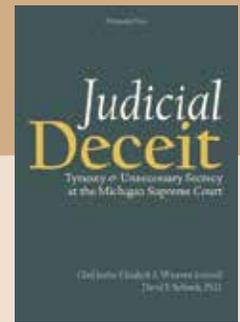


# Judicial Deceit

By Chief Justice Elizabeth A. Weaver (retired) and David B. Schock, PhD,  
published by Peninsula Press (2013), softcover, 765 pages, \$19.99  
<http://judicialdeceit.com>



Reviewed by John R. Runyan

*“What they accused me of publicly that the press liked was this false story promoted by the Englerites that my motive for my dissents and speaking about the abuse of power at the court was because I had not been elected chief justice for a second time. I never wanted to be chief justice in the first place. I didn’t want Mallett to leave. I only was willing to continue to be chief justice for a second time because I thought it was necessary to do it. I put myself into contention for the post for the sake of the institution and for the people of Michigan. The Governor, through his Engler Four, should not be controlling and politicizing the court system. Had I not done it, then the false accusation story would have been the same but in reverse: ‘Well, she wanted to, but she didn’t speak up then, and she hasn’t gotten over it.’ I did have the courage to put my name forward even though I had been advised by some that it wasn’t politically wise. In the end, I did do it, and I stood for transparency and what I believed was right. Obviously, it wasn’t a happy event. It has cost me repeated false press reports, but it wasn’t a mistake, and I have no regrets.” (p 476)*

There is no better way to describe it. *Judicial Deceit* is a tome: 765 pages, 1,534 footnotes, and two appendices. But for those of us who lived through Justice Elizabeth Weaver’s 16 years on the Michigan Supreme Court—particularly those of us who are Michigan lawyers—it is a fascinating read.

*Judicial Deceit* is coauthored by Weaver and David B. Schock, a former newspaper reporter, college professor, and documentary filmmaker. Weaver and Schock employed

an interesting division of labor: Schock did most of the writing, which is interspersed with quotes from Weaver—kind of like an oral history—all of which appear in italics. The footnotes document in painstaking detail the incredible events described in the text. It becomes quickly apparent that Weaver is a pack rat who retained a copy of almost everything.

The book begins with Weaver’s upbringing in New Orleans and her legal education at Tulane, where one of her study partners was Anita Connick, mother of the legendary singer, pianist, and actor Harry Connick Jr. It also retraces her circuitous route to the Michigan Supreme Court—including a temporary detour to teaching jobs in Leelanau County—before embarking on her judicial career as a probate and juvenile court judge.

The heart of the book is the story of Weaver’s two terms on the Michigan Supreme Court, beginning January 1, 1995. Then Court of Appeals Judge Cliff Taylor encouraged her candidacy and then Court of Appeals Judge Maura Corrigan delivered the primary address at her investiture. None of whom she calls “the Engler Four”—Justices

Taylor, Corrigan, Robert P. Young Jr., and Stephen J. Markman—were on the Supreme Court when she first arrived.

Weaver and Schock describe how former Governor John Engler built his “farm team” with appointments to the Michigan Court of Appeals. The machinations accompanying the replacement of Justices Dorothy Comstock Riley, Patricia Boyle, Conrad Mallett, and James Brickley with Justices Taylor, Corrigan, Young, and Markman, respectively, are also discussed.

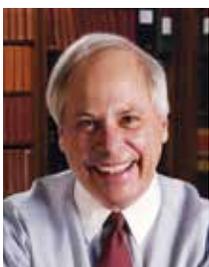
But most intriguing are the book’s behind-the-scenes accounts of lesser-known events, such as the disciplinary proceedings involving Kalamazoo attorney James B. Ford following Ford’s criticism of Justice Taylor’s opinion for the majority in *Husted v Auto Owners Insurance Company*, 459 Mich 500 (1999), and Chief Justice Weaver’s appointment of former Justice Theodore Souris as special master to investigate the Supreme Court’s involvement, if any; the majority’s tussle with Geoffrey Fieger in a tragic sexual harassment case, *Gilbert v Daimler Chrysler Corporation*, 470 Mich 749 (2004), including Fieger’s efforts to have the Engler Four and Weaver removed from hearing it [a

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precursor to the Court's decision in *Grievance Administrator v Fieger*, 476 Mich 231 (2006)]; and the evisceration of the common law discovery rule [and *stare decisis*] in *Trentadue v Buckler Automatic Lawn Sprinkler Company*, 479 Mich 378 (2007), a wrongful death action which the Engler majority said was filed too late, even though the deceased's daughter filed it within six months of learning that her mother's rapist and murderer had confessed to the crimes.

