

He got his first job in an Upper Peninsula law office by winning a wrestling match in a bar. His new employer, who had lost the wrestling match, went missing shortly thereafter and turned up several months later in a house of ill repute in Hurley, Wisconsin, leaving Mike in charge of the office. He once settled a case for an iron miner by threatening to subpoena an entire shift, which would have shut down the mine. He obtained a federal grant to build the first non-secure detention facility for juveniles in the state of Michigan and later was horrified that the county board of commissioners might name it after him when he retired: “All my life I’ve worked to do what’s best for kids, and now they want to name a kids’ jail after me.”

Hon. Michael F. DeFant was my predecessor as Marquette County probate judge. He practiced during the time when there were not many lawyers in the Upper Peninsula. Some of them, including Mike, were legendary. He served as probate judge in Marquette County from 1959 through 1976, when he went into semi-retirement. I had the privilege of knowing him from 1972 until his death in 1986.

Mike was a proud Tyrolean, an ardent Democrat, and an avid outdoorsman. His wife, Geri, came to the Upper Peninsula as a labor organizer. She was sent to Ishpeming to try to organize the workers at Gossard Corset Company after several other organizers had failed. Geri succeeded, with Mike’s help, and they decided that such a successful partnership should continue. Geri later became a county commissioner, but she was always ‘Madame DeFant’ to Mike at home.

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As a young legal services lawyer, and later as an assistant prosecutor, I found myself attracted to Judge DeFant’s court. He had assembled a progressive young staff who were committed to the principle of rehabilitation. The police called them the “Mod Squad,” after a popular television show that featured a group of idealistic young police officers.

Some of Judge DeFant’s ideas still sound familiar. In 1970, he got a federal grant for a program called “Delinquency Modification through Education.” It was an alternative education-type program that probably would still receive funding if the grant application was resubmitted today.

