this era and relying on a series of generous grants from the Michigan Commission on Law Enforcement Standards,²⁰ the Project also began publishing desk books, beginning with a Trial Book, and later adding a Sentencing Book. In the mid-1990s, the Project launched its own internet site and began distributing electronic and hardcopies of its publications, and in 2000, the Project changed its name to the Criminal Defense Resource Center (CDRC) – the name by which it operates today.

Currently, the CDRC has 1,800 subscribers, composed

of members of the defense bar, prisoners, and prison and jail libraries. It continues to publish its Trial and Sentencing Books, as well as other books addressing Search and Seizure, Evidence, Motions, the Sentencing Guidelines, Juvenile Life Sentences, Appeals, Habeas Corpus, Commutation, Reentry, and Policies and Procedures of the Department of Corrections. Its website hosts these books, the brief bank, past and current issues of the CDN, a library of training videos, reentry resources, and a variety of other resource pages for defenders, defense team members, and people affected by the criminal legal system. Through all these resources and activities, the CDRC trains stakeholders in the criminal legal system including trial and appellate attorneys, Michigan Department of Corrections staff, people who have been directly impacted, and judges and prosecutors.

Michigan Appellate Assigned Counsel System

The Appellate Defender Act, enacted in January 1979, ratified the Appellate Defender Commission, and charged it with developing “a system of indigent appellate defense services which shall include services provided by the office of the state appellate defender. . .and locally appointed private counsel.”²¹ For individuals who were assigned to SADO, appellants could be assured of zealous representation. But SADO only represented a portion of individuals, and so most individuals seeking appeal were assigned to private attorneys who were underpaid and unsupervised and whose work fell far, far below the work of SADO attorneys. Indeed, in a series of articles from January 1981, the Detroit News chronicled instances where assigned private attorneys submitted identical briefs in different cases, failed to ever visit and confer with their clients, requested payment from courts using fictitious names, and failed to appear at oral argument.²² It was, in the words of the News, a system “in drastic need of overhaul.”²³

After a year of study and public comment, the Commission submitted a proposal to the Supreme Court to establish the Michigan Appellate Assigned Counsel System (MAACS): an independently administered office tasked with compiling and maintaining a statewide roster of attorneys eligible to represent individuals not represented by SADO.²⁴ The proposal also recommended establishing minimum qualifications for roster attorneys, developing minimum performance standards for roster attorneys, and creating a “local designating

authority” within each court to assign attorneys by rotation and experience²⁵ – instead of by the local judge. This final recommendation drew sharp criticism from the Michigan Judges Association, for the “allegation, implied if not expressed, that lawyers would be so lacking in courage as to bow to the wishes of the appointing judge.”²⁶ Nonetheless, in December 1981, the Supreme Court issued Administrative Order 1981-7 in December 1981, establishing MAACS.²⁷

SADO-MAACS Merger and Reforms

Following a recommendation from the Appellate Defender Commission, in Administrative Order 2014-18, the Michigan Supreme Court ordered the merger of SADO and MAACS under the management of the Appellate Defender, and oversight of the Appellate Defender Commission: “For years, under-resourced MAACS attorneys struggled to deliver high-quality representation to their clients, compared to the services available to SADO clients.”²⁸ The Order aimed to reduce the uneven access to justice in the appellate system.

In Administrative Order 2015-9, the Michigan Supreme Court authorized MAACS to “implement a one-year pilot project to assess the feasibility, costs, and benefits associated with structural reforms currently under consideration for permanent statewide implementation.” The reforms included regionalized lists of MAACS roster attorneys, more active MAACS involvement in the counsel appointment process, and standardized attorney fees and expenses.²⁹ After launching with 14 trial courts in the Upper Peninsula and Eastern Lower Michigan, the pilot has grown to include every circuit in Michigan. In November 2017, the Supreme Court permanently approved these structural changes, allowing MAACS to continue its efforts to regionalize all assignment lists and encourage trial courts to adopt uniform fee policies.³⁰ In 2024, the State of Michigan budget provided a new fund to reimburse counties for payment of reasonable and uniform fees to MAACS roster attorneys.

