

MSC Order: Brady v. Attorney Grievance Commission

24. June 2010 By Madelaine Lane

The Court declined to exercise superintending control in *Brady v. Attorney Grievance Commission*, No. 140409. This case arises out of the Attorney Grievance Commission's dismissal of plaintiff's request for the investigation of Paul Fisher, the Executive Director of the Judicial Tenure Commission, regarding his actions during the disciplinary proceeding against Judge Steven Servaas. In a strongly worded non-participating opinion by Justice Weaver, the Justice responds to the recent grievance filed against her by Justices Corrigan, Markman, and Young concerning whether she violated A.O. 2006-08 by revealing the Court's deliberations in the case of *In re Servaas*. In particular, Justice Weaver reasoned that there was nothing unethical about her October 2009 meeting with Mr. Muth, Judge Servaas' attorney, because she was not aware at the time that the grievance filed against Mr. Fisher by Mr. Muth could be pending with the Attorney Grievance Commission. Yet Justice Weaver also reveals that the Justices' initial conference vote in the *Servaas* matter was 6-1, but that the involvement of the Supreme Court Administrative Office may have swayed some of the Justices' positions. Justice Weaver further references her April 20, 2010 disqualification letter sent to the parties in the case and her decision not to participate in this complaint after the Attorney Grievance Commission failed to waive her disqualification. The April 20, 2009 letter is reprinted as part of the non-participating opinion. Justices Corrigan, Markman, and Young filed a separate opinion setting forth their justifications for their action. Justice Hathaway separately dissented to indicate that she would have exercised superintending control.

Our previous post discussing the JTC grievance against Justice Weaver is [here](#).

WNJ Disclaimer: Two of the plaintiffs in this case are affiliated with Warner Norcross & Judd LLP.