



# Society Update

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## Michigan Court of Appeals: 60 Years of Michigan’s “New Instrument in the Administration of Justice” or How It All Started

By Carrie Sharlow



The Lansing Capitol Complex in the snow, as it must have looked in 1965, though this photo was taken in 1967.

Credit: Michigan State Capitol Collection.

Over 60 years ago, Thaddeus John Lesinski – who went by “John” or “T. John” – was running late. True to early January in the Great Lakes State, it was 32 degrees outside, it was snowing, and the roads *were* bad. Nevertheless, the government was converging on Lansing for the gubernatorial inauguration and the swearing in of other officials. About 2,000 citizens were sitting outside on the Capitol lawn,<sup>1</sup> which was exactly where the 39-year-old former Lieutenant Governor needed to be. Lesinski, newly elected to the Court of Appeals, had served as the number two under both Governors John Swainson and George W. Romney. And there were rumors of conflict between Lesinski and Romney, given their opposing political parties. This may have been why the newly re-inaugurated Governor Romney teased John – “Here’s the late T. John Lesinski”<sup>2</sup> – when the tardy Lesinski finally joined his colleagues

for their swearing in as the first nine judges of Michigan’s newest court.<sup>3</sup>

The nine judges – John H. Gillis, Louis D. McGregor, Robert B. Burns, T. John Lesinski, Timothy C. Quinn, Donald E. Holbrook, John D. Watts, Thomas G. Kavanaugh, and John W. Fitzgerald – had been elected from the three new districts, with terms of either six, eight, or ten years. The fact that this swearing in was even occurring on this cold 1965 day was a remarkable feat of Lansing’s legislative and electorate process, and the hard work of those judges. Just a month earlier, the court didn’t yet have “chambers, offices [or] a library.”<sup>4</sup> And even now, with hearings just two weeks away, there were only temporary courtrooms. But the court was “ready to start business.”<sup>5</sup>

T. John’s tardiness aside, it had been a very long year and a very long wait.

Everything started on January 1, 1964, when Michigan’s newest Constitution took effect. Of course, the Constitution included other changes such as “redistricting the Senate and House in time for the 1964 election,” and “a more powerful office of governor.” But most important to the Michigan bar was a “new State Court of Appeals.”<sup>6</sup> With this new appellate court, Michigan joined more than a dozen other states in ensuring that “every citizen convicted of a crime will have an automatic right of appeal.”<sup>7</sup>

It was something that had been desired for years. One of the earliest issues of the *Michigan Bar Journal* included a report from the voluntary state bar association’s “Committee on Legislation and Law Reform” recommending the “creation of inferior appellate courts to take care of a portion of the appeals.”<sup>8</sup> The 1921-22

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report ended with the prophecy that

If, as has been recently suggested, a constitutional convention is to be called in the near future, the entire subject of the organization and power of the State judiciary may well be left to that body, with such recommendations from the Bar Association as it may feel called upon to offer.<sup>9</sup>

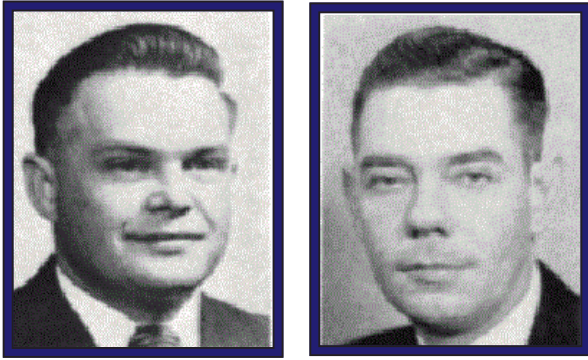
While the expected constitutional convention didn't occur until nearly 40 years later, during "Con-Con," the 21-member Committee on the Judicial Branch did indeed discuss the possibility of such an intermediary appellate court. By the Convention's conclusion and with the following vote by the state's population, "a five-level unified court system," including the long-awaited "Court of Appeals," was firmly enshrined into law.<sup>10</sup>

The plan for the Court of Appeals was to establish its judges, rules, courtroom locations, and a host of other necessities by January 1, 1965.

Unfortunately, there was a bit of unfinished business before judicial elections – let alone rules, locations, and staffing – could take place. Of course, the new Constitution Article VI, Section 8 called for the nomination and election of nine judges for the Court of Appeals in "non-partisan elections from districts." But those districts were unnamed, unformed, and a source of argument in the Legislature.

Once the population voted to adopt the new Constitution, the plan must have been for those districts to be finalized in the special session at the end of 1963. But that didn't happen. Everything started off fine: three senators introduced a bill to divide the court into three districts of three judges.<sup>11</sup> While that bill sailed through the Senate,<sup>12</sup> it got tied up in the House with "an amendment that would have divided the nine-member court into nine separate districts,"<sup>13</sup> and the special session ended without success.

With the start of the new year, the Legislature would settle the matter. Given the expectation of a fully functioning court by January 1, 1965, there was a huge time-crunch. The districts *had* to be finalized before the legislature's May adjournment with enough time for balloting in a summer primary election and the November general election.



Sen. Raymond Dzendzel (left) and Sen. Farrell Roberts (right) introduced the successful legislation that formed the districts of the Court of Appeals.

(Michigan Manual 1963/1964)

In mid-January, three representatives – two attorneys and a restaurant owner – introduced House Bill 48, a three district court proposal. That legislation was destined to languish in the Committee on Ways & Means with several multi-day extensions “for the purpose of further study by the committee.”<sup>14</sup> The successful bill would come from the Senate later in the month, but not before things went sideways.

The Supreme Court would oversee this new court, which would have a hand in decreasing the Court’s workload and overextended docket. So the Court was watching the Legislature with interest. Apparently, during the 1963 special session, the Court offered “unofficial opinions” regarding opposition of “the single-member outstate districts”<sup>15</sup> and approval of the three-district system. This was not appreciated by some in the Legislature, and some accused the Court of “meddling with the legislative branch of government.”<sup>16</sup>

With the new year, the Court made its opinion official. On January 22, Chief Justice Thomas M. Kavanagh and his colleagues sent a letter to the Legislature.<sup>17</sup> The letter made clear that the Court of Appeals *would* be comprised of three districts:<sup>18</sup> “Any other plan but the three-district court would be unconstitutional,” and the single-district proposal was just ridiculous.<sup>19</sup> And – just in case the Legislature was not fully aware of the urgency – “time [was] of the essence”<sup>20</sup> because “there [were] currently 624 pending appeals in the court clerk’s office, including 547 which reached the court as ‘appeals as of right.’”<sup>21</sup> Finally, Chief Justice Kavanagh “announced the Supreme Court [had] changed its rules, effective March 1, so that thereafter appeals in civil cas-

## Thomas “The Mighty” Kavanagh’s Letter

Honorable Sirs:

We address you in the same spirit of coordinate public obligation which impelled our predecessors once before in our State’s history, 83 years ago, so to do. (Please see Volume 43 Michigan Reports, at page 641).

Then as now a constitutional question was involved. The Court then, as we do now, passed upon that question not by formal opinion, but by letter, to you, and the Governor, signed by all members of the Court.

Only the gravest public question of solemn import to the whole body politic moves us to invoke this precedent.

