NATIONAL CENTER FOR STATE COURTS

MICHIGAN TRIAL COURT CONSOLIDATION DEMONSTRATION PROJECTS: 2001 FOLLOW-UP ASSESSMENT REPORT

EXECUTIVE SUMMARY

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I. Introduction

Beginning in 1996, trial courts in six Michigan judicial circuits undertook experiments in structural, administrative, and financial consolidation under a program sponsored by the Supreme Court of Michigan. The Michigan State Court Administrative Office (SCAO) invited trial courts to apply for selection as demonstration sites under the Supreme Court's Program for Reforming the Judicial Branch of Government and reached agreement with six demonstration courts: Barry County, Berrien County, Isabella County, Lake County and Washtenaw County, as well as the 46th Circuit (which includes Otsego, Kalkaska, and Crawford Counties). In February 1999, a seventh demonstration project was begun in Iron County.

Under an agreement with SCAO, the National Center for State Courts (NCSC) began an evaluation of the six initial demonstration courts in 1996. NCSC's final evaluation report was completed in February 1999.[1] In 2001, SCAO concluded that a follow-up assessment of the demonstration projects would be desirable and engaged NCSC to conduct it.[2]

This document summarizes the results of the NCSC follow-up assessment of the demonstration courts. Its findings and recommendations have to do with whether the demonstration projects have met the goals of trial court consolidation. More specifically, NCSC appraises the demonstration courts in terms of six major questions:

1. Have the demonstration projects promoted the efficient use of judicial and quasi-judicial resources?
2. Have the demonstration projects hastened the delivery of justice to families?
3. Have the demonstration projects reduced operational costs?
4. Have the demonstration projects reduced the age and size of the pending inventory?
5. Have the demonstration projects employed technology productively to enhance scheduling and information exchange? and
6. Have the demonstration projects promoted strong court leadership through consensus decision-making led by the chief judge?

1 See David Steelman, Karen Gottlieb, and Dawn Marie Rubio, *Michigan Trial Court Consolidation: Final Evaluation Report* (Denver, Colo.: National Center for State Courts, Court Services Division, 1999).
2 See Contract No. SCAO-2001-53 (July 23, 2001), between SCAO and NCSC.

These six questions were developed by SCAO in 2001, and they are based on the core criteria used by NCSC for its initial evaluation of the demonstration projects.[3] Those core criteria were the result of consultation in 1996 between the NCSC lead evaluator, SCAO officials, and the leaders of the demonstration courts. They were derived from fundamental values of the Michigan judicial system (independence, responsiveness, accountability, fairness, effectiveness and accessibility), as recommended in 1995 to the Michigan Supreme Court by the Michigan Justice Planning Commission (MJPC).[4] More specifically, they were based in large part upon the benefits that the MJPC envisioned would arise from the kind of trial-court consolidation being tried in the demonstration projects.[5] The questions to be answered in Part Two thus arise from the kinds of fundamental concerns that that the demonstration projects were designed to explore.

After addressing these questions, we present a summary of the global conclusions by key stakeholders (who were not themselves involved in the day-to-day leadership and implementation of the demonstration projects) about the overall success and consequences of the projects. The executive summary concludes with three recommendations for future action regarding Michigan trial courts.

II. Follow-up Assessment Methodology

To provide the NCSC evaluator with information on which to base this follow-up assessment, SCAO designed the following two means of detailed demonstration project documentation:

- **Court Consolidation Demonstration Project Status Report and Checklist.** SCAO prepared a standard format for demonstration court officials to report on the current status of their projects. (See the introduction to Appendices A-H for more details.) That format called for discussion of each of the evaluation questions treated here, and it also included a 53-question checklist.
- **Survey of Key Stakeholders.** To provide an additional perspective on the reports made by demonstration court officials, SCAO determined that it would be valuable to learn the views of "key

3 See *Michigan Trial Court Consolidation: Final Evaluation Report* (NCSC, 1999), pp. 16-30.
4 See Michigan Justice Planning Commission, *Charting the Course for Michigan Justice: A Report to the Michigan Supreme Court,* p. 13 (May 30, 1995).
5 Ibid., pp. 29-30.

stakeholders" – i.e., persons who have had some opportunity to observe their development, implementation, operation, and effects of the demonstration projects, but who at the same time have not been directly involved in the projects as judges, court officials, or court staff members. SCAO developed a 30-question survey instrument and asked for responses in each demonstration court jurisdiction from (a) the local bar president; (b) the chairman of the board of county commissioners; (c) the prosecuting attorney; (d) the county clerk; and (e) the sheriff. Optional additional survey respondents could include local law enforcement officials, the local FIA director (involved in family court matters) and the local Department of Corrections supervisor. Survey respondents were to send their completed survey responses directly to the NCSC evaluator, and not to SCAO or demonstration court officials, so that the respondents might have a greater opportunity to answer the survey with candor. In July and August 2001, a total of 47 stakeholders responded to the survey.

