Society Update
FROM THE MICHIGAN SUPREME COURT HISTORICAL SOCIETY
SUMMER 2005

John Voelker: Justice, Author, Fisherman, Friend

A Legal Vignette Presented by Frederick M. Baker, Jr. at the Annual Membership Luncheon

Distinguished justices, members, and guests, it is a privilege to be invited to speak about John Voelker. It was my good fortune to know him in the last decade of his life, and through him to meet some other very remarkable people, including Charles Kuralt, who once described John as the closest thing to a great man he had ever known.

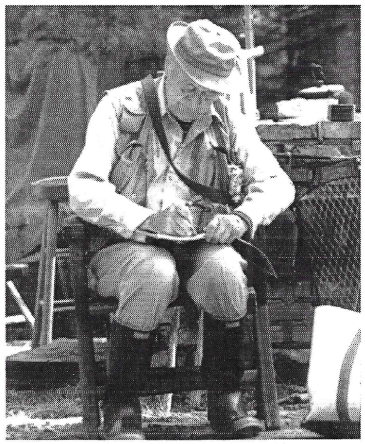
Not long ago, Lawrence Charfoos generously offered to donate to the foundation a letter he received from John in September 1960. That was the same year that John resigned from the Court, observing in his letter of resignation that "while other lawyers may write my opinions, they can scarcely write my books."

I told Mr. Charfoos that I thought he should save his letter, but that I would love to have a copy of it. So he sent me one, and here is what it said:

Despite the fact that I accept no speaking invitations they still come in at the rate of about five a week. I have turned down so many in my home bailiwick that if I accepted one now in Detroit I'm afraid I would have to go prepared to remain there. But since I've already turned down even more invitations in your area, my stay might be a trifle on the uneasy side if I now accepted yours.

All of this means, of course, that I am trying to turn you down gently, with explanation. I do not fly; travel to Detroit is time consuming; and the giving of a good speech is not easy – which is probably why one hears so few. I am sorry.

Sincerely,
John Voelker



Justice John D. Voelker
Photo courtesy of Fred Baker

When Larry Nolan called and asked me to speak about John, I hesitated because, as John observed, the giving of a good speech is not easy. It is especially difficult when the subject is as complex as John. But I shall do my best, in the short time available, to convey to you why I consider myself lucky to have known John Voelker and something about three of his many facets, as a justice of the Supreme Court, an author, and a fisherman.

John was born of solid Roman Catholic German stock. His grandfather came first to Houghton Hancock during the copper boom and was a brewer and saloonkeeper. He brought his family to Ishpeming by oxcart and established a saloon where John spent a fair amount of time as a youth. In the process of waiting tables, he absorbed the rich dialects of the French Canadians, Finns, Italians, Cornishmen, and Swedes who had been drawn to the mines that we hear so clearly in Danny and the Boys and many of his short stories. His father was an outdoorsman, a hunter and a fisherman, as was only natural in the U.P., but it was his high school teacher mother's influence that instilled in John the love for words and reading that so profoundly shaped his life and character.

He spent a large part of his boyhood at the Carnegie Library at the end of the block and grew to love words for

IN THIS ISSUE

MICHIGAN SUPREME COURT HISTORICAL SOCIETY

their own sake. He played with them endlessly.

He punned constantly, and he did not pause after doing so. It was a test of his listener that, because I share the affliction, I passed with flying colors, making every effort to give as good as I got. If he said "sprig is cubbing," it was not because he had a head cold but because spring is when the black bears emerge from their dens with their young, and when sprigs of new life sprout from the ground.

He had favorite lines – once he found one he liked, it became part of his arsenal. He was so often asked, for example, if he tied his own flies, that his pattern response came automatically to his lips: "So far am I from tying my own flies, I am barely able to zip one."

His humor was a constant, even when, as a very old man, he did not feel very well. His fish camp was located at the end of a maze of two track roads that trickle through the endless woods on the sandy plain south of Marquette. One of his first acts after Anatomy of a Murder made him prosperous was to buy the 160 acres that surrounded the pond. He called it Frenchman's to prevent the curious from finding it on the map by its real name, which I am sworn not to reveal. The picture of us on the back of your program is taken at a mystery spot nearby that he showed me if I promised to write a story about it. In it I speculated that it might have been the home of the eponymous Frenchman.

He guarded his privacy jealously, but loved the companionship of his friends. The first time he took me and my friend Rich VanderVeen to his pond, we passed a ragged basalt outcropping, negotiable only by jeep. We noticed that the trees all about were festooned with mufflers and strips of chrome. Pointing to them, he explained, "psychological warfare."

After fording a stream and passing several no trespassing signs, we arrived at a sturdy pine and cable gate with an imposing combination lock. He got out to open the gate and gestured for us to accompany him. The lock had four tumblers. He rotated them to the numbers 4321 and held it up for us to see, commenting that "most of my friends can remember that."

Justice Voelker and Fred Baker. Photo courtesy of Fred Baker.

