

BIOGRAPHICAL SKETCHES OF JUSTICES



**CHIEF JUSTICE
ROBERT P. YOUNG, JR.**

Term expires January 1, 2019

“Our goal is for Michigan’s judiciary to be a national model of efficiency and service to the public,” says Michigan Supreme Court Chief Justice Robert P. Young, Jr. First selected by his colleagues in 2011 to lead the Court, Young has been dedicated to transforming our state’s court system into a more efficient and customer-focused institution.

As Chief Justice, Young has promoted initiatives to measure judicial performance, track public satisfaction, adopt best practices, and implement technologies that expand public access, increase efficiency and boost productivity of trial courts. “You can’t get a cup of coffee without being asked to provide your opinion about customer service,” Young says. “I believe courts should take the same approach to consulting the public so that good work can be recognized and problem areas addressed.”

During tenure as Chief Justice, the Court has also been dedicated to “rightsizing” Michigan’s judiciary so that it costs no more than necessary for the efficient administration of justice. To this end, 25 judgeships have already been cut, saving taxpayers \$6.1 million over the past four years, and 15 more judgeship are slated for elimination. The cumulative effect will be a seven percent reduction in the total number of judges statewide and \$175 million in savings to taxpayers.

Young has also supported the implementation of innovative technologies to help courts work smarter. This includes a plan to install videoconferencing equipment in every Michigan courtroom, allowing thousands of hearings to be held in “virtual” courtrooms, saving transportation costs and avoiding the security risks of transporting prisoners. In addition, the Chief Justice is spearheading a critically-needed upgrade of case management systems for trial courts statewide. The roll-out of the state-of-the-art MiCOURT system will move critical files from aging mainframes to more modern systems, while helping court staff be more efficient and improve service to the public.

A graduate of Harvard College and Harvard Law School, Young joined Dickinson, Wright, Moon, Van Dusen & Freeman in 1978, becoming partner in 1982. He became vice president, corporate secretary, and general counsel of AAA Michigan in 1992, prior to joining the Court of Appeals in 1995. After joining the court in 1999, Young was elected in 2000 and reelected in 2002 and 2010 to a term ending on January 1, 2019.

Young has served on the boards of many charitable groups, including the Detroit Urban League, United Community Services of Metropolitan Detroit and Vista Maria, a resource center for abused and neglected young women and girls. A former commissioner of the Michigan Civil Service Commission, Chief Justice Young was a trustee of Central Michigan University, University Liggett School, and the Grosse Pointe Academy. He is a former chair of the Greater Detroit Chamber of Commerce “Leadership Detroit” program. In 1999, he was named “Alumnus of the Year” by Detroit Country Day School. Young had been an adjunct professor at Wayne State University Law School for more than 20 years and now teaches at Michigan State University College of Law.

The father of two sons, Young has been married to Dr. Linda Hotchkiss for 40 years.



JUSTICE
RICHARD BERNSTEIN

Term expires January 1, 2023

Justice Richard Bernstein became the first blind justice, elected by voters statewide, to the Michigan Supreme Court in November 2014. With a commitment to justice and fairness, Bernstein began his eight-year term in January 2015.

Prior to being elected to Michigan's highest court, Justice Bernstein was known as a tireless advocate for disabled rights as an attorney heading the public service division for The Sam Bernstein Law Firm in Farmington Hills, Michigan. Blind since birth, Justice Bernstein is a Phi Beta Kappa graduate of the University of Michigan and earned his juris doctorate from Northwestern University School of Law.

Committed to taking action to help clients who needed him, Justice Bernstein's cases often set national standards protecting the rights and safety of people with and without disabilities.

Among his cases in private practice, he represented the Paralyzed Veterans of America in partnership with the United States Department of Justice in an action against the University of Michigan to allow for safe access for disabled individuals when the university's alterations to the stadium failed to accommodate disabled visitors. The case helped establish guidelines that are used by all commercial facilities across the country.

