



Society Update

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Spring 2026

The Honorable Charles Levin: A Thinking Person's Judge

By *Frederick M. Baker, Jr.*



Justice Weaver, Justice Riley, and Justice Levin at the latter's portrait unveiling on May 6, 1999.

In 2002, pioneering Michigan oral historian Glenn Ruggles¹ began the Society's oral history interview of (then recently retired)² Michigan Supreme Court Justice Charles Levin.³ For reasons I could not discover, Ruggles never completed the project he so ably began. The transcript of his single interview gathered dust for the next 15 years.

Anyone who knew the Hon. Avern Cohn, as I was privileged to,⁴ knows that if he wanted something to happen it generally did. Though Justice Levin said that he and Judge Cohn were not "related,"⁵ and were only friends, he added that "I am fortunate to have a friend like Avern," and "I think the world of him."⁶ From our conversations, it was clear to me that Judge Cohn felt the same affection for Justice Levin. That was why, in 2017, concerned by Justice Levin's advanced age

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April 28, 2026 will be the centennial of Justice Charles L. Levin's birth. To celebrate this occasion, the Spring 2026 newsletter is focused on this legendary justice.

and failing health, he decided that Ruggles' oral history project must be completed, so he had the Society's (then) Executive Director, Carrie Sampson, inform me that he thought I was the person to do it.

I was happy to accept the assignment: as a practitioner, I esteemed Justice Levin, not only because he was the Court's foremost intellectual, but also because he wrote the opinion in my first Supreme Court victory,⁷ in which, to my surprise, the Court adopted a rule of damages based on an alternative argument I had advanced. His opinion employed analysis steeped in the common law of contracts, extending back to the "expectation of the parties" rule of *Hadley v Baxendale*.⁸ His opinion in *Stockdale*, like all of his opinions, reflected his deep grasp of common law and respect for the common law tradition.

In each of the three cases I argued before him, I was impressed by two things: his scholarly intellect and his ability to absorb the arguments being presented while appearing to be asleep. On the bench he had a habit, in which he also indulged during our interviews, of focusing his listening concentration by reclining in his seat and closing his eyes. This habit led to one of the funniest anecdotes about him: One day, unaware that his assigned seat had been replaced with a new and differently adjusted one, he assumed his attitude of seeming repose as arguments got underway. To the horror of all present, as he reclined, he suddenly tumbled backward, disappearing behind the bench. Fortunately, he was unharmed and resumed his duties that next day. But before he took his seat, Chief Justice Williams presented him with a crash helmet, a teasing (but affectionate) gesture Justice Levin ruefully accepted with his accustomed good humor and grace.

Though he was a serious person, he was almost self-deprecating; through the course of our five⁹ interviews and many telephone conversations I detected no sign of self-importance or pomposity. He did not demand respect, he commanded it. Despite the physical challenges of age (he was 90) and near blindness, he displayed a playful sense of humor,¹⁰ deep humility, and an open and flexible mind, the same traits that enabled him to persuade his colleagues in opinions innocent of the aggressive rhetorical techniques that lesser minds employ. These qualities are perhaps best illustrated by the process he used when he was a Court of Appeals judge to craft his landmark opinion in *People v Morrin*.¹ But un-

derstanding the reasons underlying his devotion to that process requires a little insight into Levin's upbringing, education, and early career, so please hold that thought.

Levin's family were immigrant Jews; he was a third generation American.¹² His grandfather, Joseph Levin, rolled cigars in Chicago, where he rose to foreman¹³ before emigrating to Canada to manage a cigar factory in London.¹⁴ Levin's father Theodore made his way through law school when a college degree was not required, working in factories by day and attending University of Detroit Law School at night.¹⁵ "I'm sure Joe Levin didn't have much to give Theodore Levin or [his brother] Saul," Levin recalled,¹⁶ although in his later years, it appears that Joe was at least modestly successful and traveled abroad several times, including passage on the Morro Castle in 1934 when it caught fire on the way to New York from Havana.¹⁷

Joe inculcated in Theodore and his brothers, and Theodore passed on to his son Charles, a belief in the importance of hard work and striving for excellence. Levin entered the University of Michigan as an undergraduate in June of 1943, at the age of 17, and after only four years of continuous year-round study completed both his undergraduate and legal studies in July of 1947.



Justice Charles L. Levin and Federal Court Judge Averil L. Cohn at the Historical Society luncheon in 2007.



Justice Weaver and Justice Levin in 2000.

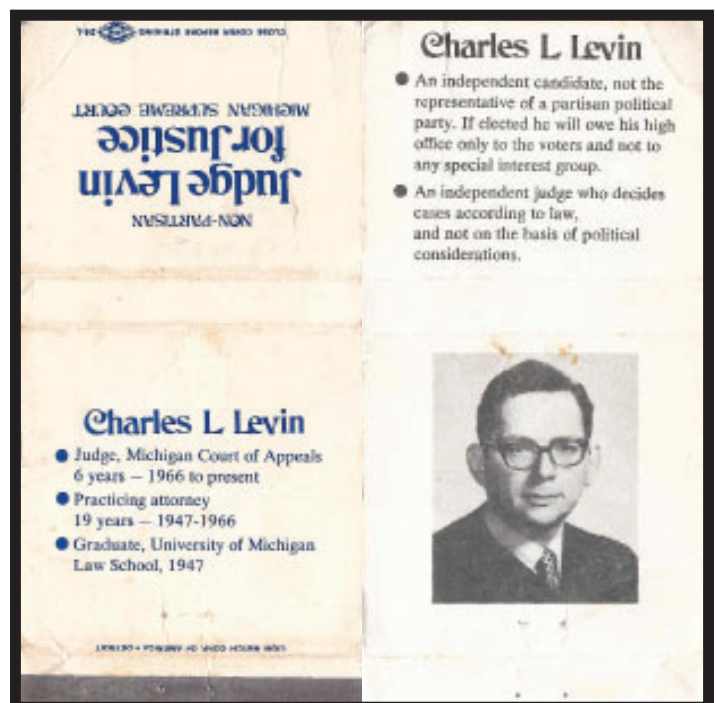
Though he lived in Ann Arbor during the week, he came home on the weekend with his laundry and returned to Ann Arbor by train on Monday. After clerking one year for Sixth Circuit Judge Charles Simons in Detroit's U. S. Courthouse building (later renamed the Theodore Levin United States Courthouse, after his father), Levin needed to get away from his home and struck out on his own. He moved to New York and practiced for a year and a half with a large firm located in the financial district that did "everything" for "well-heeled clients."

