

**PRESENTATION OF THE PORTRAIT OF  
THE HONORABLE MARILYN KELLY**

DECEMBER 5, 2022

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CHIEF JUSTICE ELIZABETH T. CLEMENT: Well, good evening. Welcome to the Hall of Justice and the Michigan Supreme Court. I am honored to call to order this special session of the Court to unveil the portrait of Justice MARILYN KELLY. A special thank you to the Michigan Supreme Court Historical Society for their support of this event, as well as all the other work the Society does to honor and preserve the history of this great institution.

In addition to my colleagues on the bench, I believe we have several retired Justices here to join us in celebrating Justice KELLY. I see Justice MICHAEL CAVANAGH, Justice STEPHEN MARKMAN. Are there others? I thought we had more. All right. And I have word that we have a number of former clerks and staff that are here, some from as far away as Texas—Austin, Texas, I heard. That’s wonderful.

So, welcome. Thank you for being here today. You can all read Justice KELLY’s impressive bio and the awards and honors bestowed upon her. And I’m sure we’re going to hear today from those close to her what she means to them, the legal profession, and the judicial branch.

Before we hear from our distinguished speakers, I want to take a moment to reflect on the impact Justice KELLY had on our Court. It’s been almost 10 years since Justice KELLY retired from our Court, and a lot has changed in that time. Justice ZAHRA is the only remaining colleague of Justice KELLY still serving. Justice KELLY’s successor, Justice BRIDGET MCCORMACK, who we’ll be hearing from later, has announced her retirement from the Court, and her successor, Justice-appointee KYRA HARRIS BOLDEN, has joined us today to honor Justice KELLY. We figured out how to adjust during a pandemic to continue serving the public from a remote platform, and you can view oral arguments on our YouTube channel.

While the faces and names have changed, I would like to share the things that have remained the same since Justice KELLY retired. When Justice KELLY was elected Chief Justice, she focused on the improvements she could make. The Michigan Supreme Court also—as she said, the Michigan Supreme Court has the task of supervising the other courts in this state. We set the example for the rest of the judiciary and the lawyers in the state. And if we tell them they have to treat each other with dignity, and we aren’t treating one another that way, we can hardly expect them to take the message very seriously.

Justice KELLY started the tradition of the Justices having lunch together with rules: no discussion of cases. It was a time for the Justices to spend getting to know one another better personally, nurturing relationships, and promoting civility. I am proud to say that we still honor this tradition, and we thank you for starting this.

Justice KELLY also took over as Chief Justice during a very difficult economic time and led the Court and the State Bar in the Judicial Crossroads Task Force. This task force was the foundation for the work we are doing today with the Justice for All Commission; the Michigan Judicial Council; the Diversity, Equity, and Inclusion Commission; and countless other priorities of the Court. We are able to do all of this work because leaders before us paved the way, leaders like MARILYN KELLY, who was the fifth woman to serve on this Court and the fourth to serve as Chief Justice.

When Justice KELLY joined the Court in 1997, she became an integral part of the first female majority on the Court with Justice DOROTHY COMSTOCK RILEY, Justice PATRICIA BOYLE, and Justice BETTY WEAVER. And I'm proud to note that this current Court is the fourth female majority in history. Most importantly, without pioneers and pathbreakers like MARILYN KELLY, we would not be here. Her vision and commitment to access to diversity and to equity are only now being elevated as priorities in Michigan's justice system.

So, friends, we gather today to thank Justice KELLY and to honor her. With that, let's proceed with our program. First up is Jules Olsman. Welcome, Jules, president of Olsman MacKenzie and Wallace. And do I need to say more, friend? We'll turn it over to you to get started.

JULES OLSMAN: Very good, friend. I'm not used to—I don't know whether it feels right for me to turn my back—

CHIEF JUSTICE CLEMENT: Please do.

JUSTICE BRIAN K. ZAHRA: Some say it's your better side. [Laughter.]

JULES OLSMAN: [Laughter.] I know you would prefer that. [Laughter.] Well, good afternoon, everyone. May it please the Court. Honored guests, all of us who are here this afternoon for this great day to dedicate the portrait of Justice MARILYN KELLY. It's a great personal honor for me to be here, as I've known Justice KELLY for many, many years—before she was Justice KELLY, before she was Judge KELLY, going back to about 1976 when she appeared in federal court. I believe she was with the Dykema firm at that time, and I was a free law clerk for Judge Paul Komives at the time. I still remember that day and how she treated everybody.

So, I'm also very glad that we're finally here after 10 years because now people can stop asking me what I did with the money that they gave to contribute to the portrait of Justice KELLY 10 years ago. [Laughter.] Well, it doesn't look too good. Anyway, I've always had a very strong sense of loyalty to Justice KELLY. And since she left the Court in 2012, every time I see her, I always greet her with the expression "Madam Chief Justice." And she always says, "But you know, Jules, I'm not on the Court anymore." I said, "I know, but I just like saying it; I like hearing it." [Laughter.]