The constitutionally granted appeal of right in every criminal case, and our status as the only appellate Court combine to require us presently to hear every criminal appeal. The public interest is thus threatened by the limitation of our capacity to meet our obligation in hearing meritorious civil appeals. We shall bend every effort to meet this crisis pro tempore, but the constitutionally required court of appeals is imminently requisite.

We are mindful that you are directing your attention to this implementation of the constitution by considering bills already introduced and bills contemplated. We may not in conscience nor in law imperil the functioning of the judicial system of our State by awaiting presentation to us formally the constitutional construction which is implicit in the bill you finally adopt creating the court of appeals.

In full acknowledgment of our respective constitutionally divided powers, and in full recognition of your sole and exclusive right to the law making power in the government of our State, we direct ourselves now to our separate duty of constitutional construction as it relates to legislation creating the court of appeals.

We have concluded and we here hold that the first sentence of Section 8 of Article IV of the Constitution of 1963 must be construed to provide this meaning:

“Sec. 8. The Court of Appeals shall consist initially (the word ‘initially’ qualifies the ensuing word ‘nine’ only) of nine judges who shall be nominated and elected at non-partisan elections from districts drawn on (and along) county lines (as such lines exist by law at the time of implementing enactment under this section) and, as nearly as possible, of equal population (as disclosed by census figures in legal effect at the time of such enactment), as provided by law.”

The foregoing means, of course, the no measure enacted under Section 8 would constitutionally valid should attempt be made therein to designate an elective district or districts consisting other than of a county or counties, and that the splitting of a county or counties in such legislative process would result in an unconstitutional enactment. It means, too, that such elective districts must be “nearly as possible, of equal population.”<sup>21</sup>

1. 1964 Michigan House Journal 94-95.



Rep. John F. Toepp was a vocal supporter of the single-district concept.

es will reach the court only when permission is granted to appeal and not as a matter of right.”<sup>22</sup> Thomas “the Mighty,” indeed.

It did not go over well. One legislator, annoyed by the Court’s interjection, was John Toepp, a former radio broadcaster representing the Cadillac area. Toepp had offered the single-district amendment in the special session that killed the initial Senate bill, and now he

“called the Supreme Court’s action [of sending that letter] ‘monstrous.’”<sup>23</sup> To Toepp’s point, there was serious concern that “the population concentration in southern Michigan counties” and a 66-county district would make it impossible for the “Upper Peninsula and northern lower Michigan” to elect a judge to the new court.<sup>24</sup> From Toepp’s perspective – and that of the other single-districters – a nine-district court would alleviate that concern.

Six days after receipt of the Court’s letter, Senators Farrell Roberts and Raymond Dzendzel introduced Senate Bill 1045; this bill would go all the way. A Republican representing portions of Oakland County, Roberts served two terms in the House before he was elected to the Senate; he’d co-sponsored the almost-successful legislation in the special session and was irked with the opposition from the single-districters. A lawyer by trade via a University of Michigan Law degree, Roberts was also keenly interested in the court and would later run for one of the judicial seats in the first election.

SB 1045 was the hoped for three-district bill and it passed the chamber unanimously on April 14.<sup>25</sup> As the bill moved to the House



Rep. Carroll C. Newton introduced the expected amendment for nine districts and a shocking amendment to district the Supreme Court.

(Michigan Manual 1963/1964)

### Court of Appeals September 1, 1964 Primary Election Results<sup>1</sup>

Since the Society will soon publish a special newsletter on the runners-up in Supreme Court elections, it seems appropriate to list all the candidates in the first primary election for the Court of Appeals.

#### *District 1 Candidates –*

1. Harry J. Dingeman, Jr. – *4th place*
2. Thomas Downs – *6th place*
3. Thomas J. Foley – *5th place*
4. John M. Gillis – *3rd place*
5. Kenneth N. Hylton
6. T. John Lesinski – *2nd place*
7. Leo C. McManus
8. Boaz Siegel
9. John D. Watts – *1st place*

#### *District 2 Candidates –*

1. Howard R. Carroll
2. Donald R. Freeman – *4th place*
3. Jack Hanna
4. Thomas G. Kavanaugh – *1st place*
5. Earl E. McDonald
6. Louis D. McGregor – *2nd place*
7. Charles N. Murphy
8. Francis L. O’Brien – *3rd place*
9. Frederick J. Plotts
10. Timothy C. Quinn – *6th place*
11. Farrell E. Roberts – *5th place*
12. William Ross
13. Donald W. Sargeant
14. William L. Taft

#### *District 3 Candidates –*

1. Maurice Black – *4th place*
2. Robert B. Burns – *3rd place*
3. Austin J. Doyle – *5th place*
4. John W. Fitzgerald – *1st place*
5. Donald E. Holbrook – *2nd place*
6. Robert G. Howlett
7. Allan C. Miller – *6th place*
8. Phillip H. Mitchell
9. Carlton H. Morris

<sup>1</sup>. *Districts Nominate For Court Of Appeals Judgeships: Black, 2 Area Judges Among Leaders, The Saginaw News* (September 2, 1964), p B-4.

it became clear how irked the chamber really was over the Supreme Court’s “unsolicited advisory opinion.”<sup>26</sup> Representative Carroll C. Newton offered the expected “nine single-judge districts for the new court of appeals judgeships.”<sup>27</sup> The surprise came in a companion amendment districting the Supreme Court into seven separate districts.<sup>28</sup> One newspaper called the amendments “clear defiance of a Michigan Supreme Court edict.”<sup>29</sup> Another remarked that the House had “poured gasoline on the capitol political bonfire.”<sup>30</sup> T. John called “the House proposal an attempt to ‘intimidate’ the Supreme Court by defying its [e]dict.”<sup>31</sup> He then advised the amendment drafters and supporters “to go jump off the Mackinac Bridge.”<sup>32</sup> And there was one month to go before adjournment.

As the stand-off continued, the Legislature held a “rare Saturday session,”<sup>33</sup> where the proposed amendments were finally defeated.<sup>34</sup> Even so, there was still concern over obtaining the “immediate effect” necessary to have the court up and running by January 1, 1965. With the ongoing conflict, it might “be impossible to gain the necessary two-thirds vote to give any districting plan immediate effect so that judges can run in the August primary election.”<sup>35</sup> Senator Roberts noted that “If we fail to give immediate effect to the bill, there will be no Court of Appeals until Jan. 1, 1967.”<sup>36</sup>

Finally, after a 12-hour session one day before the expected legislative adjournment,<sup>37</sup> “the House gave its



Surely everyone in Lansing knew Lieutenant Governor T. John Lesinski would run for the new court.

(Michigan Manual 1963/1964)

long-withheld immediate effect vote to a bill creating election districts and outlining procedures for the new nine-member State Court of Appeals created in the new constitution.”<sup>38</sup> Wayne County alone would cover District 1, while District 2 included Genesee, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Sanilac, Shiawassee, St. Clair, Tuscola, and Washtenaw counties; District 3 covered the rest of the state.<sup>39</sup>

Now came the hard part: electing the judges.

