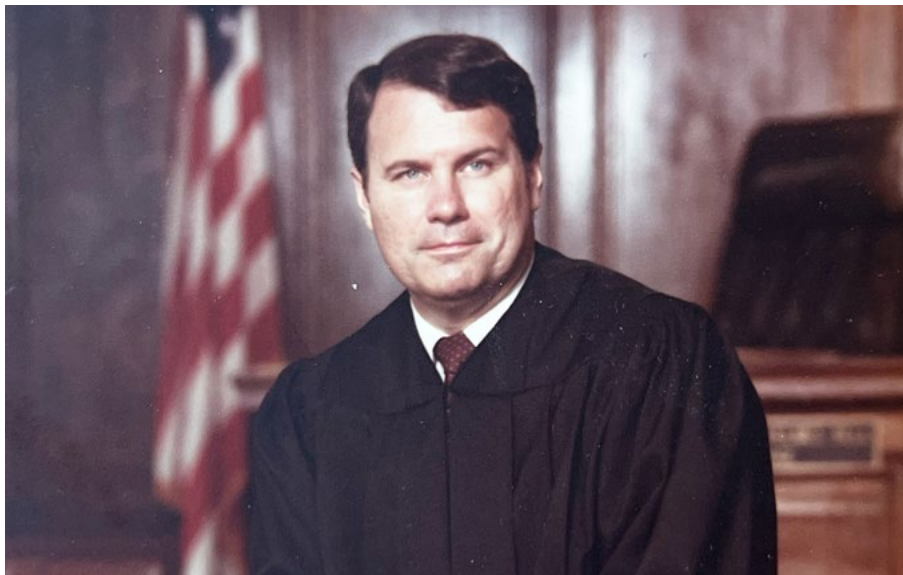


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THE JOURNAL OF  
THE HISTORICAL SOCIETY  
OF THE UNITED STATES  
DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MICHIGAN

# STEREOSCOPE



## Remembering the Honorable Robert Holmes Bell A Servant of the Law

Over a half-century ago, I had the opportunity to watch Rob Bell prosecute his first felony case. It was in the Ingham County Circuit Court. I was a law clerk for the trial judge and Rob was a relatively new assistant county prosecutor. But it wasn't long before he was a judge on that bench himself.

After serving a half-dozen years on the district court in Mason, Judge Bell was elected to the circuit court in 1978. In 1987, he became a U.S. District Judge. Having become a jurist at the young age of 28, just three years out of law school, he was following a career path similar to that of a judge in a civil law country, serving almost the entirety of his professional life on the bench.

It was a good choice for Judge Bell and it was a good choice for us. Judge Bell's quiet and formal persona in the courtroom told you that you were in a Court of Law, indeed a Temple of Justice, where you would be heard in a calm manner and justice would be

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rendered fairly and impartially. You were to conduct yourself accordingly. His professionalism was what we rightfully expect from our judiciary, and will be a model for others as long as he is remembered.

He was a proud and true servant of the law. We were all the better for it. We were fortunate to have had him, and blessed to have known him.

The following collected memories from those who knew him well provide wonderful insight into this man of faith, family and justice.

—Hugh W. Brenneman, Jr.  
U.S. Magistrate Judge (Ret.)  
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## Memorial Resolution of the United States Court of Appeals for the Sixth Circuit

### In Honor of the Honorable Robert Holmes Bell

United States District Judge  
Western District of Michigan  
1944 - 2023

On June 8, 2023, the United States District Court for the Western District of Michigan lost its friend and colleague, the Honorable Robert Holmes Bell, who served his community and his country on both the state and federal bench with unwavering dedication for 43 years.

Judge Bell grew up in a modest home on the banks of the Red Cedar River in a small town in central Michigan. He enjoyed swimming and fishing in the river and playing hockey on it when it was frozen. He often spent summers working on a family farm. He became the “man of the family” at the tender age of eight after losing his father to cancer and his brother later in a tragic accident. The midwestern values that Robert learned in his formative years – family, faith, and hard work – provided a rock-solid foundation evident in everything he did.

Judge Bell was born on April 19, 1944, to Preston and Eileen (Holmes) Bell and grew up in Williamston, Michigan. He excelled athletically and scholastically at nearby Okemos High School and attended Wheaton College in Illinois. He was not only a track star and president of his class, but he also met there his lifelong love, Helen Ruth Mortensen. After graduating from college in 1966 with a B.A. degree, Judge Bell entered Wayne State University Law School, graduating in 1969 with a J.D. degree. After his second year in law school, he and Helen married.

Judge Bell began his legal career in 1969 as an Assistant Prosecuting Attorney for Ingham County, Michigan. He rose to become Chief Trial Attorney in less than three years. In 1972, Judge Bell took the unusual step of challenging a sitting judge who was up for re-election in a district court in the county. The incumbent was heavily favored despite having been censured by the Michigan Supreme Court for inappropriate conduct. Rob and Helen both thought that the community deserved better, and they ran a vigorous campaign to unseat the judge. Judge Bell won the election by a surprising 2-1 margin and took the bench on January 1, 1973. (Actually, he took over an empty office. The former judge had removed all of the furniture. But Judge Bell had a folding table and was in business.) He would spend the rest of his career as a jurist.

In 1978, Judge Bell was elected to Michigan's 30<sup>th</sup> Judicial Circuit Court in Ingham County, which at that time also doubled as Michigan's Court of Claims. Judge Bell handled a full load of cases from both courts and, in addition, served as a visiting judge on the Michigan Court of Appeals. During his tenure as a circuit judge, he championed the historical restoration of the courthouse in Mason, the county seat, and taught as an adjunct professor at Michigan State University and Thomas M. Cooley Law School (now Western Michigan University). He also lectured at the National Judicial College in Reno, Nevada.

Nine years later, Judge Bell's breath of experience, his judicial demeanor, and his outstanding reputation among the members of the Ingham County Bar led to his appointment as a federal district judge. In 1987, President Ronald Reagan nominated him to succeed the Honorable Wendell A. Miles, who was taking senior status. As part of the selection process, Judge Bell underwent a screening procedure that included an interview by a 27-member review panel, a developing idea in judicial appointments at the time. Judge Bell took the oath of office on August 6, 1987. After completion of a new federal courtroom in Lansing, Judge Bell presided in his native Ingham County until moving to the Grand Rapids courthouse in 1990.

From 2001 to 2008, Judge Bell served as Chief Judge in the Western District, a sprawling 49-county area spread over two peninsulas. As Chief Judge, he oversaw the transformation of the court's traditional paper docket to an electric case management system. But in addition



*Judge Bell and family*

to handling the administration of the court, from 2005 to 2007, Judge Bell was the only active judge on what was supposed to be a four-judge court. Confirmation of the three new judges was stalled in the Senate. Along with Senior Judge Gordon J. Quist and the magistrate judges, as well as occasional visiting judges, Judge Bell took charge of the entire docket, circling the wagons and waiting for the cavalry to arrive.

