



Society Update

The Official Publication of the Michigan Supreme Court Historical Society

Winter 2016

The Year in Review: President Charles Rutherford

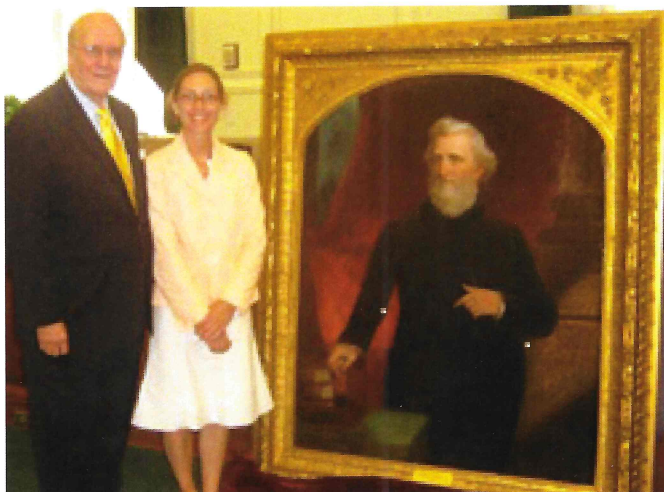
The year 2015 was remarkable for the Society in many ways as you will see from this annual report.

In March the second edition of our book, the *Michigan Supreme Court Historical Reference Guide*, was published. The first edition was published in 1998 and profiled the first 100 justices. David Chardavoyne provided additional research for this version and he spoke about that process at our Annual Luncheon in April. Mr. Chardavoyne standardized the format for the biographies to better assist researchers, and the new book features the color images of the justices' portraits. This edition is noteworthy also because it includes the case summaries from our Verdict of History project, which was researched and written by Professor Paul Moreno, and first published in the *Michigan Bar Journal* in 2008 and 2009. We are pleased to be able to offer these two projects – the history of the justices and the history of the top cases – together in one book.

The First Women on the Court, a new permanent exhibit in the Michigan Supreme Court Learning Center, opened in October. The subject of this exhibit is the first three women who served on the Michigan

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The Year Ahead: Executive Director's Report



Society President Charles Rutherford and Executive Director Carrie Sampson pose with the portrait of Territorial Supreme Court Judge Ross Wilkins. Photo courtesy of the Federal District Court for the Eastern District of Michigan.

Last year was a big year for the Society as you read in President Rutherford's report. The ongoing work of several years culminated in the publication of the *Michigan Supreme Court Historical Reference Guide, Second Edition* and the opening of the First Women on the Court exhibit in the Michigan Supreme Court Learning Center.

Our plans for the upcoming year are to continue to promote both of these projects. The *Michigan Supreme Court Historical Reference Guide, 2d* is for sale via our website www.micourthistory.org and wherever books are sold. The First Women on the Court exhibit is open to the public Monday through Friday from 9 a.m. to 4 p.m. excluding state holidays. You can book a tour by contacting the Learning Center at (517) 373-7171 or stop by when you are in the area. I plan to bring my own children (middle school and fourth grade) through the Learning Center during spring break.

Our Annual Luncheon will be held on Thursday, April 14, at the Detroit Athletic Club. Invitations will be mailed to all current and life members next month.

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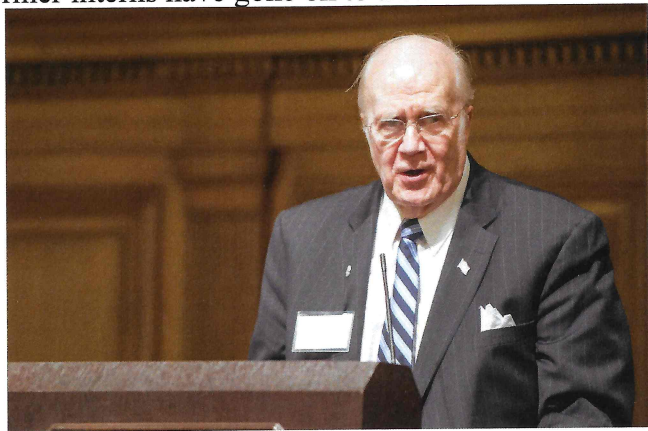
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PRESIDENT'S Report continued from page one...

