

Michigan Lawyers in
HistoryMichigan Lawyers in History--Judge Cornelia G. Kennedy:
First Lady of the Michigan Judiciary

by Derek J. Sarafa

Judge Cornelia G. Kennedy is the "first lady" of the Michigan judiciary—literally. As the first woman appointed to the federal bench in Michigan, and just the fourth woman in the United States to be appointed a federal district court judge, she is a true pioneer among women in the federal judiciary. She has received honors and awards too numerous to list for her prolific contributions not only to the federal bench, but also to the Bar, the state of Michigan, and to women across the country.

When Cornelia Groefsema was born to Elmer and Mary Groefsema on August 4, 1923, in Detroit, she was also delivered into the bosom of the law. Her father was an accomplished lawyer in Detroit, and her mother later became a law student at the University of Michigan Law School. When Cornelia was just nine, her mother, then a second-year law student, died prematurely. Elmer Groefsema then raised his daughters himself, and he "instilled in them a deep love of the law."¹

By the time she was a teenager, Kennedy's interest in the law was apparent. As a high school senior, Kennedy was so intrigued by the election of the first female judge in Michigan, Lila Neunenfelt, that she asked her father to arrange for her to interview the judge for her school newspaper. She did, and it was a moment that Kennedy would not soon forget.

Upon graduating at the top of her class from the University of Michigan Law School, Kennedy served as a law clerk for the Honorable Harold W. Stephens, Chief Judge of the United States Court of Appeals for the District of Columbia Circuit. This commenced a series of impressive "firsts" for Kennedy, who was the first woman to serve as a law clerk at that prestigious court.² Upon completing her clerkship, Kennedy entered into private practice in Detroit with her father and later with the law firm of Markle & Markle.

In 1965, after 18 years as a practitioner, Kennedy set her sights on the judiciary. "I was doing a lot of work in the courts," Kennedy said, "and figured I could do as good a job as some of the judges. My husband said, 'if that's what you want to do, let's do it.'"³ Encouraged by husband Charles, Kennedy mounted a campaign for the Wayne County Circuit Court with her own money and the help of friends and relatives. She lost by less than 100 votes. The next year she ran and won, becoming the third woman elected to a court of general jurisdiction in the state of Michigan. With the victory, Kennedy joined Lila Neunenfelt in robes on the circuit court.⁴

Kennedy excelled at the post, and just four years later President Nixon appointed Judge Kennedy to the United States District Court for the Eastern District of Michigan. "I knew many of the judges, and they were very helpful," said Kennedy of her reception on the federal bench.⁵ The only problem, reported Kennedy, was that "the judges' meeting room did not have windows, and most of the judges, even the noncigar smokers, would smoke cigars at every meeting."⁶

Little did she know it at the time, but Judge Kennedy would be running those meetings in just a few years. In 1977, after serving as a district court judge for seven years, Judge Kennedy ascended to the rank of chief judge of the Eastern District. She was the first woman to become a chief judge of a United

States District Court.

Two years later, President Carter nominated Judge Kennedy to the United States Court of Appeals for the Sixth Circuit. During her confirmation hearings, an awestruck Senator Orrin Hatch commented, "by damn you have a lot of qualifications[.]"⁷ He was right. During her tenure as a state circuit court judge and federal district court judge, Judge Kennedy was the director of the Detroit Bar Association, a member of the Judiciary Conference of the United States, and chairperson of the National Conference of Federal Trial Judges—and she was the first woman to hold every one of those positions.⁸ Judge Kennedy surpassed this impressive list of accomplishments while on the Sixth Circuit, when she also served on the Judicial Conference's Advisory Committee on Codes of Conduct, the Board of Directors of the Federal Judicial Center, the Supreme Court Fellows Commission, and as a founding member of the National Association of Woman Judges. In 1985, President Reagan appointed Judge Kennedy to the Commission on the Bicentennial of the United States Constitution, where she served for seven years. After 13 years on the Court of Appeals, Judge Kennedy presided over the first all-female, three-judge panel to sit as an appellate court in the circuit.⁹

