



## MICHIGAN SUPREME COURT

ELIZABETH A. WEAVER  
JUSTICE

August 1, 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: Justice Cavanagh and Justice Weaver's Dissenting Statements to the Release of the  
SCAO Judicial Resources Recommendations Report to the Legislature

At the July 25, 2007 Michigan Supreme Court administrative conference, the "majority of 4" (Chief Justice Taylor, and Justices Corrigan, Young and Markman) voted to release the State Court Administrative Office (SCAO) Judicial Resources Recommendations Report to the Legislature. Justices Cavanagh, Weaver and Kelly dissented to the majority's decision.

On July 30, 2007, Justice Kelly spoke with the State Court Administrator, Carl Gromek, who then consulted with Chief Justice Taylor. Carl Gromek indicated that the SCAO would not include Justices Cavanagh and Weaver's dissenting statements with the transmittal to the Legislature and that Justices Cavanagh, Weaver, and Kelly could ask the Clerk of the Court, Corbin Davis, to send the statements out. On July 31, 2007, Clerk Davis said that he would promptly send the dissenting statements to the same addressees to which the SCAO Judicial Resources Recommendations Report was being sent. Later on July 31, 2007, Clerk Davis called Justices Cavanagh and Weaver and informed them that Chief Justice Taylor, by telephone call from Supreme Court Legal Counsel, Michael Gadola, ordered Clerk Davis not to send the dissenting statements, but to retain them in the Clerk's office for purposes of the minutes.

The "majority of 4" has seen fit, once again, to selectively transmit information, and to thereby deprive the recipients of all the pertinent information, specifically the dissenting statements signed by three justices of this Court. The dissenting statements from Justices Cavanagh (signed by Justices Weaver and Kelly) and Weaver (signed by Justices Cavanagh and Kelly) are attached to this cover letter for your review. Also attached is Justice Young's statement, joined by Chief Justice Taylor and Justice Corrigan, concurring in the majority's decision.

Justice Young's statement shows the politicization by the "majority of 4" regarding the elimination of judgeships. Justice Young's over-dramatized appeal to the people to "reduce the cost of government" during "Michigan's economic duress" is irrational. The purpose behind the dissenting statements is not to ignore Michigan's

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economic condition, but rather to point out the majority's complete failure to examine all of the factors involved beyond simple numbers. Certainly the state can save money by eliminating judgeships, but the majority has failed to consider the long term costs and negative consequences imposed by the majority's decision, for example, an increased backlog of cases in courts.

Justice Weaver's dissenting statement notes that the manner in which the "majority of 4" has again mishandled a judicial administrative decision is disorderly, unprofessional, and unfair to the other justices; the counties, courts, and the judges affected by the Judicial Resources Recommendations Report; the Legislature; and the people of Michigan. These concerns have not been answered, nor has due deliberation and careful consideration been given to this Report before releasing it to the Legislature.