It didn’t take long after the bill’s signing for lawyers and judges across the state to announce their candidacy for the new court. In fact, even before the Supreme Court sent its letter, there were rumors of various legislators abandoning ship to serve on the new court.<sup>40</sup> One of the rumors involved Governor Romney’s second in command, T. John, who – as the Legislature adjourned and the Senate Bill 1045 awaited Governor Romney’s signature – “announced he [would] not seek re-election” to the office of Lieutenant Governor;<sup>41</sup> less than 12 days later, he finally declared his candidacy for the court.<sup>42</sup>

The significance that the new Court of Appeals will have in the daily lives of our people is great. The men elected to the court will be participating in the formative stage of its development. I would be honored to accept the challenge of applying my background of experience in public service to help shape the court’s design and role in the life of the community.<sup>43</sup>

While this pronouncement had been expected, the timing was unique. T. John had just returned to the hospital for the second time in less than a month due to “high blood pressure and exhaustion”<sup>44</sup> – and the need to lose some of his 300 pounds.<sup>45</sup> He had to miss the Lansing Democratic Convention and go on a “strict diet.”<sup>46</sup> Perhaps this new position would be less stressful.

Of course, Lesinski’s candidacy was not the only announcement before the July 21 filing deadline. By that time, the 1st District had nine individual candidates, the 2nd had fourteen, and the 3rd had ten:

Among those filing for the court posts were five circuit judges, four municipal judges, a probate judge and a Detroit Traffic Court Judge, and one circuit court commissioner.

Other candidates include Michigan’s lieutenant governor, two state senators, a former senator, a former House member and a vice president of the Constitutional Convention.<sup>47</sup>

As the campaigns commenced, the prospective judges, government officials, and newspaper reporters realized that while Lansing had been hyper-focused on the new court, “the average voter” knew nothing about the Court of Appeals, and even some lawyers were uninformed.<sup>48</sup>

Because it was a nonpartisan race, “the judges ballot [would] be separated from other offices in both paper and machine precincts,” and voters might “ignore” those contests or “tire of their job before even looking at the non-partisan contests.”<sup>49</sup>

The lower courts understood, though, and provided some publicity on how the new system would affect them. Ingham County Circuit Court, for one, offered some hard numbers to the tune of \$250,000, which was just \$50,000 under what the Governor had appropriated for the Court of Appeals’ first six months:

From now on, the State Supreme Court has ordered, persons sentenced by the court will be advised of their right to appeal their convictions.

The rule provides appeals within 60 days for persons sentenced after Aug. 1 and delayed appeals for those sentenced prior to that time.

The Ingham County Board of Supervisors recently asked the high court to reconsider its stand because of the cost involved.

Prosecutor Leo A. Farhat has estimated it will cost the county up to \$250,000 a year to handle the flood of appeals expected under the rule.

The court rule provides that counsel and trial transcripts be provided at public expense for persons who can prove their inability to pay.

Each person sentenced Friday was handed a form to use in starting his appeal.<sup>50</sup>

Other newspapers also chimed in, mentioning that Grand Rapids would advise respondents “that they have a right under the new constitution to an appellate review.”<sup>51</sup> Every lower court would do the same. The new court did not even have judges and their docket was formidable: by October 25, 1964, “a docket of 160 cases await[ed] the new court’s attention.”<sup>52</sup>

The primary election on September 1 narrowed the field from 33 candidates to 18, 6 in each district. And as October gave way to November, the court’s day-to-day functions firmed up. The judges would need courtrooms, offices, secretaries, clerks, and more.

Jack L. Borst was “picked for the interim assignment

[of Court of Appeals clerk] by the justices of the Supreme Court to help with organizational preparations to get the Court of Appeal under way in January.”<sup>53</sup> After the election, the position was permanently filled by Ronald Dzierbicki,<sup>54</sup> who previously served as T. John’s executive assistant.<sup>55</sup>

November was surely a blur: 18 candidates, “the first to run for seats on the new State Court of Appeals,”<sup>56</sup> became nine new judges. And that smaller group chose T. John as their first chief judge.

With the inauguration less than a month away, the new court discussed “costs, needs and staff,” and requested an additional \$300,000 to finalize set-up:<sup>57</sup>

Salary and personnel will cost the court \$254,694; rent will be another \$82,250; the library and equipment will run \$162,602; office and courtroom furniture will cost \$57,494, and travel, materials and supplies will cost \$53,200.<sup>58</sup>

Even so, the courtrooms would not be finalized by January 1, 1965. District 2 would hear cases in the Supreme Court courtroom, District 1 would be “in the old County Building in Detroit,” and District 3 would sit at the Grand Rapids Federal Building.<sup>59</sup> And the Prudden Building would serve as the District 2 office location. Due to a drug store on the lower level of the building, T. John would refer “to the Lansing location for his Court of Appeals on the third and fourth floors...as ‘right above the drug store.’”<sup>60</sup>

Finally—*finally*—it was January 1, 1965, and the court had “its judges, rules, courtroom locations, and a host of other necessities.” It *was* cold in Lansing and the roads *were* bad, and apparently T. John Lesinski was driving a state car with bald tires.<sup>61</sup> His delay led several newspapers to note his “grand entrance just as the other justices were being sworn in.”<sup>62</sup> Really, all of them should have had a grand entrance: it was a remarkable day.

It would be a long road: the “easy” work of the constitutional convention, forming and finalizing the districts, and running for election was behind them. Now, Chief Justice Thomas M. Kavanaugh reminded them that they were “moving into the more difficult area of establishing legal precedent”<sup>63</sup> and must “stop to con-

The first official photo of the nine new judges –

John H. Gillis,  
Louis D. McGregor,  
Robert B. Burns,  
Timothy C. Quinn,  
Donald E. Holbrook,  
John D. Watts,  
Thomas G. Kavanagh,  
John W. Fitzgerald, and,  
last but not least,  
T. John Lesinski.

It was a remarkable group.



sider ‘How will that [opinion] look 10 years from today? Twenty-five years from now would [you] be proud of that opinion?’”<sup>64</sup> They were breaking new ground; they would make history with each day in this new court, this “new instrument in the administration of justice,”<sup>65</sup> this eventual “model for the nation.”<sup>66</sup>



The most recent bench photo of the Court of Appeals judges. Still — as always — a remarkable group.

*First row:* Michael J. Riordan, Jane E. Markey (retired), Mark J. Cavanagh (retired), Chief Judge Michael F. Gadola, Chief Judge Pro Tem Stephen L. Borrello, Colleen A. O’Brien, Brock A. Swartzle

*Second row:* Thomas C. Cameron, Anica Letica, James Robert Redford, Sima G. Patel, Noah P. Hood, Kristina Robinson Garrett

*Third row:* Allie Greenleaf Maldonado, Kathleen A. Feeny, Adrienne N. Young, Randy J. Wallace

