



**REFEREE'S ASSOCIATION**  
**of MICHIGAN 2008-2010**  
www.referees-association.org

**President**

Arthur Spears  
6<sup>th</sup> Judicial Circuit  
Oakland County  
PO Box 436012  
Pontiac MI 48343-6012  
(248) 858-0437  
Fax (248) 858-2050  
[Ars33@yahoo.com](mailto:Ars33@yahoo.com)

**Vice President**

Paul H. Jacokes  
16<sup>th</sup> Judicial Circuit  
Macomb County  
40 N Main  
Mt Clemens MI 48331  
(586) 469-5717  
Fax (586) 469-7941  
[pjacokessr@yahoo.com](mailto:pjacokessr@yahoo.com)

**Executive Secretary**

Erin Magley  
20<sup>th</sup> Judicial Circuit  
Ottawa County  
414 Washington  
Grand Haven MI 49417  
(616) 846-8270  
Fax (616) 846-8179  
[emagley@miottowa.org](mailto:emagley@miottowa.org)

**Recording Secretary**

Nancy L. Thane  
54<sup>th</sup> Judicial Circuit  
Tuscola County  
449 Green Street  
Caro MI 48723  
(989) 673-4848 x 3201  
Fax (989) 673-4989  
[thanen@mi.gov](mailto:thanen@mi.gov)

**Treasurer**

Michelle S. Barry  
6<sup>th</sup> Judicial Circuit  
Oakland County  
1200 N. Telegraph Rd  
Pontiac MI 48341  
(248) 452-2011  
[barrym@oakgov.com](mailto:barrym@oakgov.com)

**Board Members**

Kathleen M. Oemke  
Ronald H. Foon  
Amanda Kole  
Kenneth D. Randall  
Shelley R. Spivack  
Lisa Wenger

December 10, 2009

We are writing on behalf of the Referees Association of Michigan to object to the proposed amendments to MCR 3.932. The Referees Association of Michigan (RAM), which is a statewide organization of juvenile and family court Referees, considered the issue at its board meeting on November 5, 2009 and voted unanimously to oppose the proposed amendments to MCR 3.932.

The current consent calendar process streamlines juvenile dockets by allowing courts to quickly and specifically match a juvenile and his/her family with appropriate treatment and services. By diverting appropriate cases to the consent calendar, courts can more effectively focus their limited resources on the more serious cases remaining on the formal docket. Both court dockets would be put into jeopardy if the proposed amendments were adopted.

In our current economic climate, the consent calendar process constitutes an effective and efficient use of our dwindling state and local resources. By avoiding unnecessary court appearances on less serious cases, the prosecutor, court appointed counsel, and probation officers can more appropriately focus their energy and resources on more serious cases. Although some may argue that inappropriate cases are occasionally placed on consent calendars, protections are already in place for prosecutors to object to such judicial decisions. The proposed court rule would handcuff the ability of all courts to properly use the current consent calendar procedure and is a shotgun approach that will cause unnecessary delay, inefficiency and costs to delinquency dockets throughout the state.

The goal of the juvenile court is the same whether a case is on the formal or informal docket: to rehabilitate juvenile offenders so that they can become mature productive

members of society; while protecting the interests of the general population and more specifically those who are victims of juvenile criminal activity. The current consent calendar procedure efficiently achieves this goal by providing the juvenile and family with specialized rehabilitation services; while also affording protections and restitution services for the victim. In most counties consent calendar probation is not an easy way out, as the probationary conditions are the same if not more stringent than the formal court docket. Most importantly, the consent calendar offers young and often immature offenders the opportunity to enter the adult world without the onus of a juvenile record.

The current consent calendar process gives Judges and Referees the judicial discretion necessary to maintain a fair, balanced and effective system of juvenile justice. As Referees, we are on the frontline of this system. We have the unique opportunity to see, hear and evaluate all of the young people who come before our courts. If the first of the proposed rule amendments is adopted, such discretion would be eliminated from the juvenile court process. If the second proposal is adopted, it would inappropriately place judicial discretion in the hands of the prosecutor. For these reasons RAM requests that the Court not adopt the proposed changes to MCR 3.932.

Sincerely,

Steve Flood  
Referee, Berrien County

Shelley R. Spivack  
Referee, Genesee County