Supreme Court as justices: Mary Stallings Coleman, Dorothy Comstock Riley, and Patricia J. Boyle. The Learning Center welcomes school children from around the state and this exhibit was designed to be interesting and inspiring to them. It features state-of-the-art technology. The exhibit was funded by donations made to the Society after the death of Justice Dorothy Comstock Riley in October 2004. I encourage all of you to visit the first women on the court exhibit in the Hall of Justice in Lansing.

The 2015 Coleman intern, Kevin Cunningham, provided in-depth research into the history of the Court Reporter's office on behalf of the Society. Mr. Cunningham's report was published in our fall newsletter. Since 1998 there have been 15 students who have served as the Coleman intern – named for Justice Mary Coleman's husband Creighton. Several of our former interns have gone on to a career in the law.



Your membership dues and yearly contributions support this program.

In conjunction with our Annual Luncheon in April, the Board elected Susan Gillooly to fill the vacancy created by the retirement of Wallace Riley, and I was elected to serve as the Society's next President in his stead. Wally served as President of the Society since its beginning in 1988. His leadership has ensured that we have a strong organization going forward. We owe a debt of gratitude to him, and to all of you who continue to endorse our work with your charitable donations.

I delivered the Society's annual report to the Michigan Supreme Court at the opening of their session in

the old Supreme Court chambers at the Capitol in October. This has been a tradition since the earliest days of the Society, and I was pleased to carry it on. Many of our board of directors were in attendance.

The Society was pleased to participate in the Court of Appeals 50th anniversary celebration at the end of April. Many of our Michigan Supreme Court justices served first on the Michigan Court of Appeals. This list includes our founder Justice Dorothy Comstock Riley, who was the first woman on that court, and several of our current justices. Many former judges and justices were in attendance for this event, as well as many of our members.



The current Michigan Supreme Court. Back row left to right: Richard Bernstein, Bridget McCormack, David Viviano, and Joan Larsen. Front row left to right: Stephen Markman, Chief Justice Robert P. Young, Jr., and Brian Zahra.

We are also grateful to the Court, led by Chief Justice Robert Young, for their support of the Society over the past year. Chief Justice Young made history last year as the first person to serve three consecutive terms as Chief Justice.

In January, Justice Richard Bernstein joined the Court, replacing Justice Michael Cavanagh, who tied Big Four Justice James V. Campbell for the longest time on the bench at 32 years.

In August, Justice Mary Beth Kelly announced she would retire from the bench to return to private practice at the Bodman firm. On September 30, University of Michigan Law School Professor Joan Larsen was named as her successor and sworn in.

Executive Director's Report continued from page one...

The Advocates Guild will be hosting its annual dinner with the Court in October. If you have ever argued a case before the Michigan Supreme Court, you are eligible for membership in this group, and this is the only way to receive an invitation to the Dinner.

Another special event we can all look forward to this year is Justice Michael F. Cavanagh's portrait dedication. It has just been announced that this will be held on Wednesday, May 18th, at the Hall of Justice.

The professional organization to which we belong, the American Association for State and Local History, will meet in Detroit September 14–17 for its Annual Meeting. This educational conference brings together history professionals from across the country to discuss ideas for better educating the public.

This year we will continue to work to increase public awareness of Michigan's legal history through our website. We have already begun a weekly blog post that features some aspect of the Court's history or of the biography of one of our justices. The purpose of these posts is to highlight the resources that are available and to make history tangible.

All of this is a moot point, though, without the support of loyal members like YOU! Continuing to grow our membership while also strengthening the bonds we have with our long-time supporters is of the utmost importance. Nearly 3/4 of our members have now achieved Life status, which means that they have contributed \$1,000.00 or more over the life of their membership. Of that group, 38 members have been contributing since 1988–1989 when the Society was formed.

If you turn to the Annual Membership Roster at the end of this issue you can see the list.