In 1950, however, he returned to Detroit to join the family firm, where he was needed. Theodore by then was a federal judge,¹⁸ and ill health had obliged his Uncle Bayre to retire, so his Uncle Saul needed assistance. Levin settled into the practice, which for him consisted mainly of "business" matters, almost exclusively for a Jewish clientele. "The reason for it was Jews were peddlers, and so those who focused, some of them went into the mercantile business, built department stores, like Bloomingdale's in New York. And some people went into the scrap metal business. We had a lot of scrap metal dealers who [were in] the so-called steel business, who would buy metal and resell it in the off market."

Dissatisfied in this mundane, if lucrative, business practice, he made an unsuccessful run for a state senate seat in 1964. Despite the loss, he "was saying to my clients that I want to leave the law practice and leave them,"¹⁹

which he allowed was not exactly a formula for success. Someone – he could not recall who – suggested that he should run for the Court of Appeals vacancy created by the untimely death in 1966 of John Woods., one of the first judges of the newly created court. The suggestion galvanized Levin to make an eleventh hour bid for the seat despite a crowded field and the fact that he would have to gather 5000 signatures in the little more than a week remaining before the filing deadline. He borrowed enough money to hire "Kelly girls"²⁰ to circulate his petitions, and close friends helped, but when that yielded only 3000-4000 signatures it became apparent that they would not gather enough by the deadline. With only a few days left, John Feikens, a Republican, but a friend of the family, who was later a federal judge, sent "an old ward heeler" to Levin who said, "Give me \$1,500 cash and I'll get the signatures for you." To Levin's delight, "I had 20,000 or 25,000 signatures by Monday." Levin drove to Lansing to file them himself, being careful to stay within the speed limit and followed by his father's bailiff in case his car should break down. He arrived at the Secretary of State's office with 45 minutes to spare. The Secretary accepted 20,000 of the signatures and said, "take the rest away," because he had submitted more than they could handle.

He survived the primary and, with the assistance of his wife Pat (née Oppenheim), whom he described as a "one-woman campaign" and "human dynamo," he



A campaign matchbook from Justice Levin's first campaign



This is probably Justice Levin's first bench photo and includes Justice G. Mennen Williams, Justice John Swainson, Justice Mary Coleman (all standing), Justice Thomas Brennan, Justice Thomas M. Kavanagh, and Justice Thomas G. Kavanagh (all seated).

ran a successful campaign in the special election to fill Woods' vacant seat. With their children in tow, Pat staked out the busy bus station at Michigan and Shelby, attended every local event, and found busy commercial areas where she tirelessly distributed Levin's "boring" press release and useful items she had commissioned, such as shopping bags, nail files, and matches, all imprinted with his name. "It appeared that I had a big campaign going, but she was a one-woman campaign. ... I never did any of that."²¹

Now recall the thought I asked you to hold: the explanation for the process in which Levin engaged to craft his landmark opinion in *People v Morrin*²² when he was a Court of Appeals judge.

First, consider that the phrase "landmark Court of Appeals opinion" is, in a sense, an oxymoron. This is not to say that Michigan's intermediate appellate court does not issue opinions that decide the outcomes of important cases. To the contrary, for most appellate litigants, the Court of Appeals is the court of last resort, because under the 1963 Constitution the only appeal by right is

to the Court of Appeals. Though it typically receives over 2000 applications for leave, the Supreme Court issued only 49 opinions in 2024. Thus, in most cases the Court of Appeals has the final word.

But, as the Supreme Court often observes, it does not serve an "error correcting" function; that is the proper role of the Court of Appeals, which applies Supreme Court precedent, statutes, other sources of law, and rules of procedure and interpretation to ensure that cases coming before it have been decided correctly.²³ But Levin recognized that this "error correction" function also embraces the common law process of addressing "interstitial" matters that have not been decided or disposed of by either the legislature or the Supreme Court. In these interstices, the Court of Appeals can and does create precedent that binds all litigants and the Court of Appeals itself unless the Supreme Court reverses, overrules, or modifies it.

And that was the opening for Judge Levin in *People v Morrin*, in which the defendant was convicted of first-degree murder, which in Michigan is a statutorily

defined offense that requires premeditation. But the statute uses the common law term “murder,” and at common law murder includes the element of “malice aforethought,” a term that remained unclear even after over a century of muddled Michigan jurisprudence. Levin observed in *Morrin*:

The nature of malice aforethought is the source of much of the confusion that attends the law of homicide. The cause of this confusion has been the evolution of malice aforethought from an independently significant element of murder to a ‘term of art’ whose significance is largely historical and procedural.²⁴

Without transforming this brief biographical sketch into a treatise (which would require the same 36-page excursus on the origin and meaning of “malice aforethought” in Levin’s *Morrin* opinion), it suffices to say that, under the facts of the case, and applying the correct meaning of “malice aforethought” in light of its common law origins to the element of malice aforethought inherent in the common law definition of the term “murder” that is, in turn, included in the statute defining first-degree murder, it was error for the trial court to instruct on first-degree murder.²⁵ Without remanding for retrial, Levin simply reduced *Morrin*’s conviction to second degree murder.

That his opinion for the Court of Appeals was a landmark in Michigan jurisprudence is evident from the

role its analysis played in the Supreme Court’s decision (9 years later, by which time Levin was on the Supreme Court) to abolish the common law felony-murder rule, in *People v Aaron*. Justice Fitzgerald relied on (Judge) Levin’s analysis in *Morrin* as the foundation for his reasoning.²⁶

And what was the “process” that Levin employed to craft that opinion? As he described it in our interview, it began with his recognition that he was completely unprepared and unequipped by his experience as a student of the law or as a practicing lawyer to decide the cases that came before him:

I took a [criminal law] course in law school, but it didn’t prepare me for the kind of issues coming before the court. So I had to educate myself...[In *Morrin*] I had a hunch that the term malice aforethought [did not have the meaning it has in ordinary speech] so I went back and read the sources of the term malice aforethought, which took me back...a thousand years...I am sure it goes back even further than that. These things creep into the law and then are repeated and repeated and lose all meaning.... The jurors...end up putting their own interpretation on the words “malice” and “aforethought.” That’s what the jurors probably did in this case and in hundreds of thousands of other cases. And that’s why I ended up explaining...at great length what I had discovered [d]oing all that