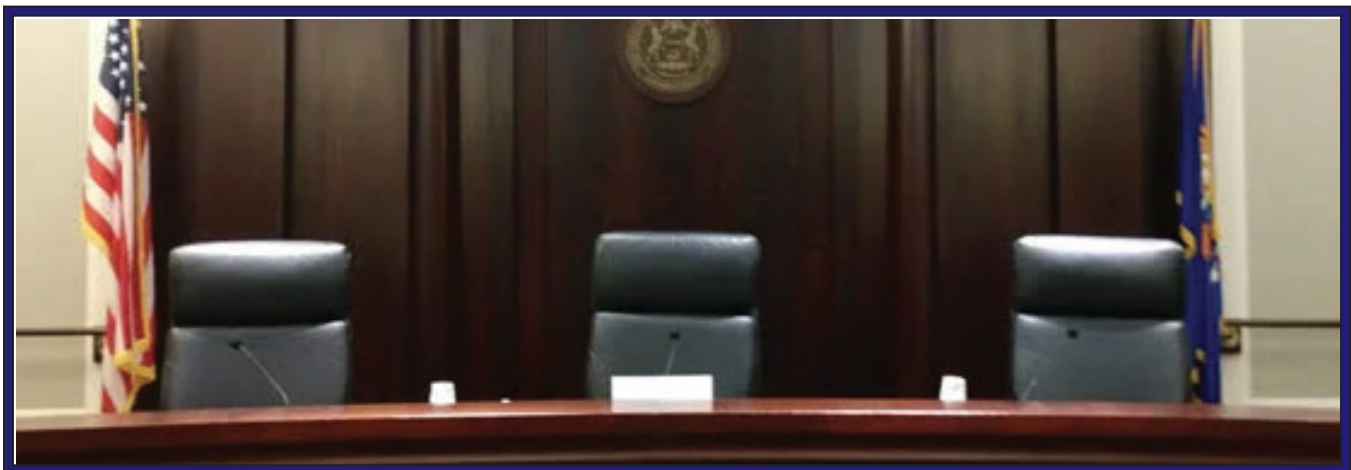
*Not pictured:* Matthew S. Ackerman, Mark T. Boonstra, Kirsten Frank Kelly, Michael J. Kelly, Philip P. Mariani, Christopher M. Murray, Michelle M. Rick, Christopher P. Yates

## ENDNOTES

1. *No Crowding: Soggy Inauguration Attended By 2,000*, The Herald-Palladium (January 2, 1965), p 18.
2. *'Citizenship' Is Romney Pledge: Inaugural Speech Is Cheered*, The Herald-Palladium (January 2, 1965), p 18.
3. *Id.*
4. *New State Court Needs More Funds*, Traverse City Record-Eagle (December 3, 1964), p 19.
5. *Id.*
6. Baird, *New Constitution in Effect: State Begins Transition*, Lansing State Journal (January 1, 1964), p 1.
7. Brooks, *New Constitution Now the Law But 'Wrinkles' Are Troublesome*, The Battle Creek Enquirer and News (January 1, 1964), p 20.
8. *Methods for Relieving Courts of Last Resort From the Growing Burden of Appeals*, 1 Mich St B J (1921-1922), p cxxxvi.
9. *Methods*, p cli.
10. *Article VI of Proposed Constitution Cover Judicial Branch*, The Grand Rapids Press (June 9, 1962), p 11.
11. Baird, *3 Appellate Court Districts Mapped*, Lansing State Journal (December 4, 1963), p A-10.
12. *Court of Appeals Bill Sails Through Senate: Meddling in Legislative Affairs Charged Hurlled at High Tribunal*, Lansing State Journal (December 11, 1963), p A-3.
13. Pyle, *Legislature Planning to Adjourn Later Today: Constitution, Rights, Court Bills Pushed*, Lansing State Journal (December 18, 1963), p D-2.
14. 1964 Michigan House Journal 170; 1964 Michigan House Journal 369; 1964 Michigan House Journal 566.
15. *Court of Appeals Bill Sails Through Senate.*
16. *Id.*
17. 1964 Michigan House Journal 94.
18. Baird, *Three Districts Ruled for New Appeals Court: Wayne Gets One; Other Areas Two: Old Law Cited by Jurists in Appeals Court Decision*, Lansing State Journal (January 23, 1964), p 2.
19. *State High Court Limits Appeals Tribunal to 3 Districts*, The Grand Rapids Press (January 23, 1964), p 8.
20. Baird, *Three Districts Ruled for New Appeals Court.*
21. *Id.*
22. *Id.*
23. *Appellate Court Rule Supported*, Lansing State Journal (January 24, 1964), p A-4.
24. *Id.*
25. 1964 Michigan Senate Journal 1649.
26. Burke, *Legislative Push Closes Session*, Lansing State Journal (May 29, 1964), p A-2.
27. Siner, *Job, No Job – Raise, No Raise! Such Dilemmas Only Sample of Those Facing State Legislators as They Make Laws*, Lansing State Journal (April 30, 1964), p E-3.
28. 1964 Michigan House Journal 1661.
29. *House Committee Defies Directive on Court Bill*, Grand Haven Tribune (April 29, 1964), p 15.
30. Vestal, *House Slaps At High Court: Bill Divides Michigan Into Nine Districts*, The Saginaw News (April 29, 1964), p A-2.
31. *House Committee Defies Directive on Court Bill.*
32. *Appeals Bill Altered: House GOP Hit; Defied High Court*, Detroit Free Press (April 30, 1964), p 12-A.
33. Burke, *Four Major Issues Knot, Delay Legislature's End: GOP, Dems Hunt Keys To Logjam*, Lansing State Journal (May 2, 1964), p A-1.
34. McCarthy, *Legislature Struggles With Four Key Issues: Districting, Appeal Court Not Settled*, Lansing State Journal (May 3, 1964), p A-2.
35. *Appellate Court Rule Supported*, Lansing State Journal (January 24, 1964), p A-4.
36. *Id.*
37. Burke, *Legislative Push Closes Session*, Lansing State Journal (May 29, 1964), p A-1.
38. *Id.*
39. *House Oks Mandate On Court*, Lansing State Journal (May 29, 1964), p A-2.
40. *Restlessness Seethes In Staid Old Senate*, Lansing State Journal (January 19, 1964), p A-13.



41. Harmon, *Lesinski Bows Out, Leaves Future Open*, The Flint Journal (May 29, 1964), p 8.
42. *Lesinski Will Seek Appeals Court Seat*, The Flint Journal (June 9, 1964), p 7.
43. *Id.*
44. *Lesinski Leaves Hospital; Rests, Diets at Home*, The Flint Journal (June 5, 1964), p 1.
45. *Lesinski Back In Hospital For Treatment*, The Flint Journal (June 8, 1964), p 1.
46. *Lesinski Seeks Post On Appeals Court*, Detroit Free Press (June 10, 1964), p 3-A.
47. *28 Candidates Seeking Appeals Court Posts*, Lansing State Journal (July 22, 1964), p A-11.
48. *Average Voter Knows Little About New Appeals Court: Candidates Discuss Their Problem In Saginaw*, The Saginaw News (August 5, 1964), p B-3.
49. White, *Ignorance Risky In Electing Judges*, Port Huron Times Herald (August 5, 1964), p 7.
50. *New Court appeal Era Under Way*, Lansing State Journal (August 8, 1964), p A-2.
51. *Clarifies Plea Setup: VanderPloeg Tells New Rule In Court*, The Grand Rapids Press (August 3, 1964), p 25.
52. Baird, *New Court of Appeals: Elected by Districts, Judges to Be Rotated*, Lansing State Journal (October 25, 1964), p C-1.
53. *Temporary Court Clerk*, Lansing State Journal (October 25, 1964), p C-3.
54. *New Michigan Appeals Court Asks More \$\$\$*, The Herald-Press (December 3, 1964), p 9.
55. Burke, *On State Concession Stands: Lesinski Battles Girlie Magazines*, Lansing State Journal (January 17, 1964), p A-10.
56. Sandner, *Campaign Has a New Arena: 18 Candidates Seek State Appeals Court Seats*, Lansing State Journal (September 8, 1964), p A-16.
57. *New Michigan Appeals Court Asks More \$\$\$*.
58. *Id.*
59. *Id.*
60. Baird, *Courtly Dispute: T. John's Bid for 'Teahouse' Space Puzzles Observers*, Lansing State Journal (September 19, 1965), p F-1.
61. *No Crowding: Soggy Inauguration Attended By 2,000*.
62. Sandner, *2,000 Soggy 'Fans' On Hand at Capitol*, Lansing State Journal (January 2, 1965), p A-2.
- 'Citizenship' Is Romney Pledge: Inaugural Speech Is Cheered*, The Herald-Palladium (January 2, 1965), p 18.
- Romney Seeks Bipartisan Cooperation*, The Niles Daily Star (January 2, 1965), p 1.
63. Lee, *Hail New Court as Historic Step: Michigan's New Appeals Court Ready to Go*, Petoskey News-Review (January 13, 1965), p 5.
64. *Id.*
65. Burke, *New Court Lauded by Governor: Appeals Tribunal Seen Step Ahead In State System* (Lansing State Journal), pp 1, 5.
66. Lee, *Hail New Court as Historic Step*.