Judge Bell's judicial responsibilities reached beyond western Michigan. He was regularly designated to sit on the 6<sup>th</sup> and 9<sup>th</sup> Circuit Courts of Appeal. In addition, he served for six years on the Criminal Law Committee of the U.S. Judicial Conference, including a 3-year appointment as Chair by Chief Justice John Roberts, commencing October 1, 2010. Judge Bell was also a lecturer at the Federal Judicial Center and became a Distinguished Professor of Law at the Cooley Law School in Grand Rapids.

The diversity of Judge Bell's federal court cases ranged from river cleanups to death penalty murder cases. He handled them all with the skill and aplomb earned through years of experience on the bench. He supported the district's embrace of alternative dispute resolution in the 1970s, but unlike some colleagues who enjoyed personal engagement in settlement negotiations, Judge Bell preferred being a catalyst for the parties' own engagement. He demonstrated this in the Kalamazoo River case by encouraging the defendants and their attorneys to generate novel solutions for cleaning up PCBs in the river and establishing regular monitoring procedures and targets to accomplish that goal. The result was a highly successful cleanup of the Kalamazoo River to the benefit of the community.



In the Huron Mountain Club case in Michigan's Upper Peninsula, Judge Bell was faced with the competing interests of a substantial copper and nickel mining operation employing over 300 people, and a nearby private club. The club owned 19,000 acres of forest land, including an 11-mile stretch on a local river, and feared that mining waste would pollute the river and wetlands. Club members included many prominent Michiganders. The case was controversial and high profile. Judge Bell's ruling denying injunctive relief was unanimously upheld on appeal.

Bell was well-known for running a no-nonsense courtroom that prized propriety, followed rules, and expected meticulous preparation from lawyers. He was the archetype of literature's wise jurist: professional, courteous, formal, and eminently fair, always a reliable arbiter for those seeking justice. He commanded an organized court but did so with a soft voice. He was perceived as conservative but remained open-minded and always eager for thoughtful argument. He understood human frailty and tempered his sentences with appropriate mercy.

Judge Bell considered himself bound by where the law led him, and not by his own preferences. This was the proper role of a jurist. Elected officials had the right and duty to make policy. He would apply those policies even when he personally disagreed with them. This is what his oath required and what the people expected in a democratic republic.

He appreciated the majesty of the law. He believed that formal and orderly courtroom proceedings were essential to conveying that majesty to the participants. He felt that he worked in a reverential place that dispensed justice and modeled fairness. Judge Bell was, observed a fellow judge who knew him well, "firm, fair, and always in control of the courtroom." His values, his teaching, his role in the community, coupled with his near half-century in the courtroom, made him the paradigm of an accomplished jurist. He was proud to be a public servant, with all that implied, and adamantly worked in all matters to leave things better than he found them.

Outside the courtroom, Judge Bell's life was committed to his family and his faith. He was active in his church and particularly enjoyed teaching Sunday school. He kept an open Bible on his desk in the privacy of his chambers, a testament to his strong faith. But he didn't believe Biblical or other religious trappings had any



*Photo Credit: Prestige*

place in the public areas of the courthouse. When you hold a public office with a constituency that includes all faiths, championing one particular faith in the courtroom would be a misuse of office.

The faith that Judge Bell and Helen shared was unmistakable and a contributing influence in the lives of all three of their children. Two of his children went into the ministry.

Judge Bell carried his work ethic into retirement. There was always a project that needed doing in the house, with the car, or at the cottage. For years, the Bells vacationed on a small lake in the Upper Peninsula. It began as a small cottage but under Rob's loving care it expanded to a treasured family retreat. He did the woodwork, and personally installed the plumbing and wiring.

Michigan lawyers, through their state bar, twice recognized Judge Bell with prestigious awards. In 2002, he was presented with the Champion of Justice Award, reflecting his work as "a just, compassionate, and giving individual." And in 2017, he was honored with the Frank J. Kelley Distinguished Public Service Award. Judge Bell was also the recipient of the Hillman Award from the Federal Bar Association's Hillman Advocacy Program, in recognition of his commitment to developing trial lawyers, and the Lifetime Judicial Achievement Award from the American Board of Trial Advocates. He understood the necessity for judicial support of local bar

associations that worked to improve the practice of law in western Michigan and he was instrumental in forming the court's historical society.

Judge Bell passed away in Grand Rapids on June 8, 2023 at the age of 79. He is survived by his beloved wife and partner in life, Helen; their three children, Robert Bell Jr. (Kristen), Ruth Bell Olsson (Jeffrey Olsson), and Jonathan Bell (Lyndi); and six grandchildren, Robert III (Trace), Preston, Violet, Zinnia, Oskar, and Kagiso.

Now, therefore, BE IT RESOLVED that the Seventy-Seventh Judicial Conference of the Sixth Circuit, in session in Cleveland, Ohio, this 5<sup>th</sup> day of September 2023, pays tribute, respect, and appreciation to the memory of our esteemed friend and colleague, the Honorable Robert Holmes Bell, who served the nation and the Western District of Michigan faithfully and well.

BE IT FURTHER RESOLVED that a copy of this Resolution be preserved upon the records of this Conference and that a copy hereof be forwarded to the family as a testament of the affection and the admiration in which Judge Bell was held by his colleagues and the members of this Conference.

Respectfully submitted on behalf of the Court,

Hala Y. Jarbou, Chief District Judge

United States District Court for the Western District of Michigan\*

\* Many of the thoughts expressed in the Resolution reflect contributions gathered from Judge Bell's peers.



### Reflections from the Bell Family

*Throughout all of Judge Bell's family life there was always the consciousness that we are God's children and live in the protective shelter of God's love, and that, whether we live or die, we belong to Christ, who is Lord of all.*



*Judge Bell and Ruth*

### From Daughter Ruth:

**D**uring my freshman year of high school our family drove to Gulf Shores, Alabama, for spring break. Our sunburned bodies were heading home on I-65, my dad at the wheel, when we noticed a pick-up truck pulling a large trailer just ahead of us.

The wind had picked up, and we watched in horror as the trailer tilted and swayed across both lanes of the highway. In a sweeping instant the trailer flipped to its side and then – twisting the truck with it – they both slid across the road, then the shoulder, and proceeded down an embankment.

My mother immediately began praying out loud (her habit in times of crisis), and my dad – without pause – drove straight to the edge of the embankment, jumped out of the car with me at his heels, and scrambled down toward the steaming vehicle.

The underbelly of the truck was facing us like a wall of greasy metal and tires. Dad climbed all the way up this wall until he was standing on the driver's door and peering down into the cab. He managed to open the door skyward and extract the elderly driver.

The shaken man found his way to solid ground while pleading for his wife, who was still trapped inside. Dad crawled into the truck cab where the woman was held fast by her seat belt, her head dangerously close to the crumpled windshield. He lifted her out of the truck to safety.

