

## Annual Membership Luncheon 2010

### *All Roads Lead to Lansing*

The 19th Annual Membership Luncheon of the Michigan Supreme Court Historical Society was hosted at the Detroit Athletic Club on April 29, 2010. The keynote speaker was John Fedynsky, author of the forthcoming book *Michigan's County Courthouses*. He was introduced by Justice Stephen Markman, who wrote the foreword to the book and said that Mr. Fedynsky is "the finest and most enterprising young man I know."



Photo by John Meiu, courtesy of Detroit Legal News Publishing LLC. From left, Justice Stephen Markman, Society President Wallace Riley, Chief Justice Marilyn Kelly, and author John Fedynsky.

*What follows is the transcript of John Fedynsky's presentation at the Annual Luncheon.*

Thank you, Justice Markman, for that kind and generous introduction. The mark of a successful institution is its ability to transcend generations and extend its reach beyond the circle of its founders. Preparing for this speech, I experienced the expanding influence of the Michigan Supreme Court Historical Society as I read delightful and insightful previous speeches bearing notable names—Brennan, Reed, Cohn, Archer, Engler, Kelly, and Taylor, to recite just a few. The Society plays an instrumental role in staging such speeches and preserving them for the benefit and enjoyment of an ever-expanding circle of people. While I do not presume to be here to deliver a State of the Society speech, allow me for one moment to comment that, from my perspective, and standing on the shoulders of giants, the state of this Society is strong. I am grateful for the opportunity to share with you a glimpse of my forthcoming book on the county courthouses of Michigan. The final chapter profiles the Michigan Supreme Court, which is altogether fitting and proper, for it is Michigan's court of last resort.

My book began with a digital camera and a full tank of gas. It also began with an idea that bloomed as I flamed that fuel and clicked that camera in several charming towns in northern Michigan. Many of those small towns are county seats, as the roads that crisscross our fine state have a tendency to connect our county capitals. This dynamic calls to mind a prescient statement I stumbled upon in the publisher's introduction to Bowen's *Automobile and Sportsman's Guide to Michigan*—a compilation of early roadmaps published in 1916. "Good roads are a necessary concomitant of good civilization." Travelling the roads and backroads of Michigan, the truth of this statement grew all the more self-evident.

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Each county seat offered a photogenic county courthouse that, whatever the weather, made for a compelling subject for capturing on camera. Monuments, memorials, cannons, and other architectural accoutrements tested the limits of my camera's memory card.

The journey continued over the next several years to all eighty-three county seats and to the Hall of Justice in Lansing. Michigan is a vast and varied land, second only to Georgia in land mass among the states east of the Mississippi River. Its courthouses, like people, belong to family trees. So let us explore the family tree of the Michigan Hall of Justice.

The Michigan Supreme Court traces its lineage back to the private home of James May, a prominent resident of Detroit. The Territorial Court, as it was then known, came into being on July 24, 1805. Lacking official chambers, the court met at various houses—first May's—and taverns, in exchange for a fee. One source claims that the court met "sometimes on a woodpile." The court's hours were irregular and its often late-night sessions could be jovial, with free-flowing alcohol and supper service competing with the flowery oratory of

January 1879, the court met on the third floor of the Capitol, an elegant edifice made primarily of Amherst sandstone, limestone, and about 19 million bricks. The Old Supreme Court Chambers, as it is now known, is a room measuring 30 by 54 square feet, with a twenty-foot ceiling and elaborate finish, including Michigan pine and walnut. Until January 1970, it was the permanent site of the court. In its ninety years there, sixty different justices decided about 38,000 cases and heard almost 10,000 oral arguments. The court still uses the Chambers every October to hear the first cases of its new term. Otherwise, the room now houses the Senate Appropriations Committee. Upon leaving the Capitol, Chief Justice Thomas Brennan distinguished the chambers of the court from the court itself: "This courtroom is old at 90 years; the Supreme Court is young at 133." He arrived at the latter figure by counting the years from Michigan's statehood.

For thirty-two years, the itinerant court found itself in what one hesitates to call "temporary" quarters on the second floor of the G. Mennen Williams Law Building, where it shared space with the

*Courthouses are symbols. Physically they stand, but figuratively they speak. They embody the purposes for which they were created: law, order, justice, the American way, and the promise of a better tomorrow. Whatever their shape, station, or locale, the ideals are the same. Each is, in its own unique way, a gem of the people.*

lawyers for the attention of the judicial panel. Some cases were decided without the presence of clients or counsel.