So, I also want to express my appreciation to Justice KELLY, who, in 2010, was one of four Justices in this room who voted for my appointment to the State Bar Board of Commissioners, an event which occurred at the suggestion of our former State Bar President Brian Einhorn—thanks

a lot—who's here, and also Justice CAVANAGH. At the time, it was a four-to-three vote. Two of the Justices wanted somebody else; one of the former Justices indicated he would vote for anybody but me. [Laughter.] So, I did not take it personally, and I've had that order framed. [Laughter.]

So, the question for anyone who serves on this Court, for those of us who have been privileged to practice in front of this Court, and for the citizens of this state is: what exactly makes a great Justice? And I think that Justice MCCORMACK, a few years ago, in an interview—I believe it was with Devin Scillian—was asked that question, and her response was: “A great Justice is someone who is not afraid to lose their job.” This speaks to the person having great courage to stand up and do what's right, no matter what. And MARILYN KELLY—Justice KELLY—was always that kind of a Justice.

Another important quality of a great Justice is the ability to lead others, as Justice Ginsburg stated when she was describing leadership as “fighting for the things that you care about but doing it in a way that will lead others to join you.” And I think that those qualities, too, are qualities that Justice KELLY has and had when she was on the Court.

As many of you in this room know, Justice KELLY was a very close personal friend of Judge Avern Cohn, who passed away this past February. Judge Cohn, with whom I was also very close, believed very strongly in the importance of collegiality among judges. In fact, when this building was built, he thought it was terrific, and when he heard that a lot of judges were choosing to work remotely, he thought that was a terrible idea. And he thought people ought to be together in the building so they could get together for lunch, talk with one another, and get to know one another.

There were many times over the years, as those of you know who knew Judge Cohn, that he was—he used the power of the letter to the editor and other forms to criticize the direction of this Court. And he absolutely bristled at what he regarded as unnecessary and intemperate discord among the Justices that, from time to time, would spill into the Court's opinions. This was an anathema to Judge Cohn, who personally described the judges on the court in the Eastern District of Michigan as members of his judicial family. So that's the way Judge Cohn regarded his colleagues, and I think that's what he would—he expected—would occur here in the Michigan Supreme Court.

And I believe that Justice KELLY, when she was a colleague, a Justice on the Court, and as Chief Judge, did everything she could to promote civility and a good relationship among her colleagues, recognizing that these two words that we hear so much about—civility and collegiality—are not just mere expressions, nor are they just lofty goals. She understood that they were critical to the functionality of the Court. The Court cannot function as a house divided or as a house appearing to be divided.

When Justice KELLY won election to the Supreme Court in 1996 after having served on the Michigan Court of Appeals, she succeeded Justice CHARLES LEVIN. Justice KELLY's successor in 2012 was Justice MCCORMACK, and I think everyone in this room today recognizes that Justice MCCORMACK was a truly outstanding and transformational Justice and Chief Justice of the Michigan Supreme Court. [Applause.]

JUSTICE MCCORMACK: Well, thank you, Jules. Focus on Marilyn.

JULES OLSMAN: I know. This is for you. So—and after leaving the Court, Justice KELLY originally became a—I believe the title is—Distinguished Jurist in Residence at Wayne State’s law school. I don’t think that’s a title that I’ll ever be afforded. But she must have missed electoral politics, so she ran in one election to the Wayne State University Board of Governors, where she has served and continues to serve with distinction, having just won reelection again in another race this past November.

So the dedication of Justice KELLY’s portrait today commemorates the consequential tenure on the Michigan Supreme Court of this most courteous and accomplished jurist, and I’m privileged to be here today with my wife, Barbara, and all of you many friends to congratulate Justice KELLY on this great honor and wish her well in all of her ongoing and future endeavors. Thank you. [Applause.]

CHIEF JUSTICE CLEMENT: Thank you, Mr. Olsman. Our next speaker has appeared in the courtroom many times. Co-chair of Honigman’s appellate advocacy practice, Robert Riley was recently honored as a fellow of the Michigan State Bar Foundation. Mr. Riley.

ROBERT RILEY: Good evening, Madam Chief Justice, Justices of the Court. It’s a privilege to be here tonight honoring Justice KELLY. Jules stole my joke about keeping my back to the Court. [Laughter.] When Justice KELLY asked if I would be interested in speaking tonight, I knew I had some homework to do. Portrait investitures are a solemn occasion, and to properly honor Justice KELLY, who served 16 years as Justice and Chief Justice of this Court, I knew the atmosphere would have to match the moment of the occasion.

So, like the slightly above-average law clerk that I was, I dusted off the Michigan Reports to read transcripts of other Justices’ portrait investitures. I talked to my peer law clerks to see if they had thoughts on important topics to cover. And for the technologically challenged with us tonight—sorry, Mom and Dad—there’s this website called YouTube, where the Court posts videos of its proceedings. So I watched a few of those, too. Come to find out in my YouTube research, not quite three weeks ago, the Court sanctioned a very different type of portrait investiture—as Justice ZAHRA called it, the MARKMAN bar mitzvah. [Laughter.]