We could hear the sirens of emergency vehicles careening in our direction. Whew! Help was on the way. The drama of this event resulted in the gathering of a small crowd on the shoulder of the highway. Instead of pausing to collect the accolades of a life saver, my father made a mad dash back to our car and proceeded to continue our drive home...as if nothing happened.

Days later when I saw his tennis shoes by the back door, I turned one of them over and saw that the rubber on the sole had melted into the shape of the truck axle.

My father was an extraordinary human. His presence loomed large in our home, in the courtroom, and in virtually every space he inhabited. He was both strong and tender; he took life seriously; he loved intensely.

He used to talk about the significance of the black robe he wore; he would speak of sliding his arms in the sleeves, zipping up the zipper, and pausing as he transitioned from his chambers to the courtroom. He was donning the apparel of someone doing serious work...often making decisions that had a life-or-death impact. My friends referred to my parents as “the Judge and Helen.” Clearly my father’s vocation was more than a job, it was a life calling - his identity in some respects. And for those who knew him, there was only one thing more important than his work or his family, and that was his faith.

He believed this incredible story of a creative and powerful God who so desperately wants to be in relationship with the created world and its people. He believed this God chooses to embody human skin in the person of Jesus in order to know us, save us, and demonstrate how to live – and serve – in this beautiful yet broken world.

When I say he believed, I don’t mean he mentally assented to a set of theological values or he said the “right things.” True belief is lived out in our actions. We demonstrate what we believe by how we live.

There is a passage in the Old Testament of the Bible, in the book of Micah, chapter 6 verse 8, that reads



*Granddaughter Zinnia, Judge Bell and Helen Bell  
at Grand Hotel, Mackinac Island*

almost like a court case. God is upset with the Israelites because they have not been just and honest and – in a sense - God presents God’s case. The prophet Micah is like the defense attorney speaking on behalf of the Israelites. The verse, Micah 6:8, was framed and always hung on my dad’s wall. It is really quite simple. We humans make this too complicated. God tells the Israelites – and instructs all of us – to do three things: seek justice, love mercy, and walk humbly with God.

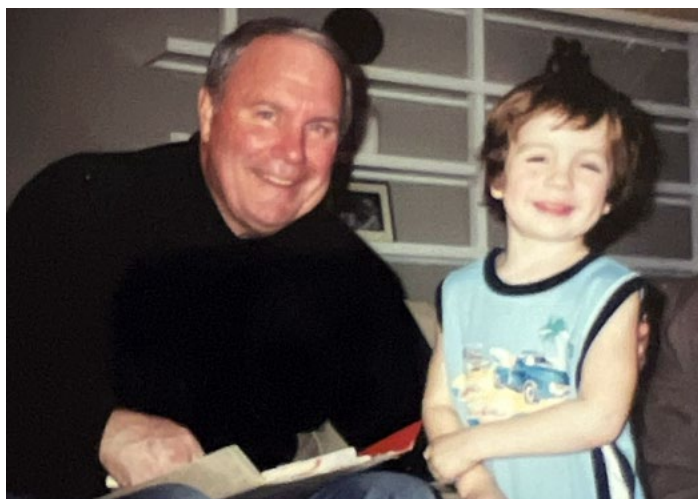
My father lived this verse. His desire to seek justice took him so far as to become a judge; his compassion and mercy are legendary. Did he walk with God? Absolutely.

May we all be inspired to do likewise. May we leave the world a better place because of our actions. May we drive to the embankment of life when we witness someone in need...we can always get a new pair of tennis shoes.

On Thursday, June 8<sup>th</sup>, my mom and I were with my dad, and we knew he was entering that liminal space where heaven and earth collide. Knowing this liminal space can extend for many hours or days, I decided to run a few errands and ensure that my family had what they needed. I had no idea that when I said goodbye I was speaking my last words to my father.

I leaned down close to my father’s face, I kissed his head, and I said “I love you, Dad.” Then I put my hand on his heart and pronounced these words over him: “May the Lord bless you and keep you. May the Lord lift up his countenance on you and give you peace.” Amen.





*With grandson Preston*



*With granddaughter Violet*

### **From Grandaughter Zinnia:**

I am Judge Bell's eldest granddaughter. Many called him Judge Bell, a few called him dad, but I am one of the lucky ones who called him Papa. It was one of his proudest titles. And like all of his titles, he took it very seriously. He was a hands-on Papa, a protector, teacher, great storyteller and a wealth of wisdom.

Papa always told us the best stories. He would read with conviction. He had big, bear-paw hands and he was a patter. We would choose a pile of books and cuddle right in as he patted our backs and read us as many books as we brought to him. The Hardy Boys were our favorites. As I got older, I used to ask him for his own stories, "real stories." I would ask Papa to tell me about the scariest bad guys he knew – the ones that came before him in court. Of course, Papa obliged. (I'm sure my mom loved this.) Imagine as a kid, knowing your grandpa locked up the "bad guys" in real life. He was a true hero, a superman, and a protector. No one messed with my Papa. And I mean – no one.

My Papa was the true embodiment of fearlessness. By this I mean that whatever you were afraid of, he would go towards it and reach for the scary, creepy thing that no one else would dare go near.

One summer at the cottage I was at the beach with Papa when a water snake came swimming towards me. As a little girl, this scenario was a manifestation of my nightmares. I looked at Papa in terror. Papa didn't hesitate for one second. He moved in front of me, reached

down, grabbed the snake, whipped it over his head like a cowboy with a lasso, and flung it into the woods behind us. Then he acted like nothing had happened. I was speechless, but I wasn't surprised. If my Papa was around, I didn't have to worry. He'd have my back.

Papa and Nana made a great team and were often the babysitting duo for my brothers, cousins, and me. However, one day only Papa was babysitting my brother Oskar and me. How did this come to be? I have no idea. But the truth was, we all could've used more supervision. Might I add, this was the one and only time Papa solo babysat us. Oh boy, did we have a memorable time!

As we played at Papa's house that day, he got a phone call – it was an emergency hearing at the court. We had to go and we had to go now. We got in his car quickly. Growing up we had lots of fond memories of visiting the court, but this visit was different! We went with Papa back into his chambers as he robed up. I figured that Oskar and I would play in his office while he was busy, but Papa knew just what to do. Instead, Papa told us to come with, and he said, "Whatever you do, do not make a sound."

As Papa walked into the court, Oskar and I crawled in with him. As he sat at the bench, Oskar and I were at his feet underneath his desk. I remember the gavel hitting the desk above our heads. Oskar and I suppressed our giggles while not letting out a single "peep." I remember thinking to myself, these people have no idea there are two little kids under here!



