# Tenth District Court of Michigan

## Calhoun County, Michigan

COUNTY BUILDING
315 W. Green St.
Marshall, MI 49068
(616) 781-0714

JUSTICE CENTER
161 E. Michigan Ave.
Battle Creek, MI 49014-4066
(616) 969-6666

CITY HALL
112 W. Cass
Albion, MI 49224
(616) 969-6666

August 26, 2005

Michigan Supreme Court
Clerk's Office
PO Box 30052
Lansing, MI 48909

RECEIVED
AUG 29 2005
CORBIN R. DAVIS
CLERK SUPREME COURT

Re: ADM File No. 2004-42
Proposed Amendment of 8.103, 8.107 and 8.110 of the Michigan Court Rules

Dear Justices:

We are writing to express our concerns with the proposed amendments to MCR 8.103, 8.107 and 8.110.

We have read the comments that have been published on the website and concur with the comments made by Judge Root in her letter dated July 13 and Judge Kent in his letter dated July 15 regarding the proposed amendments to MCR 8.103. When we attended conferences last year regarding Administrative Order No. 2003-7, we were assured that the time frames were guidelines only - "goals that the courts should work toward." Our local administrative order establishing a caseflow management plan was approved less than a year ago. We have not even had the benefit of one year's worth of statistics to gauge our progress in meeting the guidelines. Nor has enough time elapsed to determine whether the guidelines are reasonable, given all the factors involved, including those outside the control of the court.

In addition, we at the Tenth District Court have made great strides in acting as one court of justice instead of four separate courts (we have four sitting judges), including the implementation of "specialty" dockets. This spirit of cooperation and unity in dispensing justice will quickly evaporate if the guidelines are adopted as standards and individual judges are subject to investigation. No longer will it be the Tenth District Court, but rather four separate courts each looking out for "number 1." The question that immediately comes to mind is, "Is that justice?"

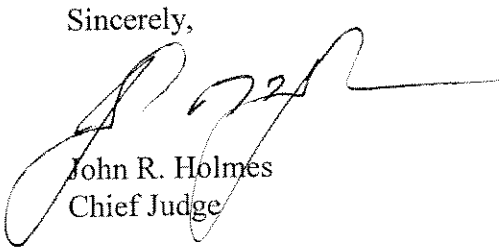
We also concur with the comments of Judge Robert Bondy in his letter dated July 12 regarding the proposed changes to MCR 8.110. We are a multiple jurisdiction court as well, servicing eight

different communities, each with its own police department or contract with the Sheriff's Department and each with its own prosecutor. Instituting a 91-day requirement would require the scheduling of additional court days for most of the communities. This would place a financial burden on these communities as well as the court, due to the need for additional prosecutorial time and police officer appearances. Such a black line standard also assumes that all misdemeanors are of the same complexity when, in reality, some are as difficult to process as some felonies.

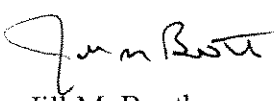
We believe that the focus should be on the needs of the people who come before the court, whether it be criminal defendants, civil litigants, or civil infraction respondents; these amendments appear to focus more on the needs of an impersonal system.

Thank you for the opportunity to comment.

Sincerely,



John R. Holmes
Chief Judge



Jill M. Booth
Deputy Court Administrator,
Acting on behalf of Michelle D. Hill,
Court Administrator