In addition to the information from the above sources, SCAO arranged for the NCSC evaluator to receive the following data:

- **SCAO Caseload Data.** For each demonstration court, SCAO provided data on caseload activity in 2000 and on trends in new filings, dispositions, and pending caseloads at the end of the year from 1993 through 2000. The NCSC evaluator has augmented this information with caseload data for 1995 and 1997 that was included in NCSC's 1999 evaluation reports on each of the original six demonstration projects. (The seventh demonstration project – Iron County – began in 1999 after the completion of the initial NCSC evaluation.)
- **Caseflow Management Data from Demonstration Courts.** The demonstration courts provided NCSC with copies of reports on disposition times for cases in 1999, 2000, and the first half of 2001, as well as the age of cases pending in July 2001. The NCSC evaluator augmented these data with caseflow management information that was included in NCSC's 1999 evaluation report on each of the original six demonstration projects.
- **Information on Demonstration Court Budgets, Revenue and Expenditures.** One of the core evaluation criteria in the 1999 evaluation report by NCSC involved financial management in the demonstration courts. To follow up on such matters, SCAO and the demonstration courts sent copies of recent budgets or revenue/expenditure reports to the NCSC evaluator. To these materials, the NCSC evaluator added comparable information from the 1999 evaluation report on each of the original six demonstration projects.

In July and August 2001, the NCSC evaluator worked with SCAO and with trial court administrators in the demonstration courts to gather all of the information described above and presented as appendices to this report. In September 2001, the evaluator undertook a three-step analysis of that information. The first step was to study the specific assertions made by demonstration court officials in the consolidation checklists and status reports they completed The next step was to see how those assertions compared to the survey responses of key stakeholders. And the final step was to see whether such qualitative perceptions were corroborated by caseload trend data; caseflow management data; or budget, revenue and expenditure data. The results of that analysis serve as a basis for the assessment observations that follow in the remainder of this executive summary.

III. Findings and Recommendations

In its full assessment report, NCSC assesses the demonstration projects in terms of six major questions, each of which has different dimensions. NCSC also looks at the views of key stakeholders about the overall outcomes to date for the demonstration projects. That investigation leads to the following findings and recommendations.

A. General and Specific Assessment Findings. In general terms, and with some qualifications, NCSC finds that the trial court consolidation demonstration projects have clearly done well, both in terms of meeting expectations established before their commencement and in the eyes of key stakeholders. This overall assessment finding is supported by the following more specific findings:

- ***All of the consolidated courts are generally making more efficient use of judicial and quasi-judicial resources under the demonstration projects than the pre-consolidation courts.***

All demonstration court judges have full authority to hear all cases within each court's jurisdiction, and under the demonstration projects they provide backup assistance to one another. While non-attorney referees and magistrates are somewhat limited in the allowable scope of their work, all such judicial officers in the demonstration courts have authority to handle all matters permitted by law, and the demonstration projects have

resulted in more flexibility and crossover in their assignments. Jury management is now done centrally in all seven courts. All seven courts coordinate the schedules of judges and judicial officers, and almost all key stakeholders responding to a survey for this assessment indicate that court scheduling has improved under the demonstration projects. While results are far from uniform, and while two demonstration courts could not provide time guidelines data for this assessment, the demonstration courts are generally doing better than the pre-consolidation courts in terms of meeting statewide time guidelines. Steps to centralize the coordination of alternative dispute resolution (ADR) are not complete in all the demonstration courts.