The justices preside over James Ryan’s portrait unveiling on March 30, 1995. From left to right: Justices Michael F. Cavanagh, James H. Brickley, Charles L. Levin, and Patricia J. Boyle.



research...to try to convince people, persuade people that I had reached a reasoned conclusion...that there was not sufficient evidence on which to base a conviction of first degree premeditated and deliberated murder.²⁷

I wrote a lot more opinions than [my critics]. I wrote dissenting opinions and concurring opinions. And I wrote dissents from denial of leave to appeal, so it took a lot more time. So I had difficulty with my time. But I don't think I held up the court very much at all.³⁰

In short, Justice Levin's "process" was simply to begin with recognition of his own ignorance and inadequacy to decide the case before him and then to equip himself by thorough study until he felt qualified to render an opinion on the question that would decide the case before him. It was a process that stood him in good stead in the Court of Appeals, in which he was confronted with and decided cases involving issues in which he had no training or expertise,²⁸ and one he employed throughout his career:

I had to educate myself, just as you described. And this occurred constantly throughout my judicial career, because almost all questions are new questions to the judges. They have to educate themselves. Now they can educate themselves on some questions fairly quickly. [Giving examples.]...[Y]ou're constantly reading to inform yourself. I found that certain textbooks, hornbooks on contracts, on torts, Prosser on torts, and then there were some other folks on torts. I bought a lot of student hornbooks because I was set from the beginning on educating myself on a contract question. And I began to recognize how that question presented fitted into the law of contracts. [Giving other examples.] So you have to read the cases, and then you understand what the rule of law is. You had to do that in Michigan law...go back and get the digests and go to the early cases...and then find a line of cases. Then it would become clear.²⁹

This was the technique Justice Levin used throughout his nearly 30 years on the bench. It was tedious, it was time consuming, and it sometimes led to some delays in issuing his opinions, but it produced results in which he was confident, and he disputed the perception of some justices that he was "slow":

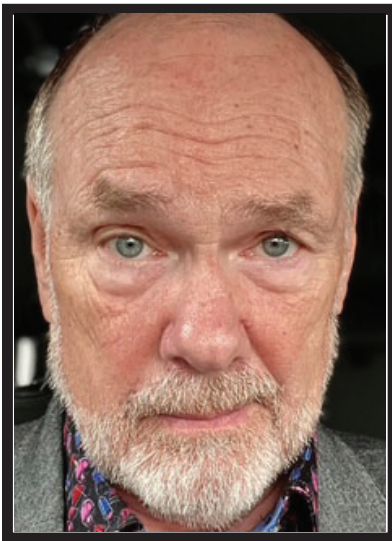
Turning to his ascent to the Supreme Court, the way he sought to be a candidate for election reflects the fruit of his bent for research. The 1962 Constitutional Convention produced an anomalous compromise: though a majority of delegates agreed that judicial candidates should appear on a nonpartisan ballot, without any party designation, a majority of delegates from both parties also wanted to retain political party control over the nominating process. As a result, the 1963 constitution provides that to be eligible to appear on the "nonpartisan" ballot a candidate must be nominated by a political party. As a practical matter, a candidate for the high court must be nominated by either the Republican or Democratic parties. Levin is the only Justice of whom I am aware who was not.

When Levin decided to run for the Supreme Court, his disdain for party politics and his careful reading of the 1963 Constitution combined to produce a unique solution: He simply formed his own party, and, in a "convention" held in his living room, nominated himself for the Court. He was duly placed on the ballot and won the open seat for which he nominated himself. To my knowledge, no other candidate has successfully used this technique. It marked Levin as an independent, which evidently appealed to voters. He ran and was elected twice more, serving a total of 24 years as a Justice.

During his tenure on the Court, Levin authored far too many significant opinions to discuss here, but I found that those I studied for discussion in his interviews³¹ used the same "deep dive" approach to crafting the decision. All reflect a command of the subject under discussion based on extensive research. They also reflect a dedication to the common law ideal of deciding only the case before the Court, based on the unique facts of that case. Levin was always careful not to include pronouncements purporting to control the outcome of cases not before him, though he sometimes included dicta that could take on unforeseen significance. For a shining example of how Justice Levin's measured, thoughtful scholarship and carefully crafted opinions,

even in dissent, could alter the course of Michigan jurisprudence, I commend to the reader the example cited in note 7, which also includes an instance of dicta that created uncertainty that proved both troublesome and valuable in a case I handled.

It is worth noting that, despite the terraforming of Michigan law that occurred during the strict “textualist era” that extended from roughly 1999 through 2017, few of Levin’s opinions were affected by the many reversals that occurred then. This is a testament to the careful craftsmanship of his writing and the absence of any agenda other than the objective of being true to the common law, which was always his only goal. Any student of Justice Levin’s work will discover that his opinions have in “common,” as it were, that they leave room for the law to evolve by confining themselves to the case before the Court, always leaving open the possibility that different facts may afford a reason for a different outcome in the future. This, he believed, is the flexible soul of the common law method of deciding cases: “The law must be stable, but it can’t stand still.”³²



Frederick M. Baker, Jr. is a solo practitioner, after of counsel relationships with Schiff Hardin (2017-2018) and Willingham & Cote, P.C., (2013-2017). Before that, he served for over eight years as a Michigan Supreme Court Commissioner, nearly two decades as a partner at Honigman Miller Schwartz and Cohn

(trial and appellate litigation), six years as a shareholder at Willingham & Cote, P.C., and three years as an assistant professor at T.M. Cooley Law School. He served as law clerk to the late Robert J. Danhof, Chief Judge of the Michigan Court of Appeals, and as a Court of Appeals prehearing attorney. Baker has received several awards and honors for his legal writing, scholarship, and contributions to the profession.

ENDNOTES

1. Ruggles was a high school history teacher and a founder of the Michigan Oral History Association. A student of Studs Terkel, Ruggles pioneered in using oral history interviews as a means of preserving Michigan history as it was recalled by those who lived and experienced it. Using oral histories, photographs, and visual recordings, he authored several books and produced at least three movies. In his later years, Ruggles often worked with the Society to preserve the personal and institutional memories of former justices and Court personnel. He received the Historical Society of Michigan’s 2011 Lifetime Achievement Award in recognition of his work in oral history. He also authored at least one instructional guide for performing oral history interviews, which, lamentably, I learned only after completing the interviews of Justice Levin that Ruggles began in 2002. As Justice Cavanagh once observed, in a dissent in which Justice Levin concurred, “Wisdom too often never comes, and so one ought not to reject it merely because it comes late.’ *Henslee v Union Planters Nat’l Bank*, 335 US 595, 600; 69 SCt 290, 293, 93 L.Ed. 259 (1949) (dissent of Frankfurter, J).” *Auto Club Ins. Ass’n v Hill*, 431 Mich. 449, 470, 430 N.W.2d 636, 645 (1988).