Well, not to be outdone, Justice KELLY, your investiture is a different kind of party to commemorate the exact number of years you sat on this Court. I’m thrilled to announce that tonight is your sweet 16. [Laughter.] Justice MCCORMACK even told me that in her last act as Chief Justice, she got you a car. [Laughter.]

Serving as a law clerk is a good job. Serving as a law clerk to a Supreme Court Justice is a great job. And serving as a law clerk to Justice KELLY was the best job in the world. Sure, there are obvious reasons clerkships are highly coveted. You get to work hand in hand with a judge; you have a mentor to teach you how to think about the law; your writing improves exponentially, or so I thought; you have a springboard to a future job of choice. Everyone’s familiar with those benefits.

But what those who never had the privilege of working for Justice KELLY missed, in addition to the obvious, was becoming part of her family. From 2008 on, I learned exactly what that meant. In one sense, it was learning about the things most important to her: the integrity and legacy of the Court, a commitment to excellence, a commitment to civility, and ensuring those less fortunate have access to the same legal system used and often abused by those with the financial means to do so. There was no leaving Justice KELLY's chambers after a stint as a law clerk without understanding that access to justice is critical for a functioning society. Thankfully, she equipped all of us with the necessary tools and spirit to continue that quest in our post-clerkship days.

In terms of her work at the Court, Justice KELLY gave everything she had to finding the right outcome for every single case. As you likely know, the Court receives roughly 2,000 applications for leave to appeal in a given year. Justice KELLY was intent on reviewing each and every one of them because she knew that a criminal defendant's last appellate filings were just as important as headline-grabbing civil disputes.

Were it not for her tireless efforts, wrongly convicted people would still be sitting in jail, Michigan law would be less fair, and—who's kidding—there would be far fewer dissents that will forever memorialize her colleague's mistakes. [Laughter.] But it mattered not that she often found herself in the minority. She remained steadfast in her commitment to get things right. And much to her credit and, dare I say, stubbornness, she frequently convinced her colleagues to change their mind and see things her way.

In another sense, though, becoming part of Justice KELLY's family meant giving her insight into our lives, too. She cared far more about us as people than as mere clerks who helped manage the Court's business. Our personal interests were daily lunchtime topics. We spent hours discussing our families as we crisscrossed the state to hear oral arguments, attend bar functions, and the numerous award banquets at which she was honored. She always brought us, and for those of us with kids, gifts from her worldly adventures. And for some, myself included, she played the far more important role of wedding officiant.

Justice KELLY's interest in the lives of her clerks is perhaps best evidenced, though, by the turnout here tonight. As much as we are proud of her, I know she's equally proud of the clerk family tree that blossomed over the course of her career. It's amazing, indeed, to think about the breadth and depth of the limbs of that tree. Justice KELLY's clerks, interns, and staff have gone on to have remarkable careers of their own in large part because of the lessons, values, and mentoring they received from Justice KELLY.

To put in perspective the reach of her impact, Justice KELLY's staff has carried her torch in the State Appellate Defender's Office, local prosecutors' offices, as clerks to other Supreme Court Justices, as the current Supreme Court's Reporter of Decisions, as philanthropists, as judges of their own, and as attorneys who follow her lead in donating their time to access to justice. Suffice it to say, she's made a lasting impact on all of us who share her passion for making the legal world a better place.

Our speakers today have rightly focused on Justice KELLY's relentless work ethic, countless successes, accomplishments, and awards as a public servant. Not to throw cold water on a positive vibe, but I think we need to recognize one aspect of life that you've failed at: retirement. [Laughter.] In 2012, our agist state Constitution prevented Justice KELLY from running for a third term as Justice. Rather than take the hint or the opportunity to spend well-earned time for herself, she doubled down on public service.

In fact, she apparently so missed the campaign trail that, as Jules mentioned, she had twice successfully ran for Wayne State University's Board of Governors. As if that weren't enough, she teaches an access-to-justice course at Wayne Law, sits on the Wayne Law Board of Visitors, serves on the board for the Michigan Leader Dogs for the Blind, and remains active in her church. Some might say that her tenure on the Court was a mere warm-up act for her countless current activities, all of which only add to her legacy as a thankless leader committed to improving the lives of others.

When I asked Justice KELLY to officiate my wedding, I told her that it was absolutely critical that we finished the ceremony in 20 minutes or less. The payback was tough. She gave me a mere six to eight minutes to talk about her tonight. She knows well that her tenure on the Court, as seen through the eyes of one law clerk, can't be boiled down to an hour or two, let alone six to eight minutes. But that's just Justice KELLY being Justice KELLY, always preventing the spotlight from focusing on her for too long.

