

February 20, 2020

ARTICLE

Supreme Example: An Interview with the Chief Justice of the Michigan Supreme Court

The Honorable Bridget Mary McCormack shares her wisdom about service, justice, leadership, and . . . AirPods.

By Emily Wessel Farr

Share this:



The Honorable Bridget Mary McCormack is the chief justice of the Michigan Supreme Court, a position she has held since January 9, 2019, after serving on the Michigan Supreme Court since 2013. Since 1998, she has taught at the University of Michigan Law School, where she was named the associate dean of clinical affairs in 2002. Chief Justice McCormack cofounded the Michigan Innocence Clinic in 2008 and has won numerous awards for her efforts to improve the justice system. Last month, she received the American Board of Trial Advocates Judicial Lifetime Achievement Award, and her former student Emily Wessel Farr interviewed her about her path to success.

Q I read that your father served in the Marines, and your mom served this country too, as a social worker. It struck me that your career blends the disciplines of both and I'm wondering what impact your parents have had on your career.

A That's such an interesting question. I never thought of it that way, but I think there is a lot to it. My parents were kind of different from one another, but both pretty strong forces in their kids' lives. My dad is pretty much a law-and-order, right-and-wrong kind of guy. He has a strong sense of justice. My mom was the kind of person who would bring home somebody who lost their home and all of a sudden there would be another person living in our house. I think we learned a lot from their example and their values, which were actually far more consistent than inconsistent, just sort of expressed differently.

Q Before you were chief justice of the Michigan Supreme Court, before you were justice, before you were a law professor, you worked as an attorney in the Office

of the Appellate Defender in the Criminal Defense Division of the Legal Aid Society. What drew you to criminal law?

A Most lawyers practice on the civil side, though in recent years there are more and more law students interested in being public defenders and there has been a little bit of an uptick in the interest in the criminal justice system and the new and innovative ideas around it. I did a little bit of work in college with juveniles in the juvenile detention center in Hartford, Connecticut. The idea of 13-, 14-, 15-year-olds being incarcerated had a big impact on me at that time. And so, when I went to law school, I spent my summers working in criminal law settings. I spent my first summer at a small firm in San Francisco that did criminal defense as well as some civil rights work. I spent my second summer as a public defender in Harlem. Those experiences hooked me. I thought it's super-interesting, super-important, super-hard, and I thought I might be able to make a difference. I never thought much about any other option, to be honest.

Q When we first met, you had four young kids. When you look back on those years, do you consider your life to have been balanced—which is an overused term—crazy, or something in between?

A If it's a scale, closer to crazy than balanced. But I would say I feel like the whole work-life-balance metric is a trap. First, nobody asked my husband that question. Over the course of my career, there were definitely times where my career demanded more of me and my kids got a little less, and there were times when my kids demanded a little more of me and I think my career got a little less. My oldest kid had epilepsy and was hospitalized a lot when he was in fourth and fifth grades. I spent a lot of time at the University of Michigan Hospital during that time. My colleagues covered for me in the clinic, and I think I was probably a less good law professor that year. And the year I was running for statewide office, I was a less present mom. But I hope, over the course of my career, I've been pretty good at whatever work I was doing and a pretty good mom. I hope it balances out over the whole big picture. If you are trying to figure it out in the day-to-day or even the week-to-week or year to year, you can drive yourself crazy.

Q What lessons do you take from parenthood and apply in your career, either as a judge or as a professor, or both?

A That's a good question too. I feel like your relationship with your kids is wonderful for your career because nobody has the ability to push you and test you like your kids do. It's hard to figure out how to give them what they need to make them thrive and then ultimately leave

you. A parent's job is interesting: Love this person more than anyone else you love in the world with the goal of hoping he leaves you one day, right? If you are successful as a parent, your kids will grow up and leave you. It's the weirdest relationship. But it's true of students too. I feel like that also with law clerks. When I have mentor relationships with law students or law clerks, the goal is to, hopefully, grow their skills and values and set them off to do great things. I feel like that's one of the lucky things I have going for me in all of my jobs. I get to work with a lot of super-talented, smart young people who are going to go do good things and I hope I have a little bit of influence on them. And I think I have a little bit on my kids. I think they seem to be doing all right.

Q You joined the Michigan Supreme Court in January of 2013 and in 2019 became the chief justice. What has the transition been like from a member to the leader of the court?

A I need about five more hours in every day. The court's decision-making function, which is the function most people are familiar with, we do by committee. The seven of us make every decision collectively. But in addition, the administrative role is significant, because in Michigan, the supreme court is charged with administering all of the courts of the state. There are 242 trial courts throughout the state, so we have a large and talented administrative staff that work in the court and report to us. They are all providing support, training, data, and all kinds of tech services to citizens throughout the state, and delivering the promise of equal justice in every community around the state. It's that part I find really, really interesting and satisfying and also overwhelmingly time-consuming. It's on the administrative side of the job that we get to, I think, make really important improvements to the court system.

I've been chairing a task force with the lieutenant governor, which is bipartisan and manned by state and county representatives and law enforcement to figure out why Michigan jail populations are overcrowded and what we're going to do about it. Just today, we took a vote on our recommendations and we have overwhelming support for some really robust changes to the systems that govern our jail populations. It's the administrative part of the job that lets me make what I think are big-picture changes to the system that might make a difference to more people, in a way, than any case we decide. So I love it, even though it's a lot.