2. He served from 1973 to 1996.

3. Charles Leonard Levin (April 28, 1926 – November 19, 2020) also served as a Michigan Court of Appeals judge from 1966 to 1972 before his election to the Michigan Supreme Court.

4. Of relevance only because it led to my being gently but firmly conscripted to complete the Levin interview is the cordial relationship that developed between Judge Cohn and me. It began with my being meticulously prepared on the single occasion I appeared before him, as a young attorney. I had learned from members of my firm (also his former firm before his appointment to the bench) that he was vocally intolerant of counsel who were unprepared or did not answer his questions (to which he always already knew the answer) directly and correctly. As he was merely brusque when I appeared before him, I supposed that I had “passed” that test. I learned over the following decades that, off the bench, Judge Cohn was as charming as he was intelligent and incredibly well-informed about seemingly *everything*.

When I chaired the Michigan Bar Journal Advisory Board, we cooperated on several projects he suggested, one of which he personally funded: the publication of 4 pages of full-color maps of the places of holding court

of all Michigan federal district courts since territorial times. This was the Bar Journal's first use of interior color; before then, it was strictly black and white, with cover color only. Judge Cohn not only paid for the MSU geographer I retained to prepare the maps (from research Judge Cohn provided), but also the cost of the interior color pages on which they appeared. The success of this experiment enabled our editor, the late and recently lamented Nancy Brown, to persuade the Board of Commissioners to increase the Journal's budget to include interior color as a standard feature.

5. Levin S. Ct. Hist. Soc'y Oral Hist. Tr. of 11-04-02 (hereinafter simply "Tr"), p 42 ("[W]e're not [related], but his [Avern Cohn] middle name is Levin, and he's related to Carl and Sander [Levin]. They're cousins on their mother's [Beth] side ... who was a Levinson before she married Sol Levin. ... And Avern, there's a Levin in his background. So, they are actually cousins, but I'm not related to Avern. But we've been close for a long time.")

6. Tr. of 12-13-16, p 50.

7. *Stockdale v Jamison*, 416 Mich 217 (1982) (establishing the "payment rule" as the measure of damages for a wrongful refusal to defend, which later was extended to the wrongful refusal to settle context). Though this rule potentially uncaps the policy limits, allowing a recovery based on the damage the insured actually sustains from the breach, it is subject to a limitation based upon the insured's assets not exempt from execution.

For detailed discussion (too convoluted to include here) of the impact of Justice Levin's opinions in *Stockdale*, and, later, in *Frankenmuth Insurance v Keeley (on reh)*, 436 Mich 372 (1990), rev'g 433 Mich 525 (1989) (adopting the dissent of Levin, J. 433 Mich at 546), on this important aspect of Michigan insurance law, see Baker, *Anatomy of a Settlement*, 1999 Mich Bar J 446, 451, especially the text following note 2.

8. 9 Exch. 341, 23 Law J. Exch. 179 (1854).

9. Alas, the recording equipment failed during one of them, forcing us to repeat much of the interview.

10. When Ruggles began to explore Levin's childhood by stating, "Judge Levin, you were born in 1926," he replied, "So I am told. No one knows when they are born." Ruggles Tr, 11-4-02, p 1.

11. 31 Mich App 301; 187 NW2d 434 (1971).

12. Levin was the Court's second Jewish justice; Justice Butzel preceded him and Justices Markman and Bernstein followed.

13. Joe Levin rose from roller to foreman in his Chi-

cago factory and was so tough on the workers that when Samuel Gompers (the first head of the AFL) struck to unionize the factory a condition of the settlement was that Joe had to go. Ruggles Interview, Tr of 11-4-02, at 4-5. A friend referred Joe to a cigar manufacturer in London, Ontario, to which the family, including Levin's father Theodore, moved when Joe was hired to manage the factory.

14. Levin recalled his father telling him that Joe did not have to worry about unions at the new company, but he carried "a gun on the side."

15. Theodore's brother Saul also attended law school and, with Theodore, formed a firm in Detroit after graduating. *Id.*, 2-6. A third Levin brother, Bayre ("the bright one") attended Ontario's prestigious Osgoode Hall and set up practice in Canada. He later joined his brothers' firm, moving from Canada during the Depression. *Id.*, 9.

16. *Id.*, at 5.

17. *Id.*, at 6.

18. Nominated in 1946 by President Truman to a seat on the United States District Court for the Eastern District of Michigan, Theodore Levin served until 1970, when he resigned. He passed away in 1971, and so did not live to see Justice Levin promoted to the Supreme Court by the voters in 1972.

19. Tr. 12-13-16, p 40.

20. The name of a temporary secretarial service at the time; it has since been renamed Kelly Services.

21. *Id.*, at 47.

22. 31 Mich App 301; 187 NW2d 434 (1971).

23. The writer recognizes that this is a simplification; it is offered to frame the "error correction" distinction discussed.

24. 31 Mich App at 310-311.

25. All *murder* which shall be perpetrated by means of poison, or lying in wait, or any other kind of wilful, deliberate and premeditated killing, or which shall be committed in the perpetration, or attempt to perpetrate any arson, rape, robbery or burglary, shall be murder of the first degree, and shall be punished by solitary confinement at hard labor in the state prison for life. MCL 750.316 (emphasis added).

26. Thus, malice aforethought is the "grand criterion" which elevates a homicide, which may be innocent or criminal, to murder. However, "(t)he nature of malice aforethought is the source of much of the confusion that attends the law of homicide." *People v Morrin*, 31 Mich.App. 301, 310-311, 187 N.W.2d 434(1971), lv. den. 385 Mich. 775 (1971). See, also, Moreland, *Law*

of *Homicide* (Indianapolis: Bobbs-Merrill, 1952), pp. 205-206. Overbroad and ill-considered instructions on malice have plagued appellate courts for decades. See, e. g., *People v Morrin*, supra; *People v Borgetto*, 99 Mich. 336, 58 N.W. 328 (1894); *Nye v People*, 35 Mich. 16 (1876). *People v Aaron*, 409 Mich. 672, 714, 299 N.W.2d 304, 319 (1980) (Fitzgerald, J.). Though not unknown, it is uncommon for the Supreme Court to cite and rely upon Court of Appeals opinions.