Justice KELLY, when you see your portrait hanging in the Hall of Justice, I hope you share the same sense of pride the rest of us will, knowing the great service you provided to the Court, the attorneys who appeared before you, and the parties who—win or draw—benefited from your intellect. And on behalf of your law clerk family, who knows better than anyone just how hard you worked and how much you cared about the Court's service to the public, we can't thank you enough for having had the opportunity to work at your side. Congratulations on this wonderful occasion. [Applause.]

CHIEF JUSTICE CLEMENT: Thank you, Mr. Riley. Our next speaker worked closely with Justice KELLY in her leadership role as the Executive Director of the Michigan State Bar Foundation. Known for her work opening doors and finding resources to support access to justice has been truly transformative, and Linda and Marilyn were great partners in this effort. Colleagues, please welcome Linda Rexer. [Applause.]

LINDA REXER: Thank you, Chief Justice CLEMENT, Justices of the Court, Justice KELLY, all of you here. So nice to see old friends and familiar faces. And as much as I like all of you and miss all of you, there's very little that could have pulled me out of retirement, but this is it. I'm honored to add a few words to the occasion because we are all appropriately acknowledging Justice KELLY's legacy to our justice system. And as I mentioned, I'm retired—not quite flunking it as badly as Marilyn yet, but I'm working on it. She's always been a model to so many of us [laughter], so you're all in trouble.

So—but I was the Executive Director of the Michigan State Bar Foundation. I had the privilege of working on the Foundation's mission to advance access to justice for those in need for

30 years. And as part of that work and since, I've also worked very closely with Justice KELLY on her access-to-justice efforts, and that's what I'd like to talk about.

I saw firsthand many of her efforts to advance access to justice for low-income persons and for others who have barriers to solving legal problems. And these problems can be quite serious for the poor. They can be things like losing your home, losing your kids, losing your job, and Justice KELLY never forgot the human being at the end of this chain.

And I see Justice [MICHAEL] CAVANAGH here and remember often his quote when he thanked Justice KELLY at her retirement party, quoting, I think, G. K. Chesterton, which impressed me right there, but he was—the quote was about how she never failed to see the prisoner in the dock. And so, it's not just I who—who have noticed that. By the way, Rob knows this, that retirement “do” was the only—the only one she would accept was a retirement party that was a fundraiser to establish the Justice—the Marilyn KELLY public-interest scholarship at Wayne Law. So, that tells you a lot right there, too.

But, anyway, there isn't time to tell you, of course, all the—all the stories about access-to-justice work that we did. I have many memories, and they certainly were highlights in my career. But I want to tell you a couple that, I think, were game-changing. As Chief Justice in 2010, Justice—Chief Justice KELLY established these solutions on self-help task force: the SOS Task Force, one of the better—listen up, everybody, you got to have a good name for your committees, and that was pretty good.

And I was privileged to be appointed as co-chair to lead that 100-plus member group, and they had—we had lawyers and librarians and legislators and legal aid and bar and court representatives, the kind of collaboration that Justice KELLY always encouraged. She charged the SOS Task Force with proposing effective strategies to assist the self-represented in our state. And unlike some groups I've been on, she didn't just go away. She was a working member at every committee meeting for a year and otherwise used the bully pulpit to advance the project.

So, as we all know, the SOS Task Force resulted in the creation of the Michigan Legal Help Program, which is a national—nationally award-winning program to help self-represented folks who are—need to solve their civil legal cases. But I'd also point out that the partnerships that Justice KELLY established when she—at that time that she facilitated, they continue, which is another message in itself. The people who continue to support Michigan Legal Help and to help it grow as a real cornerstone of how we do justice in Michigan included the State Court Administrative Office, the Court, legal aid, Justice for All Commission now, the bar, the bar foundation, and others.

And so that—that tells you how a legacy gets started but that [is] also sustained because now, these many years since, Michigan Legal Help supports more than 20 local self-help centers around the state, and its user-friendly website helps, now, I think, about 23,000 self-represented persons per week. So that was one of the game changers.

I would also like to give you just a couple of examples of how Justice KELLY encouraged judicial leadership in herself and in others, but one was that as Chief Justice, she established the

position—staff position—in the Office of the Chief Justice of Director of Access and Fairness, one of few in the country that put that position at that level for those purposes. And it not only made clear that—that the courts have a role in access, but it facilitated action toward that end. So just one example: she distributed a judge’s pro bono tool kit to all—I think, at the time, 600 or more judges in the state—to give them some concrete tools and more than a little bit of a nudge to kind of ethically encourage and facilitate pro bono cases where—in which lawyers are providing free legal services to the indigent.

A second example, which really was known beyond Michigan, is her 2010 State of the Judiciary speech, which she gave to a joint session of the Michigan Legislature, the first such address in a decade. That speech focused, in large part, on our state’s access-to-justice needs and programs. And that speech raised the bar for access to justice in our state, and it was posted, I know personally, on more than one national access-to-justice website as an example to judges everywhere of judicial leadership in access to justice.

