HASTINGS BANNER MAR21. 2002 *Barry County is pioneer in concept*

Court consolidation closer to becoming law

The Michigan State Supreme Court has recommended that the legislature pass a laww allowing unification of local trial courts into a single trial court on a local option basis, Barry County's Chief Trial Court Judge James Fisher announced Monday.

"This would allow other counties to adopt local court systems based on the trail court concept used here in Barry County for the last six years," he said.

Michigan Supreme Court Chief Justice Maura Corrigan, referring to a 2001 report from the National Center for State Courts, said unified trial courts "are more efficient, process cases faster and save money for taxpayers."

The Barry County Trial Court was the first trial court project authorized by the Michigan Supreme Court on March 20, 1996. The local district, probate and circuit courts were combined into a single trial court in which the three judges can preside over cases in any of the three courtrooms.

The program also allows defendants with charges in both the lower and the higher courts to be adjudicated at one time and permits the judge presiding over district court to open a circuit court session immediately following the acceptance of a felony plea if appropriate.

The judges can also handle schedules for any of the three divisions (family, criminal, civil) should another judge experience a conflict of interest or become unable to work due to vacation, illness or other reason. A unified trial court also has a single budget.

The Michigan Legislature created the Family Division of Circuit Court, which

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became operative in 1998.

But almost two years before that, the demonstration projects created family divisions to resolve cases involving family and children's issues.

The result was improved coordination of cases relating to the same family, the NCSC concluded.

"Our experience with unified trial courts suggests that they present many benefits," said Corrigan. "After years of study and trial, it is time to offer the option of unified courts to all those who want them."

The court's proposal is the culmination of a six-year-study that began with seven "demonstration project" courts in diverse settings such as Barry, Berrien, Iron, Isabella, Lake and Washtenaw counties with a multi-circuit operating in Crawford, Kalkaska and Otsego counties.

The NCSC report from last year revealed that "all of the consolidated courts are generally making more efficient use of judicial and quasi-judicial resources... than the pre-consolidation courts."

In addition, the courts used technology effectively and cut down on the amount of time used to resolve cases. The demonstration project courts also "hastened the delivery of justice to families," the report stated.

Unified courts have also reduced operating costs as compared with pre-unified courts in the same county, the NCSC report states. In 1994, before unifying its trial courts, Washtenaw County spent $11 million to run its courts, while the courts generated $10 million in income. In 2000, by contrast, the unified courts revenues exceeded expenditures by more than $2 million.

In a letter on behalf of the Court to Gov. John Engler, Senate Majority Leader Dan DeGrow and Speaker of the House Rick Johnson, Corrigan called for "concurrent jurisdication among the trial courts" as a local option, in a manner consistent with the Michigan Constitution, a press release from the Supreme Court states.

The letter reportedly added that the court recognized that "while many find these changes beneficial, there are those who are equally sincere who are of the view that in their communitities, these approaches would be less successful.

"The solution," Corrigan wrote on behalf of the court, "is to permit communities to choose court unification "on a local option basis."

The letter also stated that the practice of cross-assigning probate judges to the Family Division "should not be a permanent solution... this issue must be addressed with some urgency by the Legislature."