John went to Northern Michigan University and then to the University of Michigan, where he attended law school and met his future wife Grace. He graduated in 1928, at the age of 24, and returned to Marquette for a couple of years to work as an assistant prosecutor, but he and Grace tired of trying to maintain a long distance relationship, so he followed her to Chicago and married her in 1930. He spent the first three of their 61 years of marriage as what he called a "law looker" for a large Chicago firm, buried in the bowels of the library and miserable in the big city.

That was when he began writing, mostly stories about the U.P., as therapy for his homesickness and unhappiness. He remarked with his customary double drift that he started writing at the "height of the depression." He told Sue Marx years later that he believed that "the very anonymity of city life is dangerous to the human animal." He hated the city. He loved his U.P.

> "If he said "sprig is cubbing," it was not because he had a head cold but because spring is when the black bears emerge from their dens with their young, and when sprigs of new life sprout from the ground."

At last he persuaded Grace to try life in the Upper Peninsula and together they returned to Ishpeming. He went first to make a home for them and within three years was elected prosecutor, "the first Democrat to hold the office in Marquette County," he remarked, "since the time of the flood." He continued to write, using the pen name Robert Traver, combining his mother's maiden name with his deceased brother's name.

When I asked him why he did not publish under his own name, he said he did not want the voters of Marquette County to think he was spinning yarns on company time. But that is probably only a partial truth, because he used the pen name before he was elected prosecutor. I think he was just naturally a very private man and liked the camouflage of a pen name.

His first book, Troubleshooter, was published in 1943. It was one of the series of three collections of stories that he called his "D A Books," based on his experiences as a prosecutor. It also happens to be the first of his books that I read. My father, who wanted to be a lawyer, read it during his final illness, and I came across it among his things as a boy and read it. Many years later, when I met John, I told him that my father, who died when he was 24, had read and enjoyed Troubleshooter and had aspired to the law, which was my grandfather's profession. I explained that, as his junior, I felt a certain satisfaction in having completed that ambition for him. He inscribed it, with typical irreverence: "To Fred Baker, Jr., whose granddaddy was a judge while my daddy had a saloon with the longest bar in Ishpeming."

John served for 14 years as

> "He remarked with his customary double drift that he started writing at the "height of the depression."

Marquette County Prosecutor, and during that time he prosecuted some truly bizarre crimes. His respect for law enforcement is probably the most conservative aspect of his legal outlook that you will find reflected in his work on the Court – very seldom did he write to expand the rights of the criminal accused, though even to that general observation there was one notable exception that I will mention. It was only natural that he would take his work seriously when it involved such cases as prosecuting a poacher who left a dynamite trap so powerful that it literally obliterated the hapless game warden who stumbled upon it.

The stories John crafted from his experiences are fascinating and almost always funny. The very gentle and practical solution he devised to the persistent problem of prostitution in Marquette, which I will leave it to you to discover by reading the story, is one that could be profitably employed in many places today I am sure.

The stories in his D A books are wonderful bedtime reading, but his consistent success as a prosecutor also explains, as he remarked ruefully, why he found himself out of a job after 14 years, when he lost the 1950 election by 36 votes: "Sooner or later," he observed, "if you are any good at the job, you will have annoyed enough of your constituents and their friends and relatives that they will combine to throw you out of office. And that's what they did."

So there was John, at the age of 46, with a wife and three young daughters to support, and no job. He did some harebrained things that remind me of Mark Twain's repeated entrepreneurial forays into bankruptcy. It was the early 1950s and the height of the nuclear arms race. Uranium was much sought after, so John bought a Geiger counter and went prospecting. He wrote a wonderfully funny story about his experience. He thought his fortune was made when the Geiger counter started clicking crazily. He had already planned how he would spend his millions when his claim was returned with the single word "Thorium," a radioactive substance common throughout the U.P., but worthless in building the bomb.

It was about this time that he defended the case of *People v Peterson*, which some say was the basis for a book called Anatomy of a Murder. He always maintained stoutly that Laughing Whitefish was his only historical novel, and that Anatomy was a work of fiction. He was understandably gun-shy after being sued by Peterson for a piece of Anatomy's profits. The suit was unsuccessful, to John's infinite satisfaction, since Peterson absconded after John successfully defended him, without paying John's fee. The story that John crafted from that experience was rejected by several publishers before St. Martin's finally agreed to publish it.

By this time, in 1957, John was quite pressed to meet his family's needs. He and I agreed on more than one occasion that daughters are an especially expensive hobby. His four previous books, the three D A story collections and Danny and the Boys, were small works and his practice was not exactly going gangbusters. He remarked that if he could have fished all year round, he probably would never have written any books, and fishing stole time from his practice, too. But Soapy was Governor, and it was pointed out to him that the tradition of having at least one seat on the Court filled by someone from the U.P. had fallen into disuse.

I am sure many of you know Tom Downs, who practically invented election law practice and was very active in Democratic Party politics. He was very close to Governor Williams, and he interviewed the two final candidates for the appointment to the U.P. seat, John and an Escanaba lawyer, Paul Strom, whose twin sons Peter and Paul were students of mine and now serve on the Voelker Foundation Board. He told me this story, which I have had to sanitize just a little, and swears it is true:

After Tom and a labor leader who accompanied him to the U.P. to conduct the interviews finished the standard list of questions, they asked John the final question, why do you want the job? Tom says John laid a finger beside his nose for a minute and then replied, "Because I have spent my life on fiction and fishing, and I need the money." According to Tom, Governor Williams so appreciated John's candor that he chose him for the seat.