Other successful MAACS reform projects included litigation support for MAACS roster attorneys, reentry and mitigation support for MAACS roster clients, and access to discounted Westlaw costs and SADO’s CDRC.

Juvenile Lifer Unit

Around the same time, a decision of the United States Supreme Court in January of 2016 created an extraordinary one-time constitutional requirement involving 364 children serving life without parole sentences in Michigan. *Montgomery v. Louisiana*,³¹ required resentencing of all individuals serving unconstitutional mandatory sentences of life without parole for offenses committed as youth. As it had so often before since its creation, SADO stepped up, and agreed to represent most of Michigan’s 364 juvenile lifers, many of whom were former clients. The vast majority of these individuals have now received new sentences, and almost all no longer serve life without parole. Since 2016, SADO has successfully represented these clients through a dedicated Juvenile Lifer Unit.³²

In *People v. Parks*,³³ the Michigan Supreme Court held

1970 Appellate Defender Commission

Ronald L. Dzierbicki

Court of Appeals Chief Clerk

John C. Emery, Jr.

Birmingham-located attorney

John F. Foley

Vicksburg-located attorney

Hondon B. Hargrove

Michigan Corrections Department Senior Parole Agent

Seymour F. Posner

Southfield-located attorney

William R. Walsh, Jr.

Port Huron-located attorney

Judge Jack W. Warren

Ingham County Circuit Court Judge

that a mandatory sentence of life imprisonment without the possibility of parole for 18-year-olds constituted cruel or unusual punishment under the Michigan Constitution. Depending on a final decision on retroactivity, this decision potentially expands the reach of Montgomery in Michigan to 274 more people.³⁴

Today at SADO, a dedicated group of attorneys, mitigations specialists, and reentry coordinators represent people for resentencing hearings for offenses committed as teenagers.

Sentencing Mitigation and Reentry

Starting with a federal Byrne Justice Assistance grant in 2011, SADO started to offer focused mitigation advocacy for clients with the assistance of a social worker. The project was conceived as a multi-year effort to use a holistic approach to client service, seeking not only

sentencing relief, but also improved life outcomes, preparation for community reentry, and lower recidivism rates.³⁵

In 2016, SADO also developed Project Reentry, initially to help Juvenile Lifer Unit clients with their return to the community. Project Reentry staff develop Comprehensive Reentry Plans to assist with the return to the community, hold reentry workshops, and publish a Reentry Guidebook and a Reentry Services Locator to help individuals find assistance for their specific needs.³⁶

SADO and MAACS now both have mitigation specialists and reentry specialists to work with attorneys on resentencing hearings for both appellate and Juvenile Lifer Unit clients.

Wrongful Conviction Unit

In Michigan, representation on direct appeal includes a requirement and opportunity to investigate and expand the trial court record for issues including ineffective assistance of counsel, discovery violations, or newly discovered evidence.³⁷ In response to this opportunity to reinvestigate client's convictions, SADO secured grant funding to investigate appeals with potential actual innocence claims, review the closure of the Detroit Crime Lab, and review the backlog of untested sexual assault kits from the Detroit Police Department.³⁸

This work has evolved into SADO's Wrongful Conviction Unit, which has accomplished multiple exonerations for actually innocent clients, most recently for Terance Calhoun and Crystal Mulherin.³⁹

Next Steps: First Collective Bargaining Agreement; Amendments to the Appellate Defender Act and Youth Defense; and SADO Expansion.

From an office with seven attorneys in 1972, SADO continues to grow, develop, and evolve as a leading public defender office and assigned counsel system focused on the best possible results for the people we serve.