He also successfully partnered with the United States Department of Justice to force the City of Detroit to fix broken wheelchair lifts on its buses, establishing a precedent for accessibility in public transportation. Further, Bernstein represented disabled residents against the Oakland County (Michigan) Road Commission after "roundabout" traffic circles were built without disabled access, impacting future compliance for road construction throughout the United States under the Americans with Disabilities Act of 1990 (ADA).

In a landmark settlement against Delta Airlines and Detroit Metro Airport, Bernstein gained accessibility for disabled fliers, helping set the standard for which airlines and airports are to be covered under the ADA. A proponent of education, he argued for, and won, preservation of special education funding throughout the state and filed a federal suit against the American Bar Association to put an end to its discriminatory practices toward blind students via requirement of the Law School Admissions Test. He also challenged the City of New York to make Central Park and all parks safer for visitors and accessible for disabled and visually impaired individuals.

Bernstein previously served an eight-year term on the Wayne State University Board of Governors, elected by voters statewide, serving as its Chair from 2009 to 2010. He also served as an adjunct professor in the political science department at the University of Michigan.

Honors Justice Bernstein has received include: "Michiganian of the Year" by the *Detroit News*, one of Crain's Detroit Business' "40 Under 40," and recognition on worldwide television by CNN as a leader in keeping government honest. He was selected by The Young Lawyers Section of the State Bar of Michigan as the 2003 to 2004 Regeana Myrick Outstanding Young Lawyer Award recipient for outstanding commitment to public service and is the recipient of the 2008 John W. Cummiskey Pro Bono Award from the State Bar of Michigan in recognition of his leadership as an advocate and activist.

Michigan Lawyers Weekly named Justice Bernstein a 2009 Leader in the Law and the University of Michigan presented him with the James T. Neubacher Award in 2011 for his unwavering commitment to equal rights and opportunities for people with disabilities. Also in 2011, L. Brooks Patterson, Michigan's Oakland County Executive, selected Justice Bernstein as one of the region's Elite 40 Under 40. In 2013, Justice Bernstein was inducted into the National Jewish Sports Hall of Fame.

In his spare time, Justice Bernstein is an avid runner, completing 18 marathons — including eight New York City marathons, the full Ironman triathlon in Coeur d'Alene, Idaho in 2008, and the Israman triathlon's half Ironman in Eilat, Israel in 2011. He also previously co-hosted a one-hour legal radio show called "Fighting for Justice" on WCHB-AM (1200) in Metro Detroit.



JUSTICE
MARY BETH KELLY*

Term expires January 1, 2019

Justice Mary Beth Kelly joined the Michigan Supreme Court in January 2011. Before her election to the Court in November 2010, she served as a judge on the Wayne County Circuit Court from 1999 to 2010, and worked as a lawyer and commercial litigation partner in the law firm Dickinson Wright in Detroit from 1987 to 1999.

Governor John Engler appointed Justice Kelly to the Wayne County Circuit Court in 1999. She was elected to that court in 2000, and reelected in 2002 and 2008. During her tenure on the Wayne County Circuit Court, the Michigan Supreme Court appointed Justice Kelly to serve for three terms as Chief Judge; she remains the only woman in history to serve as Chief Judge of that court. Under her leadership as Chief Judge, she joined with the National Center for State Courts to increase the racial diversity of the Wayne County jury pool. She also entered into deficit reduction agreements to ensure the long-term sustainability of the court's budget. She also led efforts to increase the size of the Court's Family Division and to improve the Friend of the Court system in Wayne County. Those efforts resulted in a doubling of the size of the Family Division and the implementation of the Friend of the Court's privatized call center.

Since joining the Supreme Court, Justice Kelly has authored several opinions of major public significance. She authored the Court's seminal interpretation of the Michigan Medical Marijuana Act in unanimous opinion of *People v Kolanek*, which provided much-needed guidance regarding the medical use of marijuana in Michigan. She authored the lead opinion in *Stand Up for Democracy v Secretary of State*, which held that a referendum petition strictly complied with the relevant provisions of Michigan's election law and, therefore, must be submitted to the voters for their consideration. She has also written significant opinions that protect the rights of children, among them: the majority opinion in *People v Likine*, which held that "impossibility," not simply the inability to pay, governs a defense to the crime of failure to pay child support, and a dissenting opinion in *People v Carp*, which would have applied retroactively the constitutional requirement that juvenile offenders must receive an individualized sentencing determination that considers the offender's youth, personal characteristics, and circumstances of the crime before being sentenced to life in prison without the possibility of parole.