John served only three years on the Court. He was appointed to fill the last three months of Justice Boyles' term and had to begin campaigning as soon as he was appointed. Just as he joined the Court, Anatomy began to climb the bestseller list, where it stayed at number one for months and among the top ten for over a year. Suddenly, John was prosperous and, as he once wryly remarked, found himself a promising writer at the age of 52. The freedom that prosperity brought may account for some of the whimsical aspects of the way he campaigned and the joy of writing that is reflected in some of the over 100 opinions he crafted in his brief three-year span on the Court.

He told me that one of his favorite campaign techniques was to set up a small ring in the parking lot outside a busy store and put on a demonstration

of precision flycasting. Try to imagine anyone campaigning for a seat on the high court today using such a campaign technique! Wherever he went, though, it drew a crowd, and I can vouch for his incredible ability to put a fly exactly where he wanted it. Even as an old man, fishing in the difficult tamarack stands and alder thickets that surrounded Frenchman's, he could put a roll cast fly deftly at exactly the place where a rise was occurring.

Tom Downs said that on one occasion he set up a series of meetings with important party contributors across Wayne County. At the first stop, John was so enchanted by the company and the fishing stories and the old fashioneds, for which John had the greatest affection, that they never made it to any of the other meetings, much to the annoyance of those John kept waiting

On another occasion, John told me, he campaigned with Damon Keith, who was then a young man running for a seat on the Wayne County Circuit Bench. It was 1960, and Michigan had not yet really begun to overcome the heritage of racial discrimination. There was little experience of black lawyers, let alone judges.

It was John's second campaign in two years. He and Keith hit it off and they decided to go to lunch. One of John's supporters had given John the use of his membership at a prestigious Detroit Club, so John took Judge Keith there and presented himself to the Maitre d'. The man was in a terrible pickle: on one hand, he had a sitting Supreme Court justice with the use of a member's account requesting a table, but on the other hand, the club was restricted, "No Negroes Allowed," and this justice had a black man with him. He asked John and Judge Keith to wait for a moment and evidently had a table placed behind a palm tree, in a remote corner of the dining room. He returned and led John and Judge Keith to the table and seated them, fully screened from the view of other diners. John realized then what had happened. He said he looked at Judge Keith, and Judge Keith looked at him, and the two of them got up and stalked out without a word. That was the beginning of a lifelong friendship, and one of the germinal events that percolated in John's creative subconscious to become his next book, Hornstein's Boy.

John resigned from the Court four days after his third term began, serving just long enough so that Governor Williams could appoint another Democrat to replace him. He returned to Ishpeming and the house he had built on Deer Lake with some of the royalties from Anatomy and never really left the U.P. after that. He declined most speaking invitations and even refused to attend the commemoration of his bust, which used to occupy the foyer outside the Supreme Court's law building courtroom. When Rich and I were asked to try to persuade him to attend he wrote back to decline politely, observing that "I doubt that these old eyes will ever see a city again." And so far as I know, they did not.

John published several more books in the years that followed his resignation from the Court, including Trout Madness, Jealous Mistress, Laughing Whitefish, Anatomy of a Fisherman, Trout Magic, Hornstein's Boy, and People v Kirk.

It was Hornstein's Boy that he was referring to when he told Governor Williams in his letter of resignation that he was "pregnant with book." In it he crafted a story with a character modeled on Damon Keith and a character who resembled former State Bar President Bill Ellman, who had been so instrumental in John's campaign. It is certainly the finest political novel to spring from Michigan politics and possibly one of the best ever written. It contains a pithy epigram that I have never forgotten: "In a democracy those most gifted to govern are all too frequently those least gifted in the dark art of getting to govern."

One of my most treasured possessions is a first edition inscribed by John, Judge Keith, and Bill Ellman, who was Emil Hornstein's model, and whom I had the pleasure of knowing and corresponding with before he passed away a couple of years ago.

John's opinions on the Court were different in many ways from those we read today. Each of the eight justices on his Court had a large opinion load, roughly triple the annual volume of opinions produced by today's Court. Because there was no intermediate appellate court, they often concerned mundane matters involving small amounts of money, as my friend William Volz, a professor at the business school at Wayne State observed recently in his engaging examination of John's work on the Court, entitled, "An Anatomy of the Judicial Writing of Justice John D. Voelker." For those interested, it can

> ...one of his favorite campaign techniques was to set up a small ring in the parking lot outside a busy store and put on a demonstration of precision flycasting

be found in Volume 36 of the *Michigan Academician*, pages 129 – 145 (2004). It received the academy's Cohn prize for legal scholarship. In it, he collects a number of excerpts from some of John's best opinions, and I commend it to your attention.