# Michigan Court of Appeals Judges (as of January 16, 2025)

Name	Title (if Applicable)	Term
Ackerman, Matthew S.		2025 – Current
Allen, Jr., Glenn S.		1974 – 1986
Bandstra, Richard A.	Chief Judge Pro Tempore 1997 – 1998; Chief Judge 1999 – 2001	1995 – 2011
Bashara, Jr., George N.		1973 – 1982
Beasley, William R.		1976 – 1989
Beckering, Jane M.	Chief Judge Pro Tempore 2018 – 2021	2007 – 2021
Boonstra, Mark T.		2012 – Current
Borrello, Stephen L.	Chief Judge Pro Tempore 2024 – Current	2003 – Current
Brennan, Thomas J.		1989 – 1995
Brennan, Vincent J.	Chief Judge Pro Tempore 1980 – 1986	1969 – 1986
Bronson, S. Jerome		1969 – 1986
Burns, Robert B.		1965 – 1987
Burns, Thomas M.		1969 – 1986
Cameron, Thomas C.		2017 – Current
Cavanagh, Mark J.		1988 – 2025
Cavanagh, Michael F.		1975 – 1982
Collins, Jeffrey G.		1999 – 2001
Comstock Riley, Dorothy		1976 – 1982
Connor, Michael J.		1991 – 1995
Cooper, Jessica R.		2001 – 2007
Corrigan, Maura D.	Chief Judge 1997 – 1999	1992 – 1999
Cynar, Walter P.		1978 – 1990
Danhof, Robert J.	Chief Judge 1976 – 1992	1969 – 1992
Davis, Alton T.		2005 – 2010
Doctoroff, Martin M.	Chief Judge 1992 – 1996	1987 – 2002
Donofrio, Pat M.		2002 – 2015
Feeney, Kathleen A.		2023 – Current
Fitzgerald, E. Thomas		1990 – 2014

Name	Title (if Applicable)	Term
Fitzgerald, John W.	Chief Judge Pro Tempore 1965 – 1974	1965 – 1974
Fort Hood, Karen M.		2002 – 2021
Gadola, Michael F.	Chief Judge Pro Tempore 2022 – 2023; Chief Judge 2024 – Current	2015 – Current
Gage, Hilda R.		1997 – 2006
Gillis, John H.	Chief Judge Pro Tempore 1978 – 1980, 1987 – 1988	1965 – 1992
Gleicher, Elizabeth L.	Chief Judge 2022 – 2023	2007 – 2024
Gribbs, Roman S.		1983 – 2000
Griffin, Richard Allen		1989 – 2005
Hoekstra, Joel P.		1994 – 2018
Holbrook, Jr., Donald E.		1975 – 2002
Holbrook, Sr., Donald E.		1965 – 1978
Hood, Harold	Chief Judge Pro Tempore 2002	1982 – 2002
Hood, Noah P.		2022 – Current
Jansen, Kathleen		1989 – 2025
Kaufman, Nathan J.		1975 – 1982
Kavanagh, Thomas Giles		1965 – 1969
Kelly, Kirsten F.		2000 – Current
Kelly, Marilyn		1989 – 1996
Kelly, Michael J.		1975 – 2000
Kelly, Michael J.		2008 – Current
Krause, Amy Ronayne		2010 – 2022
Lesinski, T. John	Chief Judge 1965 – 1976	1965 – 1976
Letica, Anica		2018 – Current
Levin, Charles L.		1966 – 1972
MacKenzie, Barbara Barrett		1979 – 1999
Maher, Richard M.		1975 – 1991
Maldonado, Allie Greenleaf		2023 – Current
Mariani, Philip P.		2024 – Current

Name	Title (if Applicable)	Term
Markey, Jane E.		1994 – 2024
Markman, Stephen J.		1995 – 1999
McDonald, Gary R.		1987 – 2003
McGregor, Louis D.		1965 – 1976
Meter, Patrick M.		1999 – 2020
Murphy, William B.	Chief Judge Pro Tempore 1992 – 1996; Chief Judge 2009 – 2014	1988 – 2018
Murray, Christopher M.	Chief Judge Pro Tempore 2008 – 2009, 2015 – 2018; Chief Judge 2018 – 2021	2002 – Current
Neff, Janet T.		1989 – 2007
O’Brien, Colleen A.		2015 – Current
O’Connell, Peter D.		1994 – 2018
Owens, Donald S.		1999 – 2016
Patel, Sima G.		2022 – Current
Quinn, Timothy C.	Chief Judge Pro Tempore 1974 – 1978	1965 – 1977
Redford, James Robert		2018 – Current
Reilly, Maureen Pulte		1989 – 1998
Rick, Michelle M.		2021 – Current
Riordan, Michael J.		2012 – Current
Robinson Garrett, Kristina		2022 – Current
Saad, Henry William	Chief Judge 2008 – 2009	1994 – 2017
Sawyer, David H.	Chief Judge Pro Tempore 2009 – 2014	1987 – 2022
Schuette, Bill		2003 – 2008
Servitto, Deborah A.		2006 – 2024
Shapiro, Douglas B.		2009 – 2024
Shepherd, John H.		1983 – 1994
Smolenski, Michael R.	Chief Judge Pro Tempore 2002 – 2005	1995 – 2009

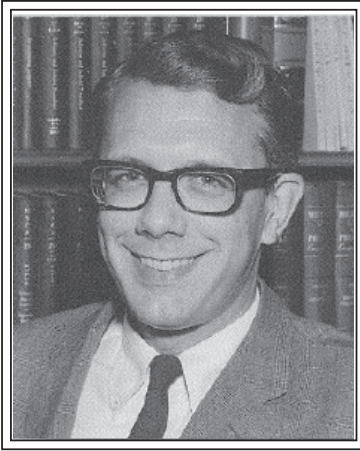
Name	Title (if Applicable)	Term
Stephens, Cynthia Diane		2008 – 2022
Sullivan, Joseph B.		1986 – 1992
Swartzle, Brock A.		2017 – Current
Talbot, Michael J.	Chief Judge 2015 – 2018	1998 – 2018
Taylor, Clifford W.		1992 – 1997
Tukel, Jonathan		2017 – 2021
Wahls, Myron H.	Chief Judge Pro Tempore 1989 – 1992	1982 – 1998
Wallace, Randy J.		2024 – Current
Walsh, Daniel F.		1975 – 1988
Watts, John D.		1965 – 1966
Weaver, Elizabeth A.		1987 – 1994
Whitbeck, William C.	Chief Judge Pro Tempore 1999 – 2001; Chief Judge 2002 – 2007	1997 – 2014
White, Helene N.		1992 – 2008
Wilder, Kurtis T.		1998 – 2017
Yates, Christopher P.		2022 – Current
Young, Adrienne N.		2024 – Current
Young, Jr., Robert P.		1995 – 1999
Zahra, Brian K.	Chief Judge Pro Tempore 2006 – 2007	1999 – 2011



Jessica Cooper,  
Court of Appeals  
Judge from 2001  
to 2007



Hilda Gage,  
Court of Appeals  
Judge from 1997  
to 2006



Otto Stockmeyer,  
seven years into his  
employment at the  
Court of Appeals.

