



MICHIGAN SUPREME COURT

ELIZABETH A. WEAVER
JUSTICE

January 13, 2005

FOR IMMEDIATE RELEASE

Michigan Supreme Court JUSTICE ELIZABETH A. WEAVER announced today that she plans to resign from the Supreme Court in October 2005 and stated:

I plan to step down from the Michigan Supreme Court during October 2005.

Stepping down from the Supreme Court does not mean that I will be “retiring.” Nor do I plan to simply dedicate my days to golf and tennis, though I enjoy both. I am in excellent health, and plan to remain active in many arenas. More than 30 years as a judge in Michigan has prepared me for other types of public service and other activities.

As long as the Governor wishes, I will continue to chair the Governor’s Task Force on Child Abuse and Neglect. I was first appointed to chair that task force by former Governor Engler, and re-appointed by Governor Granholm. Similarly, I will continue to serve on the Committee for Juvenile Justice, to which I have been appointed by Governors Milliken, Blanchard, Engler, and Granholm.

For over 30 years, I have served as a judge — as a Leelanau County Probate/Juvenile trial judge (12 years), a judge on the Michigan Court of Appeals (8 years), and a Michigan Supreme Court Justice (over 10 years). For two years I served as Chief Justice of the Michigan Supreme Court. I was never appointed to be a judge; I ran 7 successful campaigns for the judgeships: 4 contested and 3 unopposed. I am grateful to have had the opportunity to serve Michigan as a common sense, independent, and self-disciplined judicial thinker. I am a judge who is a Republican, not a Republican who is a judge.

While I am eligible to run for re-election in 2010 and potentially could serve three 8-year terms on the Supreme Court (24 years) and love the work of a justice, my experience has convinced me that 24 years is too long for anyone to serve as a Michigan Supreme Court Justice. Term limits are necessary for the highest state officials because there is too much incumbency protection for them, especially the Supreme Court justices, and too much money in election campaigns. This prevents the natural rotation by election of people in the highest offices of the three branches of state government: the Governor, the Secretary of State and the Attorney General of the executive branch, the Senators and Representatives of the Legislature, and the Justices of the Supreme Court.

Michigan's terms limits are like the story of Goldilocks and the three bears: the Supreme Court justices' term limits are "too long" (justices can run for repeated 8-year terms until they reach the age of 70, potentially 24 - 32 years), the Representatives' and Senators' term limits established in 1992 have proven "too short" (6 and 8 years), while the Governor's, the Secretary of State's, and the Attorney General's term limits are "just right" (8 years). Thus, I intend to put my money where my mouth is, and step down in October 2005, after over 10 years on the Supreme Court.

Michigan should re-work its system so that Supreme Court justices' term limits are shorter and the Representatives' and Senators' term limits are longer. The right term limits can improve how government serves the people. Re-working the term limits will require our careful attention, public education, and a constitutional amendment adopted by the people to fix the term limits problem.

Another problem that should also be addressed is how vacancies on the Supreme Court created by the resignation, removal, or death of a justice are filled. Currently, the Governor can appoint any person who has been admitted to the practice of law for at least 5 years; the Governor is not required to seek advice from anyone, nor consent from the Senate, and there is no time limit to act. This unchecked power was not part of our 1963 Constitution, but was added by a Constitutional amendment in 1968 to end the expense of holding special elections to fill judicial vacancies.

With no offense intended to any governor past or present, or to any justice past or present, hopefully the Legislature will begin working now to present to the public for its consideration and adoption a constitutional amendment to lengthen the present term limits of the Senators and Representatives of the Legislature, which are too short; to shorten the present term limits for the Supreme Court Justices, which are too long; and to reform how justices are appointed to fill vacancies so that the Governor's power is not unchecked.

My hope is that with this 9-month notice of my intent to step down, the Legislature, the Governor, and the people of Michigan will think about and act upon the proper term limits for Representatives, Senators, and Supreme Court Justices, and how vacancies on the Supreme Court are filled.

Meanwhile, I look forward to serving the people of Michigan as a justice until my departure from the Michigan Supreme Court.