In 2020, SADO received a request for recognition of the UAW as bargaining representative for SADO employees. The Appellate Defender Commission voted to voluntarily recognize the employee bargaining unit.⁴⁰

2024 Appellate Defender Commission

Judith Gracey

Chair of the Commission, Sylvan Lake-located attorney

Conor Dugan

Grand Rapids-located attorney

JoAnn Lank

Court of Appeals District Clerk of Detroit Office

Brandy Robinson

Assistant Federal Defender at Federal Community Defender at Eastern District Michigan

Judge Thomas L. Solka

Retired Marquette County Judge

Janet Welch

Former Executive Director of State Bar of Michigan

Darryl J. Woods

Elder at Greater Temple in Detroit and a youth mentor/Chair of the Board of Police Commissioners in Detroit

In 2023, the Appellate Defender Commission adopted SADO's first ever collective bargaining agreement offering reasonable wage increases for SADO employees among other policies.

In 2023, for the first time in over forty years, the Legislature amended the Appellate Defender Act.⁴¹ The historic expansion accomplished two things:

- Permanent implementation of reasonable uniform fees for MAACS roster attorneys, tied to Michigan Indigent Defense Commission rates and guaranteed through a state fund to reimburse counties.⁴²
- Expansion of the Appellate Defender Act to include youth defense for SADO and MAACS.⁴³ The recommendations of the Michigan Task Force on Juvenile Justice Reform to expand indigent defense triggered these amendments.⁴⁴

With the MAACS merger, and the expansion of SADO's work to include youth defense the Juvenile Lifer Unit, Project Reentry, mitigation specialists, and the Wrongful Conviction Unit, SADO now has a staff of 79 people. The fiscal year 2025 budget signed by Governor Whitmer recognizes SADO's success and adds 28 new attorneys, investigators, mitigation specialists, and other core staffers to reduce workload pressures for both SADO and MAACS and best represent people appealing convictions.

As Michigan's oldest and only statewide public defender office. SADO's employees share a mission to fight injustice through access, advocacy, compassion, and education. SADO is an illustration of how proper resources, targeted training, and shared values can help create a public defender office that sets the standard for high quality indigent appellate practice. Now, more than 50 years after the SADO's start, the office is set up for another 50 years of providing the best possible representation for the people we represent.

NOTES

1. Administrative Order 1970-1, 383 Mich xxxvi (1970).
2. *Dzierbicki Temporary Chairman*, Lansing State Journal (May 3, 1970), p A9.
3. *Clarence E. Gideon v Louie L. Wainright, Corrections Director*, 372 US 335 (1963).
4. *William Douglas and Bennie W. Meyes v State of California*, 372 US 353 (1963).
5. SADO Annual Report (1972), p 8. <https://www.sado.org/content/commission/annual_report/1972.pdf> (accessed February 1, 2024).
6. SADO Annual Report (1971-1974), p 21 <https://www.sado.org/content/commission/annual_report/1971-74.pdf> (accessed February 1, 2024).
7. SADO Annual Report (1972), pp 3-8.
8. SADO Annual Report (1973), p 2 <https://www.sado.org/content/commission/annual_report/1973.pdf> (accessed February 1, 2024).
9. 488 F2d 349 (6th Cir. 1973). Mitchell was effectively overruled by *Ross v Moffitt*, 417 US 600 (1974) (due process clause does not require appointment of counsel for discretionary appeal to state supreme court).
10. SADO Annual Report (1975-1976), p 4 <https://www.sado.org/content/commission/annual_report/1975-76.pdf> (accessed February 1, 2024).
11. SADO Annual Report (1973), p 3, p 6 – SADO reporting that it is financed by counties and by “monies supplied by the Legislature through the office of the Supreme Court.”
12. SADO Annual Report (1972), p 15.
13. SADO Annual Report (1980-1981), p 2 <https://www.sado.org/content/commission/annual_report/1980-81.pdf> (accessed February 1, 2024).
14. MCL 780.711 *et seq.*
15. SADO Annual Report (1974-1975), p 5 <https://www.sado.org/content/commission/annual_report/1974-75.pdf> (accessed February 1, 2024); SADO Annual Report (1975-1976), p 6.
16. SADO Annual Report (1977-1978), p 2 <https://www.sado.org/content/commission/annual_report/1977-78.pdf> (accessed February 1, 2024).