And one of the emerging ideas—this is another good example, I think, from that speech. At the time, it was an emerging idea that could help make more legal services available to the poor—was limited-scope representation. And that was the beginning.

And fast-forward to now—to the limited-scope-representation rule that the Court has since adopted, which now means that more lawyers are able to provide free legal help to the poor because, instead of having to take the whole case, a pro bono lawyer can help with a discrete part of it, a discrete aspect of it, where an indigent person is able to handle the rest of the matter most likely with the resources of Michigan Legal Help. Another game changer there.

So, you can imagine how many other examples there are that I don’t have time to mention. But I do want to add to the note in today’s printed program that just—and, as Rob mentioned, that Justice KELLY is currently Distinguished Jurist in Residence at Wayne State Law—I want to add a note to that. What I want you to know is that after she left the Court 10 years ago, she used that position to teach an access-to-justice seminar, which Rob mentioned, but what I want to tell you is every semester since she’s left the Court—at Wayne Law [she] teach[es] that seminar.

So not only did she lend the weight of her reputation to elevating that topic—the topic of access to justice—on the curriculum, and at that fine law school now there are countless, countless students—I can see one whom I know in the back of the room—who from her decades of classes, and from treating access to justice as a serious field of endeavor, that they are now bringing their deep knowledge into their legal careers, which who knows where that will end? It’s just blossoming.

And last, I want to say that, in preparing these remarks, I was struck by the through line between Justice KELLY’s judicial leadership for access to justice and the exciting current work of this Court and its partners through the Justice for All Commission. Some of the genius of both your work and Justice KELLY’s is enlisting a wide range of people from inside and outside the justice system—those who know about the impact of all that we do—to work together to encourage innovation and collaboration and a real long-term commitment to finding solutions together.

So, I know that I'm not alone in thinking that Justice KELLY's past access-to-justice work can be counted as part of what helped position this Court, many of you, and others to make even more strides in access to justice today. Nor am I alone in expressing deep admiration and thanks to Justice KELLY for that very important legacy. Thank you. [Applause.]

CHIEF JUSTICE CLEMENT: Thank you, Ms. Rexer. Our next speaker doesn't really need an introduction. Justice MCCORMACK—BRIDGET MCCORMACK, who has followed in Justice KELLY's footsteps in so many ways. One way she's promised us that she wouldn't is by waiting 10 years for her portrait. She promises [laughter] that when she leaves—

JUSTICE MCCORMACK: No such promise was made.

CHIEF JUSTICE CLEMENT: She promised that it would be done much sooner than that. So, Justice MCCORMACK.

JUSTICE MCCORMACK: Thank you, Chief. It is an honor for me to get to speak at this occasion. Justice KELLY has been a mentor, and she's been a friend, and she's someone who I admire deeply. And, so, it is really an honor. I filled Justice KELLY's seat and tried to fill her shoes, but the impact that she's had on the justice system in Michigan by her jurisprudence, by her leadership on access to justice, and by her civility turned out to be very large shoes. I'm not sure anybody could fill them.

Before I knew Justice KELLY personally, I knew her work. Specifically, by that I mean her opinions. I was on the faculty at the University of Michigan Law School before I was elected to the Court, and I had a regular appellate practice and sometimes appeared in this Court.

The first time I appeared in this Court—there's no reason you will remember this particular case, Justice KELLY—but it's *Jones versus Department of Corrections*. I was supervising two law students. One of them is here today—John Fedynsky. He wrote an excellent brief. We should have won. [Laughter.] We lost five to two. But you were right. [Laughter.] And John will confirm that, I'm sure. I actually—

UNIDENTIFIED ATTENDEE: [Indiscernible @32:15].

JUSTICE MCCORMACK: [Laughter.] There you go. The student-practice rule did not permit students to argue, and still does not in the Supreme Court, so I had to argue the case even though the students had written a fantastic brief and could have, in my—in my view, done a terrific argument. And at the end of the argument, Justice YOUNG told me I had done a great job for a student. [Laughter.] And I thought, like, thank you—I'll take it as a compliment, actually. He didn't know. I said, "I'm actually not the student." I explained. He said, "Well, why wouldn't you let the student do it?" I said, "I would let the student do it, but you wouldn't." So, I—so I appreciated the dissent in that case, Justice KELLY.

But there are other opinions of yours that I followed and read, some of which—dissenting opinions—later became the law. And a couple are worth mentioning. For example, your dissenting opinion in *People versus Slaughter* from 2011, where you would have held that the

community-caretaking exception to the Fourth Amendment warrant requirement cannot justify a warrantless entry into a private residence. Ten years later, the United States Supreme Court unanimously agreed with your position, and that is now the law of the land.

And your dissenting statement in *People versus Rose* in 2010. You wanted the Court to reconsider the use of acquitted conduct at sentencing. The Court did that—this Court did that—in 2019, and your position is now the rule of law in this state.