## In The Beginning...Origins of the Court of Appeals Research Staff: Looking Back on 60 Years

By Otto Stockmeyer<sup>1</sup>

A defining characteristic of the Michigan Court of Appeals is its large research staff of commissioners and research attorneys. This is the story of how the court came to employ what has become the largest centralized research staff of any appellate court in the country and a model for other appellate courts.

### Commissioners

From the court's beginning in 1965, in addition to hearing arguments on pending appeals, the judges faced large weekly dockets of discretionary, or "May I?," matters: applications for leave to appeal, applications for delayed appeal and complaints for original writs.

Within months, Chief Judge T. John Lesinski learned that the Michigan Supreme Court employed two com-

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1. If you've been around Lansing's legal community enough, you'll recognize the name of the legendary Otto Stockmeyer.

Mr. Stockmeyer was involved in the Court of Appeals from the very beginning, including working with two of the future judges while the districting of the court was under discussion in the legislature and writing "Michigan's New Court of Appeals: An Introduction" for the Michigan Bar Journal as the first candidates were campaigning for the primary.

For the court's 50th anniversary, Mr. Stockmeyer wrote "In The Beginning...Origins of the Court of Appeals Research Staff" for the Ingham County Bar Association *Briefs* publication. *Briefs* has provided reprint permission and Mr. Stockmeyer has provided updates.

missioners to assist the court by reviewing and recommending disposition of its discretionary docket. He wanted one, too.

Lesinski broached the idea of hiring a commissioner to Chief Judge Pro Tem John Fitzgerald. I was Fitzgerald's law clerk at the time and happened to be sitting in his office as Lesinski and Fitzgerald discussed on speakerphone the idea of hiring a commissioner.

Fitzgerald voiced support for the idea. Then he shot me a quizzical look, I nodded "yes," and they hired me on the spot as the court's first commissioner.

*(A digression: Before the Court of Appeals, I had worked for the Senate Judiciary Committee. Lesinski, as Lt. Governor, was the Senate's presiding officer and Fitzgerald was a Senator. So they'd had an opportunity to appraise my work product before my brief tenure as a law clerk.)*

Lesinski directed me to go and interview Joseph Planck, the Supreme Court's senior commissioner, to learn how the commissioners functioned and obtain sample forms. Planck had been a distinguished lawyer and president of the State Bar of Michigan.

But by then he was totally deaf, something neither Lesinski nor anyone else told me. Only afterward did I learn why his answers seemed so unrelated to my questions. The next day I went back and interviewed the other commissioner.

I was appointed commissioner on June 1, 1965. It soon became apparent that one was not enough; by mid-1968 three more commissioners were added.

We all worked out of a suite of offices on the same floor as the judges in Lansing. Today the court's eight commissioners are equally distributed among the court's four district offices.

### The Research Division

In addition to its director, the court's research division today has five research supervisors, forty-five research attorneys and senior research attorneys, and ten part-time contract attorneys. That's a far cry from the earliest days of the court's prehearing research unit. Then it was just me and a handful of cast-off law clerks.

In the beginning, the Supreme Court transferred 365 appeals to the new Court of Appeals. This instant backlog grew rapidly in the following years as attorneys began to take full advantage of the new appeal of right in both civil and criminal cases.

The court's initial response to an increasing caseload was to give each judge a second law clerk to augment performance of the traditional law clerk duties: researching pending appeals and helping draft opinions. But soon it became clear that with extra law clerks, the judges produced more lengthy opinions but not more numerous ones.

So in March of 1968, Lesinski decided to experiment with creating a centralized staff to do the legal research half of the law clerks' job. The staff would research pending appeals and prepare prehearing memoranda (elsewhere called "morning reports" or "bench memos"). Each judge gave up a law clerk to form the new unit.

Having organized the Commissioners' Office, I was tapped to head up what became the research division, with nine second-hand law clerks.

Although they gained valuable experience clerking, some of the former law clerks were unhappy at having to part company with "their" judge and relocate to makeshift quarters in Lansing.

Our first offices occupied un-air-conditioned space on an upper floor of what is now the Washington Square Building. With no window screens, in the summer months research attorneys sometimes would return from lunch to find a pigeon strutting (and doing other pigeon things) on their desk.

But the experiment soon proved successful. With research workups on all appeals prior to hearing, the judges were able to absorb a 33% greater caseload with no net increase in personnel (except for me and my secretary). With some additional staff and more frequent use of per curiam opinions, by 1971 productivity per judge had increased by 46%.

The court's research division became recognized as a new model for appellate courts in an era of rapidly expanding caseloads. We were flattered to be imitated by a dozen other appellate courts, including four that the

National Center for State Courts selected for demonstration projects.

Law professors oversaw each project. The overseer at the Virginia Supreme Court was a young University of Virginia faculty member, Antonin Scalia.

### **Moving On**

I left the court in 1977 to begin teaching at Cooley Law School. By that time, the research division had grown to 30 research attorneys, working out of offices in Detroit, Lansing, and Grand Rapids.

The court decided early on that the positions would be for one or two years. Thus, much of my time was being taken up with recruiting, training, supervising, and helping out-place recent law school grads.

By then both Lesinski and Fitzgerald had departed, and I had concluded that I didn't go to law school to become an administrator. As it turned out, I was looking for something else to do at the same time that Cooley Law School achieved its accreditation.

Almost a quarter-century after I left the Court of Appeals, one of my Cooley students, Larry Royster, became the research director. Now clerk and chief of staff at the Michigan Supreme Court, Royster started as a Court of Appeals research attorney. He is one of more than a thousand research division alums who have gone on to achieve success in every field of the legal profession.

All thanks to T. John Lesinski's grand experiment.



Several years later, in the Research Division offices during the mid-70s, before Otto departed for Cooley Law School

# From the Court of Appeals to the Michigan Supreme Court

By Kate Budzynski and Chelsea Kozar

Of the 76 judges who have served on the Michigan Court of Appeals, 14 have moved onto the Michigan Supreme Court. The first judge to transition to the Supreme Court was Chief Justice Thomas Giles Kavanagh in 1969, and the last judge was Justice Kurtis T. Wilder in 2017. Ten of the fourteen justices served as Chief Justice during their time on the Supreme Court, and all have had remarkable legal careers. Notably, three of the four female justices that served on the MSC's first female majority in 1997 were former COA judges (Justices Dorothy Comstock Riley, Elizabeth A. Weaver and Marilyn J. Kelly served with Justice Patricia J. Boyle).