Justice Kelly serves as the Michigan Supreme Court's liaison for treatment courts, drug courts, and veterans' courts. In January 2015, Governor Snyder appointed Justice Kelly as Chair of the Michigan Committee on Juvenile Justice. Recently, as Co-Chair of the Michigan Race Equity Coalition, she examined the need for the juvenile justice and foster care systems to improve policies and racial disparities in these systems through accurate and meaningful data. Justice Kelly has also served as Chairperson of numerous other statewide committees, primarily focused on child welfare and family matters, and has received awards for her work in child welfare issues. She has also taught Children and the Law as an Adjunct Professor at the University of Detroit-Mercy Law School and has served as an advisor to numerous non-profit organizations.

Justice Kelly graduated from the Notre Dame Law School (1987), where she was a Thomas J. White Center Government Scholar and the Managing Editor of the *Journal of Law, Ethics & Public Policy*. She graduated with honors from the University of Michigan-Dearborn (1984), where she majored in Political Science and History, was active in the Washington Internship program, and was an elected member of the student government.

Justice Kelly is an avid runner and resides in Grosse Ile with her son.

*Justice Kelly resigned effective October 1, 2015.



JUSTICE
STEPHEN J. MARKMAN

Term expires January 1, 2021

Stephen Markman was appointed Justice of the Michigan Supreme Court on October 1, 1999. Before his appointment, he served as Judge on the Michigan Court of Appeals from 1995 to 1999. Prior to this, he practiced law with the firm of Miller, Canfield, Paddock & Stone in

Detroit.

From 1989 to 1993, Justice Markman served as United States Attorney, or federal prosecutor, in Michigan, after having been nominated by President George H. W. Bush and confirmed by the United States Senate. From 1985 to 1989, he served as Assistant Attorney General of the United States, after having been nominated by President Ronald Reagan and confirmed by the United States Senate. In that position, he headed the Department of Justice's Office of Legal Policy, which served as the principal policy development office within the Department, and which coordinated the federal judicial selection process. Prior to this, he served for seven years as Chief Counsel of the United States Senate Subcommittee on the Constitution and as Deputy Chief Counsel of the United States Senate Judiciary Committee.

Justice Markman has authored articles for such publications as the *University of Michigan Journal of Law Reform*, the *Detroit College of Law Review*, the *Stanford Law Review*, the *University of Chicago Law Review*, the *American Criminal Justice Law Review*, the *Barrister's Law Journal*, the *Harvard Journal of Law & Public Policy*, and the *American University Law Review*. He has also served as a contributing editor of *National Review* magazine, and has authored chapters in such books as "In the Name of Justice: The Aims of the Criminal Law," "Still the Law of the Land," and "Originalism: A Quarter Century of Debate."

Justice Markman has taught constitutional law at Hillsdale College since 1993. He has traveled to Ukraine on two occasions on behalf of the State Department, to provide assistance in the development of that nation's post-Soviet constitution. He is a Fellow of the Michigan Bar Foundation, a Master of the Bench of the Inns of Court, and a member of the One Hundred Club. He has spoken before hundreds of youth, civic, charitable, and legal groups throughout Michigan and nationally, and has coached Little League baseball and basketball. He lives with his wife Mary Kathleen in Mason, and has two sons, James and Charles.

Justice Markman was reelected to the Supreme Court in 2000, 2004, and 2012. His present term expires January 1, 2021.