Q I had a bumper sticker in high school: "Women make great leaders. You're following one." Do you think there's something about women that makes them great or just different leaders, or maybe there's no gender difference at all in your experience?

A I love all of my male colleagues. They are great. For the first time since I've been on the court, I have two women colleagues; I only had one until this last January, when Justice Megan Cavanagh was elected. I think it might just be my generation and this might change from generation to generation, but women in my generation are especially good at multitasking, managing, and the administrative parts of the job. I find my two women colleagues are extremely effective at getting many different tasks done simultaneously. They are always asking: "What else do you need help with?" "What can we do?" They both manage a lot at home and they are natural collaborators and managers and they're incredibly talented. I'm very grateful to be their colleague.

Q It's sort of like the adage, if you want something done, ask a busy person. So I find too the busier I am with stuff at home, I'm more efficient at work. It makes you a machine.

A Definitely, yes.

Q Michigan Law's clinical program is exceptional in no small part thanks to you. The Innocence Clinic in particular is a beacon of hope for the wrongfully imprisoned. As chief justice, your work on behalf of the most vulnerable continues. What are the most effective ways attorneys, on a criminal or civil side, can help to make the system more just?

A One of the big projects I spend a lot of time on is to figure out how to meet the demand of the many people who have legal needs but can't afford lawyers. As you know, the Constitution says that people charged with crimes are entitled to lawyers, so the county appoints them or the state appoints them, depending on the system. But frankly that doesn't mean that those lawyers who are appointed aren't overworked and underpaid and that there aren't gaps in that system needing to be filled in by people who are willing to give a little extra time. There are. In fact, I sometimes think it's some of these specialty areas where it would be wonderful to have the help of firms that want to donate some time, lawyers who want to donate some time. For example, lawyers in public defenders' offices often have to confront issues around forensic science, and to do a really effective job on some of those issues would take so many more hours and so many more resources than they probably have in any given case. This is the type of project that would be wonderful for pro bono help to step in on the criminal side.

On the civil side, it is unlimited what we could use help with. I announced the Justice for All Taskforce last spring for Michigan, and right now we are doing a statewide inventory of what

resources we have in every pocket of the state for people with civil legal needs who can't afford lawyers. We have great legal services offices here or there, but some of them do only certain cases. We've never done an inventory. We know we have gaps: Eight out of 10 people with legal needs can't afford a lawyer, so we know that lots of people show up to court on very important cases without lawyers. They have to represent themselves. Once we've done that inventory, we want to have a strategic plan in place that, within three years, we can achieve 100 percent access. And by that, I don't mean that everybody gets a lawyer. That's not going to be possible. But I do mean everybody gets either enough information from a self-help website, or perhaps limited legal services, or at least legal counseling or maybe a non-lawyer navigator so that when they have to go to court, they are prepared and can be heard. And when we move forward, we will need the help of many in the profession to achieve our goal. We already have not only lawyers but also some businesses in Michigan stepping up with an interest in funding counsel in eviction cases. For example, Ford is working on funding a right to counsel for eviction cases in Detroit. This is one of the areas where we could do some interesting public-private partnership work to do better by the very many people who have important legal needs and can't afford lawyers.

Q You're chief justice, you're married, you have four kids. You are still teaching and writing, you are permitting people like me to interview you, and in addition you make a lot of time for community organizations. I always see you championing others on LinkedIn and also marketing what the court is doing on LinkedIn. Do you have any secrets for time management that you can share?

A I think one of the great advantages to being lawyers and judges is that we sometimes do have some flexibility. So if there's an important thing that a kid has or a parent has, I can usually figure out how to make time for that, even if it means working in the evening or the weekend. And I'm sure you already know all about that. I do try and keep some habits that feel like they are healthy for me. You know, I need to work out, I need to sweat a little bit, not because I'm any kind of superathlete, but because it's for my mental health.

I have to do a lot of work on the phone and I can do that walking. AirPods are my spirit animal. I get a whole lot done on the phone while just walking and doing a million other things. Whenever I get in sort of bad habits, and if I haven't worked out in a couple days, I see that it costs me in my productivity and I'm not as good at what I do. I have to step back and remind myself that getting a good night's sleep and getting up early and getting on my bike or throwing on my running shoes is going to make me a better judge, a better supervisor, a better colleague, and a better parent for the rest of the day, so I try.

Q My final question for you, which you just touched on, is what are the things you enjoy doing just for you?

A Exercise is definitely one of them. I really like to ride. I have a stationary bike in the house, but I like to ride my road bike with my husband in west Michigan, and I think I like that more than anything else in the world. The problem with that, of course, is winter. But there really is nothing I like better than being on a road bike in west Michigan for many hours at a time on a Saturday or Sunday morning.

Emily Wessel Farr, who interviewed Chief Justice McCormack for this article, is a partner at Gould and Ratner in Chicago, Illinois.

Copyright © 2020, American Bar Association. All rights reserved. This information or any portion thereof may not be copied or disseminated in any form or by any means or downloaded or stored in an electronic database or retrieval system without the express written consent of the American Bar Association. The views expressed in this article are those of the author(s) and do not necessarily reflect the positions or policies of the American Bar Association, the Section of Litigation, this committee, or the employer(s) of the author(s).

ABA American Bar Association |

</content/aba-cms-dotorg/en/groups/litigation/committees/woman-advocate/articles/2020/winter2020-supreme-example-an-interview-with-the-chief-justice-of-the-michigan-supreme-court>