Beginning in 1828, more formality was introduced and the court began meeting in proper locations such as the newly built Capitol and the Council House in Detroit. The court, however, grew nomadic with the implementation of the 1835 Constitution, which required circuit riding. Different locations were required in different years, though Detroit and Lansing were invariably on the list, with more sporadic appearances of Ann Arbor, Kalamazoo, Pontiac, and Adrian. Apart from the various locales, sites within each city varied, with no fewer than five locations in Detroit alone.

Finally, the Legislature decided in 1873 to locate all sessions of the court in Lansing, the new capital that was constructed between 1872 and 1878. Beginning in

Department of Attorney General. The modest maple-paneled courtroom featured a green marble facade behind where the justices sat. About eighty spectators could fit in the room, where twenty-six different justices sat, considered 63,000 matters that were filed, and issued 83 volumes of the court's written opinions. After the court's final public business in the Law Building, the justices' exit was symbolic. Rather than leaving through a separate side door, their egress processed through the main public doorway and the courtroom at that moment was retired.

On October 12, 1999, a groundbreaking ceremony for the Hall of Justice finally happened on the west end of the mall, which is anchored in the middle by the Capitol and on the east by legislative offices. The judicial branch would occupy space on a field that was once a residential neighborhood. Because Michigan

was among the last states in the Union to construct a separate building for its judicial branch, it had the time and opportunity to build a facility that made the wait worthwhile. Patience, indeed, can have its rewards.

Albert Kahn Associates designed the horseshoe-shaped monolith and Christman Company built it with 2,930 tons of steel, 16,000 cubic yards of concrete, and 14,000 pieces of limestone. It cost about \$88 million. The six-story building, which is 280,000 square feet, has ten elevators, 1,200 interior doors, 224 windows, and a sixteen-foot skylight dome above the courtroom of the Supreme Court on the top floor. It is said that the angle of the sunlight through the windows beneath the dome is particularly unforgiving to lawyers at the podium in April.

The furnishings, mahogany bench, and other interior designs are contemporary interpretations of the Old Supreme Court Chambers. Some small touches connect the two courtrooms. Most notably, the wooden board listing cases on call from the Chambers was moved to the new courtroom. The building's horseshoe design has the advantage of natural points for additional wings, should the need for expansion arise. About 300 people work in the building.

The Hall of Justice also has space and a courtroom for the Michigan Court of Appeals. In addition to Lansing, the Michigan Court of Appeals maintains courtrooms in a state building in downtown Grand Rapids and in the New Center of Detroit at Cadillac Place, the former world headquarters of General Motors.

On the ground level, the innovative Learning Center welcomes visitors to its 3,800 square-foot exhibit space. It was conceived as a resource for schoolchildren and adults to learn about Michigan's legal system, from its history to its continued impact on people and society. Its doors opened to the public on November 1, 2002.

A few weeks earlier, the Hall of Justice was dedicated on October 8, 2002. Chief Justice Maura Corrigan lauded former Chief Justice Dorothy Comstock Riley for inspiring the building's curved appearance, as if to embrace the other branches of government: "It stands independently, yet in relation to the Capitol. To me it seems to be arms outstretched, both shielding and embracing. This building is a bulwark, protecting, through faithful adherence to our constitution and laws, the democratic process that goes on across the way at our Legislature." Rather than cut a ribbon, the many judges present all ceremoniously and simultaneously dropped their gavels.

A rotunda inside the building quotes the Michigan Constitution. "All political power is inherent in the people. Government is instituted for their equal benefit, security

and protection." Outside, the inscriptions do not quote. Rather, they declare without elaboration four powerful ideals: Freedom, Equality, Truth, and Justice.

Explicitly etched on the exterior or not, every hall of justice in Michigan was built to stand for these ideals. One hopes that, on account of the good people behind each of Michigan's courthouses, these ideals prevail in every instance and not just at the stage of last resorts.

So let me end my remarks at the beginning, with an excerpt from the introduction to my book. You might call it the thesis of the book, supported by eighty-four chapters detailing, yes, buildings, but also people of good will and honest adherence to their vision of what these buildings represent.

Courthouses are symbols. Physically they stand, but figuratively they speak. They embody the purposes for which they were created: law, order, justice, the American way, and the promise of a better tomorrow. Whatever their shape, station, or locale, the ideals are the same. Each is, in its own unique way, a gem of the people.

It has been my pleasure to share this thesis with you. But don't ever believe a lawyer who tells you he is wrapping up, because there is a corollary that bears mentioning. If every county courthouse is a gem, then the Hall of Justice is Michigan's crown jewel, an achievement that will last generations and likely outlive every person in this room. The Michigan Supreme Court is the lodestar in the firmament containing every other Michigan court. It binds all these courts together jurisprudentially as it guides them with its final, binding pronouncements interpreting Michigan law. This corollary suggests a final thesis that we must save for another day.