27. Tr 2-2-17, 5-6. Author's note: The ellipses are used to convey accurately what Justice Levin said by correcting errors in the interview transcript, deleting parentheticals and my own interjections as interviewer, and inserting language from earlier comments that he incorporated by reference.

28. Another example is *American Part Co v American Arbitration Ass'n*, 8 Mich App 156; 154 NW2d 5; 6 UCC Rep Serv 119 (1967). In that case, Levin examined the issue of when, as between merchants, an additional term in an exchange of communications by which a contract is formed becomes a part of the agreement. His opinion is included in many contracts case texts, including Fuller and Eisenberg's, which I used when I taught contracts. It is a masterpiece of brevity, for which Levin was not usually noted, in part probably because the UCC was so new that he was plowing new ground. Authored when he had been on the bench only a little more than a year, his opinion became part of the UCC canon. When I asked, "did you know anything at all about the UCC when you went on the bench?" he replied: "Nothing." He used the same approach to deciding that case and writing his opinion: "I had to educate myself." Tr 2-2-27, 10.

29. *Id.*, at 11-12.

30. Tr 9-19- 17, 44.

31. I understand that the transcripts are available from the Society and would commend to the serious scholar of Levin's work for a review of some of his most significant decisions the only (curiously) undated, final transcript, in which Justice Levin begins by sending a message of greeting to his former law clerk, my friend and colleague, Joe Reid.

32. Undated, final Tr, 33.

Save the Date

Historical Society Annual Luncheon

Wednesday,
April 15, 2026
Detroit Athletic
Club, Detroit

Progressive Dinner

Wednesday,
October 21, 2026
Hall of Justice,
Lansing

Historical Society Annual Luncheon

Wednesday,
April 14, 2027
Location To Be
Determined

The Levin Family: Michigan's Jewish Legal Dynasty

By Keagen Leeman

Although there have been many legal giants in the U.S. across its history, one family from Michigan stands apart from the rest: the Levin family. Through their service in Michigan's legal and legislative systems, the Levins have influenced multiple generations. However, the Levin family's dedication to their Jewish faith is what sets them apart from others, as they not only serve the citizens of this great nation but also aim to serve God through their call to service. Their story begins with patriarch Theodore Levin.

Theodore Levin: Judge, Humanitarian, Family-Man

Theodore Levin, the eldest of eight children, and first in his family to receive a law degree, was a self-starter who paved the way for others in his family to achieve success in the legal field. Levin was born February 18, 1897, in Chicago to Joseph and Ida Levin, who escaped from the Russian Empire.¹ Joseph worked for the Imperial Tobacco Company to support his eight children.² Theodore and his younger brother, Saul, eventually moved to Detroit from the family home in Ontario to take night classes in law school while Theodore worked in machine shops to fund their education. Theodore received a Bachelor of Laws from the University of Detroit Law School (now Detroit Mercy Law School) in 1920 and a Master of Laws in 1924.³

Theodore later formed the firm Levin, Garvett, and Dill in 1920 with his brother Saul, Morris Garvett, and Louis Dill, which specialized in immigration law. In one case, Henry Gottlieb, a recent law graduate, applied for citizenship in order to be admitted to the bar. Despite meeting the requirements, "in what was likely a case of antisemitism, the authorities agreed his petition was invalid because he had filed it on Election Day. Theodore Levin took the case to federal court in 1925 and won."⁴ This set a precedent for future cases and combatted prominent antisemitism in America, something Levin had faced first-hand.⁵ This also paved the way for Levin's career in the U.S. judicial system. When Theodore Levin wed Rhoda Katzin and started a family, the Levin legal dynasty began.⁶



United States Federal Judge Theodore Levin
(https://en.wikipedia.org/wiki/Theodore_Levin)

In July 1946, "President Harry Truman nominat[ed] Theodore Levin to be a federal judge in the U.S. District Court for the Eastern District of Michigan. Levin eventually became one of the most notable district judges in the U.S."⁷ As with his law practice, Levin had a passion for helping immigrants become citizens: "one of the things he most liked to do throughout his career was [to] preside over ceremonies where immigrants became new citizens."⁸ With his dedication to his community, Levin also served on numerous Jewish committees and boards, most notably the Jewish Social Service Bureau to which he was elected president for four terms,⁹ the Jewish Welfare Federation of Detroit, United Jewish Committee, the Jewish Social Service Bureau, and a member of the Jewish Publication Society of America,¹⁰ Detroit Community Fund, the Council of Social Agencies, the Big Brother Conference, the United Health and Welfare Fund of Michigan, and the Detroit Round Table of Catholics, Jews, and Protestants.¹¹ Levin was also involved in numerous World War II committees, specifically working as president of

the Resettlement Service to aid European Jews post-Holocaust.¹² Following decades of service to the Jewish community, Levin was awarded the 1960 Fred M. Butzel Memorial Award honoring his work.¹³

After a long life of service, Judge Theodore Levin passed away on December 31, 1970.¹⁴ A quarter of a century later – when Levin legal legacy had been carried on by Theodore’s son Charles Levin – the federal courthouse building was renamed the Theodore Levin United States Courthouse.¹⁵ In describing the role of judge in U.S. politics, Chief Judge of the Six Circuit Court of the U.S. Court of Appeals Charles C. Simons stated:

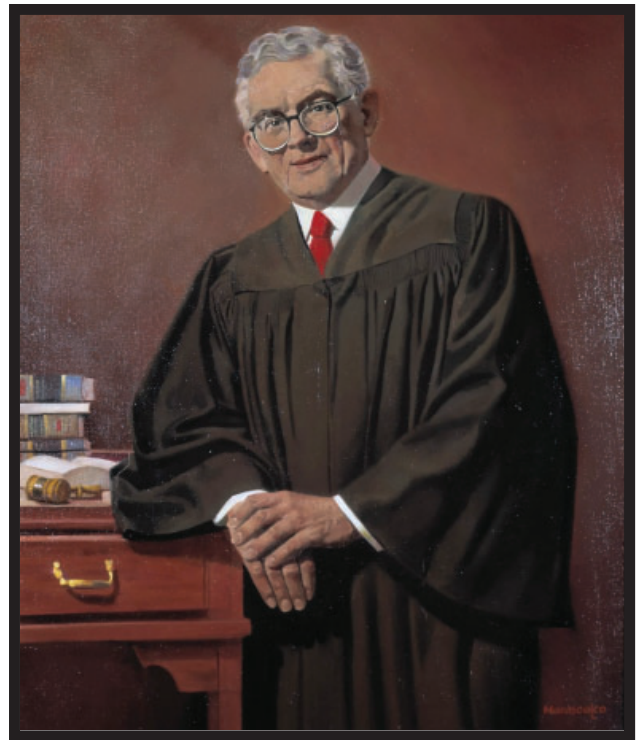
It is not enough that a judge may know the law or at least know where to find it; it is not enough to create an atmosphere of fairness in the courtroom; it is not enough to apply the technicalities of the law with an eye single to affirmance by a reviewing court. The quality that makes a good judge is discernment that penetrates the obvious and pierces to the essential merit of the case to ascertain the truth and to reach, if possible, a result that squares with that concept of essential justice that lies at the base of civilized Society. This quality of Judge Levin’s work has amply demonstrated.¹⁶