In an era when the overruling of past decisions is common, Professor Volz found it interesting to note that when Justice Voelker wrote to overrule a line of restrictive worker's compensation decisions, he did not hesitate to explain why in very vivid language: in *Van Dorpel v Haven Busch*, 350 Mich 135, 146 (1957), he wrote: "We reject as both un-Christian and legally unsound the hopeless doctrine that this Court is shackled and helpless to redeem itself from its own original sin, however or by whomever long condoned."

Pretty colorful.

They just don't write them like that anymore, and probably in this politically correct era it is not possible to refer in a legal opinion to any position as "unchristian." That John did so, I think, was more a reflection of his desire to work in the original sin metaphor than of his religious beliefs. Professor Volz tells us that when asked if religion had a place in his life John is said to have replied, "Yes, but I practice it mostly in the woods."

He told me that once when he was in the hospital the local priest kept asking to visit him, and he finally let him come in and talk because he thought it might make him feel better. I think that you get the best sense of his religious side if you read his Testament of a Fisherman, which is included in the materials I have provided at your places.

John was good enough to contribute an article to the *Bar Journal* in 1985, which was quite unusual for him, because he was constantly asked to write something for this or that occasion or publication. He generally declined because he had to guard his time jealously if he was to get his own writing done. In the article he observed that:

> *The average judicial opinion is among the dullest and murkiest writing in the world...For every Holmes or Cardozo, who at their best wrote a kind of luminous legal poetry, there are a thousand judges who appear to write with their feet, whose main discernible aim seems to be to impress and project a Socratic image rather than to illuminate, who contrive resolutely to grind out long windy repetitive opinions aswarm with clichés, platitudes, euphemisms, archaicisms, stilted phrases, icy abstractions, ponderous Latinisms, "inside" phrases, florid figures of speech and, worst of all, a pervasive aura of murk.*

John's opinions were often a refreshing change from that diet of murk. I have my own favorite passages from his opinions, from several of which I have culled here.

First is his wonderful use of the double subjunctive in *People v Hildabridle*, the famous nudist colony case in which he dissented so eloquently that one justice switched his vote to give John's dissent a majority.

The police had raided the Sunshine Gardens nudist colony on a warrant for indecent exposure sworn out by officers who had visited the place without a warrant so they could claim to have been offended by what they saw. John disclaimed any support for the cult of nudism, "whose presumed enchantments totally elude me." Nevertheless he concluded that the convictions should not stand, observing: "Private fanaticism or even bad taste is not yet grounds for police interference. If eccentricity were a crime, then all of us were felons." 353 Mich at 579.

Next is a passage that many a frustrated appellate judge has invoked after reading a badly researched brief, from *Mitcham v City of Detroit*, 355 Mich at 203:

> *It is not enough for an appellant in his brief simply to announce a position or assert an error and then leave it up to this Court to discover and rationalize the basis for his claims, or unravel and elaborate for him his arguments, and then search for authority either to sustain or reject his position. The appellant himself must first adequately prime the pump; only then does the appellate well begin to flow.*

That was John's picturesque way of saying that the failure to brief an issue results in its abandonment.

Probably my favorite passage, though, is one that reflects John's experience as both a practitioner and as a judge, and his sympathy for the frailties and failings of both. I can hardly read it with a straight face, because it strikes so close to home and my own experience. It is from his opinion in *Huffman v First Baptist Church*, 355 Mich 437, 446 (1959):

> *We are so often compelled to repeat this elementary proposition that we are moved to observe that it is probable that few trial judges, however experienced or learned, if given more time for meditation and research, would again give precisely the same jury instructions that they actually gave. Upon further reflection their instructions would doubtless be less halting and redundant, infinitely clearer and more cogent and more on target –*

"Private fanaticism or even bad taste is not yet grounds for police interference. If eccentricity were a crime, then all of us were felons."

much like the compelling jury arguments most lawyers make to their bedroom ceilings the night after the trial is over.

The first time I met John, he had invited Rich and me to come meet him at a place called Paulie's Rainbow Bar. It was across from the old Mather Hotel in Ishpeming, and had no sign. You had to know it was there, and Paulie sold beer and shots – no food. "What do you think this is, Burger King?" he would ask anyone who dared to inquire if a burger was to be had. It was peopled by regulars and we waited for John's arrival humbly, acutely conscious that we were outsiders, flatlanders, trolls from below the bridge.

John ambled in and we introduced ourselves. He invited us to make ourselves comfortable, because he had a cribbage match to play. Just then, a fellow came in, still dusty red with ore from his shift at the mine, and they sat down to play. John fell behind badly and had barely rounded the corner onto fourth street when the miner pegged to within five holes of home. The last hand was dealt, and things looked bleak for the self-proclaimed U.P. cribbage champ, but John played gamely, as it were, and he had the first count. He pegged masterfully and flopped a 26-point hand on the table, leaving his opponent sputtering in disbelief. I have a photo of him at that moment grinning like the cat that swallowed the canary.

Then he turned to us and said, "Boys, would you like to come out to the pond?" We were stunned and delighted. We would have been happy with five minutes of the great man's time. He spent the day with us showing us little oddities and stopping to pick sugarplums, blueberries, and mushrooms. Then we fished and cooked the little trout we caught with the mushrooms we had picked, accompanied by old fashioneds, a wonderful drink that sadly has fallen out of vogue.

