



MICHIGAN SUPREME COURT

ELIZABETH A. WEAVER
JUSTICE

May 9, 2007

To: Honorable Governor Jennifer M. Granholm
Senate Majority Leader Michael R. Bishop; Senate Minority Leader Mark Schauer
House Speaker Andy Dillon; House Minority Leader Craig DeRoche
Michigan Senate Members; Michigan House of Representative Members

Re: Michigan Supreme Court Justices' Concurrences and Dissents to the March 14, 2007 Approval of Minutes Concerning Rules for Disqualification of Justices

By email letter of March 20, 2007, I copied you my dissenting statement to the March 14, 2007 approval of minutes concerning Rules for Disqualification of Justices.¹ Attached is my further dissenting statement filed on April 17, 2007 responding to Justice Corrigan's concurring statement filed on April 3, 2007. On March 20, 2007, Justice Cavanagh filed his concurring statement to the approved minutes and specifically indicated that his approval of the minutes should not be viewed as indicating any inaccuracies in Justice Kelly's or my dissents. Justice Kelly filed her dissenting statement to the approved minutes on March 20, 2007. Justice Cavanagh's and Justice Kelly's statements may be found on page 2. Justice Corrigan's concurrence may be found on pages 18 through 20. My response to Justice Corrigan's concurrence may be found on pages 21 through 25.

What my response to Justice Corrigan's concurrence reveals is Justice Corrigan's and the other members of the majority of four's mistaken views applied to the handling of the administrative minutes. The current system of approving and recording minutes keeps secret from the people not only how and when the Court conducts the important administrative work of the people's judicial business, but what work is actually done. The people have a right to know what, when, and how we do the administrative work of the court, which involves such important issues as making Rules for Disqualification of Justices and adopting "gag rules" suppressing dissent, such as Administrative Order 2006-08 (AO 2006-08).

Justice Corrigan's concurrence to the adoption of the above referenced minutes, at length incorrectly and misleadingly attempts to justify the so-called "logic" of haphazardly producing and approving inaccurate, incomplete and untimely minutes for the Michigan Supreme Court administrative conferences, some of which are approved

¹ My dissenting statement pertained to the approval of minutes on March 14, 2007 for the Michigan Supreme Court administrative conferences of March 1, 2006 (over one (1) year later), March 19, April 19, May 17, May 24, May 31, June 7, and November 29, 2006.

This document will be published on my personally funded website: www.justiceweaver.com.

over a year later.

It is critical that the minutes of this Court's weekly conferences on administrative matters be truthful and complete and that they record what actually occurred at each conference.

The Michigan Supreme Court should have the most orderly, timely, accurate, and complete process for keeping and publishing minutes for its administrative conferences. Presently it does not. The agendas for the administrative conferences and the minutes should be timely produced, acted upon, and made available to the public on the Supreme Court website. The minutes should memorialize this Court's conduct of the people's judicial business. They should be a window for the people to learn what, when, and how the justices perform one of this Court's core constitutional responsibilities, the supervision of the administration of the Michigan judiciary.

An efficient and impartial judiciary is "ill served by casting a cloak of secrecy around the operations of the courts." *Scott v Flowers*, 910 F 2d 201 (CA 5, 1990).