At the dedication on May 1, 1995, Theodore’s son Charles was 22 years into his service on the Supreme Court.

Charles Levin: Innovator and Individualist

Charles Levin was guided by the immortal words found in Leviticus where God commanded His people to keep the light continually burning in the tabernacle: “This is the light of truth the rabbis say, shining to illuminate the darkness of injustice and discrimination.”¹⁷

Charles Levin was born on April 28, 1926, in Detroit.¹⁸ Due to his father’s hard work, Levin grew up in affluence in Detroit, MI. In an interview, Levin describes how his family always had a live-in-maid, and he was unaffected by the effects of the Great Depression.¹⁹ However, though wealthy, the family was never unaware or insensitive to the hardships of others. Levin recalled his mother’s kind and charitable persona – “Most maids got by on \$4 a week, mother insisted on paying them \$14 a week.”²⁰ – as Rhoda worked to fol-



Justice Charles Levin

low the practice of tzedakah, believing that the money was not her own, but something entrusted to them by God that should be distributed to those in need.²¹ The Levin family was deeply religious: Charles and his siblings all attended Hebrew school, ate a kosher diet, and observed the Sabbath on Friday night.²²

Charles received a Bachelor of Arts in 1946 and a Master of Laws a year later, both from the University of Michigan. He was admitted to the Michigan, New York, D.C., and U.S. bars.²³ At the onset of his career, Levin “clerked for Judge Charles C. Simons of the United States Court of Appeals for the Sixth Circuit. In 1950, he joined the firm Levin, Levin, Garvett & Dill... where he practiced corporate, real estate and tax law for 17 years.”²⁴ In 1956, Levin married Dr. Joyce Oppenheim Rice and they had three children: Arthur David Levin, Amy Levin Ragen, and Fredrick Stuart Levin, two of whom went on to become attorneys.²⁵

It is not enough that a judge may know the law or at least know where to find it; it is not enough to create an atmosphere of fairness in the courtroom; it is not enough to apply the technicalities of the law with an eye single to affirmance by a reviewing court.

Levin began his career in public service “in 1966 when he was elected to fill a vacancy on the Court of Appeals.”²⁶ In 1972, Levin sought a seat in the Michigan Supreme Court:

Dissatisfied with the politics of running as either a Democratic or a Republican nominee, Levin formed his own party [the Non-Partisan Judicial Party], nominated himself, and won the seat. During his robing ceremony, Judge John Feikens said, Levin ‘comes to the Bench blessed with a solid education and, in my view, he possesses two of the necessary qualities of a good judge: intelligence and compassion.’ This began a 24-year career on the Court.²⁷

Levin was often an enigma when it came to his views on any case. One thing was always for certain, though: “Levin had a lot to say... His opinions are sometimes read like a treatise or law-review article on a particular subject. Although long, his opinions were not rambling. Quite the opposite: Levin [was] a gifted writer.”²⁸

In a 1971 case, *People v Morrin*, the Court had to determine whether the evidence presented was sufficient to support a conviction of first-degree murder. The court “held that there was insufficient evidence to support a reasonable inference that Morrin killed his victim with the requisite deliberation and premeditation necessary for a first-degree murder conviction.”²⁹ Justice Levin wrote a 35-page opinion on this case primarily focusing on defining “malice aforethought.”³⁰ He adamantly believed in the importance of defining legal terms because he believed it to be the basis of an informed decision. This focus on defining language also enabled him to write the majority opinion on a 1980 case, *Toussaint v Blue Cross*, a landmark Michigan Supreme Court case that significantly altered the state’s employment-at-will doctrine. In a 4-3 decision, the courts ruled “that an employment contract of indefinite duration, even without a specific term, could be made enforceable if the employer made promises to discharge only for just cause, either explicitly or implicitly through policy statements.”³¹ Levin held that the “interview statements and employee manual amounted to an ‘implied contract’ that included just-cause termination,”³² illustrating how careful analysis of language can act as a determiner of a case’s outcome.

Justice Charles Levin retired in 1997 after a long ca-

reer of public service in the Michigan Supreme Court. By the time of his retirement, his opinions were widely published in law schools across the U.S.³³ Justice Michael Cavanagh described how Levin had “impressive bench stats [with] nearly 1,500 published opinions.”³⁴ Charles later married Judge Helene White and they had two children: Benjamin Joseph White Levin and Francesca Rhoda White Levin. Charles Levin died on November 19, 2020, in Ann Arbor at the age of 94. Rabbi Joseph Krakoff described him as both a “scholar and a teacher, but “[a]bove all, his life’s importance was his family. He reprioritized his life for them, whoever needed him most at any given time.”³⁵

As a Jewish man, Charles Levin was also accustomed to standing out amongst his peers. He further distinguished himself through his nonconformist approach in serving as an independent judge. Justice Michael Cavanagh stated