"John did not suffer fools gladly, but he was always very kind to me."

He told us about the time he was interviewed on television by Fred Friendly, along with Justice Douglas and some Lord or other from England. Fred Friendly asked each of the other esteemed judges if they cooked. After Friendly finished with Lord Whoosis, who went on at some length about some flaming French dish he adored, he turned to John and said, what about you, Justice Voelker, do you cook? To which John replied simply, on national television, "After an old fashioned."

It was a wonderful day, the first of many to come. As we parted at the intersection north of sands, he waved to us and said, "Come back lads, but not too soon."

From then on, if we got a postcard saying the morels are in season or the boletus edulus look like hamburger buns strewn on the forest floor, we would drop what we were doing and go see John.

Eventually, we talked with him about starting the Foundation. John thought about it for a couple of years and finally said that, although it made him feel a wee bit embalmed to have a foundation named for him, it might be all right to do a few good things using his name. He joined in the incorporating, and donated to the foundation the right to reprint a few of his books, which he signed over and over, toward the end vowing that in his next life his name was going to be much shorter.

With the proceeds from the sale of those limited editions and donations from those who loved John we have raised and spent over $100,000.00 assisting 11 Native American students to attend law school. If you believe that all Indians have lots of money now that casino gambling has made some tribes more prosperous, you are mistaken. Our help has sometimes made the difference, and that is a difference that John wanted to make, for reasons that will be obvious if you know the story of Laughing Whitefish, one of the books we reprinted with his permission.

We have also awarded eight Robert Traver Flyfishing Fiction Awards. Charles Kuralt called it the most prestigious outdoor fiction prize in America. The winner receives $2500.00 and his or her story is published in *Fly Rod and Reel*, which has a circulation of 70,000. Our winners have gone on to great things and published many more stories, which is the purpose of the competition. John hoped to encourage more people to spin yarns, as he put it.

We established a new trout habitat near Ishpeming in the renamed Voelker Lake, and sponsored youth fly fishing instruction.

We recovered the rights to five of John's books, which he had signed over to an unscrupulous publisher, only a month before he passed away, who proceeded to publish and license the books without paying Grace her royalties.

We published John's twelfth book posthumously, Traver on Fishing, edited by board member Nick Lyons and assembled from stories we found in his papers and from his books we got back for Grace.

And, although it was too late for John ever to see it, we raised the money to commission John's portrait, with the Historical Society's help. Grace saw the artist's initial conception and approved it, though she too passed away only two weeks before it

was presented to the Court in 1999.

On our last visit to the pond with John, he took us to a favorite spot nearby where two birch trees had grown intertwined like lovers. He told us that some people look at trees and see lumber, but for himself, he saw the beauty of the forest. A timber company had bought this stand and intended to clearcut it for pulp. "I'm not much of a lawyer anymore," he said, "but I've filed suit, and I figure if I file a motion every month, I can keep these two alive as long as I am." And he did.

It was fun to know John. And I shall never forget him. I shall also never forget the day I heard that he had passed away. I was at the office when I heard the news. I called Rich and we arranged to meet and drive up to Ishpeming for the funeral. I went home and, for some reason, before I left I checked the mail. And there was a letter from John, mailed the day he died. Here is what it said:

Dear Fred,

Thanks for your enclosures and the sweet note from Ol' Luigi's relatives. I must be feeling better as I'm working on my first real story in years. Tra la. The old eyes seem to be slowly improving and I recently made that Watson, Cornell, rock back road run all alone. Deer, more deer, and even crows. Pretty soon fishing, morels, and the magic of spring, and I've already picked a few pussy willow buds that expand in a non-bourbon vase. Got to go get the mail and mail this to a downstate friend. Sprig is cubbing.

Best, John.

His great heart stopped on the drive home from the post office after mailing that letter and his fish car coasted to a stop in a snow bank not far from his home on Deer Lake.

John's funeral was the most enjoyable I have ever attended, strange as that may sound, because it was just an assemblage of his friends who fell still when it was time and then took turns saying something about John.

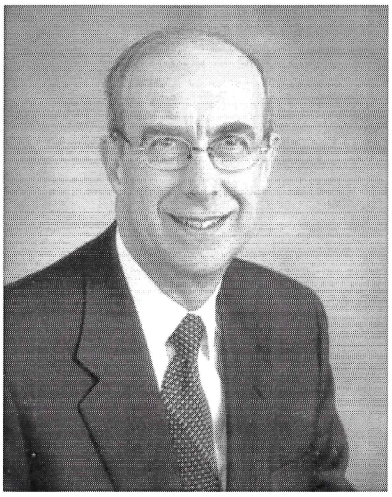
When my turn came, I said, "John did not suffer fools gladly, but he was always very kind to me."

He was a great man, and we can be proud that he graced our Court and our state.

Society Welcomes Michael G. Harrison To the Board

Michael G. Harrison was elected to the Board of Directors of the Michigan Supreme Court Historical Society in April 2005.