And—and your majority opinion in *People versus Grissom* in 2012, overruling cases that imposed a per se prohibition against granting a new trial based on newly discovered impeachment evidence, was a really important doctrinal advance for addressing wrongful conviction. I was, at that time, teaching in a non-DNA innocence clinic at the University of Michigan Law School, and it was a celebrated opinion because it was going to provide more access to more people who had claims of wrongful conviction. It had a tremendous impact.

Anyone who's heard me talk about anything in the last few years has probably heard my pants-on-fire rant about the sheer scope of the problem of people navigating legal problems without lawyers—something that we've already heard, in great detail, how much foundational work you did to put us in a good position to address that crisis. I often say it's not a problem just for those individuals; it's a problem for the rule of law because, if 70% of our neighbors, which is the number now, have to navigate their civil-justice problems without the help of a lawyer, they're going to start to believe that the system is not fair.

And when that many people believe the system is not fair, the rule of law is threatened. It's a national problem; it's not—Michigan's not special. But your attention to figuring out how Michigan could innovate to solve this problem within our borders built a foundation on which there is really now exciting work that, I believe, is making and will make Michigan a national leader in addressing access to justice.

And I should—and I always want to make clear that thousands of Justice ZAHRA's hours later, the Justice for All Commission has made a tremendous difference in the way it's approaching that. But without your foundational work, Justice KELLY, with the Crossroads Task Force and then with establishing Michigan Legal Help, I don't think we would have been in the position to build what we have built in the last few years.

And I now believe Michigan Legal Help is clearly the best self-help website in the country. It was—it imagined with big goals, and it's achieved them. It's given millions of people access to high-quality legal information—26 self-help centers throughout the state, and more coming—and built dozens of do-it-yourself tool kits to guide people through legal processes.

In 2013, it optimized for mobile, so people could use it on their smartphone, which is the way most people are looking to get legal information and answers. In 2014, they launched “Ayuda Legal” so that people who were Spanish speakers could get information and help in their own language. And in 2017, they launched an incredible tool that helps diagnose the kind of legal assistance one would need and then triage for that.

It's just grown and become stronger and become a more important and innovative tool to address the access-to-justice crisis in our state. And that strong foundation put us in this really excellent position when we sought grant funding to run a Justice for All strategic-planning process in 2019. That process has produced a comprehensive and innovative plan to make Michigan a national leader in access to civil justice, and the Justice for All Commission has been tackling elements of that plan for almost a year.

I think every one of my colleagues puts in some time on some—one of its many subcommittees or working groups, but as I said, Justice ZAHRA has taken this on from the beginning and put in literally thousands of hours. There is a lot to be proud of, but we have to thank you for that foundation. It's built on your work. That's why we are where we are.

I finally want to say one more thing about my—the first time I met Justice KELLY in person. It was in her office in 2012 in Detroit. I had asked to meet with her to ask for her support in my campaign to—to sit on this Court. I—some of you know this—I had not received a warm welcome by everyone in the world when I started running for this office. There were some—probably understandable—concerns that my work representing people convicted of crimes would make me unelectable, would make me a candidate who would not be one who could win, and might even cause more trouble for the—for the other candidates on the ticket.

And you'd think that might have been enough to convince Justice KELLY not to even meet with me. You could have imagined her saying, "I think I'm going to sit this one out, and we'll see how it goes." And that would have been completely fair. But that's not what happened. She warmly invited me to her chambers. She did not share those concerns, or if she did, she didn't let them influence her decision to support me.

She showed up for me in every way from that day forward and still has. I want to thank you for your integrity, for your kindness to me personally, and for your tremendous and lasting impact on equal justice for all in Michigan. Thank you. [Applause.]

CHIEF JUSTICE CLEMENT: Thank you, Justice MCCORMACK. Now, we are all here for what we've all been waiting for—nationally renowned portrait painter, gallery artist, teacher, author, TV host, and the list goes on and on. Robert Maniscalco, welcome. [Applause.]

ROBERT MANISCALCO: Well, thank you, Justice CLEMENT and all—all of your fellow future possible portrait prospects. [Laughter.] May it please the Court. I always like that expression, "May it please the Court." It's particularly significant when it comes to talking about a portrait, and so truly, may it please the Court. Keep my fingers crossed, right?

It is a great honor to be here to present this portrait painted in 2008—it's under my signature—of the portrait of the great honorable Doreen Gray. Oh, I'm sorry. Dor—no, that's—get my joke? Dor-een Gray? [Laughter.] Okay, thank you. Not funny. All right, all right—I got more. Yeah—jokes, artist jokes. Dad jokes, right? You haven't aged a bit, your Honor. We all know that, but I guess time flies when you're having fun. Sounds like you've had a lot of fun since I created your portrait if you enjoy doing a lot of great public service.

