

Show cause hearings encourage people to pay debts

By Kelly Dame
of the Daily News
kdame@mdn.net

Published: Monday, August 10, 2009 11:19 AM EDT

For many people who owe the Midland County courts money, a notice to appear at show cause hearings was enough to get them to pay up.

It wasn't so easy for a few others.

Midland County Clerk Ann Manary said 144 people were contacted to appear at the show cause hearings, and so many of them responded that only 22 were scheduled to appear in court last week. Of that number, four showed up, bench warrants were issued for 16, and a couple called ahead to put \$25 down and agree to get caught up on their payments.

"We're getting a lot of people's attention," she said. "It's paying off in a big way."

The hearings are the next step in collecting past due fines, costs, restitution and other assessments after officials obtained a software program to track the amount of money due and generate billing statements with warning letters. An option to set up payment plans was offered in the spring of 2008.

The hearings were conducted by Circuit Judge Jonathan E. Lauderbach, and more are scheduled for August.

Lauderbach told one man he could collect returnable cans to pay his debt — \$100 due in 30 days — or he would serve 30 days in jail.

Next up was a man who owes \$615 in fees on a case filed in 1992, and receives \$674 in SSI payments monthly. Lauderbach asked him to list his monthly bills, and that lasted until the man disclosed that he pays \$83 per month for a cell phone.

"\$83 a month for a cell phone?" an incredulous Lauderbach asked. "Why?"

"I can't get a land line phone because of my credit," the man explained.

"Sir, you don't need an \$83 a month cell phone, it's a luxury, not a necessity," Lauderbach scolded, soon after asked the man what the cell phone company would do if he didn't pay the bills. "Can they put you in jail?"

Lauderbach threw out suggestions for the man to free up the money to get the debt paid — the first idea was to break his cell phone contract, pay the associated \$200 fee, then get caught up on his payments to the court. The second idea was an offer of \$500 for the man's motorcycle, but the man also would not accept it.

That ended with Lauderbach's promise of 30 days in jail if the man is even one cent short on monthly payments of \$50.

Another man who came before Lauderbach owed \$4,466 restitution in a case filed in 2003, with charges of breaking and entering with the intent to steal and entering without breaking with the intent to steal. This man was unemployed, making \$219 a month in unemployment benefits, but had a job interview to attend after the hearing.

He said he got off track in monthly payments of \$46 due to keeping up with household bills. He said he gives his check to his wife, and does extra work such as lawn mowing to make ends meet.

After a brief recess, Lauderbach offered up a solution: Community service, which the state's Crime Victims Rights Act allows. He directed the clerk to call the victim of the man's crimes — a local church — to offer community service.

"You have to understand they are the victim of your crimes," Lauderbach cautioned. "They might not be comfortable with that."

The man was told to return to court in August, and the clerk asked for the \$30 the man had with him that day.

Manary said the result of the program is \$50,000 more in collections during the period of January to August of this year over the same period last year.

The computer software also tracks data, which Manary has been keeping tabs on.

"I was shocked to see the report had probably 40 names of people who paid on their court costs," eight of which did so in full, she said. The amounts range as high as \$1,500.

Much of the money being collected is restitution in cases as far back as 1988, which has surprised many people who thought they didn't owe anything. It's also been a pleasant surprise for the victims of crime who were owed restitution.