- sado.org/content/commission/annual_report/1977-78.pdf> (accessed February 1, 2024).
17. SADO Annual Report (1976-1977), p 2 <https://www.sado.org/content/commission/annual_report/1976-77.pdf> (accessed February 1, 2024).
18. *Id.*
19. Criminal Defense Newsletter, Vol. 1, No. 1 (Nov. 1977) <<https://www.sado.org/cdn/01cdn01.pdf>> (accessed February 2, 2024). The CDN is still published monthly, and every issue, from November 1977 to the present day, is available to subscribers at www.SADO.org.
20. The Project also received grants during this time from the Michigan State Bar Foundation and the Bureau of Justice Assistance.
21. MCP 780.712(5).
22. *The Poor and Their Right to Appeal*, The Detroit News (January 28, 1981), p 12-A.
23. *Id.*
24. Administrative Order 1981-7, § 1(1), 412 Mich lxv (1981).
25. Administrative Order 1981-7, §§ 2-4, 412 Mich lxv (1981).
26. *The Poor and Their Right to Appeal*.
27. Administrative Order 1981-7.
28. SADO Annual Report (2015), p 7. <http://www.sado.org/content/commission/annual_report/10711_2015-SADO-MAACS-Annual-Report.pdf> (accessed May 13, 2024).
29. *Id.*
30. Administrative Order 2017-3.
31. 577 US 190 (2016).
32. SADO, Juvenile Lifer Unit Appropriations Report (2023), p 1 <https://www.sado.org/content/pub/11884_2023-Juvenile-Lifer-Unit-Appropriations-Report-.pdf> (accessed May 13, 2024).
33. 510 Mich 225 (2022).
34. SADO, Juvenile Lifer Unit Appropriations Report (2023), p 4.
35. SADO Annual Report (2011), p 2. <http://www.sado.org/content/commission/annual_report/10161_2011-SADO-Annual-Report.pdf> (accessed May 13, 2024).
36. SADO, Juvenile Lifer Unit Appropriations Report (2023), p 4.
37. Hall, B.R., *Thinking Outside the Four Corners: How Michigan's unique criminal appellate process promotes justice through factual development on direct appeal*, 98 Mich B J, Sept 2019, pp 36-40.
38. SADO Annual Report (2012), p 2-3. <http://www.sado.org/content/commission/annual_report/10163_2012-SADO-Annual-Report.pdf> (accessed May 13, 2024).
39. *A Wrongful Conviction, And a Detroit Serial Rapist Who Stayed Free: Here's How It Happened*, NPR (April 30, 2024) <<https://www.michiganpublic.org/criminal-justice-legal-system/2024-04-30/a-wrongful-conviction-and-a-detroit-serial-rapist-who-stayed-free-heres-how-it-happened>> (accessed May 13, 2024); Crystal Mulherin, National Registry of Exonerations, <<https://www.law.umich.edu/special/exoneration/Pages/casetail.aspx?caseid=6747>> (accessed May 13, 2024).
40. SADO Annual Report (2020), p 37. <https://www.sado.org/content/commission/annual_report/11759_2020-SADOMAACS-Annual-Report.pdf> (accessed May 13, 2024).
41. MCL 780.711 *et seq.*
42. MCL 780.718a.
43. MCL 780.712, 780.714, 780.716.
44. Michigan Task Force on Juvenile Justice Reform, Report and Recommendations, July 22, 2022, <<https://michigan-committeeonjuvenilejustice.com/wp-content/uploads/Michigan-Taskforce-on-Juvenile-Justice-Reform-Final-Report.pdf>> (accessed May 14, 2024).