Papa had a seriousness to his personality both at work and at home, but when it came to Christmas presents all of that went out the door. For us kids, he frequented his favorite store, "Kent Novelty." It was a novelty store that only carried the classiest inventory such as: fake poop, fake throw-up, fart spray, and even fluffy

pink earmuffs he brought me for Christmas when I was a teenager. He would frequently gift taxidermied animals as well, and not just any animals – piranhas, skunks, and jackalopes – the weirder, the better. We never knew what surprise Papa had in-store or where in the world he could have possibly found it. We had many, many laughs over the years, but no one laughed harder than Papa. For a man so serious, the good old fake poop prank got him every time.

As my Papa slowly lost his memory, he didn't lose this. Our last Christmas at home, he had come bearing gifts. We still had no idea what we would discover when we tore back the wrapping paper. One of my gifts from him was a package of yogurt-covered raisins. On the package he had written, "I wobble when I roll." I read it out loud, we looked at each other, and he burst out in laughter. I don't know what was better, his laugh or the joke itself. This is how I had felt every Christmas with him, from the first Christmas I can remember to the last.

My childhood memories are marked by Papa and Nana's house where I slept over countless nights and weekends. Several times I remember going into the kitchen for breakfast and Papa coming in to lecture me about not making my bed. I thought to myself, I just woke up, give me a break, I haven't eaten breakfast yet. I swear one of his favorite phrases was "you know what YOU should do..." and if you didn't, he would tell you. I listened to this lecture many times until I started making the bed right when I woke up - it is the easiest way to set yourself up for success. One small act can clear your mind and give you a sense of accomplishment before the day has begun.

Today, this is the first thing I do to start my day. And, I hate to admit it, but Papa was right. Papa always did what he could to set me and others up for success, even if we didn't want to hear it.

For my whole life my Papa had many endearing names for me, not all of which I was a fan of, like "Zinnie Poo." But the name he called me over and over again was "my pride and joy," and, I want you to know, Papa...he was my pride and joy.



*With Rob Jr.*

### **From Son Rob Jr:**

To sum up my father in a few minutes, I have to set up a story. He loved house projects, cottage projects—he loved them all. It was his idea of a vacation.

One summer he thought he was losing the sand from the beach, so he had sand delivered to the top of our cottage driveway. After working all day in court, he took off his robe, and drove five hours to the Upper Peninsula. The next day he wheelbarrowed all the sand down the hill to the beach. He then jumped in the car and drove five hours home, got up in the morning to teach his Sunday school class, and was back at work on Monday. How was his weekend? "Oh, it was good, it was good." How many wheelbarrow loads? "I lost count at 100." This was his level of devotion to cottage projects.

He dressed in a sartorial duality: nice suit and tie every day. He believed that it was best to dress up a



*Cottage Construction**... And More Construction*

little from what was required. But when he came home he couldn't wait to change into old, comfortable, oil- and dirt-stained, sometimes torn, clothes. We were mortified. We wanted to make a fashion police citizen's arrest. He just smiled his 100-watt Rob Bell smile and said, "Well, there's a time for everything under the sun." The man went full Old Testament King Solomon on us.

He both loved and was frustrated by his experiences serving on many boards. On another note he complained about unmowed lawns, trash and car parts spread around a yard "like a dog's breakfast," he would say. He was a man of contradictions: the trial and the tractor, the bench and the barn, the court and the cottage; he was all of it.

We would be out getting groceries when I was a kid, and he'd say to the person checking us out, "Are you Derrick?"

"Yes."

"You and I were in the first grade together." He knew everyone's name, even after a long reception line, yet I don't think he could name any of the Beatles; he never turned on the TV.

There were vast worlds of curiosity he would explore and other things he wasn't interested in, and he was fine with it. When I was a kid I remember putting together a model car and reading on the box that it was made on a scale of 1:26. I suddenly realized if it were 26 times bigger, it would be an actual car! My father lived on an extra-vigorous scale of life. His personal life scale

crammed in more human experiences per square minute than most of us mortals ever do. My father knew at a deep level in his soul - pre-cognitive, pre-conceptual - that this life here is temporary.

Judge Robert Holmes Bell, my father, was a force of nature living in a giant world. He was so inspiring, a folk hero, and this is not an overstatement. He operated in the world of abundance rather than scarcity - he believed in a generative abundance. There is a seismic difference between believing there is good work to do and that we have all the time and resources we need to do it, compared to believing in scarcity where we must be careful because there is never enough. What we have will be taken from us because there is never enough.

My dad knew what could be taken from us in this life: for him at a very young age it was his father and his brother. He knew that this life is fragile and fleeting, but he chose to leave scarcity behind and build a big, beautiful life. He believed that while we are here, let's give it everything we've got. He didn't put a cap on things. For himself and for his children, he said find work that you love. This is possible. He lived it. He loved going to work, the people there, figuring things out. Those who worked with him knew my dad was a man who could be trusted. Even those of a different view knew where he came from, knew he could be trusted to be true to who he was, knew he showed up and brought his best self. He was not working an angle or seeking a larger scheme for power.



*Sitting on the L-shaped dock*

I am the son of a judge, and I know what it means to be a son of THAT judge. My father's time under the sun has come to an end and we were witnesses to it. And what a time it was.

### **From Son Jonathan:**

It's not lost on me that Dad was 39 years old when I was born, and I'm 39 years old today. My upbringing was entirely different from his, mainly because I had the luxury of having a dad in my life.

I grew up very aware that he carried a tremendous weight of trauma; memories of a tragic hunting accident that haunted him every single day of his life. He didn't talk about them and he never brought them up, but I could tell they were there.

I have enjoyed looking back at all he taught me about life, faith, and hard work...and have also enjoyed looking back at all the times we were in some random garage, or barn, or showroom, searching out used cars - that were a good deal; used water ski boats half a day's drive away - that were a good deal; and used 4wheelers for the trails at the cottage - that were a good deal.

Dad provided me with an incredible clarity for a lot of life both directly and indirectly. His razor's edge intensity, grit, and unbelievable work ethic were always on display. I quite literally could always know what Dad would think about anything and everything because he was, hands down, the most consistent person I've ever met.



*With Jon*

His continuous, relentless, never-ending zeal for work was emblematic in his countless projects at the cottage over the years. What was once a small, two-room cabin acquired before I was born later turned into a five-bedroom house complete with a bear-skin rug on the wall. While it was his place of refuge where he theoretically could relax and unwind, he filled his time with project after project after project. For most of my life, my summers invariably involved helping Dad with his cottage activities.

Work hard all day and achieve tremendous honors in the legal profession throughout his career? – Check. Build a deck at the cottage on his summer days-off, not letting up until you could land a helicopter on that thing? – Check.

The point is that whatever personal or professional goal posts I could set up for my own life, I've instinctively known that dad would cross that off by lunch and put a new roof on the garage by dinner.

One small project that he and I did together most summers was putting in and taking out the dock. His early docks were homemade and wrapped in green AstroTurf until one year he finally treated himself to an aluminum L-shaped dock that was hilariously easier to put in than the old wooden one.