Judge Harrison was appointed by Governor William G. Milliken as a circuit judge in 1976 and served as a circuit judge for nearly twenty-five years. He was Chief Judge of the 30th Judicial Circuit for twelve years and served by assignment to the Michigan Court of Appeals on a number of occasions. He is currently Of Counsel with the firm of Foster Swift Collins and Smith, P.C. where his area of concentration is Dispute Resolution.



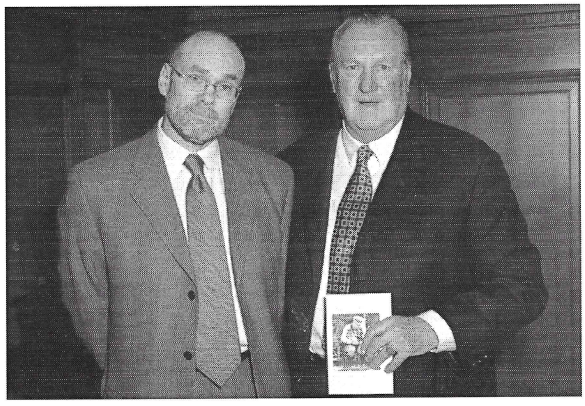
Judge Harrison was President of the Michigan Judges' Association, composed of the Circuit and Court of Appeals judges of Michigan, in 1995. He has been extensively involved in State Bar activities and has served as a member of the Michigan State Bar Foundation Board of Trustees since 1984 and served as president for nine years. He has been a member of the American Bar Association since 1968 and served in various capacities, joining the Judicial Division upon his appointment to the judiciary. He was also a board member of the American Judicature Society.

Judge Harrison has been an adjunct faculty member at the Thomas M. Cooley Law School in Lansing since 1976 and a faculty member of the Michigan Judicial Institute. He served as president of the Michigan State University-Detroit College of Law Inn of Court during 2001-2003. Judge Harrison has been involved in numerous community activities including president of the Greater Lansing Urban League, president of the Greater Lansing Symphony Association, president of the Mid-Michigan Chapter of the American Red Cross and a board member and officer of St. Lawrence Hospital and is currently president of the Chief Okemos Council Boy Scouts of America. He was president of the 300-member Rotary Club of Lansing from 2001 to 2002.

He and his wife Deborah have three children.

Society Hosts 14th Annual Membership Luncheon

This year's Annual Luncheon, held at the Detroit Athletic Club, featured remarks by Wallace D. Riley, Chief Justice Clifford W. Taylor, and a legal vignette by Frederick M. Baker, Jr.



Frederick M. Baker, Jr. and Wallace D. Riley

The program began with Society President Wallace D. Riley welcoming the luncheon attendees and thanking them for their on-going support of the Society and its activities. He specifically thanked the 2004 Law Firm members of the Society, which include: Barris, Sott, Denn & Driker PLLC; Butzel Long PC; Clark Hill PLC; Dykema Gossett PLLC; Foster, Swift, Collins & Smith PC; and Plunkett & Cooney PC. He also extended a special thanks to the 160 life members of the Society.

Mr. Riley reported on the Society's recent events, including the March 8 dedication of the portrait of the Big Four.

Mr. Riley also thanked the members of the Board of Directors of the Historical Society and reported that they had unanimously passed resolutions of thanks for long-time board members Prentiss M. Brown, Jr. and the late Judge R. Stuart Hoffius. He stated:

Prentiss M. Brown, Jr. served on the Board of Directors from 1996 to 2004. His advice, counsel and experience in the legal profession and insight into the history of the Michigan Supreme Court served the Society well.

Judge Hoffius joined the board in 1992 and served until his death late last year.

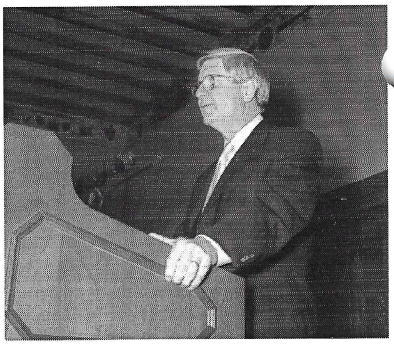
We salute both of these men for their long and exemplary record of leadership and publicly express our gratitude for their inspiration, dedication and most significantly, for their outstanding contributions to the legal profession and the Michigan Supreme Court Historical Society.

The President noted the absence of former Chief Justice Dorothy Comstock Riley, founder of the Society, who passed away October 23rd last. Chief Justice Riley had attended every previous Annual Meeting Luncheon since the founding of the Society in 1988, and every Board meeting since her retirement in 1997. Her great good judgement and guidance will be missed.

Mr. Riley announced that Ronald D. Keefe and Michael G. Harrison had been elected to fill the vacancies left by Prentiss Brown and Stuart Hoffius.

Chief Justice Clifford W. Taylor addressed the attendees, announcing May 2005 as Juror Appreciation Month in Michigan.