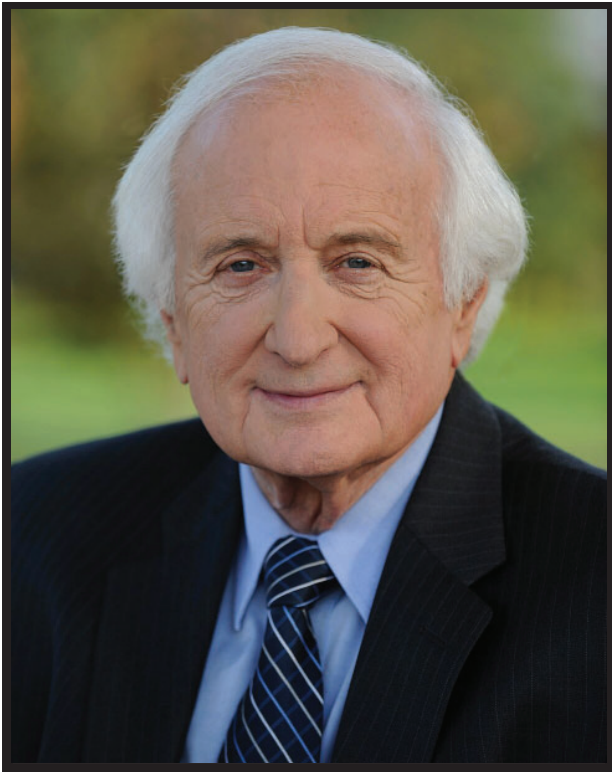
While public service is synonymous with the Levin name, what I remember most about Justice Levin is his independence. He was a friend, a bench mate, an inspiration, and a free-thinking legal scholar who made a difference in my life and for the people of Michigan.³⁶

Charles Levin’s name will forever live in Michigan history as a man who was not afraid to stand out by standing up for his values in all areas of his life.

Sander and Carl Levin: ‘The Dynamic Duo’

While Charles’ cousins never served in the Michigan judiciary, they too influenced Michigan’s legal system from another branch of government. Deemed the “dynamic duo” by many,³⁷ “[t]he first thing Sander Levin’s parents did when they moved into their new home on Boston Boulevard was to knock down a wall. The wall separated two small bedrooms, and Saul Levin’s two sons, Sander and Carl, did not want to be apart even when they went to sleep.”³⁸

Sander was born on September 6, 1931, in Detroit to Saul Levin and Bess Rachel Levin (nee Levinson).³⁹ Carl was born a few years later June 28, 1934. With three attorneys in their family, there was no chance Carl and Sander would not go to attend law school. With Uncle Theodore’s example of community service, Sander quickly developed an interest in service and was “senior class president at Detroit Central High School



U.S. Representative Sander Levin



U.S. Senator Carl Levin

and later became student government president at the University of Chicago.⁴⁰ Sander graduated from the University of Chicago in 1952 with a B.A. and went on to receive an M.A. in International Relations from Columbia University in 1954, and a J.D. from Harvard Law School in 1957. Carl was not far behind him receiving his B.A. from Swarthmore College in 1956 and a J.D. from Harvard Law School in 1959. Each brother established a law practice in Michigan,⁴¹ the start of long and prosperous careers in public service.

Sander Levin served an almost 40-year career as a U.S. Representative, an admirable public servant who cared deeply about his constituents. Sander Levin's career took off in 1962 when he became the Chairman of the Oakland County Democratic Party. He later served as 15th District Michigan Senator from 1964 to 1970. In 1970 and 1974, Sander challenged William Milliken for governor of Michigan, losing twice by a narrow margin.⁴² Sander later held a position as a Harvard Kennedy Fellow and assistant administrator for the Agency of International Development from 1977-1981.⁴³ In 1983, Sander returned to Washington D.C. to run for an open seat in the U.S. House of Representatives; he served until 2019. While there, he held the position as Chairman of the House Ways and Means Committee from 2010 to 2011, working closely with trade and income security policies.⁴⁴

Carl Levin dedicated 36 years of his life to his role as U.S. Senator. This position enabled him to make huge strides in financial reforms and environmental policy to protect Michigan's Great Lakes. Levin began his career working as general counsel of the Michigan Civil Rights Commission from 1964 to 1967 and as a special assistant attorney general for the Michigan Attorney General's Office.⁴⁵ He was also a member of the Detroit City Council from 1969 to 1977 and later president. Levin ran for election to the U.S. Senate in 1978 and went on to become the

The Levin family stood out because of their legal profession, commitment to their Jewish faith, uncompromising views on family as a priority in life, and willingness to defend their values even if it meant standing alone.

longest-serving Senator in Michigan's history. While in the Senate, Levin was Chair of the Senate Armed Services Committee (2001-2003 and 2007-2015), Co-Chair of the Senate Auto Caucus, and Co-Chair of the Senate Great Lakes Task Force.⁴⁶

Like his cousin Charles Levin, Carl cared deeply about the American court system: "Senator Levin was never a member of the Senate Judiciary Committee, but he clearly saw himself as a guardian of the judiciary."⁴⁷ Carl took the role of confirming U.S. Supreme Court Justices very seriously, stating

...it is our responsibility to ensure that truly qualified individuals serve on the Federal bench. I do not need to remind my colleagues that these are lifetime appointments with removal only by impeachment, and the power of these individuals over the document most sacred to our form of government and way of life — the Constitution — and the statutes and executive actions that flow therefrom — is enormous.⁴⁸

Over the course of his career, Carl recommended and confirmed over 50 judges in federal courts. When Carl Levin was tasked with recommending or confirming judges, the main attribute he looked at was character.

If you've ever worn the uniform, worked a shift on an assembly line, or sacrificed to make ends meet, then you've had a voice and a vote in Senator Carl Levin. No one has worked harder to bring manufacturing jobs back to our shores, close unfair tax loopholes, and ensure that everyone plays by the same set of rules. As Chairman of the Armed Services Committee, Senator Levin is a true champion for all those who serve, and his tireless work will be missed not just in his home State of Michigan, but by military families across our country.

President Barack H. Obama Statement on Senator Carl M. Levin's Decision Not To Seek Reelection, March 7, 2013

Carl not only admired ambition, but also congeniality, believing that people are to be remembered by how they treat others. During the Reagan administration, Carl fought against the nomination of Alex Kozinski who was known for false statements of red baiting⁴⁹ as well as poor treatment of his former employees at Merit Systems Protection Board's Office of Special Counsel who described him as "harsh, cruel, demeaning, sadistic, disingenuous and without compassion." As a part of the Government Affairs Committee that dealt with whistleblowers, Levin delayed the Senate vote more than a week to review allegations against Kozinski: "Levin notified Senate Judiciary Committee Chairman Strom Thurmond in a confidential memo Oct. 8 that it appeared Kozinski lacked the 'judicial temperament necessary for, and expected of, a federal appeals court.'"⁵⁰ Carl Levin strongly believed in the importance of a strong moral character, a standard he had for both himself and others. This enabled him to shape the American judicial system through his role as Senator.