Over the years that L at the end of the dock became his spot. He left a chair right there all summer long. We installed both a basketball hoop at the end of the L so I could dominate my nephews in water basketball,

and a bar of soap for lake baths. To me, the end of that dock was a spot unlike any other, free of the constraints, deadlines, and anxieties of life. I learned that place had special properties because of Dad.

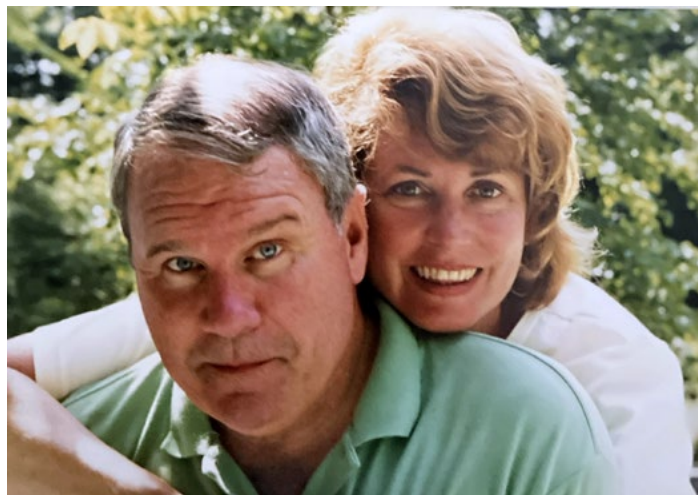
Sometimes Dad liked to join in on the fun. One time, my buddy Todd, the Hopper boys, and I tied together every single water-ski line we could find and made a ski rope that was at least 300 feet long. I then put on one of my grandma's sun dresses that she had left at the cottage. With this ridiculously long line, me wearing a dress and an old-school orange life vest that wraps around the neck – ready to strangle rather than save – and between bouts of laughter trying to keep it together, we asked Dad for a tow around the lake. He replied, “Does that boat have gas?”

With a big goofy smile on his face, he was in on the fun and proceeded to absolutely make my friends' and my day. When I could pry that humor out of him, it was the best. I could feel for brief moments that tremendous weight that he carried around all of his life come off his shoulders.

Some of my most cherished memories with him were right there at the end of the dock. Sometimes we'd be talking about nothing, sometimes I'd probe him for advice, sometimes it was just the two of us sitting in silence staring out over the water, listening to the loons call for each other. I'll cherish that time and those conversations for the rest of my life.

Shortly after he went on senior status with the Court, we all started to really pay attention to his periodic memory loss. I would ask him what he wanted to do with his newfound freedom, and he never really had an answer. I believe this lack of personal creativity absent his court work was due to his younger years being denied a horizon line out beyond what his background could have imagined for him. He wasn't allowed to dream, to imagine a life in which he could sit guilt-free on this dock all afternoon and not have to invent a project to accomplish.

I also believe that he simply didn't know what to do with his changing brain. On that dock at the cottage in the summer of '18, I asked him very pointed questions about his memory. He confided in me that he knew his memory wasn't what it once was, that he noticed it was changing. I'll never forget that conversa-



*Robert and Helen Bell*

tion with an extremely proud man, capable of so so so much, staring down something that terrified him so much that he could barely even talk about it. It was his worst nightmare. Then it slowly enveloped him, like Alzheimer's does to so many.

Dad, I love you, and I'll always cherish the world you gave me and the ability for me to find my own spaces at the end of the dock, wherever that may be.

### **From Helen Bell:**

Does one ever say good-bye? My husband and I knew each other for 59 years. He was an enormous presence in my life, a wonderful husband, a good man – a great man. He had boundless energy, vision, ambition, desire, fortitude, and the ability to keep going no matter what. He combined his capacity for work and willingness to work with a deep understanding of human nature. He could take great principles – legal, religious, organizational, political – and translate them into ordinary language. He had “command presence” such that people accepted his authority.

Rob was born serious. He looks like a judge about to issue a judgment in some of his baby pictures. He suffered heartbreaking losses in his growing-up years. He was taught to be a good person, a spiritual person, by following a strict list of do's and don'ts. But he still recognized injustice both when done to him and when done to others. He was able and willing to help others



along, especially if he was confident he actually could help. He was disciplined and organized.

His hand-written bench notes are chronologically bound in carefully-labeled boxes in our basement. Little by little we are cataloging his personal files. Rob enjoyed the same staff in his chambers for thirty years, and the consistency, loyalty, and friendship in this group are legendary.

His judicial assistant, Kim Briggs, is helping me with organizing and prioritizing the memorabilia that is now in our home. One day, as we were working together, Kim stopped in front of a file of speeches, teaching lesson notes, tributes, and lectures all handwritten on legal pads with Rob's blue-ink fountain pen. Kim held up a manila file and asked me, "Did he ever stop?"

"No. He never stopped working." He never stopped developing his mind, studying, seeking ways to address key issues in a speech, finding new ideas for a lesson in his Sunday school class, expressing clearly and with gratitude and appreciation another person's job well done.

And he loved to talk and we loved to talk together, all the time. We had family dinners every night with conversation around the table, which we never stopped. No surprise that our children like to talk too! But for me, I heard all about his day and his cases. I think I have a free law-school education through a question and answer, more questions, more possibilities format. Were we two peas in a pod, thinking alike on everything? Of course not. We enjoyed probing each other's minds and sharing our thoughts and observations.

He was a bundle of energy, never bored. He looked at life through the window of opportunity and possibility. He was happy to jump into some adventure cooked up by someone else. Being a firm believer in our Creator who loves us, the existence of right and wrong, the privilege of being a husband and father and grandfather, the importance of providing for us all, Rob was a most wonderful man. I am grateful beyond measure to have been his wife.



## Reflections From the Court Family

### Timothy Greeley, U.S. Magistrate Judge (Ret.)

**R**obert Holmes Bell became a District Judge in the Western District of Michigan in July of 1987. I was appointed to the Magistrate Judge's position in Marquette in January of 1988. Judge Bell attended my swearing-in during a snow storm that January day. It was the first time I observed his steadfast commitment to the Court's presence in the Upper Peninsula. That commitment never waned over the many years that followed.

Judge Bell was a man of strong convictions with an unwavering dedication to the court. As one of his colleagues remarked, he would have been happier had he been born in the 19<sup>th</sup> century. He would have flourished riding the circuit, dispensing justice with a firm, but even hand. He was not particularly fond of technology: he referred to his computer's mouse as a "rat." All he needed was a fountain pen and an 8 ½ by 14 inch yellow legal pad to dispense justice. I think it was in part because of his disdain for technology and his love of history, that he found his time in the Upper Peninsula rewarding and enjoyable. He was riding the circuit.

In 1982, Chief Justice Warren Burger banned the use of legal-size documents in the federal court. This was done as a storage cost-saving measure. But no order from the Chief Justice would dissuade Judge Bell from using his 14-inch legal pad.

