

Justice Elizabeth A. Weaver's Statement
Re: Satellite Offices
11/14/08

The fact that Justices Young and Corrigan were raising an issue concerning the placement for Justice-elect Diane Hathaway in the vacant Detroit office space was brought to my attention by Justice Kelly 4 days ago, in the late afternoon on Monday, November 10, 2008. It was discussed with all of the Justices for the first time on Wednesday, November 12. Then, on Thursday, November 13, a motion was made by Justice Young to close all Justices' offices in Detroit and Traverse City, accompanied by a 2002 House Resolution, which I received for the first time. This motion, which was not an emergency matter, was hurried through and passed in a 4-3 vote by the "majority of four" (Chief Justice Taylor, and Justices Corrigan, Young, and Markman), with Justices Cavanagh, Kelly, and myself dissenting.

The fact of the matter is, this is a very important public policy matter, which involves how justices are selected and elected, and where their offices are located. For example, requiring justices to maintain their offices in Lansing limits the pool of potential justices to those living within commuting distance of the capital. This is a radical departure in a state where there are 580 trial judges in 250 courts located in 83 counties, over which the Supreme Court Justices have supervisory and administrative responsibilities, and where one can drive over 9 hours from Lansing and still be in the state of Michigan. This is an issue that should involve all 3 branches of the government and the public. The Legislature, Governor, and this Court should all have input on this matter, and if some action is to be taken, it should be brought about in a public manner.

I have been on this Court for 14 years, and this Court has never taken a vote or made a decision on this issue prior to yesterday's conference. Whether any prior Chief Justices have acted on or made any promises to anyone to make all Justices' offices in Lansing in the past, without a vote of this Court, will be left to those various Chief Justices to say so. I, as Chief Justice, never did.

3 of the 4 Justices that decided the "majority of four's" quick vote yesterday, Justices Corrigan, Young, and Markman, were not even justices at the time (1998) when the construction of the Hall of Justice was authorized by the Legislature and approved by the Governor. At that time, the Justices were asked to call Legislators to encourage getting the building in Lansing approved. My view is, has always been, and as I have always publicly stated, that it is not beneficial to the people of Michigan to have all seven justices isolated in Lansing on the top floor of one building. Other views differ, but the fact is, it is public business that all 3 branches of government should consider with public knowledge and public

input before any decision is made. This has never been done by the Supreme Court.

The assertion is made that the removal of the Detroit offices will save approximately \$360,000 to \$400,000 annually. This assertion remains to be substantiated, if it can be. I have been informed that if the Justices are moved from the Detroit offices to Lansing, the cost for the Detroit offices will be eliminated from the judiciary budget. However, these costs must be picked up and still paid by the state of Michigan, i.e. taxpayers of the state of Michigan, unless the unlikely event occurs that private renters are found for this space in Detroit. I was told that this is the case because of an arrangement that former Governor John Engler made by purchasing the old General Motors building (now Cadillac Place) and making it a state building. The details of this purchase and deal should be investigated and made public.

Justice Kelly informed me that it was Justice Young who provided the press with the information regarding his motion and the votes. This information was released shortly after the meeting was concluded and long before we Justices had even received today the minutes from the November 13, 2008 meeting.

I plan to file a thorough dissent to the minutes for yesterday's brief meeting of the Justices at an appropriate time in the near future, and my dissenting statement will publicly tell the story of how this issue was brought up so suddenly after Chief Justice Taylor was not re-elected to serve another term on the Supreme Court.

With the election of Justice-elect Diane Hathaway, it would be in the best interest of the people of Michigan for the "remaining Engler three" to decide to join the rest of the Justices in conducting the People's judicial business in an open, transparent, restrained, orderly, fair, and efficient manner.

This statement will be posted on Justice Weaver's personally-funded website.

www.justiceweaver.com