JUSTICE
BRIDGET MARY MCCORMACK

Term expires January 1, 2021

Justice Bridget Mary McCormack joined the Michigan Supreme Court in January 2013. Before her election to the Court in November 2012, she was a law professor and dean at the University of Michigan Law School. Since joining the Court, Justice McCormack continues to teach at the Law School as a Lecturer.

Justice McCormack is a graduate of the New York University Law School, where she was a Root-Tilden scholar and won the Anne Petluck Poses Prize in Clinical Advocacy. She spent the first five years of her legal career in New York, first with the Legal Aid Society and then at the Office of the Appellate Defender, representing over 1,000 clients in New York's trial and appellate courts. In 1996, she became a faculty fellow at the Yale Law School.

In 1998, she joined the University of Michigan Law School faculty. At Michigan Law, she taught criminal law, legal ethics, and various clinical courses. Her scholarship focused on the professional benefits of clinical legal education. She also created new clinics at the law school, including a Domestic Violence Clinic and a Pediatric Health Advocacy Clinic.

In 2002, she was made Associate Dean for Clinical Affairs. Responsible for the continuing development of the law school's practical education, she continued to expand the clinical offerings at Michigan Law School, launching a Mediation Clinic, a Low-Income Taxpayer Clinic, an International Transactions Clinic, a Human Trafficking Clinic, a Juvenile Justice Clinic, and an Entrepreneurship Clinic. In her capacity as professor and associate dean, she conducted and supervised many types of civil and criminal litigation at all levels of the state and federal courts. The University of Michigan Law School's clinical programs are now recognized nationally as one of the best places to be trained as a lawyer.

In 2008, then-Associate Dean McCormack cofounded the Michigan Innocence Clinic, in which students represent wrongfully convicted Michiganders. The clinic has exonerated seven people so far, and has shined a light on the important justice issues underlying wrongful conviction. In 2010, McCormack won the "Justice for All" Award for the Clinic's work, and in 2011 the Washtenaw County Bar Association gave her the "Patriot Award." In 2012, she won the Cooley Law School's "Distinguished Brief Award" for the best brief filed in the Michigan Supreme Court during the term. Also in 2012, the Justice Caucus presented her with the Millie Jeffrey Award and the Washtenaw County Women Lawyers recognized her with the Mary Foster Award. In 2013, Justice McCormack was honored with the Hon. Kaye Tertzag Purple Sport Court Award.

Justice McCormack currently chairs the Supreme Court's Limited English Proficiency Implementation Advisory Committee and participates with a number of professional organizations including the American Bar Association Access to Justice committee, the American Bar Association Working Group on Pro Bono and Public Service, the advisory board of the National Consortium on Racial and Ethnic Fairness in the Courts, the judicial elections committee of the National Association of Women Judges, and serves as a board member of the National Board of Legal Specialty Certification. In 2013, Justice McCormack was elected to The American Law Institute, the leading independent organization in the United States producing scholarly work to clarify, modernize, and improve the law. In 2014, Justice McCormack was appointed by the U.S. Department of Justice and the U.S. Department of Commerce's National Institute of Standards and Technology to a newly-created National Commission on Forensic Science. The Commission's charge is to work to improve the practice of forensic science by developing guidance concerning the intersections between forensic science and the criminal justice system and work to develop policy recommendations for the U.S. Attorney General, including uniform codes for professional responsibility and requirements for formal training and certification.

Justice McCormack is married to Steven Croley, also a lawyer and law professor, currently on leave from the University of Michigan Law School to serve as General Counsel to the U.S. Department of Energy. They have four children in the Ann Arbor public schools and enjoy frequent family trips to west Michigan.



**JUSTICE
DAVID F. VIVIANO**

Term expires January 1, 2017

David F. Viviano is the 109th Justice of the Michigan Supreme Court. He was appointed by Governor Rick Snyder on February 27, 2013.

Justice Viviano previously served as Chief Judge of the 16th Judicial Circuit and Macomb County Probate Courts, upon his appointment by the Supreme Court in 2011. He was first elected to the Circuit Court in 2006 and served in the court's Civil/Criminal Division. He was reelected without opposition in 2012.

