

MICHIGAN SUPREME COURT

OCTOBER 8, 2013

Michigan Historical Society Report

CHIEF JUSTICE YOUNG: Good morning. It's a little tighter behind this bench - this historical bench than it is our nice new bench in the Hall of Justice. Welcome to the first argument of our new term. I want to advise you that Justice Cavanagh will not be joining us this morning, but he will be participating - he'll have access to the recording of the arguments and we hope he will be with us for the remainder of the arguments this week.

This is the occasion for renewing our connection with our history. This is the historic Supreme Court chambers and we have for number of years have begun each term with an oral argument in this chamber, and we've always commenced this proceeding with a report from the Historical Society. And we again do it today and we welcome Wally Riley, who is President of the Historical Society. Wally.

MR. RILEY: Thank you Mr. Chief Justice. It's always fun to honor traditions and this has become one of the nicest ones that we participate in. So Mr. Chief Justice and Associate Justices, Society Board Members who are in attendance, members of the Bar in attendance, and ladies and gentlemen. It's my great pleasure this morning to make another brief appearance on behalf of the Michigan Supreme Court Historical Society at the Court's opening of a new Court year.

There is something special about an opening - any opening - and something unique about a new year opening-it's sort of a mixed feeling of both opportunity and hope. And it is right that we should covet the chance to make the most of it.

But on this appearance today I would like to focus on the past, in fact 25 years of the past. Because this year the Society marks its 25th anniversary and 25 years since its founding in 1988. You have before you the preface of our report which explains why and how the Society came about. And it also sets forth the full report of a summary of subjects of the areas of activity that we've been involved in over those 25 years. We invite you to review it at your leisure in your chambers.

And now with the permission of the Court I would like to move that as a part of this report and this special session we incorporate in the transcript of the Special Session the details of the report which we furnished and which you have in your hands. And I so move.

CHIEF JUSTICE YOUNG: And it will be made a part of the formal record.

MR. RILEY: In a way, it's kind of going back to the future. On several occasions, the Society has been asked what's the most significant accomplishment on that list that you furnished? And the response has always been the portraits—collecting, repairing, refurbishing, cataloging, copying, dedicating and hanging on many different walls the different portraits that we have discovered and restored and accumulated over the years. So after 25 years, in a way we may be back to the future or at least back to the beginning because as you know from the preamble the founding of the Society by Chief Justice Dorothy Comstock Riley happened when she discovered all those portraits stacked in the corner in rather poor condition. Portraits of people and Justices of the then and now who we've now restored and they hang appropriately. A portrait should always be on a wall never anyplace else. But going now into the future, portraits are important and let me tell you why because portraits are the faces of the Court and they're part of the Court as an institution. The cases you decide are for the lawyers, but the portraits are the real persons chosen by the people to administer our coveted rule of law.

So the next time you are standing on the seal of the Supreme Court outside your courtroom in the Hall of Justice, take a look at Chief Justice Mennen Williams, the 84th Justice; Justice James Brickley, the 92nd Justice; Justice James Ryan, the 89th Justice; Justice Robert Griffin, the 96th Justice; Chief Justice Conrad Mallett, Jr, the 97th Justice; and Justice Dorothy Comstock Riley, the 91st Justice. If we had a group shot of all the portraits of all the justices, there would be 108 people in the picture. That's the group that you are a part of.

But there is Michigan legal history yet to be made. You will make it. And with your help, we shall continue to report it and record it. We are grateful to all the Justices of the then and now for the support that we have received over the past

25 years. Let us together share some great expectations--and may God bless this Honorable Court! Thank you.

CHIEF JUSTICE YOUNG: Thank you very much. We appreciate that report. I guess it's now time for us to make some more legal history.



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Twenty-five years ago, in 1988, then Chief Justice Dorothy Comstock Riley noticed that several portraits of former Michigan Supreme Court Justices were stacked in a crowded closet in the Clerk of Court's office.

Their trash-like condition called out for "confession and avoidance." Chief Justice Riley opted for "restoration" and conceived the Michigan Supreme Court Historical Society to take on the task. Since then with the Mission set forth below, the Society's activities have expanded into a dozen more projects here listed.

"The mission of the Michigan Supreme Court Historical Society is to collect, preserve, and display documents, records, and memorabilia relating to the Michigan Supreme Court and the other Courts of Michigan, promote the study of the history of Michigan's courts, and seek to increase public awareness of Michigan's legal heritage."

The Society sponsors and conducts historical research, provides educational materials for students, and sponsors and provides publications, portraits and memorials, special events, and projects consistent with its mission.