So, thank you for continuing your work, above and beyond. I highly encourage, however, those present to act sooner than later when it comes to having your portrait painted. And congratulations are in order to the Wayne State Board of Governors' reelected sitter, Scout—your dog, right. I did a little bit of research—not much. But these euphemisms, of course, refer to you, the inimitable Justice MARILYN KELLY. Come on down; it's your turn to play "The Portrait is Right." [Laughter.]

You may not know this, those of you here, that I was also the—we have some common connection with Wayne State, and I was the voice of Wayne State's marching band many years ago. I was also on the Board of Visitors, whatever that was, I don't—but as many of you know here, I have painted a number of portraits posthumously for the Court. I painted—[whispering] I paint dead people. [Laughter.] But I also paint live people, and I always prefer that. None of—the deadeast of them all, of course, was the gentleman who greeted you as you walked in, AUGUSTUS WOODWARD, the first Justice of the Michigan Supreme Court, which, in case you were wondering, I most definitely painted posthumously. I'm not that old yet.

I certainly prefer to meet and to get a sense of the person that I paint in person. There is a connection that really must be made in person because long after we have left this Earth, our portraits will remain to carry on our legacy. And I'm very proud to—as my late, great portraitist father, Joseph Maniscalco, like to put it—hang together in the Halls of Justice. Hang together in the Halls of Justice. He used to like saying that—we hang together in the Halls of Justice.

I commend the ongoing mission—none of these jokes are going over, Betsy. [Laughter.] I commend the ongoing mission of the Michigan Supreme Court Historical Society, and I am very proud to have aided in the—in filling in several of the missing gaps of Justices over the years who have served on the Michigan Supreme Court. I believe now have—we now have portraits of every retired Justice, living and dead, of the Michigan Supreme Court. I'm not sure if that's exactly accurate.

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

You know, it's often the case, though, that we sometimes forget what is said, but only the emotion remains—that feeling, that sense of the person—and that's maybe the best definition of a portrait I can think of. It is the distillation of emotions exuded by the subject—the essence, if you will. There are no words in a portrait—just a feeling for the person.

So, what I do remember of my time with Justice KELLY is here recorded in her portrait. No guile, no veil I had to penetrate, no BS to cut through to get to her soul. She struck me as a straight arrow in possession of a profound genuineness and conviviality. And I hope I captured those singular qualities in my portrait of you. So, it is without further ado that I present to you my portrait of Justice MARILYN KELLY. [Applause.] [Portrait of Justice MARILYN KELLY is revealed.] [Applause.]

CHIEF JUSTICE CLEMENT: Thank you so much. Justice KELLY.

JUSTICE MARILYN KELLY: Chief Justice CLEMENT, members of the Court, it's a pleasure to be with you today. I feel awkward, also, turning my back to you. I'm touched by the remarks of my speakers. I obviously—very thoughtful, kind, and generous remarks. Although, I must say, I scarcely recognize myself at times in the course of it all. And I want to thank all of you for being here today.

As you well know, the purpose of this get-together is to formally present my portrait to the Court. But just as important to me is the opportunity that it affords me to render thanks. My friends and supporters have survived my running nine times for public office, seven times statewide, five times for a court seat. A great number of these people have been lawyers, like Jules Olsman. Jules raised the funds that made possible that portrait and the celebration we're going to have after, and I much appreciate it, Jules. I appreciate Jules and the others who've been so supportive of me. He believed in me. Other lawyers here today have believed and supported me, both morally and financially, over the years and over my many campaigns, and I appreciate them.

One of my biggest rewards during the years on the bench was working with bright, productive, energetic young people—lawyers—gifted individuals with bright futures: my law clerks. So, my hat's off to them. Robert Riley, obviously, was among them and a joy to work with, Robert. Many others are here today: David Arnold, Lisa Berden, Sean Crotty, Dean Googasian, Todd Holleman, Matt Klakulak, Joshua Lee, Kathryn Loomis, Dan McCarthy, John Postulka, and Michael Steinberg. I bet you didn't know Michael Steinberg worked with me on the Court of Appeals. He's had an illustrious career since.

Also, of course, there were many interns—judicial interns—young law students who were on their way to becoming members of the bar, and many of them here—are here also. And I may miss some in both of these recitations, so forgive me. But we have George Rendziperis. We have Heather Cummings, Shawn Jappaya, Brian Jaye, Lana Panagoulia, Barbara Shutler, Cindy Reach, Kimberly Scott, Andrea Tawil, and Rick Yeh.

You know Justices of the Supreme Court rely heavily on our commissioners—highly competent lawyers like Fred Baker and Gary Chambon—and, in the Court of Appeals, our prehearing attorneys. And I remember with admiration the work of Mark Armitage.

As with all Justices, I've been indebted to my secretarial staff, like Carol Lentz, who gave me superb service for several decades, both on the Court of Appeals and on the Supreme Court. And my thanks to the many administrative staff members who've served me and served Justices here today. An excellent example is Lynn Seaks, who came back from retirement with the Court to organize this entire program, thank heavens. My thanks to her. My thanks to all our hard-working administrative staff.