All of the while, Judge Kennedy excelled at her most important task—judging. She "furthered the cause of justice by her unwavering determination to follow the law and apply it evenhandedly to all who appeared before her. She has been a role model for other judges, but more importantly, she has been the kind of judge that inspires public confidence in the judiciary."¹⁰ Each day, she set out to give each case individual attention. She never compromised her integrity, "never succumbed to popular or political expediency," and she "made difficult decisions while applying equal justice."¹¹

During her time on the bench, Judge Kennedy not only exhibited a superior sense of fairness and judgment, but also humanism and civility. She has been consistently regarded as "polite, courteous, and solicitous of others in her relations with attorneys, her colleagues, and court staff."¹² Every day, Kennedy eats lunch with her law clerks, "so that we can have time to talk about something other than cases and to get to know each other better."¹³ Judge Kennedy also publishes a newsletter to introduce her newest clerks to the Kennedy alumni and report the comings and goings of former clerks.

Judge Kennedy has received the highest praise for both judiciousness and civility from a group of people that, as all lawyers know, are the most difficult to satisfy and impress—her peers on the federal bench. The praise for Kennedy from her colleagues is endless. Judge Ralph Guy, also of the Sixth Circuit, said of Kennedy:

*There is no doubt that her reputation for scholarship and her even judicial temperament are without peer. The bench and bar hold her in the highest esteem. Attorneys are delighted to appear before her, and other judges eagerly seek her counsel.*¹⁴

Long-time colleague Judge John Fiekens of the Eastern District referred to her as "a treasure in our federal judiciary."¹⁵

Perhaps the highest praise for Kennedy comes from the land's highest court. In 1981, Judge Kennedy was one of just two judges seriously considered to fill the vacancy on the Supreme Court caused by the resignation of Justice Potter Stewart. The spot ultimately went to Sandra Day O'Connor, who recently wrote of Judge Kennedy:

*She has been a shining example to women across the land in every area. Her work on the bench has been marked by excellent analysis overlaid by common sense. Her volunteer service has spanned every aspect of legal service. She has been a wife and a mother, and a friend and mentor to countless young lawyers, both male and female. She has been a most impressive model for me for a very long time. She is deserving of the highest tribute for her splendid service on the bench for more than 30 years.*¹⁶

Footnotes

1 Remarks of Judge John Fiekens, Federal Bar Association Rakow Award Lunch, November 9, 1999.

2 Incidentally, Kennedy's sister Margaret was the first woman to serve as a law clerk on the Sixth Circuit Court of Appeals.

3 Interview with Judge Cornelia G. Kennedy, April 6, 2000.

4 Judge Kennedy proudly noted that her sister Margaret Schaeffer became a judge in 1975. Judge Kennedy and Judge Schaeffer believe they are the first sisters to be judges in the United States. The third Kennedy sister, Christine, received her doctorate from the University of Michigan in Economics, and was the President of Oakland Community College, Auburn Hills Campus.

5 Interview with Judge Cornelia G. Kennedy, April 6, 2000.

6 *Id.*

7 Selection and Confirmation Hearings of Federal Judges, Hearings Before the Senate Judiciary Committee, 96th Congress, First Session, p. 129.

8 *Id.*

9 Circuit Judge Alice Batchelder and District Judge Anna Diggs Taylor (former chief judge of the Eastern District of Michigan) were the other two members of the panel.

10 Letter from Judge Ralph B. Guy to the Devitt Distinguished Service to Justice Award, January 4, 1999.

11 Selection and Confirmation Hearings of Federal Judges, Hearings Before the Senate Judiciary Committee, 96th Congress, First Session, p. 127-28.

12 Letter from Judge Gerald E. Rosen to the Devitt Distinguished Service to Justice Award, February 5, 1999.

13 Interview with Judge Cornelia G. Kennedy, April 6, 2000.

14 Letter from Judge Ralph B. Guy to the Devitt Distinguished Service to Justice Award, January 4, 1999.

15 Remarks of Judge John Fiekens, Federal Bar Association Rakow Award Lunch, November 9, 1999.

16 Letter from Justice Sandra Day O'Connor to Derek J. Sarafa, April 11, 2000.



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