In 1988 a mass murder occurred on a reservation in the Upper Peninsula. Four people were killed, all relatives of the perpetrator's spouse. Immediately following the killings, the perpetrator kidnapped his spouse and spent the next 10 days hiding in the woods of the UP. Upon his capture, the defendant faced trial in Marquette. The defendant waived his right to a jury, and a bench trial was held before Judge Bell. With his fountain pen and legal pad, Judge Bell took copious notes of the trial testimony. After a multi-day trial, the parties



*Judge Bell's Court Family*

rested. To the utter amazement of all present, without taking a recess and with the use of his notes, Judge Bell issued a comprehensive and unassailable opinion from the bench. Such was Judge Bell.

Several years later, Judge Hillman had a mute button installed on the bench in Marquette. The button allowed the judge to turn off the mic during side bar conferences, so the jury could not hear the discussion. On his next visit, Judge Bell discovered that the button's placement interfered with his use of a 14-inch legal pad. This was wholly unsatisfactory. As the deputy U.S. Marshal was leaving that evening, he heard a commotion in the courtroom and looked in. Standing on the bench with a hand drill and keyhole saw was Judge Bell. That button would be moved!

I will remember him as an extremely conscientious judge who did it his way.

### **Joseph G. Scoville, U.S. Magistrate Judge (Ret.)**

My memories of Judge Robert Holmes Bell begin in the mid-1980's, when he was an Ingham County Circuit Judge and I was a lawyer practicing in Grand Rapids. Somehow, I inherited a number of corporate state tax appeals, which were heard in the Michigan Court of Claims. In those days, the judges of the Ingham County Circuit Court sat as Court of Claims judges, so I had the pleasure of appearing before all of them in prosecuting these tax appeals. Without naming any names (*De mortuis nil nisi bonum*), suffice it to say that the judges of that court were decidedly a mixed bag of personalities. One judge was an open partisan for the state's position and greeted the taxpayer's arguments with undisguised hostility. At the other end of the spectrum, a judge with a slight anti-establishment streak delighted in torturing the Assistant Attorney General

with hypotheticals that challenged the validity of the entire state tax system. Another judge was clearly bored by the technical legal issues but viewed oral argument as an opportunity for judicial wise-cracks.

And then there was Judge Bell. Unlike the other Ingham County judges, who sat in the Lansing City Hall, Judge Bell sat in the historic, turn-of-the-century courthouse in Mason. The stately surroundings of the Mason courthouse were an apt setting for Judge Bell's judicial persona: formal, serious, and a bit stern. Lawyers learned quickly that they were to be thoroughly prepared, courteous to opposing counsel, and respectful of the court. Judge Bell let the lawyers present their case, listened attentively, and disclosed little immediate reaction, except for the occasional raised eyebrow in reaction to an implausible argument. After a hearing before Judge Bell, you knew that you had been in a court of law.

In 1987, President Reagan nominated Judge Bell to the United States District Court. After being confirmed by the Senate, Judge Bell had his investiture ceremony in Lansing at the Cooley Law School auditorium in July of that year. John Tully and I attended to represent our firm. After the ceremony, we made our way in the long line of well-wishers to offer our congratulations. When we reached the front of the line, Judge Bell's face broke out in a big grin. He exclaimed, "Grand Rapids!" and embraced us together in a big bear hug. I was surprised by this reaction, to say the least.

In the fall of the same year, I applied for the position of federal magistrate to fill the vacancy created by the retirement of Steve Karr. The District Judges interviewed the five finalists. I expected to be grilled by Judge Bell, the newest member of the Court and the only one that I did not know very well. But he said virtually nothing, deferring to the more senior members. When I was appointed to the position in January 1988, I was paired with Judges Hillman and Bell for all civil cases. I travelled to Lansing, where Judge Bell was then stationed, to find out how he wanted his cases handled. He greeted me warmly, showing me around his chambers and introducing me to his staff. This inaugurated a twenty-six-year period for which I was paired with Judge Bell and worked on virtually all of his civil cases.

In the summer of 1991, my wife and I hired young Rob Bell, Jr. (now a well-known religious writer and speaker but then an impecunious college student) to paint our house. During dinner one evening, we heard voices in our front yard. Looking out the front window, I viewed a United States District Judge steadying an extension ladder while giving advice to the young painter at the top about removing the shutters. Chagrined, I ran out and asked whether I could help. I was answered by the affable Rob Bell, Sr., who told me that everything was under control and that he was just lending a hand to his son. He spent several hours helping to paint the house. It's not everyone who can boast that his house was painted by a moonlighting Federal Judge.

The era of Judge Bell's service as Chief Judge was a momentous time for the Court. He assumed that office in 2001, when Judge Richard Enslen's term as Chief Judge ended. The next year, Judge Douglas Hillman, who had served as a Senior Judge for over a decade, was forced to retire because of poor health. This left a huge gap in the leadership of the Hillman Advocacy Program, the trial skills workshop created by Judge Hillman in 1981 and nurtured by him for over twenty years. The members of the Bar devoted to that program realized that the workshop would soon founder without strong judicial leadership. Dick Kay and I approached the new Chief Judge and asked him to fill this role. He told us that he did not support the program in its then current form. He viewed it as a vehicle to train young civil lawyers from the major law firms or the U.S. Attorney's Office, both of which could afford to send their associates to NITA or other trial programs. The real need, as he saw it, was to train criminal defense lawyers, who tended to practice alone or in small firms and had few natural mentors. He told Dick and me that, although he was not eager to add to his already heavy administrative burden as Chief Judge, he would assume judicial leadership of the program if we expanded its reach to include the criminal defense bar. The result was the addition of a criminal-practice section to the program, now a highly successful feature of the workshop for over twenty years. The program and the Bar owe Judge Bell a debt of gratitude both for his identification of this need and for his wise leadership of the Hillman Advocacy Program for the next decade.





*Judges David W. McKeague, Robert Holmes Bell, Richard A. Enslen, and Gordon J. Quist*

In the year 2005, midway in Judge Bell's term as Chief, the Court faced a perfect storm from the loss of Article III judges. The first loss was Judge David McKeague's elevation to the Sixth Circuit Court of Appeals. Judge McKeague, in addition to his excellent judicial service, had been a champion of innovation in our court on a number of fronts, including electronic evidence presentation and electronic case filing and management. Our loss was the Sixth Circuit's gain when Judge McKeague's long-stalled nomination was finally taken up by the Senate in June 2005 and approved by a 90-0 vote. Although he was eager to assume his new appellate duties, Judge McKeague felt loyalty and obligation to the district court, which he had served faithfully for over twelve years. He continued to serve as a district judge, by designation from the circuit, for a period of months so that he could sentence all criminal defendants who had been convicted before him, as well as decide all ar-

gued summary judgment motions. Ultimately, however, Judge McKeague left the district court for his new duties in Cincinnati, leaving over 250 civil and 50 criminal cases behind. Shortly thereafter, two district judges took senior status: Judge Richard Enslen (September 2005) and Judge Gordon Quist (January 2006). This left a single full-time district judge, Chief Judge Robert Holmes Bell, with the lion's share of the Court's docket and all of its administrative work.