This brings me to Linda Rexer. When she spoke, you heard Linda describe my contributions to access to justice, and that work clearly has become a sizable part of my legacy. But I would be remiss if I were not to have the record reflect here and now that Linda is the genius

behind every success I've had in access to justice, Michigan Legal Help, the judge's self-help kit, my access remarks to the Legislature, even the design of the course that I'm teaching at Wayne State University. Linda did the unremitting work and then turned it over to me and let me take credit for it. Now, you must agree that one does not encounter many people in one's life who are willing and able to do that. I cannot thank Linda enough. [Applause.]

So, I left the Court—I left, as you heard, in 2013, I sometimes say kicking and screaming. I was aged out, and from my point of view, one of the only positives about leaving was the satisfaction that the person who succeeded to my seat on the Court, BRIDGET MCCORMACK, is so very gifted and that the Court has thrived so admirably under her leadership.

JUSTICE MCCORMACK: Thank you.

JUSTICE KELLY: Thank you. [Applause.] So, today, it's fitting for me to look a little back over these 10 years and reflect on how the Court has evolved. It is much improved. I applaud you, the Justices of the Court of 2022, for your forward-looking policies, for having taken in hand the leadership of the third branch of government, for having made much-needed improvements in the legal system, such as through your access-to-justice initiatives. I congratulate you for your camaraderie that you've developed, especially during the trying times imposed by COVID and given the highly divisive issues you've recently resolved.

Occasionally, I'm asked what it is that I enjoyed most about my years as an appellate judge, and I answer, "I enjoyed making decisions." I used to marvel at the diversity and the complexity of the cases that come before the Court. Some quite literally showcased the workings of our government. Some revealed the very innards of commerce. And many provided a kaleidoscopic glimpse into the human condition itself.

While on the Court, I reveled in the challenge of trying to make good decisions on the cases that came before me, of working to get it right, and after that, of getting it down right. I took genuine pleasure in striving to write my opinions in easily understood plain English, leaving as little ambiguity as possible in the ever-present and ever-perplexing knowledge that language carries with it the inevitable baggage of ambiguity.

When I became Chief Justice, I found it fulfilling to have the opportunity to identify a vision for the Court and to work toward that vision, with the object of improving Michigan's justice system by addressing the flaws and the opportunities that existed to eradicate them. I attempted to guide the Supreme Court toward becoming, as today it largely has succeeded in becoming, a more temperate, modulated, objective, and forward-looking body.

I enjoyed serving with Justice MARKMAN and Justice ZAHRA and particularly enjoyed the guidance and friendship of Justice MICHAEL CAVANAGH. During my 17 years as a legal practitioner, 25 years as an appellate judge, and 10 years as a teacher of law—please don't add those up—I had the blessings of a wealth of experiences. I had the opportunity to work with and observe many judges at every level of the judiciary, and I greatly admired many of them.

I put together a mental list of the qualities of a good judge. They include, of course, a high intellect, wisdom, the ability to inspire government leaders, fellow professionals, and lay people alike. When making the list, I came to realize that one can have all those qualities and yet be a failure as a judge if one lacks human compassion, a mature comprehension of human frailties, and an understanding that the mistakes that some people make that get them into court stem from societal faults and the hand that fate has dealt them. To be sure, a good judge must safeguard the system, protect the interests of the wealthy and the powerful, but at the same time, a good judge must have his/her/their eye on the sparrow; the interests of the weak and the underrepresented must be protected and their rights preserved.

Finally, I believe that one can be a giant in this profession but be a failure as a judge if one falls prey to the dreaded black-robe disease—that perverse and sometimes fatal form of blindness and insensitivity to others which is accompanied by a bloated sense of self-importance. Many judges I have encountered seem to be immune to this disease. To name a few, and only a few: the Honorable JOHN SHEPHERD, LISA GLEICHER, HAROLD HOOD, MYRON WAHLS. When I wore the robe, I tried to remind myself with regularity that I bore the title “The Honorable” merely by virtue of the job and that actually being honorable did not come as a matter of course.

I tried to remember also that judges are held to a higher standard of conduct largely because of the systemic danger that threatens if they are not honorable members of the community. People look up to us, in part, because they have a need to believe in our integrity as judges. The system depends on our satisfying that need.

Well, these are my reflections. I won’t go on. It’s time to end this and also go down and have some good refreshments and fun. But let me close by saying that it was a privilege and an honor to sit as a judge of the Michigan Court of Appeals and of the Michigan Supreme Court. They were the opportunities of a lifetime, and I’ve been humbled and deeply grateful for them. In parting, once again I thank you for your part in making my years on the Court possible. [Applause.]

CHIEF JUSTICE CLEMENT: Thank you, Justice KELLY. And on behalf of the Michigan Supreme Court, we are so pleased to accept your portrait. At this time, I’m to direct guests to the first-floor conference room for a celebration of Justice KELLY and her portrait. Thank you, everyone. [Applause.]