I'm looking forward to hearing Mr. Baker's reflections on John Voelker, who, it seems to me, is one of Michigan's great storytellers. In one of his books, Small Town D.A., Justice Voelker recounts his experiences as a county prosecutor, and he humorously describes how, as a young lawyer, he visualized the jury as an unpredictable and many-headed animal. Those of us who have tried cases to a jury can empathize with that anxiety. We also recognize, as I'm sure he did, the vital service that jurors perform for the justice system. Indeed, it is not too much to say that the jury is an essential feature of democracy.



Chief Justice Taylor responds for the Court.

He continued:

Too often, however, citizens experience jury duty only as an inconvenience and imposition on their time. And then there's the challenge of jury duty itself. Imagine what it would be like to be forced to take a college course in a subject you know nothing about. The length of the course is uncertain – it could last for days, weeks, or months. Your professors lecture you using technical jargon that you've

never heard before, don't understand, and won't use again. While the course is in progress, you can't consult with any outside sources, other professors, or even your classmates. You can't take notes or ask questions. And the final exam is working with your classmates to all come up with the same answer.

That's pretty much what traditional jury service is like. Small wonder that so many people try to avoid it!

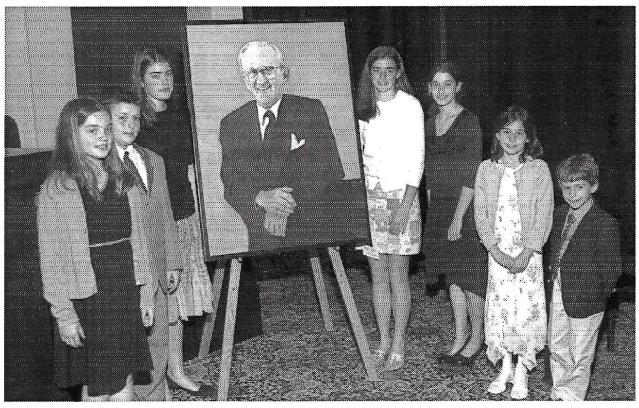
To that end, today my colleagues issued a resolution declaring May 2005 to be juror appreciation month in Michigan. This is in keeping with the ABA's Law Day 2005 theme: "The American Jury: We the People in Action." I quote from our resolution: "Jury service is a privilege and responsibility of citizenship, and few civic activities provide such a direct contact with our democracy as does jury service, through which the community participates in the justice system." But our goal is to not only honor jurors, but also examine ways to improve jury service. You'll be hearing more about juror appreciation month in the week to come. It is my hope that this event will be the catalyst for many productive discussions about the importance of jury service and how we, the bench and bar, can improve jurors' participation in the deliberative process.

To read the full text of any of the speeches given at the 2005 Annual Membership Luncheon, go to www.micourthistory.org and click on News/Events, then on Recent News.

Portrait of Justice Theodore Souris Dedicated

Former Michigan Supreme Court Justice Theodore Souris was honored during a special session of the Michigan Supreme Court on Thursday, May 26, 2005, at 9:30 a.m. All of the Justice's children and grandchildren, along with his widow and other family and friends, were on hand to witness the unveiling.

The program featured remarks about the Justice's life and career by Chief Justice Clifford W. Taylor; Richard D. Reed, a former law clerk of Justice Souris; and Karla Scherer, Souris' wife for nearly ten years.



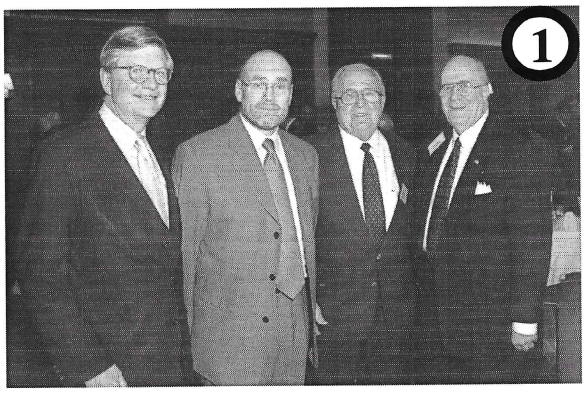
The portrait was unveiled by seven of Souris' eight grandchildren. Souris' portrait, painted by German artist Susanne Hay, became the 85th in the Court's collection.

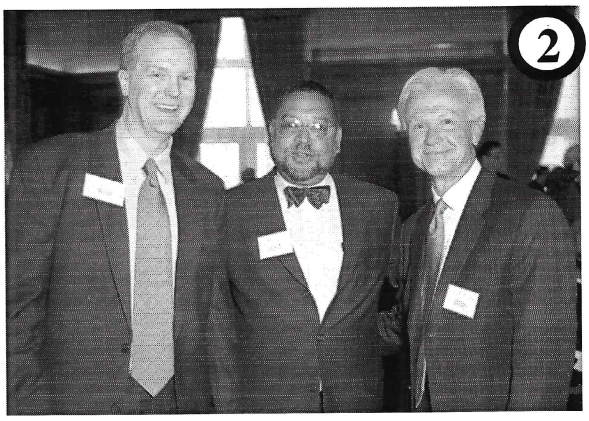
The Court's 77th Justice, Theodore Souris served the Michigan Supreme Court from 1960 through 1968. Souris was born and raised in Detroit. He enrolled in the University of Michigan at the age of 16; however, in 1943, at the age of 17, he enlisted in the Air Force and participated in the cadet training program until he was discharged in 1945. He obtained his A.B. from the University of Michigan in 1947 and earned his LL.B. from the University of Michigan Law School in 1949. Souris practiced law in Detroit from 1949 to 1959, and was then appointed by Governor G. Mennen Williams to the Wayne Circuit Court. In addition, in 1951, he was appointed general counsel to Philip A. Hart, director of the U.S. Office of Price Stabilization for Michigan. On January 5, 1960, he was appointed to the Michigan Supreme Court and was elected in November 1960 to a term expiring January 1, 1969.