The ensuing two-year period (which Judge Paul Maloney has facetiously labelled "The Troubles") was a stressful time for the Court. Senior Judges Enslen and Quist generously agreed to take well more than the usual one-quarter draw for senior judges, which provided immense relief. In addition, Chief Judge Bell spoke to his counterpart in the Eastern District, Chief Judge Bernard Friedman, who recruited several district judges to take over some of Judge McKeague's cases.

(Foremost among these Detroit judges was Judge Avern Cohen, who asked for—and received—every single patent case then pending in our court.) Judge Bell also asked the Magistrate Judges to shoulder greater responsibility in managing cases and in court administration.

But the greatest burden fell on Judge Bell, the only full-time Article III judge, who worked tirelessly through this period to keep the docket current and the administration of the Court on track. At one point, he handled virtually every criminal case then pending, as well as a double-draw of civil cases. Yet I never heard him complain about the workload, even once. This situation endured until the summer of 2007, when the Court welcomed Judges Paul Maloney, Janet Neff, and Robert Jonker. No one was happier to see them than Judge Bell, who continued to serve as Chief Judge for an extra year, until Judge Maloney became eligible to assume that office.

During the quarter century that we worked together, I came to understand Judge Bell's philosophy toward the law in general and judging in particular. He recognized liberty as humanity's greatest gift but realized that liberty, without a reasonable degree of order, could not be sustained. He saw law as the key to human flourishing, as it allows people to exercise their freedom in a society founded on principles of equality and justice. He agreed with Justice Cardozo's observation in *Palko v. Connecticut* (1937) that "ordered liberty" is a necessary condition for a productive and peaceful society. Just as people need law, so do judges. A judge's role is not to impose his or her own preferences on the litigants, but to know and apply the principles of justice and fairness established by others through the democratic process. A judge, in his view, exercised a sacred trust, accountable to the public certainly but ultimately to the Creator, the source of all justice. No wonder he took his position so seriously.

The United States District Court for the Western District of Michigan is a better servant of the law and of the public because of Judge Bell's thirty-year tenure. Rest in peace.



## Remarks by U.S. District Judge Robert J. Jonker

### Memorial Service

Mayflower Congregational Church  
June 16, 2023

Family, colleagues, friends and admirers of the Honorable Robert Holmes Bell, I am Bob Jonker and 16 years ago I had the privilege of joining Judge Bell's Court. To me it still feels in so many ways like Judge Bell's Court because he was a model and an inspiration for me and for so many of us, including those assembled here today in the black robes that we heard about Judge Bell wearing and what that meant to him.

It is my privilege and honor today to speak a few words in tribute to the Honorable Robert Holmes Bell. I have to tell you, I feel really inadequate to the task. I will try to do it in just three words.

The first word is "Reverence."

Local lawyers knew, and out-of-town lawyers eventually learned, that there were unwritten rules of practice for the Honorable Robert Holmes Bell, and they were just as important as the written rules. They included things like "show up on time," which really meant early. And, "be prepared." Of course, those are not too unusual for judges.

But Judge Bell's unwritten rules also included things like, in the days before electronic filing, when you signed a letter or a paper, you signed it yourself and you signed it legibly enough so that he could read your name.

They included things like the way you dressed for Court. If you were a man, you wore a nice suit and a carefully knotted tie. If you were a woman, it was a dress or skirt, and never a pantsuit.

They also included the very important point that when you were in Court and addressing the Court, the form of address was "Your Honor." Not simply "Judge."

It would be easy, especially if you were from out of

town, to mistake those kinds of rules as the need of a particular judge to feel puffed up, or to rise above all the rest of us and to in some way aggrandize himself. But that never had anything to do with any of those rules for Judge Bell. The longer you got to know and practice with or before Judge Bell, the clearer that became.

These were rules of reverence because for Judge Bell, as we already heard from others, when he put on the robe he was engaging in sacred work. He was engaging in the sacred task of handling the law - whether God's law or man's law - because for him those laws were equally important in the daily work he did. The judges, and the lawyers who came before them him to argue and apply those laws, were priests and priestesses engaged in sacred work. The courthouse was a temple of justice. And all of us had better dress and act accordingly. That's what drove those rules. He would have hated Zoom hearings.

I should say—this is something that struck me in looking at the two pictures in the program—some of those rules didn't really wear off when I became a judge. It took me ten years before I could call him "Rob." I still called him "Judge," which was as informal as I felt it should be. That's partly because this is the way we always saw him in Court [holding up picture of a formally dressed Judge Bell on the front cover of the memorial service program]. I can tell you I never saw him this way [holding up picture of Judge Bell in jeans with his tractor on the back cover]—not ever! Great picture though.

Second word: "Devotion."

He was devoted to public service. His whole life was public service. Young lawyers look forward to their first appearance in Court. And if you go to a big firm you hope to get that in your first few years of practice. By that time, Judge Bell had already won his first job on the bench—and he never left! For forty years, from age 28 on, he was on a bench somewhere in the judicial system. And from his appointment at age 43 by President Reagan in 1987, he was on the federal bench that we eventually shared.

But in forty years of public service, the thing that most amazed me is that he never lost sight of why he was there. It's easy when people call you "Your Honor" or "Judge," for even the 16 years people have done that to me, to start thinking that you're all that. But forty



years!? Yet in all those years his focus remained until the very end on serving the public. This is what got him started in the first place because the judge he was practicing in front of didn't show up on time and didn't tend to the duties of the office. And he believed the public deserved better than that.

In our own judges' meetings, his questions were never "what does that mean for me?" It was always, "is that good for the public?" Or, "does that reflect the right image for the Court?" And, "does it help the people we serve?" Those were the questions he raised throughout his career as judge.

It went beyond an abstract commitment to public service. It involved a very deep connection to the people he engaged with each day. It involved the people in his chambers, some of whom are with us today. When he was thinking about retirement his questions were not about "my courtroom" or "how will this affect me." I was Chief Judge at the time and so we had to talk about his plans. His questions were always about making sure his chambers people had a safe landing place before he made a decision to retire from active service.



And it went beyond just making sure that those chambers people—people like Kim Briggs, his judicial assistant for years and in some ways always his judicial assistant, still embracing and marshalling people in the foyer today - had things set at work. It was also seeing that their lives were as whole as they could possibly be outside of Court. So over time people like Kim became synonymous with family. People in chambers knew his caring was genuine and reciprocated. They became like a true family in that chambers, really something to behold.