In 2015, Carl retired from the Senate and joined a Detroit-based law firm, Honigman Miller Schwartz & Cohn LLP.⁵¹ He also created the Levin Center for Oversight and Democracy to form "bipartisan solutions for the American people, and strengthen accountability, checks-and-balances, and [uphold] democracy."⁵² Despite his many accomplishments, Carl Levin was always viewed as a very humble and down-to-earth man. In the *Detroit Free Press*, Carl Levin is described as

always wearing the same suit — not quite gray, not quite brown, always a little wrinkled. Add the everpresent plastic reading glasses on the end of his nose and a wind swirl of gray hair that covered less of his head every year, and this was either a carefully cultivated professorial image or a guy who had more important things on his mind than how he looked.⁵³

Like Sander, Carl Levin was not your typical politician, but he cared deeply about those he served and his 36-year career as a congressman is a tribute to this.

Of course, like Theodore and Charles, Sander and Carl Levin always put their family and faith first. Sander married to Vicki Schlafer with whom he had four children and ten grandchildren; after Vicki's passing he remarried Pamela Cole in 2012.⁵⁴ Judge Cohn described how as a cousin of the Levins he developed a close re-

lationship with them and “when the judge’s wife became sick, Rep. Levin and his family included the Cohn children in their winter vacation.”⁵⁵ Carl Levin was married to Barbara Halpern-Levin for 60 years and they had three children and six grandchildren.⁵⁶ With a dedication to community service, “Sen. Levin helped [also] establish the Reconstructionist Congregation T’Chiyah in Detroit.”⁵⁷ The Levin brothers cared deeply about their Jewish heritage, resulting in multiple efforts to remember Holocaust survivors. Sander Levin sponsored a joint resolution to designate June 12, 1985, as “Anne Frank Day.”⁵⁸ Together, the Levins encouraged representatives of the Anne Frank Center in New York to bring the exhibit to Michigan; Detroit was chosen as “one of 30 sites to feature the Anne Frank exhibit” in 1986.⁵⁹ As a result of their work, a year later, the Levins were named co-winners of the American Friends of the Hebrew University of Jerusalem Scopus Award.⁶⁰ The Levins were also “honored by the Jewish Theological Seminary with its Eternal Light Award in 2010 for their impact on the Jewish community.”⁶¹

Carl Levin died on July 29, 2021, in Detroit at age 87 after a steadfast career in public service.⁶² In his memory, a naval destroyer, named the USS Carl M. Levin set sail in a ceremony held by his family a few months after his death. Sander Levin, age 93, recently donated over 700 boxes of his congressional papers to the University of Michigan’s Bentley Historical Library.⁶³ One of Sander’s sons, Andy Levin, followed in the footsteps of his family members when he graduated from law school in 1994 and was elected to Congress in 2019, thereby carrying the Levin family legacy into a new generation.⁶⁴ Through their countless years of public service, their family name stands as a reminder of their zeal for public service and allegiance to their nation.

Concluding Remarks

The Levin family has been a major force in U.S. politics impacting immigration, labor, corporate, and environmental law. The Levin family stood out because of their legal profession, commitment to their Jewish faith, uncompromising views on family as a priority in life, and willingness to defend their values even if it meant standing alone. Their legacy remains ingrained in Michigan’s legal history through many ways, including the Theodore Levin United States Courthouse in Detroit and Charles Levin’s Supreme Court portrait at the Hall of Justice in Lansing not to mention the numerous case opinions and legislation enacted by the Levin family. Charles stated in *Stefanac v Cranbrook*, “This Court has the duty to think beyond the case at hand, and to the rule of law that it is expounding not only for like cases but for all civil litigation.” Justice Charles Levin was always looking to the future and believed strongly in considering the impact of one’s actions long-term, especially regarding the courtroom. For those beliefs, he is remembered as a morally uncompromising justice, quintessential of American values. In following their callings to public service, the Levins were blessed in their work, enabling them to protect and defend the constitutional rights of individuals, upholding what it means to be an American.

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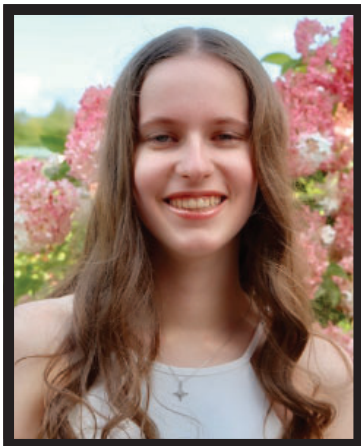
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Keagen Leeman is currently a junior at Wheaton College, IL, studying Political Science. She has cultivated her interest in legal affairs through her role as an editor in Wheaton's Journal for Law and Public Policy, through her position as a Research As-

sistant in the Political Science department, and through her abroad experience studying at the University of Oxford. As a Coleman Intern for the Michigan Supreme Court Historical Society, Keagen conducted extensive historical research on judicial biographies and the impact of prominent legal families on the American political landscape and wrote an article detailing the legal impact of the Levin family on American politics and Court history. In the coming years, Keagen intends to continue her education through graduate school with aspirations of going into the field of academic research.

Historical Dates of Interest March, April, May

March 1, 1847

Michigan became the first government in the Western world to abolish capital punishment for all crimes, except treason.

March 3, 1805

Augustus B. Woodward is appointed to serve as the first chief justice.

March 3, 1970

With the new Supreme Court courtroom location in the Law Building in the Capitol Complex, the Court officially adjourns from the Capitol Courtroom.

April 7, 1873

Future Justice George Durand is elected Mayor of Flint. The city of Durand is named after him.

April 30, 1821

Governor Lewis Cass and Justices John Griffin and James Witherell's bill to change the name of the Cathol-epistemiad or University of Michigan to the University of Michigan and put control in the hands of a board of trustees consisting of twenty members plus the governor passes.

May 8, 2002

The Court holds its final session in the G. Mennen Williams Building (formerly the Law Building) Courtroom.

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It's time for Part II and we need your help! When you consider the last thirty years of cases at the Michigan Supreme Court, what do you think is the most important? What compares to the significance of *Joseph Workman v The Board of Education of Detroit* (18 Mich 400, 1869) or *Haynes v Lapeer Circuit Judge* (201 Mich 138, 1918) or *People v Kevorkian* (447 Mich 436, 1994)?

Please fill out the form below with your thoughts. You can name a case you argued, viewed, cited, or read about. You can provide the reasoning for your choice or just a case name. Any input is welcome.

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