

Michigan Supreme Court Won't Give Advisory Opinion On Right-to-Work

July 8, 2013 | [Federal Laws And Legislation, Labor And Employment](#)



**Gerald F.
Lutkus**

Of Counsel
(Retired)

Michigan

Saying simply that “we are not persuaded that granting the request would be an appropriate exercise of the court’s discretion,” the Michigan Supreme Court on Friday denied Gov. Rick Snyder’s request that the high court render an advisory opinion about the constitutionality of Michigan’s new right-to-work law.

Relying upon the provision in the state’s constitution’s that allows the governor to request the “opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date,” the Governor had asked the Court for a ruling largely because the state’s public workers’ collective agreements are set to expire at the end of 2013. In a brief filed in support of the request for an advisory opinion, Michigan Solicitor General John Bursch said that an advisory opinion would prevent an “impasse at the negotiating table.”

Notwithstanding the Court’s decision, six lawsuits continue challenging the Act. Two of them are brought by unions or labor coalitions. *Michigan State AFL-CIO v. Callaghan* has been brought in federal court and challenges the constitutionality of the Act as to private sector workers. *UAW v. Green*, currently pending in the Michigan Court of Appeals, challenges the constitutionality as it applies to public sector workers. [Here’s a helpful link](#) to a chart describing the pending litigation.

SG Bursch also said in his filing with the Supreme Court that barring Supreme Court action, the state would consider filing a motion seeking an expedited ruling in the Green case.

The *Detroit Free Press* coverage on the court’s decision can be [found here](#).

RELATED PRACTICE AREAS

Labor and Employment
Labor Relations