## Thomas Giles Kavanagh

*(August 14, 1917 to February 20, 1997)*

COA Term: 1965-1969

MSC Term: 1969-1984; Chief Justice 1975-1979

Chief Justice Kavanagh first ran for a seat on the MSC in 1955 but was unsuccessful. After reading about the formation of the COA in the newspaper, Chief Justice Kavanagh decided to run for the newly-formed COA in the spring of 1964. In the November election, he finished first in the second district, securing him a 10-year term. In 1968, Chief Justice Kavanagh ran for and won a spot on the MSC. While at the MSC, Chief Justice Kavanagh was twice elected as Chief Justice, holding that role from 1975 to 1979.



A photo of the first court, including Thomas G. Kavanagh and John Fitzgerald.

## John W. Fitzgerald

*(November 14, 1924 to July 7, 2006)*

COA Term: 1965-1974; Chief Judge Pro Tempore 1965-1974

MSC Term: 1974-1982; Chief Justice 1982

In the first election after the creation of the COA, Chief Justice John W. Fitzgerald was elected to the third district of the COA to serve a 10-year term. After joining the Court, he was unanimously elected as the Chief Judge Pro Tempore, and he served in that role until Governor William Milliken appointed him to the MSC on January 1, 1974. Chief Justice Fitzgerald served as the MSC's Chief Justice in November and December 1982 before retiring at the end of December 1982.

## Charles L. Levin

*(April 28, 1926 to November 19, 2020)*

COA Term: 1966-1972

MSC Term: 1973-1996

Justice Charles L. Levin was elected to the COA in November 1966 to fill the vacancy left by Judge John D. Watts. Judge Watts had won a 10-year term in the first district but passed away in June 1966. At that time, Michigan's constitution did not allow for gubernatorial appointments to fill judicial vacancies, so the seat could not be filled until the 1966 election. Justice Levin's time at the COA ended in 1972 when he was elected to



Justice Charles Levin with Justice Robert Young at the COA 50th Anniversary celebration.



Justice Michael Cavanagh with Advocates Guild Chair Mary Massaron at the COA 50th Anniversary Celebration.

the MSC. Justice Levin was the second COA judge to move from the COA to MSC.

### Michael F. Cavanagh

COA Term: 1975-1982

MSC Term: 1983-2014; Chief Justice 1991-1994

Chief Justice Michael F. Cavanagh, father of current Justice Megan Cavanagh, was elected to the second district of the COA in 1974 to serve a 10-year term. At that time, he was 34 years old and the youngest person to ever be elected to the COA. Chief Justice Cavanagh served from 1975 until 1982. In November 1982, he was elected to the MSC, and he served on the MSC for 32 years until December 31, 2014. During his time at the MSC, he served as Chief Justice from 1991 to 1994.

### Dorothy Comstock Riley

(December 6, 1924 to October 23, 2004)

COA Term: 1976-1982

MSC Term: 1982-1983; 1985-1997; Chief Justice 1987-1991

Chief Justice Dorothy Comstock Riley was a true trailblazer in the law profession. She was just one of three women in her 1949 graduating class at Wayne University Law School, and she was the first woman to serve on the COA, when she was appointed to the first district in April 1976. In 1982, Chief Justice Riley was appointed to the MSC. She was the second woman to serve on the MSC, though her appointment was con-

tested by the Attorney General in a MSC court case [*Attorney General v Riley*, 417 Mich 119 (1983)], and her appointment ended abruptly when the MSC Justices voted her off the bench in February 1983. Chief Justice Riley regained her seat in the 1984 election, and she became the first Hispanic woman to be elected to a state supreme court. After her service as Chief Justice from 1987 to 1991, Chief Justice Riley retired from the Court in 1997. The following spring, she founded the MSC Historical Society. She was inducted into the Michigan Women's Hall of Fame in 1991.

### Elizabeth A. Weaver

(March 28, 1941 to April 21, 2015)

COA Term: 1987-1994

MSC Term: 1995-2010; Chief Justice 1999-2000

In November 1986, Chief Justice Elizabeth A. Weaver was elected to the third district of the COA. She was re-elected in 1992, and in 1994, she was elected to the



The 1977 COA Bench photo including the first female judge on the court. Justice Michael Cavanagh stands directly to her left. However, I think the bottom photo shows Justice Riley's place in history perfectly, as she stands in the center of the judges, still the lone female.





Justice Marilyn Kelly and Justice Alton Davis at the COA 50th Anniversary celebration.



Justice Stephen Markman

MSC. She served as Chief Justice of the MSC from 1999 to 2000. Chief Justice Weaver was inducted into the Michigan Women's Hall of Fame in 2005, and in 2010, she resigned from the Court.

**Marilyn J. Kelly**

COA Term: 1989-1996

MSC Term: 1997-2012; Chief Justice 2009-2010

In 1988, Chief Justice Marilyn Kelly was elected to the COA. She was one of 27 candidates who ran to fill the six new judicial seats created by the legislature in 1986. She ran again six years later and was re-elected to the second district in 1994. Elected to the MSC in 1996, Justice Kelly served an eight-year term and was re-elected for a second term in 2004. She served as Chief Justice of the MSC from 2009 to 2011. She was inducted into the Michigan Women's Hall of Fame in 2011.

**Clifford W. Taylor**

COA Term: 1992-1997

MSC Term: 1997-2008; Chief Justice 2005-2008

Governor John Engler appointed Chief Justice Clifford W. Taylor to the COA on March 2, 1992. In 1997, Governor Engler appointed him to the MSC, and Chief Justice Taylor was re-elected in 2000. He served as Chief Justice from 2005 to 2008. His term expired in 2008, and he was defeated in the 2008 election.

**Maura D. Corrigan**

COA Term: 1992-1999; Chief Judge 1997-1999

MSC Term: 1999-2011; Chief Justice 2001-2004

Chief Justice Maura D. Corrigan first worked for the COA from 1972 to 1974 as Judge John Gillis's law



The 1993 Bench photo including future justices Elizabeth Weaver, Clifford Taylor, and Maura Corrigan.



The 1997 Bench photo with future justices Stephen Markman and Maura Corrigan.

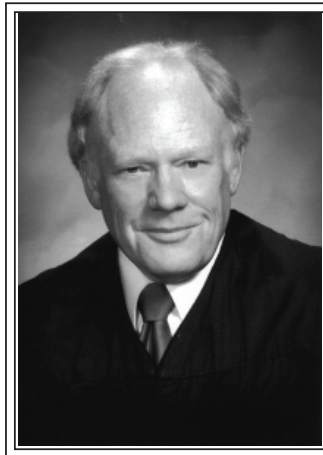




Justice Kurtis T. Wilder



Justice Brian K. Zahra



Justice Alton T. Davis

**Kurtis T. Wilder**

COA Term: 1998-2017

MSC Term: 2017-2018

On December 30, 1998, Governor Engler appointed Justice Wilder to the COA. He served at the COA until 2017, when Governor Snyder appointed him to the MSC. However, he was defeated in the November 2018 election by Justice Megan Cavanagh.

clerk. She then worked as an assistant prosecutor in Wayne County and an assistant U.S. attorney, before she went into private practice. Governor Engler appointed Chief Justice Corrigan to the COA in March of 1992. She was elected to the COA in 1992 and 1994, where she served as Chief Judge for two years before she was elected to the MSC in November 1998. She was the second woman to serve as Chief Justice of the MSC.