Summer Intern for 2024

Katherine is a rising sophomore at the University of Illinois Urbana-Champaign, majoring in History, with an emphasis on Italian Renaissance History, and minoring in Creative Writing. Katherine is a Detroit native, currently residing in Owosso, Michigan. She is an Owosso High School alumnus, from which she graduated magna cum laude.



On campus, she is a member of the following organizations: Planned Parenthood Generation Action (PPGA), She's the First, and the Society of American Archivists. When she returns in the fall she will assume the position of Library Clerk at the University of Illinois's Music and Performing Arts Library.

Her goal as a future historian is to preserve the past in its true and unadulterated form for future generations to both learn from and to seek out their own histories. She is thrilled to have started the realization of this goal at the Michigan Supreme Court Historical Society and is thankful for the privilege she has had in working within their archives.

For Questions and Comments Contact

If you've any questions about the Society in general, membership or events, please contact
Executive Director
Lynn Seaks at
lynnseaks@micourthistory.com.

For questions regarding the newsletter or article publication, please contact
**Assistant Executive
Director**
Carrie Sharlow at
carriesharlow@micourthistory.com.

Introducing the Society Assistant Executive Director

Name:
Carrie Sharlow

Email: carriesharlow@micourthistory.com

Basic Biographical Details:

I grew up in the Lansing Area. I've been married for 18 years and have one teenager, three cats, and one desert tortoise.

Historical Interests:

I'm fascinated by Michigan's legal history and the lawyers and judges who influenced the state. I also enjoy doing family genealogy research. Sometimes the two intersect when I have the opportunity to speak with descendants on long-passed attorneys and judges.

Favorite Historical (1800s to mid-1900s) Justice:

It's a bit of a toss-up between Howard Wiest and William Potter. Wiest was a fascinating interesting character who lived in the Greater Lansing Area, and my pet tortoise is named "Howard" in his honor. Potter had an extensive hand in the formation of the State Bar of Michigan in the 1920s-1930s.

I'm not going to name my favorite modern justices, but I've had the opportunity to speak with some of them. It's amazing to meet your heroes.

Favorite Historical Lawyer(s):

Walter Morrow Nelson who argued the House of David cases in the 1920s and helped found the Michigan Branch of the ACLU;

Anne Davidow, an early woman lawyer who argued *Goeseart v Cleary* before the United States Supreme Court;

Richard C. Van Dusen, chair of the Con-Con Judiciary Committee and later partner at the law firm Dickinson Wright; an individual who did a lot behind the scenes.

Favorite Quotes about History:

“The past isn’t dead. It’s not even past.” - William Faulkner

“Their labors and idealism have made your organization possible, and the Bar of Michigan owes a tribute of gratitude to those unnamed and unrewarded lawyers who have given so much and so unselfishly for the ultimate benefit of the public.” - From the first State Bar of Michigan president Roberts P. Hudson’s *Message From the President*, published in 15 Mich St B J (1936), pp 7-8.

The next line in that article is more recognizable – “No organization of lawyers can long survive which has not for its primary object the protection of the public.”

Save the Date -

**Wednesday,
October 9, 2024**

Opening Term
Oral Arguments -
First Case argued in the Old
Courtroom located in the State
Capitol Building

**Wednesday,
October 23, 2024**

Advocates Guild Dinner*

**Wednesday,
November 20, 2024**

Historical Society of
Michigan History Hounds
Presentation by
MSC Historical Society
President Joseph Gavin+

**Wednesday,
December 18, 2024**

Historical Society of
Michigan History Hounds
Presentation by
MSC Historical Society
Assistant Executive Director
Carrie Sharlow+

**Wednesday,
April 16, 2025**

Annual Luncheon
St. John’s Resort,
Plymouth, Michigan

* Invitation only

+ Register at www.hsmichigan.org/programs/history-hounds



3rd Floor, Hall of Justice
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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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