Justice Viviano has participated in a number of initiatives to improve the administration of justice. In 2008, Judge Viviano was one of a small group of judges chosen by the Supreme Court to test reforms to the jury system in Michigan. At the conclusion of the pilot project, the Supreme Court adopted a number of these reforms, which are now being used by judges throughout Michigan. Because of their efforts, Justice Viviano and his colleagues received the 2012 G. Thomas Munsterman Award for Jury Innovation from the National Center for State Courts.

Justice Viviano has also advocated for technological innovation in the court system for better public service. He led the Macomb Circuit Court's e-filing pilot project, working with the County's Information Technology Department and outside vendors. In addition to streamlining court operations, the e-filing project improved the court's ability to manage electronic data and share it with external users, including the public and other units of government. Justice Viviano also expanded the court's use of videoconferencing to conduct court hearings more safely and efficiently and at less cost to taxpayers.

Before becoming a judge, Justice Viviano worked at two nationally recognized law firms, Dickinson Wright PLLC in Detroit and Jenner & Block LLC in Chicago. He then founded his own law firm in Mt. Clemens, Viviano & Viviano PLLC, where he concentrated his practice in commercial and criminal litigation, zoning, and real estate law. Justice Viviano also served as City Attorney for the City of Center Line.

Justice Viviano received his Bachelor of Arts degree from Hillsdale College and his Juris Doctor from the University of Michigan Law School. He is a member of the State Bar of Michigan, the Macomb County Bar Association, the Italian American Bar Association, and the Illinois State Bar Association.

Justice Viviano and his wife, Neran, live in Sterling Heights with their four children.



JUSTICE
BRIAN K. ZAHRA

Term expires January 1, 2023

Justice Brian K. Zahra was appointed by Governor Rick Snyder to the Michigan Supreme Court on January 14, 2011. The people of Michigan subsequently elected him in November 2012 to a partial term and then reelected him in November 2014 to a full term.

Justice Zahra received his undergraduate degree in 1984 from Wayne State University. To finance his education, he opened and operated a small health and personal care retail store in downtown Detroit. Justice Zahra later opened a grocery outlet, also in Detroit, with two partners. In 1987, he graduated with honors from the University of Detroit School of Law, where he served as a member of the Law Review and as Articles Editor of the State Bar of Michigan's *Corporation and Finance Business Law Journal*. Upon graduation he served as law clerk to Judge Lawrence P. Zatkoff of the U.S. District Court for the Eastern District of Michigan before joining and eventually becoming a partner in the law firm of Dickinson, Wright, Moon, Van Dusen & Freeman. In 1994, Governor John Engler appointed him to the Wayne County Circuit Court where in 1996 he was elected to a six-year term. In December of 1998, he was appointed to the Michigan Court of Appeals by Governor Engler. He was elected to six-year terms in 2000 and 2006. From December 2005 to January 2007, he served as the Court of Appeals' Chief Judge Pro Tem.

Justice Zahra has served on many professional and legislative committees, including the Michigan Civil Jury Instructions Committee, the Circuit Court Appellate Rules Committee, the Domestic Violence Legislation Implementation Task Force, and the advisory committee for the Michigan Judicial Institute Domestic Violence Benchbook. Justice Zahra also served on the Michigan Board of Law Examiners, which drafts and grades the examination that law school graduates must pass in order to become licensed attorneys. He is currently a Senior Fellow of Law and Public Policy at the University of Michigan, Dearborn campus. He previously served on the adjunct faculty at the University of Detroit-Mercy Law School.

Justice Zahra has been active in many civic and charitable organizations, including Boys and Girls Clubs of Southeastern Michigan, Kiwanis Club International, Leadership Detroit, the Knights of Columbus, the Maltese American Community Club, and the Maltese American Benevolent Society, of which he is a past officer. He is a former board member and officer of the Catholic Lawyers Society, and past officer of the Federalist Society, where he currently serves as a member of the Advisory Board to the Michigan chapter.

Justice Zahra resides in Northville Township with his wife Suzanne and their two children.