Weaver and Schock also provide a revealing glimpse into the Supreme Court's discharge of its supervisory responsibilities with respect to Michigan's lower courts: its attempts to suppress Weaver's dissent from a six-month unpaid suspension ordered by the majority (a "slap on the wrist" in Weaver's view) for a district judge who admitted using marijuana at least twice a year while he was on the bench; its decision to appoint a *circuit* judge as chief judge of the Kent County *Probate* Court and criticism of Weaver for her public dissent from that 4–3 decision; its inept handling of serious malfeasance by a Macomb County *Probate* Court judge; and its decision to censure the state's longest-serving district judge and refer Weaver to the Judicial Tenure Commission because of her conversation with a Grand Rapids lawyer for the district judge after the case had been closed.

One of the book's themes concerns Weaver's efforts to bring about reform on the Supreme Court, including the way in which justices are selected and retained. Appendix A to the book contains a seven-point plan for Michigan Supreme Court reform. Although Weaver's efforts in this regard were largely unsuccessful while she remained on the Court, perhaps *Judicial Deceit* can become a catalyst for change. Whether or not it is successful, it is a book that can both inform and entertain those of us who follow the Court. ■

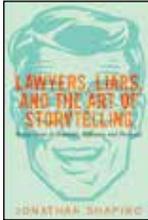


John R. Runyan is managing director of Sachs Waldman in Detroit. He also serves as vice chair of the State Bar Publications and Website Advisory Committee, where he oversees publication of the Michigan Bar Journal.



## On the bookshelf

The following are summaries of a selection of new books published by the American Bar Association to support professional excellence and greater understanding of the law.



### Lawyers, Liars, and the Art of Storytelling

By Jonathan Shapiro

Part prescriptive teaching, part memoir, always entertaining and never lecturing, this resource provides storytelling lessons gleaned from years of trial practice and television writing. The author, a lawyer and scriptwriter for such television shows as *The Practice*, *Boston Legal*, *Life*, and *The Firm*, explains how to convey legal information in a cogent, persuasive way to the client who needs the help, to opposing counsel, and to the decision-maker. In doing so, the author puts to use his experience as a lawyer and Hollywood writer through portions of famous real-life court transcripts as well as television scripts.



### Whistleblowers, Leaks, and the Media:

*The First Amendment and National Security*

Edited By Ellen Shearer, Paul S. Rosenzweig and Timothy J. McNulty

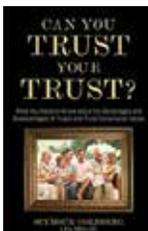
The founding fathers clearly intended a delicate balance of secrecy, security, and transparency in our democracy. This book, an effort of the ABA Standing Committee on Law and National Security and Medill School of Journalism at Northwestern University, explores that tension in great detail. It delves into the various areas of law related to such recent cases of NSA contractor Edward Snowden, imprisoned Army Private Chelsea (formerly Bradley) Manning, and WikiLeaks founder Julian Assange, and questions whether these individuals are whistleblowers exposing the workings of an overreaching government or traitors inhibiting America's ability to defend itself.



### The Photography Law Handbook

By Steven M. Richman

This book provides a pragmatic and personal perspective on photographers' rights and obligations. Law, as it relates to this field, is constantly changing, driven in part by technology. Whether amateur or professional, photographers constantly wrestle with the parameters of creating art as well as the personal and institutional rights of others. From copyright to contract and property law to First Amendment rights, the book examines what can and cannot be photographed and sold through a review of actual cases and situations, and provides photographers and their lawyers an illustrative, working guide of legal rights and potential liabilities.



### Can You Trust Your Trust?

*What You Need to Know about the Advantages and Disadvantages of Trusts and Trust Compliance Issues*

By Seymour Goldberg

In what may be the first book of its kind, this new guide will help consumers better understand the benefits, as well as the pitfalls, of creating and administering a trust for one's estate. It breaks down this complex area into accessible and practical language that doesn't require a law degree to understand. If not properly administered, trusts can be nightmares, and the book provides a roadmap to consumers as well as their trustees and advisors to avoid these traps. It is particularly important as many states are revamping their trust laws, and trustees often find themselves with more questions than they were prepared for.