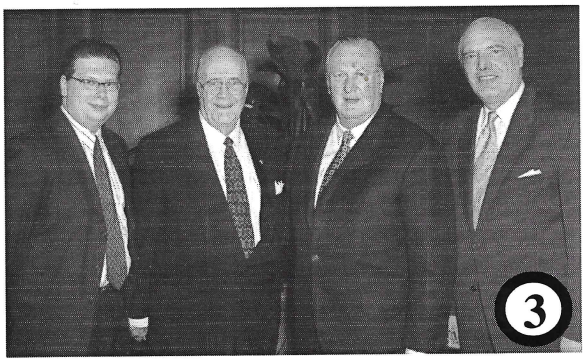
He is the youngest person to have served as a Justice of the Michigan Supreme Court and was the first person of Greek heritage to serve on any state's highest appellate court.

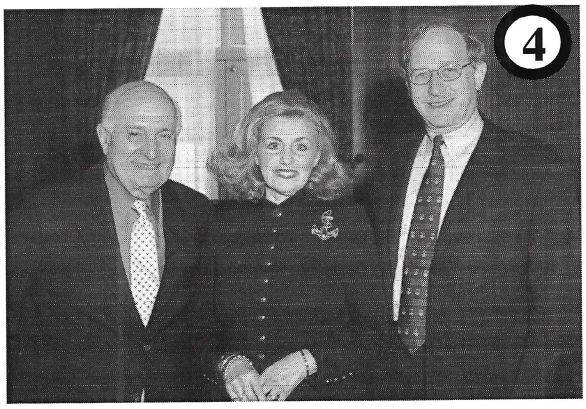
To read the full transcript of the special session, visit our website at www.micourthistory.org

Images from the 14th Annual Membership Luncheon

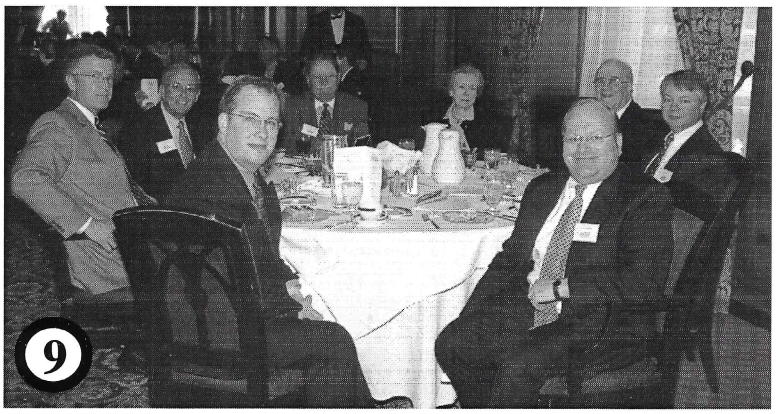








Thursday, April 28, 2005 — Detroit Athletic Club



Pictured: (1) Chief Justice Clifford Taylor, Fred Baker, Roman S. Gribbs, and Society Secretary Charles Rutherford (2) Michael Gadola, Justice Robert Young, and Carl Gromek (3) John Fedynsky, Charles Rutherford, Society President Wallace Riley, and Hon. William Giovan (4) Hon. Joseph M. Impastato, Marian Impastato, and Justice Markman (5) Society Treasurer Lawrence P. Nolan, Justice Corrigan, and John L. Coté (6) Luncheon attendees seated with Justice Kelly await the start of the program (7) Judge Cornelia G. Kennedy and Judge John Feikens (8) Kimberly Cahill, State Bar President Nancy Diehl, and Society boardmember Alfred Butzbaugh (9) Guests of the Dykema Gossett law firm with Justice Cavanagh (10) Martin Critchell, Brad Thompson and Al Calille (11) Michael Gadola, William Booth, Society boardmembers Denise Langford-Morris and Wendy Potts, and Carl Gromek (12) Luncheon guests pose before the program (13) Members and guests await the start of the Luncheon with Justices Weaver and Markman (14) Luncheon guests pose for a photo

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For your convenience, the Society accepts Visa, MasterCard, and American Express. Please call (517) 373-7589 to make your payment by phone, or complete and mail or fax the following information to the Society

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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.

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: 1st Floor Hall of Justice, 925 W. Ottawa Street, Lansing, MI 48915 Phone: 517-373-7589 Fax: 517-373-7592
E-mail ABERGMAN@MICOURTHISTORY.ORG; Website: WWW.MICOURTHISTORY.ORG

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