### *All roads lead to Lansing.*



**John Fedynsky** is a former research attorney for the Michigan Court of Appeals in Detroit and Grand Rapids, Michigan. He also served as a law clerk to the Honorable Robert J. Cleland, U.S. District Court for the Eastern District of

Michigan. Fedynsky currently practices civil law as an Assistant Attorney General for the State of Michigan. His office is in Lansing and he defends mainly tort and employment cases. Fedynsky graduated with honors from Georgetown University and from the University of Michigan Law School. He resides in Ferndale.



# MICHIGAN'S COUNTY COURTHOUSES

**John Fedynsky**

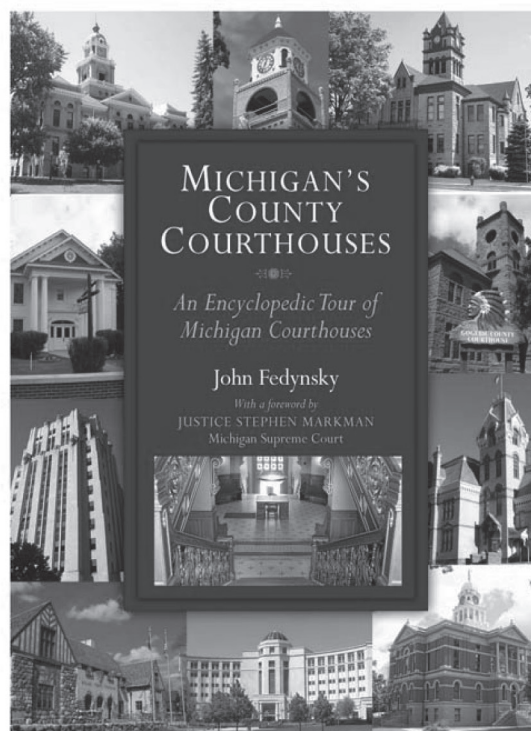
"This book will become the definitive reference of an often overlooked aspect of Michigan history . . . It is a wonderful compilation of facts—the historical and the architectural details, the monuments and the cannons—and anecdotes, bringing these courthouses to life."

—Justice Stephen Markman

In *Michigan's County Courthouses*, John Fedynsky documents in narrative and photo every county courthouse of Michigan's eighty-three counties, as well as the State Supreme Courthouse. These buildings are symbols: physically they stand, but figuratively they speak. They embody the purposes for which they were created: law, order, justice, and the promise of a better tomorrow.

Fedynsky tells the story of each building, weaving verifiable facts and local lore together in dramatic tales of outrageous crime, courtroom intrigue, backroom dealing, jury determination, and judicial prerogative. Released jail inmates assist with evacuating and extinguishing a courthouse fire, residents during a natural disaster seek and find physical refuge behind the sure walls of the courthouse, and vigilant legions of homebound defenders are stationed in wartime throughout the courthouse towers scanning the skies for signs of foreign aircraft.

*Michigan's County Courthouses* is scheduled to publish in June 2010—but you can save 30% off the list price if you order now! Use the code **COURTS10** at checkout at the University of Michigan Press Web site. The discount expires in June when the book comes out.



ISBN: 978-0-472-11728-4 CLOTH

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## Society Elects Borchard, Courtade, and Ellsworth to Board of Directors



Shown left to right are newly-elected Michigan Supreme Court Historical Society Board of Directors Hon. Fred L. Borchard, his wife Joyce, Chief Justice Marilyn Kelly, and Bruce A. Courtade. Not shown is Peter H. Ellsworth.

**T**he Board of Directors of the Michigan Supreme Court Historical Society recently elected Judge Fred L. Borchard, Bruce A. Courtade, and Peter H. Ellsworth during the Annual Meeting on April 29, 2010, at the Detroit Athletic Club.

Judge Fred L. Borchard is Chief Judge Pro Tem of the Tenth Circuit Court in Saginaw. Judge Borchard has been a long-time member of the Society. Judge Borchard fills the remaining one-year term of retiring Director Eugene Mossner.

Bruce A. Courtade practices civil and commercial litigation for the Grand Rapids firm of Rhoades McKee. He is currently the Secretary of the State Bar of Michigan's Board of Commissioners.

Peter H. Ellsworth is an attorney in the Lansing office of Dickinson Wright, specializing in commercial and business litigation, energy and sustainability, gaming, Indian law, insurance, and regulatory and administrative law.

Both Mr. Courtade and Mr. Ellsworth will serve three-year terms on the Board of Directors, expiring at the Annual Meeting in 2013.