For 2016, I would like to ask all of you to renew your dues or make an annual contribution to the Society. **Think how much we could achieve if we had 100% of our membership supporting the essential work of promoting and preserving history!**

Once you have made your donation, though, please consider inviting a friend to join the Society. Share

this newsletter with someone you believe would be interested in the work we do. Bring a guest (or buy a table!) to the Annual Luncheon. Or, give the gift of history by purchasing a membership for someone whose name is not yet on our membership roster. Thank you!



A fourth grade student points out the First Women on the Court exhibit in the Learning Center.

2016 Society Member Contribution Form

Please use this form to renew your annual membership or make an additional financial contribution.

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Please detach this form and mail to: Michigan Supreme Court Historical Society, 1st Floor Hall of Justice, 925 W. Ottawa Street, Lansing, MI 48915. *Thank you!*

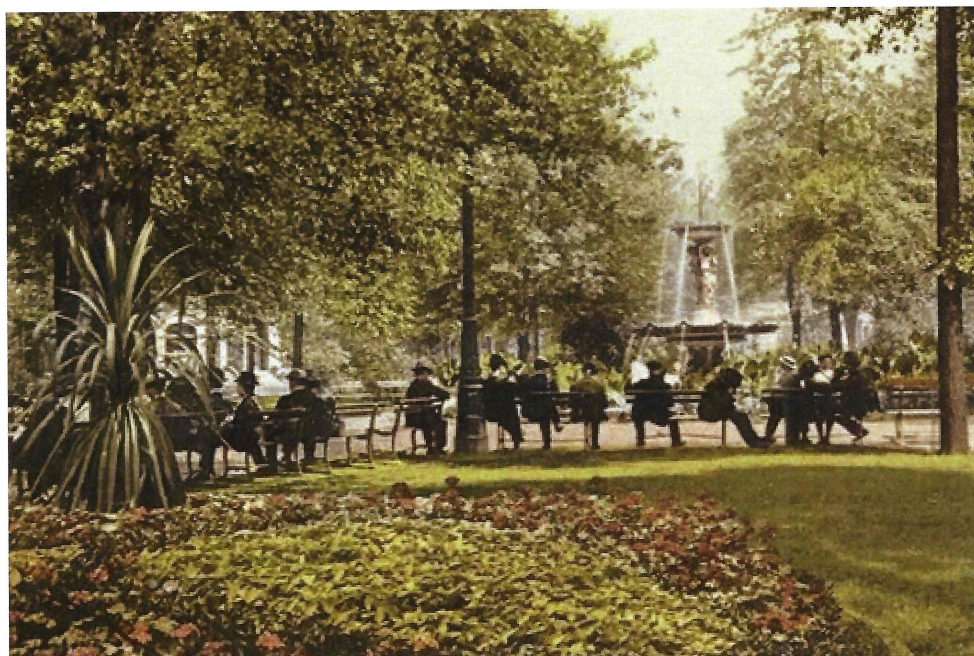
Augustus Brevoort Woodward:

By John G. Fedynsky

Augustus Brevoort Woodward is the dominant judicial figure in early Michigan history. He arrived in Detroit on June 30, 1805, courtesy of President Thomas Jefferson's appointment to the newly created Supreme Court of the Michigan territory. The three-judge court had judicial and legislative powers and was tasked with establishing American rule of law in a frontier that had known French and British governance. Several years later, Britain returned for a time during the occupation of Detroit in the War of 1812. Woodward was the sole federal official who remained to protect the rights of the population. He did so well

that the British commander eventually expelled him.

In 1805, Woodward arrived on the heels of a devastating fire that just about leveled Detroit, a settlement of less than 2,000 in a territory of only about 8,000. He was an early member of the bar of Washington, D.C. and therefore familiar with the grand city plans of Pierre L'Enfant. Woodward proposed a similar plan for Detroit – wide boulevards, traffic circles and interlocking geometric blocks that could be replicated and expanded to accommodate millions. Woodward's forward-looking plan began with a footprint meant for a population of 50,000. It was lost on the populace, accustomed to ribbon



A vintage postcard shows the fountain at Grand Circus Park. Judge Augustus Woodward's city plan for Detroit can be glimpsed in this area today.

farms stretching inland from the Detroit River, and therefore never fully implemented. Roads would later have to be widened in the automobile age. Today, his plan can be glimpsed in and around Grand Circus Park.