Judge DeFant

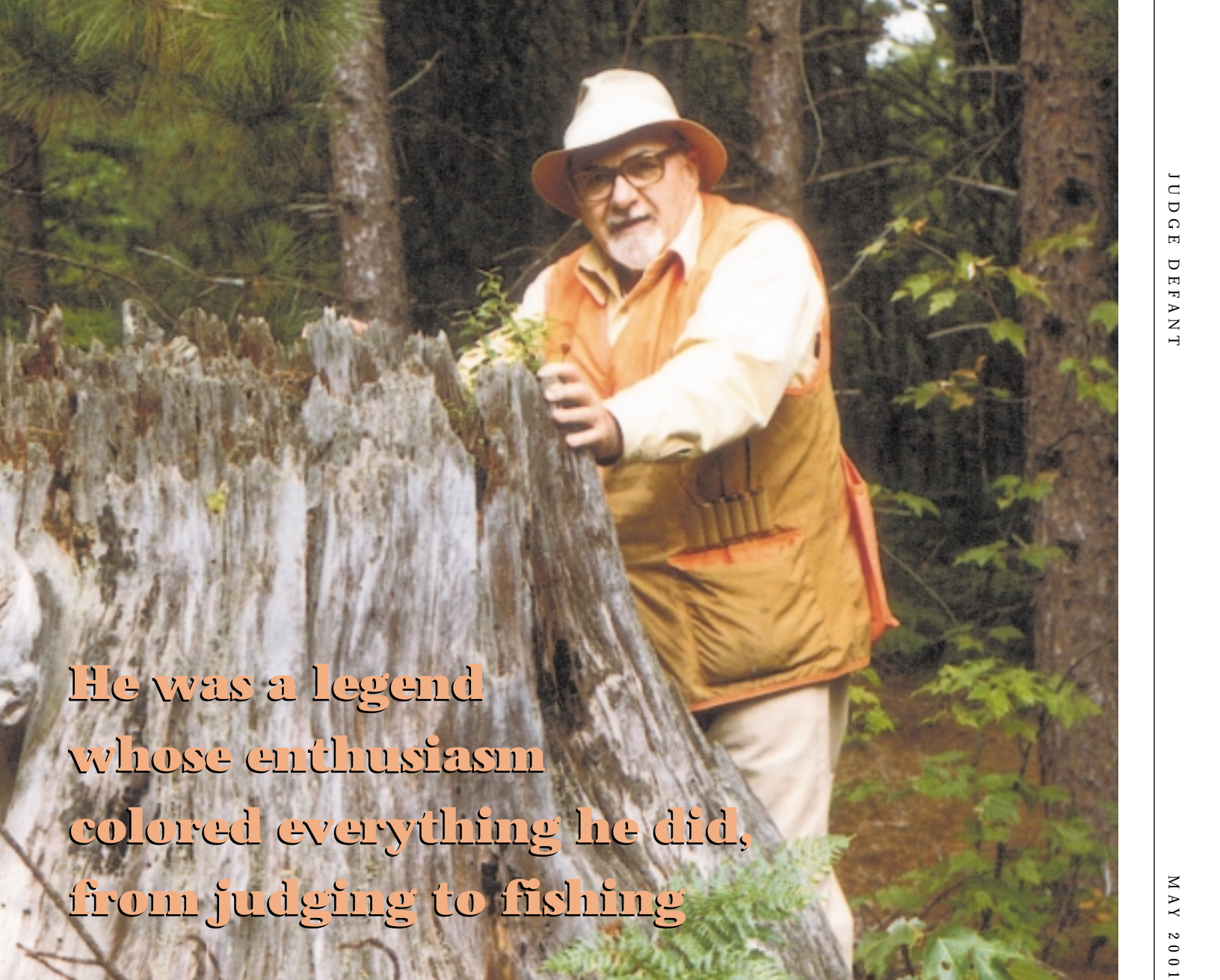
By Michael J. Anderegg



Practicing in Judge DeFant’s court was a unique experience. In those days, probate courts in many counties were part-time, so most courthouses, including ours, did not have a probate courtroom.

We held court in the judge’s office, lawyers on either side of a table pushed against the judge’s desk, witnesses at the end. Judge DeFant sometimes called on spectators to find out what they might know about a case, to the dismay of lawyers who were used to presenting admissible testimony. There was a spittoon behind the judge’s desk, and he used it even during court proceedings. When I was elected probate judge, my friends gave me a spittoon, too, and told me if I was going to be probate judge, I’d have to learn to chew. I haven’t yet.

Judge DeFant was famous for his booming voice—we always said nobody within two blocks needed a telephone to talk to him. In fact, one of his contemporaries in the Michigan Probate Judges Association, in a waggish poem describing various Association members, referred to him as, “DeFant, whose mighty voice/Shakes this world to its very joists.” He wasn’t hard of hearing; he was just enthusiastic.



He was a legend whose enthusiasm colored everything he did, from judging to fishing

His enthusiasm extended to some traditional U.P. outdoor activities. He did some fishing—he once confided to me that he used to fish with Johnny Voelker when Voelker still fished with worms—but his real loves were mushroom gathering and grouse hunting. He refused to speculate about why the mushrooms grew where or when they did; it pleased him enough to be able to be in the woods looking for them, and finding some to eat was an added bonus.

For the last five or six years of his life, he and I hunted together on opening day of grouse season. We took a charcoal grill, a bottle of Chianti, and a loaf of Italian bread. In the morning we'd shoot some woodcock, and at noon we'd grill them for lunch and drink the Chianti. In the afternoon, it didn't matter much what we did; the day was made. If I'd had any sense then, I'd have tape-recorded some of his attempts to teach me one or two Tyrolean drinking songs.

Mike is gone now, but I think of him often. He was a kind of surrogate grandfather and mentor rolled into one. From him I learned that passion and judging are not mutually exclusive, but one can inform the other.

I still have some of his things. After he died, Geri asked me if there was anything of his I wanted. I took his cavernous old canvas knapsack and a piece of bent wire with some cloth straps attached. "What is that?" Geri asked. "None of us knew." I said, "It's the cradle Mike used to keep his shotgun across his chest, so it would still be handy, but he wouldn't have to carry it." I'm hoping I'll be fortunate enough to need it someday: to try to follow Judge DeFant's example in the outdoors as I have in the judgeship, with enthusiasm so strong that it overcomes everyday limitations. ♦

Judge Michael J. Anderegge has served as Marquette County probate judge since 1977. He is a graduate of Harvard University and the University of Michigan Law School. Before being elected to the bench, he served as staff attorney for Upper Peninsula Legal Services and as chief assistant prosecutor for Marquette County. Since 1998, he has also served as presiding judge of the Family Division of the Marquette County Circuit Court.