"While our organization could not survive without our members, we would be equally lost without the dedication and leadership of the men and women who volunteer their time to serve on our Board of Directors," said Society President Wallace Riley.

## Michigan Supreme Court Historical Society 2010 Board of Directors



*Back row, left to right:* John P. Jacobs, Hon. Alfred M. Butzbaugh, Stephen K. Valentine, Jr., Janet K. Welch, Ronald D. Keefe, Hon. Fred L. Borchard, Bruce A. Courtade, Carl W. Herstein, and Matthew C. Herstein.  
*Front row, left to right:* Lawrence P. Nolan, Hon. Denise Langford Morris, Charles R. Rutherford, Wallace D. Riley, Hon. James L. Ryan, Hon. Frank J. Kelley, and Hon. Patricia J. Boyle.

*Not photographed:* Hon. Avern L. Cohn, Peter H. Ellsworth, Hon. Michael G. Harrison, Hon. Charles L. Levin, Michael Murray, John W. Reed, Richard D. Reed, and Mary Massaron Ross.

## ••• 2010 Membership Renewal •••

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Approximately 130 people attended the Annual Luncheon at the DAC on April 29th.



Society Vice President Charles Rutherford and his wife Pat with new director Bruce Courtade.



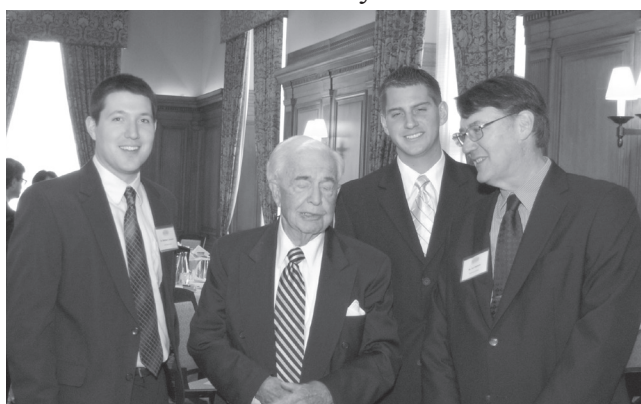
Justice Cavanagh and former Justice Patricia Boyle are shown with Bill Winsten, Rosalind Rochkind, and Megan Cavanagh.



Norman Ankers, Justice Hathaway, and Stephen Valentine, Jr.



From left Hon. Charles L. Levin, Hon. Roman S. Gribbs, Hon. John Feikens, Justice Maura Corrigan, and Hon. Cornelia Kennedy.



Matthew Herstein, Hon. Frank Kelley, Chase Cawthorne, and Society Secretary Carl Herstein.



Judge Robert Cleland, Society Treasurer Lawrence Nolan, and Justice Markman.



William Booth, Judge Mary Beth Kelly, and Eric Pelton





Society President Wallace Riley and Chief Justice Marilyn Kelly listen to the luncheon presentation



Ernest Bazzana, Christine Oldani, and Hilary Ballentine from Plunkett Cooney.



Justice Young and Judge Patrick Duggan with luncheon attendees.



James Neuhard and Judge Al Butzbaugh.



Professor Otto Stockmeyer and Dean John Nussbaumer from Cooley Law School.



Society Board member John Jacobs with attorneys from his firm.



Justice Weaver, Larry Nolan, Larry Charfoos, Judge Denise Langford Morris, and William Giovan.



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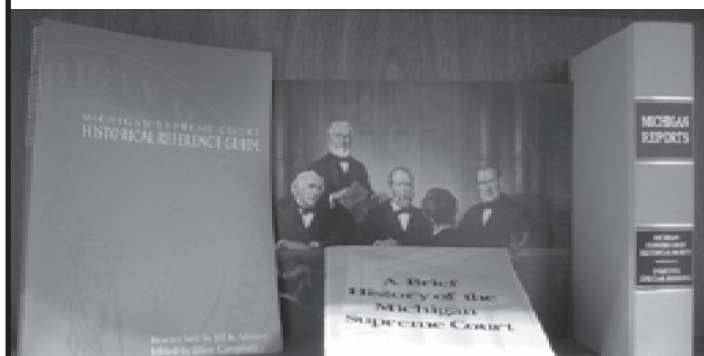
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## **Mission Statement**

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.

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Dorothy Comstock Riley

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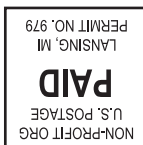
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*Society Update* is published quarterly by the Michigan Supreme Court Historical Society. Writing submissions, article ideas, news, and announcements are encouraged. Contact the Society at: 1st Floor Hall of Justice, 925 W. Ottawa Street, Lansing, MI 48915 Phone: (517) 373-7589 Fax: (517) 373-7592

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