

## MSC: Justices file grievance with Judicial Tenure Commission against Justice Weaver

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The [Detroit Free Press](#) is reporting that at a public hearing today, the Court revealed that Justices Corrigan, Markman, and Young filed a grievance against Justice Weaver with the Judicial Tenure Commission (“JTC”). According to the report, the issue arose during discussion of a request by Justice Weaver to cease publishing Administrative Order 2006-08 which provides as follows:

*All correspondence, memoranda and discussions regarding cases or controversies are confidential. This obligation to honor confidentiality does not expire when a case is decided. The only exception to this obligation is that a Justice may disclose any unethical, improper or criminal conduct to the JTC or proper authority.*

According to [The Michigan Lawyer blog](#), Justice Weaver characterized A.O. 2006-08 as a “gag order” which was used to suppress her dissent in *Attorney Grievance Commission v. Fieger*.

During the Court’s discussion, it was revealed that Justices Corrigan, Markman, and Young have asked the JTC to investigate whether Justice Weaver had violated A.O. 2006-08 by revealing the Court’s deliberations in a case that had been closed but may relate to future cases.

The Michigan Lawyer blog also reports that it was also revealed that Justice Markman has stopped attending the court’s private judicial conferences because Justice Weaver has breached rules of confidentiality by revealing the interim positions of justices as to their votes in conference and privately expressed opinions regarding cases. Justices Corrigan and Young apparently did not attend the last three judicial conferences.

The Court rejected Justice Weaver’s attempt to rescind the order by a 5-2 vote with Justice Hathaway joining Justice Weaver in dissent. The Court also rejected Chief Justice Kelly’s proposed amendment to the rule by a 5-2 vote with Chief Justice Kelly and Justice Cavanagh in dissent.