Woodward's vision for Michigan included higher education. He was a driving force behind the 1817 establishment of the University of Michigan, a pioneering idea in its time. Initially, he named it the Catholepistemiad, or place of universal science or knowledge. The name did not stick. Governor Lewis Cass described it as "a pedantic and uncouth name." Justice James V. Campbell said it was "neither Greek, Latin nor English...a piece of language run mad." In 1821, the name was officially changed to the University of Michigan.

The eccentricity of Woodward arose in other ways too. A lifelong bachelor, he was tall, slim and vain about his hair. According to one historian:

[H]e might have qualified as the prototype of Irving's Ichabod Crane. Like the Sleepy Hollow schoolmaster, the ungainly and grotesque were about equally blended in him. He was tall, about six feet three or four, lean and stooped. His complexion was sallow, and the most striking feature of a long, narrow face was a big nose. He had a luxuriant crop of dark hair; this was his pride and represented the only outward evidence of vanity.

A Life Worthy of Study

One bad experience with a barber prompted Woodward to wear a hat indoors and outdoors for two straight weeks. In lieu of taking baths, Woodward preferred to, while clothed, stand out in rainstorms and let gravity do the work.

By 1824, Woodward had amassed enough local political enmity that his opponents convinced President James Monroe to not renew Woodward's appointment. Instead, Woodward was assigned to a federal judgeship in Tallahassee, where he died in 1827 – ten years before Michigan joined the Union. He is in all likelihood the first Michigan snowbird to move to Florida.

On October 18, 2005, the Michigan Supreme Court held a special session celebrating the 200th anniversary of the Territorial Supreme Court and unveiling a portrait of Judge Woodward. Artist Robert Maniscalco explained the challenges of painting a portrait of a man whose likeness was only recorded in some written accounts and exaggerated in political cartoons. The background of the portrait includes several details of Woodward's life. A wine bottle and glass harken to the less formal judicial proceedings that would occur in taverns. Fire spills for lighting candles symbolize the fire of 1805. Woodward's street plan for Detroit is framed on the wall. A lamp of knowledge sitting on blue and gold books represents the University of Michigan.

Front and center is the man, Judge Augustus Woodward. At the special session, Chief Justice Clifford W. Taylor remarked:

We who are the successors of Augustus Woodward, and of all the other justices who followed him, are properly humbled by what they did. As the first in the long line of jurists of this Court, his is properly understood as a life worthy of study.

JOHN G. FEDYNSKY is an assistant attorney general for the State of Michigan. The University of Michigan Press published his book, *Michigan's County Courthouses* in 2010. Mr. Fedynsky has served on the Michigan Supreme Court Historical Society's Board of Directors since 2012.



Woodward's portrait as painted by modern-day artist Robert Maniscalco.



Ichabod Crane painted by Edwin Austin Abbey.

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Save the Date!

Annual Luncheon

Thursday, April 14, 2016

Please note that the Society has made a sincere attempt not to forget anyone, mis-spell any names, or incorrectly account for donations. If you have a question or notice an error, please contact the Society at (517) 373-7589 or send an email to carriesampson@micourthistory.org. Thank you for your generous support!



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Michigan Supreme Court Historical Society Board of Directors

Front row (l to r): John P. Jacobs, Hon. Charles Levin, Lawrence P. Nolan, Wallace D. Riley, Charles R. Rutherford, Hon. Denise Langford Morris. Back row (l to r): Hon. Alfred Butzbaugh, Janet Welch, Matthew Herstein, Hon. Fred L. Borchard, Bruce A. Courtade, Carl W. Herstein, John G. Fedynsky, Mary Massaron, Stephen K. Valentine, Jr. Not pictured: Hon. Avern L. Cohn, Peter H. Ellsworth, Susan E. Gillooly, Hon. Michael G. Harrison, Ronald D. Keefe, Hon. Frank J. Kelley, John W. Reed, Richard D. Reed, Hon. James L. Ryan.

Save the date! Annual Luncheon Thursday, April 14, 2016