**Stephen J. Markman**

COA Term: 1995-1999

MSC Term: 1999-2020; Chief Justice 2017-2019

Governor Engler appointed Chief Justice Stephen J. Markman to the COA in 1995. He was then appointed to the MSC in October 1999, and he served as Chief Justice from 2017 to 2019.

**Robert P. Young, Jr.**

COA Term: 1995-1999

MSC Term: 1999-2017; Chief Justice 2011-2016

Chief Justice Robert P. Young’s judicial career began in 1995 when he was appointed to the first district of the COA by Governor Engler. In 1996, Chief Justice Young was elected to the COA and served until his appointment to the MSC in 1999. Chief Justice Young’s term began on January 3, 1999, and in 2000, he was elected to serve the remainder of that term, which expired on January 1, 2003. In 2002 and 2010, he was re-elected, and he served as Chief Justice from 2011 to 2016.

**Brian K. Zahra**

COA Term: 1999-2011; Chief Judge Pro Tempore 2006-2007

MSC Term: 2011-present

Justice Brian K. Zahra was appointed to the COA in December 1998 by Governor Engler, and he was elected in 2000 and re-elected in 2006. Justice Zahra served as the COA’s Chief Judge Pro Tempore under Chief Judge William C. Whitbeck. Governor Rick Snyder appointed Justice Zahra to the MSC on January 14, 2011. Justice Zahra then won the election in November 2012 for a partial term, and he was re-elected in November 2014 and 2022.

**Alton T. Davis**

COA Term: 2005-2010

MSC Term: August 26, 2010-December 31, 2010

Governor Jennifer Granholm appointed Justice Alton T. Davis to the fourth district of the COA on July 14, 2005. In November 2006, and again in November 2008, he was elected to the COA. He resigned from the COA on August 26, 2010, after accepting Governor Granholm’s appointment to the MSC. However, Justice Davis lost the November 2010 general election.

## From the Office of the President

By Joseph Gavin

As ably detailed in this newsletter's article on the creation of Michigan's intermediate appellate court, the formation of our Court of Appeals was no small feat. That story with another – the creation of the first Supreme Court of Michigan – provide useful bookends of perspective on the development of Michigan as a state.

The Continental Congress enacted the Northwest Ordinance in 1787, giving the potential for structure to today's Midwest as the new nation developed and European migration continued westward. The Northwest Territory was vast, however, and government authority sparse. This eventually led the residents of Detroit to petition the Congress to create a smaller territory out of the larger. In January 1805, the Congress obliged and created one, naming it after Lake Michigan. The Michigan Territory Act established a government for the territory, and as part of that, created a court of three judges with common law jurisdiction, under commissions to be held during good behavior. After President Jefferson signed the Michigan Territory Act<sup>1</sup> into law, he appointed Samuel Huntington of the Ohio Supreme Court, Augustus Woodward, of Washington, D.C., and postmaster Frederick Bates (the only Michigan resident) to the Court.<sup>2</sup> Woodward and Bates also served as legislators in the fledgling territory, and the two along with Governor William Hull gave the Court its name: "The Supreme Court of the Territory of Michigan."

Woodward and Bates were later joined by John Griffin, and not long after Bates left for St. Louis. Woodward and Griffin, both of whom had studied law, were then later joined by James Witherell, physician originally untrained in the law.<sup>3</sup> Together, the three constituted the Court for the first nearly two decades of its existence, though Woodward proved to be a power center due to Griffin's deference to him, thus effectively giving him control over the Court.

Woodward's political power in the Michigan Territory ultimately contributed to his ouster. His opponents eventually succeeded in amending the term of his office, subjecting the Court members to reappointment every four years.<sup>4</sup> In the regular elections of judges throughout the State of Michigan today, we see the echoes of this early maturation of our Court as an institution.

This is the first of what I hope will be many "President's Corner" vignettes it may be my privilege to contribute to this Society's publications. On behalf of the Michigan Supreme Court Historical Society, I thank you for your interest in the history of Michigan Courts, and your continued support of the important work of our Society.

1. Michigan Territory Act, Stat. 309 (1805).
2. Chardavoyne, "The Northwest Ordinance and Michigan's Territorial Heritage," in *The History of Michigan Law* (2006), pp 17-18.
3. *Id.*, pp 18-19.
4. *Id.*, pp 25-26.

## Save the Date -

**Wednesday,  
April 16, 2025**  
Annual Membership  
Luncheon  
St. John's Resort,  
Plymouth

**Wednesday,  
October 22, 2025**  
Advocates Guild Dinner\*\*

\*\*invitation only attendance

## **From the Desk of the Executive**

### **Director**

*By Lynn Seaks*

The Michigan Supreme Court Historical Society celebrated a successful year! 2024 included a very exciting progressive dinner at the Hall of Justice, where the justices opened their chambers to host over one hundred members of the Society and Advocates Guild. The evening was casual and jovial, and members enjoyed the opportunity to talk to the justices in a relaxed atmosphere as well as view the portraits in each chamber. The event was such a hit that the Society will hold a second progressive dinner in October.

In addition to our annual luncheon, featuring Professor Justin Simard, who provided the keynote address on “Slavery’s Legal Legacy and its Meaning for Michigan Lawyers,” two special events helped cap off a successful 2024. The Society hosted “The Legacy of Women on the Court,” with Justice Elizabeth Welch and former Justice Maura Corrigan. Justice Zahra and former Justices Robert P. Young, Jr., and James Ryan, along with Advocates Guild President, Mary Massaron and attorney Alan Ackerman provided a fascinating discussion on “Eminent Domain and the History of *Poletown*.” The Society plans to host two additional unique events in 2025, and already have a commitment from Justice Zahra and others to host a forum on “Access to Justice” and “Justice for All.”

The quarterly newsletter continues to grow and receive warranted praise. The Historical Society editor, Carrie Sharlow, was celebrated by being awarded this year’s Avern Cohn Award. In addition to the newsletters, the Society also produced two special issues this year.

Membership increased over 10 percent and the Society secured 15 corporate sponsors. We plan to continue to focus on strengthening our membership, providing incentives to join, and featuring quality events for our members.

The Society is poised for a successful 2025, and we thank everyone who sees the value in what we do and who we are.

## **2025 Corporate Sponsors**

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3rd Floor, Hall of Justice  
925 W. Ottawa Street  
Lansing, MI 48915

### ***Mission Statement***

The Michigan Supreme Court Historical Society, a non-profit 501(c)(3) corporation, collects, preserves, and displays documents, records, and memorabilia relating to the Michigan Supreme Court and the other Courts of Michigan, promotes the study of the history of Michigan's courts, and seeks to increase public awareness of Michigan's legal heritage. The Society sponsors and conducts historical research, provides speakers and educational materials for students, and sponsors and provides publications, portraits and memorials, special events, and projects consistent with its mission.

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Dorothy Comstock Riley

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*Society Update* is published quarterly by the Michigan Supreme Court Historical Society. Writing submissions, article ideas, news, and announcements are encouraged. Contact the Society at: 3rd Floor Hall of Justice, 925 W. Ottawa Street, Lansing, MI 48915 Phone: (517) 373-7589 Fax: (517) 373-7592