SPECIAL SESSIONS: Hosted or Participated In

- Investitures
 - Seven Robing Ceremonies (Weaver, Marilyn Kelly, Taylor, Young, Markman, Hathaway, McCormack)
- Portrait Dedications
 - 19 (Williams, T. Smith, TG Kavanagh, Fitzgerald, Ryan, Griffin, Archer, Black, Riley, Levin, Voelker, Boyle, Reid, E. Sharpe, Brickley, Souris, Woodward, Taylor, Mallett)
 - Coordinated fundraising committees for several, including some not yet presented (Cavanagh, Marilyn Kelly)
 - Several of the 18 were done post-humously to complete our collection (Black, Reid, E. Sharpe, Souris, Woodward)
 - Received the Big Four portrait on loan from the State Bar of Michigan in a special session
- Other special sessions
 - Close of G. Mennen Williams Courtroom
 - Opening Ceremony of Hall of Justice
 - 300th Birthday of Detroit
 - 200th Anniversary of the Territorial Supreme Court of Michigan
- 21 Annual Luncheons
 - Bringing together between 100–150 supporters of the Michigan Supreme Court since 1992.
 - Featuring legal historical vignettes by authors like Paul Carrington, Paul Finkelman, David Chardavoyne, and John Fedynsky, as well as other scholars and attorneys.
 - Recognizing those who have greatly affected Michigan's legal history through the presentation of the Dorothy Comstock Riley Legal History Award (Engler, DCR, Rosa Parks, John Reed, and Wallace Riley)

EDUCATION

- Sponsored the Big Four Writing and Research program that provided a research fellowship to a graduate student at Western Michigan University
- Exhibited our traveling exhibit at each state law school
- Developed two-week lesson plans for teachers at both the high school and middle school level
- Lesson plans for the Verdict of History: Top 20 Most Significant Cases of the Michigan Supreme Court
- Both sets of lesson plans were recipients of Michigan Humanities Council grants
- 14 Coleman interns --and 3 Advocates Guild interns
- 11 Law Student Prize winners from each of the state's five law schools (\$500 prize)
- Fiduciary for the Learning Center

PUBLICATIONS

- Quarterly newsletter since 1997
- Index to Special Sessions
- Michigan Supreme Court Historical Reference Guide
- Verdict of History booklet (also published in partnership with the Michigan Bar Journal in four successive issues 2008–2009)
- Brief History of the Michigan Supreme Court
- Two-week lesson plans for high school and middle school and Verdict of History lesson plans
- Website where all of this information can be accessed at no charge, any time of the day or night

PARTNERSHIPS: contributed to

- Initiated Round Table of Judicial Historical Societies as one of the first of its kind (MSCHS established only two years after USSC Historical Society)
- Renovation of Flint Courtroom (Genesee County Courthouse Square Project)
- Restoration of Judge Ross Wilkins portrait in the U.S. District Court for the Eastern District of Michigan
- Participated in Michigan Legal Milestone program with the State Bar of Michigan
- Collaborated with Vincent Voice Library at MSU to digitize and store oral history interviews
- Silver Sponsor, Michigan Women's Historical Center and Hall of Fame, *Women Who Dared to Lead* exhibit
- Co-host of 2004 Law Day event commemorating 50th anniversary of *Brown v Board of Education*
- Partner-host for 50th anniversary of the publication of *Anatomy of a Murder*
- Partner-host of book event celebrating Michigan's County Courthouses
- Commissioned reproduction of Isaac Christiancy portrait for Senate; hosted dedication event

ARTIFACTS

- Recipient of letters, photos, and other historic items relating to the justices and/or the courts of Michigan including the ledger of Justice Allen Morse and the desk & chair of Leland Carr
- Coordinated with the State Archives to house the materials under the heading of "Michigan Supreme Court Historical Society"

ORAL HISTORY INTERVIEWS

- Recorded with 14 former justices
- Audio available through website
- Transcripts available via website

ADVOCATES GUILD

- Created in 2007
- Nearly 100 members today

- Semi-annual newsletter featuring profiles of great appellate advocates including former Justice Durand and D. Augustus Straker
- Telling the story of the Court from the “other side of the bench”
- Created Pewabic Pottery tile memorializing façade of Hall of Justice for members in 2010

RESEARCH

- Intern projects have included the following:
 - Research and writing for the Brief History of the Michigan Supreme Court
 - Research on the biographies of the justices for the Michigan Supreme Court Historical Reference Guide (both the current edition and the planned re-issue)
 - Index to Special Sessions charts
 - Index of Oral Histories (audio/text)
 - Women in the Law project
 - Bibliography project
 - On and Off the Court Chart
 - List of all former Court Clerks and Commissioners with dates of service
- Other published articles have focused on:
 - Justices as Governors
 - Justices as Authors
 - The First Decade of the Supreme Court of the Territory of Michigan (by Chardavoyne)
 - History of the Commissioners’ Office
 - History of the Criers’ Office
 - 1986 Election
 - Defeat of Bert Chandler
- Top Cases: The Verdict of History
- Judicial Selection. The history of Michigan’s election system for the Supreme Court.

PORTRAITS

- Worked with Court Curator to identify, locate, and catalog the portraits
- Commissioned the portraits of justices who had not had a painting done during their lifetime
- Coordinated with an art restorer to overhaul the portrait of Nathaniel Bacon, which was in shreds, and re-dedicate it to the Court
- Annual inventory of portraits and on-going restoration work