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Weaver Book: Making Her Case About What She Calls Corrupt System

Former Supreme Court Justice Elizabeth Weaver said her newly published memoir/history of her years on the Supreme Court is not a tell-all, but it does tell an awful lot about the court during the period of 1995 to 2010, and what it tells, she insists is of a court operating system that has become corrupt through political influence and money.

The book, co-written with David Schock, was formally published on May 15, and in it Ms. Weaver says the problems with the court's structure and operations began long before her tenure. But those problems intensified and became more institutionalized during her years when, as she put it, the "Engler Four" – current [Chief Justice Robert Young Jr.](#), [Justice Stephen Markman](#), former Chief Justice Cliff Taylor and former Chief Justice and now Department of Human Services Director Maura Corrigan – became the majority.

"I've always had an interest in reform of the Supreme Court, how its justices are elected and appointed, and it operates and conducts the people's business," Ms. Weaver said in an interview with she and Mr. Schock. "I came to the conclusion I had a duty to give this to the people to make sure the people could know what they need to know in order to make decisions about the Supreme Court."

And coincident with publication of "Judicial Deceit, Tyranny & Unnecessary Secrecy at the Michigan Supreme Court," Ms. Weaver is also making a renewed push for her proposed plan to reform the Supreme Court.

That plan calls for, among other things, eliminating partisan nomination for the court – something a number of former Supreme Court justices have recently urged – requiring instead that justices get on the ballot through nominating petitions, limiting justices to one 14-year term, ending the prohibition of a judge running after age 70, using public funding for judicial campaigns, and electing one justice each from seven regional districts.

The plan also calls for ending "unnecessary secrecy" and transparency in court operations.

Of all things that have driven Ms. Weaver, secrecy is the probably the biggest operational issue in how the court handles itself, she said. In her book, especially in chapters detailing cases and complaints involving controversial attorney Geoffrey Fieger (who attempted to have the majority recuse itself in dealing with a reprimand against him), the issue of making public arguments and documents on the question of how a judge should disqualify himself or herself clearly became the most contentious between Ms. Weaver and her colleagues.

It was a contentiousness that followed her after her surprising decision in the summer of 2010 to resign from the court. Following the 2010 election, after it was revealed she had secretly recorded proceedings of the court's deliberation, five members of the court issued a "letter of rebuke" against her.

Also, in March 2011 Ms. Corrigan, after she left the court, filed a complaint against Ms. Weaver with the state's Attorney Grievance Commission that commission investigators dismissed later that spring.

Ms. Weaver also dismissed a question of whether the book was, in effect, a chance to get in the last word following the nearly decade-long controversy.

Also with some impatience, in the interview and throughout the book, she rejects the contention that she began the controversy in part because she was bitter about not being re-elected as the chief justice.



She said, again in the interview and several places in the book, that she had not wanted to be the chief justice in the first place when she was elected in 1999. She only took the post because former Chief Justice Conrad Mallett Jr. did not want to run again (he resigned later from the court). And she ran again for the post, getting only her vote, because she felt she was the only justice who could continue to push for reformed operations.

She makes no apologies for saying the court “evolved” into one that operated by “deceit and tyranny.”

Overall proceedings became “so disorderly” and “so unfair,” with no way of maintaining good minutes of conferences that she began recording the meetings (which she also said violated no laws) “so we really could know what happened.”

A tell-all book would run “volumes,” she said. And the book itself is some 800 pages.

In effect, Mr. Schock conducted very long interviews with Ms. Weaver which are quoted extensively throughout the book, and are interspersed with narrative he has written and documented. In some respects, the work is a little like an extended Supreme Court opinion with heavy footnoting.

The book also quotes extensively from memos written by the court members to each other, personnel matters, emails (most of which ended up in the public sphere unintentionally), letters and other documents.

Among the sources Mr. Schock cites is the Supreme Court’s own website, although he said in the interview and in the book that since the court unveiled its new One Court of Justice webpage, many documents no longer are there.

Marcia McBrien, press officer for the court, said that the court pulls some documents, such as draft rules, from the website to avoid confusion with the public. Those documents remain available through the court to review, however.

But she also said one administrative rule, 2006-8, prohibits making public materials used in deciding cases or controversies. The rule does not allow making those materials public after a case is decided.

However, Mr. Schock said there were other documents, some involving personnel issues, that were not available for review.

And in the interview, Mr. Schock said that the intent of the book is not to damn the court, but to urge it to do better.

If not a tell-all book, the book does:

- Outline friendships Ms. Weaver said she maintained with Mr. Taylor and Ms. Corrigan, and claim she had to step in when Mr. Taylor thought his wife, Lucille, former Governor John Engler’s legal counsel, questioned whether he should be named to the court.
- Say several court employees were nervous working for Mr. Markman because he had a temper.
- Asserts a controversy erupted about whether Mr. Markman could continue to carry a concealed pistol in the state’s Hall of Justice after Mr. Taylor left the court, claiming Mr. Taylor had allowed Mr. Markman to do so.
- Say an internal kerfuffle sprouted over whether current and former members of the court would get gold rings with the court’s seal that were paid for by the court’s historical society (Ms. Weaver chose not to get a ring).
- Say Mr. Young and Mr. Taylor would pass notes to each other during some hearings, cracking jokes. In one note, Mr. Taylor referred to capital reporter Tim Skubick as a “weasel.”

And in a chapter on the 2008 election, which Mr. Taylor lost, Ms. Weaver goes through an extended discussion on the question of whether Mr. Taylor fell asleep on the bench, as alleged in a controversial ad run by Democrats. Ms. Weaver does not give a direct opinion, but certainly makes a clear implication that he may have. Mr. Taylor has always firmly denied that he ever slept on the bench during arguments.

Ms. Weaver said the state’s process for selecting Supreme Court justices – through partisan nominations for non-partisan posts, and by gubernatorial appointment to fill vacancies – always had the potential for corrupting influences.

But she accused Mr. Engler of perfecting the system to get a court that hewed to a particular agenda.



Repeatedly, Ms. Weaver charges in the book that the majority did what it chose to do, especially on issues such as judicial transparency.

In one chapter where she discussed development in 2006 of rules on judicial disqualification, Ms. Weaver said: "They wanted to be able to say to the public they had a policy. ...It was totally nothing, and that's exactly what they wanted."

Mr. Taylor and Mr. Markman could not be reached for comment on the allegations in the book.

As the interview ended, Ms. Weaver said of the court, "I don't hate them, but I do believe in doing right and fearing not."

Writing the book, she said she feels "I will have done everything that is my duty to do" to move changes in the court.

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