This caring went beyond chambers and court staff. I was sitting in my office one evening when the cleaning people were coming through. This was shortly after Judge Bell retired. One came up to me, very distressed, and she heard that Judge Bell was not doing well. She wanted to know if that was true. I gave a pretty generic and unrevealing answer. She persisted. She said: “You know Judge Jonker, you’re ok, I like you. But Judge Bell is my favorite.”

I probed a little and found out a reason that Judge Bell was so important to her. When her life was in shambles, when she was in a personal crisis, this cleaning person for the Court came to Judge Bell - then Chief Judge of the District. Forty years on the bench. Helping the cleaning person. No wonder he was her favorite.

One other touch on devotion. We see lots of litigants come through our courts. We see lawyers from the U.S. Attorney’s office, the defenders, CJA people, lawyers from private practice. They are all important constituencies. But we see more prisoners than anything else. In the trial court that is a lot of what we do - we sentence people.

Judge Bell treated these prisoners as more than simply a constituency, but as a parade of individual human beings coming before him at one of the worst times of their lives. Of course he sentenced them, calculated guidelines and held them accountable. But more often than not he would take time during sentencing to engage them as individual human beings, to share some of his own personal experiences and challenges and tell them what he expected from them.

Then we would tell them to write him from prison and tell him how they were doing. And no matter how odd they may have thought that request from the person just sentencing them, they would write! And Judge

Bell would read the letters. He would write them back with a personal letter that he personally signed with a signature that everyone could recognize as his. That’s devotion to public service.

Reverence and devotion, and now the third word - and I had difficulty coming up with this one but ultimately settled on “Serenity,” and I will tell you why.

I do not mean serenity in the sense of some stoic, stock, milquetoast reaction that is the same for everything that happens. We know that Judge Bell had the full range of emotions including red hot rage sometimes—and I think I just heard a little laughter of recognition from someone who experienced it, as many of us did on occasion.

What I mean is much more active serenity. As I heard the stories from other speakers this morning, those are the examples of active serenity that I mean. A person who in a chaotic and unexpected - even life-threatening - situation stepped in confident and calm in his own heart, and then transformed the situation and the people around him into a place of safety and calm - whether cradling a two-year-old to protect him from falling bales of hay, or extracting people from a car accident that happened right in front of him.

That is the kind of active serenity we saw in different ways in Court, most famously in that rare death penalty trial, where a defendant punched one of his lawyers in open court. And as the chaos erupts, Judge Bell sitting quietly gets the jury to safety, restores order in the Court, and narrates what’s happening in calm and cool tones so the transcript for the inevitable appeal lets the Court of Appeals know exactly what happened. Then he goes on and completes the trial. That active serenity is not what most of us would have been able to do in that situation.

Of course, we saw that in other more mundane ways too. Lawyers would elevate voice and rhetoric and were about to go over the top. And then Judge Bell, without banging the gavel, without threatening sanctions, would be able to just sit there with his presence and his own centered calmness and reduce the temperature. It was almost Jedi-like: “You don’t really want to boil over the top.”

In preparing these remarks, I wondered to myself what accounts for that kind of active serenity in Judge Bell. It was not just some impersonal connection to

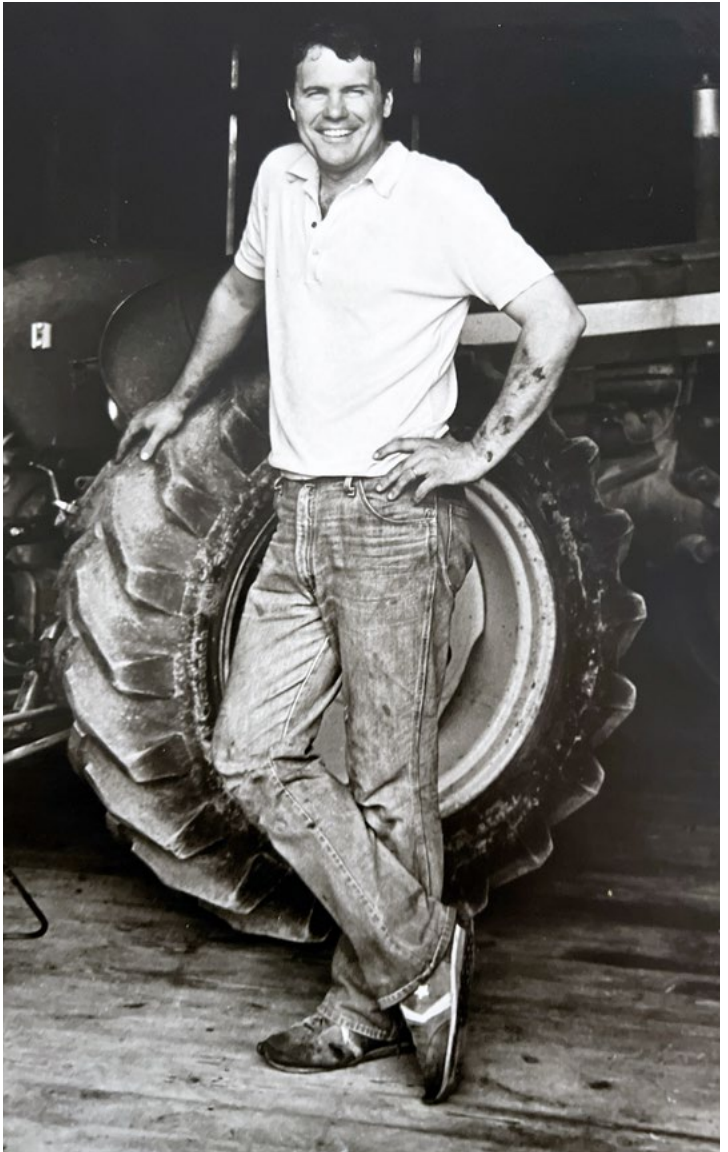
“The Force,” Jedi or otherwise. It was more like the old favorite, familiar, beloved hymn: *“When peace like a river attends my soul, when sorrows like sea billows roll, whatever my lot, God has taught me to say, it is well with my soul.”* As we just heard from the singers, *“Be still my soul.”* And Judge Bell could do that because he knew in his heart that all was well with his soul.

That kind of Platform allowed him to live the way he did in the Court with reverence, with devotion and with active serenity. He showed us this without preaching - he never preached to us. Instead, he lived it day-to-day with the reality of that quiet confidence that was molded into his fabric as a human being.

At the end of the day, these two program pictures [holding up the front and back program pictures] are of very different aspects of the Honorable Robert Holmes Bell. But the same person on the inside believed in his soul that God was holding him safely and securely wherever he was and whatever he was and whatever he was doing.

He set for us such an incredible example. I hope for all of us that are here and robed today, that we cannot just honor him today with our presence and tributes, but re-dedicate ourselves to our own commitment to faith and public service.

Thank you for being here to be part of this, because Judge Bell is and always will be a part of our Court.



Circa 1982, Photo Credit: Elbinger Studios



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