

**From:** Elizabeth A. Weaver  
**To:** Todd Berg  
**Date:** 12/12/2008 11:35 AM  
**Subject:** Re: Response to Justice Markman's comments

In response to your inquiry concerning Justice Markman's statement, I offer the following:

Yesterday, on December 11, 2008, this Court approved the minutes of November 13, 2008 with statements from Justice Weaver, Young and Markman. These statements can be found in the Clerk of the Court's office and my statement can also be found on my personally funded website: [justiceweaver.com](http://justiceweaver.com). (The minutes do not reflect that Justice Young followed his long-standing practice of abstaining from approving minutes since the May 21, 2008 administrative conference. The administrative minutes can be found in the Clerk of the Court's office at the Hall of Justice.)

Obviously I do not agree with the erroneous assertions of Justices Young and Markman in their statements.

Nevertheless I am pleased that Justice Markman is finally supportive of shedding some of the secrecy shrouding the Michigan Supreme Court. It is a step toward ending the secret club of the "majority of four" (Chief Justice Taylor, and Justices Corrigan, Young and Markman) and letting a little sunlight into the Supreme Court.

For more than two (2) years the "majority of four" has advanced a policy toward greater secrecy and less accountability. See my 2006 dissent to the adoption by the "majority of four" of the unconstitutional "Gag Order" (Administrative Order 2006-08), available on my personally funded website: [justiceweaver.com](http://justiceweaver.com).

I strongly believe that Justice Kelly's and my longstanding requests to open to the public the administrative operations of this Court will benefit the people of Michigan. As I have stated repeatedly, "An efficient and impartial judiciary is 'ill served by casting a cloak of secrecy around the operations of the courts.'" *Scott v Flowers*, 910 F2d 201, 213 (5th Cir 1990).

This statement will be posted on my personally funded website: [justiceweaver.com](http://justiceweaver.com).

>>> "Todd Berg" <[todd.berg@mi.lawyersweekly.com](mailto:todd.berg@mi.lawyersweekly.com)> 12/11/2008 3:12 PM >>>  
Justice Weaver,

I've received a written statement from Justice Markman, responding to your Dec. 2 dissent.

Do you wish to comment or respond?

Thanks.

Todd

Todd C. Berg

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