



Former Defender Mark Mitshkun Dies at 71

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By Robert C. Boruchowitz

Mark Mitshkun, who began his career as a staff attorney at The Defender Association in Seattle, became Civil Commitment Supervisor, and went on to teach in the legal clinics at Boston University and the University of Michigan, died in Dexter, Michigan, in May.

He was 71, and had battled lung cancer for a number of months.

Mark and I “grew up” together at The Defender, working closely together as staff attorneys in juvenile court and felonies. Mark had a deep commitment to his clients and a passion for justice. He was an effective trial lawyer. I once saw him do such a long closing argument in a juvenile case that I worried the judge was losing patience, but the judge found his client not guilty. Mark was one of the early participants in our 4-2-4 program, sharing two attorney positions with two other lawyers so they each could have four months off a year.



Almost every Friday, Mark and his wife Diane and my wife and I would have dinner and we began a deep friendship, sharing ideas, experiences, joys and sorrows. We met each other’s families and shared milestones with them.

When I became Director, I asked Mark to join the supervisor team, and he became a close adviser and led our efforts to challenge unfair treatment of civil commitment clients. He set a standard of excellence and a number of the lawyers he supervised went on to distinguished careers

in private practice and public defense. It was a great loss personally and to the office when he and Diane moved to Boston. He helped to inspire new generations of lawyers as he became a beloved and respected professor.

Mark was a dedicated and respected board member for the Fair Housing Center of Southeast and Mid-Michigan, serving for more than 20 years. Their executive director wrote, "Mark was the best board member. He worked to write and rewrite our personnel policies, he helped us make a million decisions about fair housing litigation, settlements, budget deficits, name changes, and fundraising events. He gave generously to the organization...Mark cared deeply about ending illegal housing discrimination and he showed it through the time, energy and resources he shared with us."

Mark was an accomplished fly fisherman, and spent hours tying flies in his backyard studio in Dexter. In recent years he became an avid bird watcher, and nourished blue birds in his backyard. He also loved golf, and when he joined me in D.C. to be at my Supreme Court argument, I had to ask him to turn down the Golf Channel volume so I could prepare in quiet. Mark had a great sense of humor, and that continued in his emails and phone calls even during his illness.

Mark and I shared a love of baseball, from watching the 1995 World Series on television to going to Mariners games in Seattle and Tigers games in Detroit. And in March he referred me to *The Battered Bastards of Baseball* on Netflix, telling me to watch it ASAP for my mental health.

My wife and I have had many glorious adventures traveling with Mark and Diane, including a trip to the Hopi mesas and exploring in Burgundy, Tuscany, and Venice. A year ago, we had a wonderful reunion with other Defender pals in Michigan, with a trip to Motown and lovely meals in Dexter. We had a great visit in Dexter in January, and Mark and I walked along the river and looked at birds.

Mark cherished his friends and family and went out of his way to support them. At Thanksgiving, a couple months after his diagnosis, Mark wrote:

If I died today, I would be the first to tell you that I have had an amazingly wonderful, and truly lucky life. I have lived like a king. I have lived in beautiful and vibrant cities on the west and east coasts, and in the places where I grew up. I have worked in dream jobs that were always focused on helping others. If I was not completely perfect in my work it was not for lack of trying and I always felt honored to be doing the work.

I have been so lucky to have found outside activities that have sustained me and brought me into contact with the natural world and its amazing wonders. I have seen things in nature that have seared themselves into my brain and made me truly appreciate the beauty and power of our planet.

And he wrote of the love he felt for and from his friends and family.

Mark was my first and longest-term Defender comrade, and he supported my work as my dear friend for 46 years. I miss him deeply.

Robert C. Boruchowitz is Professor from Practice, Director, The Defender Initiative, Seattle University School of Law, and was Director of The Defender Association for 28 years.

Contributions may be made to:

Fair Housing Center of Southeast and Mid-Michigan

P.O. Box 7825
Ann Arbor, MI 48107
fhcmichigan.org

American Civil Liberties Union

2966 Woodward Ave.
Detroit, MI 48201
aclumich.org

Colorado Trout Unlimited

1536 Wynkoop St., #320
Denver, CO 80202
coloradotu.org.