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- ***All of the demonstration projects have taken specific steps that have hastened the delivery of justice to families.***

Each demonstration court created a family division 18-24 months before the effective date of statewide legislation calling for the creation of family divisions in every judicial circuit. Among key stakeholders responding to a survey question for this assessment, 88% say that family divisions have had a positive impact under the demonstration projects. While two demonstration courts were unable to provide time guidelines data, all of the other courts meet time guidelines as well or better under their demonstration projects than they did before consolidation. The demonstration courts have all improved their capacity to identify and coordinate related family cases, and 92% of key stakeholders with an opinion in response to the survey for this assessment agree that the same judge and/or caseworker handles related family matters.

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- ***All of the demonstration projects have resulted in reduced net court operating costs or improved management of court revenues and operating costs.***

Six of the seven demonstration courts submit a single budget to their respective funding units, use a single operating budget, and use a single system for fiscal management and control. The seventh demonstration court has moved significantly in

this direction for the budgeting of all its county-level court revenues and expenditures. All seven courts can allocate budget funds as necessary within their approved budgets, subject to local funding unit agreements. Six demonstration courts now have a single contract for indigent criminal defense services, and such services in the seventh court are provided by a public defender's office. All seven courts have developed improved means for fine and fee collection. As a result, all demonstration courts have increased revenues dramatically and exercised more control of expenditures, so that they have experienced either (a) an absolute reduction in net operating costs, or (b) a reduction in the relative extent to which court revenues fall short of expenditures.

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- ***In almost all respects, the demonstration courts have reduced the size and age of pending inventory since the commencement of their court consolidation projects.***

Every demonstration court has done well under its demonstration project in reducing the size of its circuit-level pending inventory or keeping the size of that inventory under control in the face of increased workloads. Moreover, nine of the demonstration courts' eleven district-level reporting units have similarly done well with the size of their pending inventory. One demonstration court was unable to provide pending case age data for this assessment. As of July 2001, the age of pending felony cases in a one-judge demonstration court was troublesome, and a third court was not doing well with the age of its district-level criminal/traffic and general civil cases. Otherwise, however, the demonstration courts are doing well in keeping the age of pending cases within statewide time guidelines. To promote trial date certainty, all demonstration courts have increased their backup judge capacity.

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- ***All of the demonstration projects have made effective use of technology and employed it productively to enhance scheduling and information exchange.***

In response to the survey conducted for this assessment, all key stakeholders expressing an opinion on the matter indicate that the demonstration courts have used

court technology effectively. All demonstration courts now keep information for all case type on automated information systems. There is a single system or the systems are integrated to varying degrees in six of the seven courts. All systems in each demonstration court are compatible, with standardized operating systems, hardware platforms, and peripheral devices. Each court has some degree of single-point access for external users to obtain case-related information. In at least six of seven courts, some external agencies can exchange information electronically with the court, and all of the courts are working with external agencies to develop expanded capacity for electronic information exchange. All court staff members who need case-related information have access to it in each court. Technological innovations in each court are available to all divisions that can use them. While only two or three demonstration courts have automated functionality to coordinate scheduling, all courts use their computer capacity to assist scheduling coordination. As a result, 94% of the key stakeholders expressing an opinion in response to a survey for this assessment say that court scheduling has improved in the demonstration courts.

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- ***A strong chief judge leads each of the demonstration courts, generally operating through consensus decision-making.***

In the survey of key stakeholders conducted for this survey, 100% of those expressing an opinion indicated that the chief judge is a strong leader in the demonstration court with which they are associated. Though a number did not express an opinion, 84% of the stakeholders that did so indicated that the chief judge usually operates by consensus. Each demonstration court has a judicial council that is representative of its various divisions. In four of the seven courts, the judicial council is responsible for labor relations and personnel management. Each demonstration court's governing body represents the court as a single entity, and almost all external agencies and court users view the court as a single entity.

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- ***Almost all key stakeholders view the demonstration projects very positively in terms of several important outcome measures for courts.***

In a survey of key stakeholders conducted for this assessment, all of those who express an opinion indicate (a) that court services to the public have improved; (b) that the quality of justice is equal to or better than what it was before consolidation; and (c) that the courts are more accessible to the public under the demonstration projects. In addition, 93% of the survey respondents who express an opinion perceive that court operations are more streamlined and efficient. Finally, 92% of those with an opinion say that each case type gets the attention that it deserves.

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- ***Key stakeholders are virtually unanimous in their opinion that the demonstration projects have been successful, although they have differences of opinion in some courts about the degree of success.***

Only one stakeholder in the survey says that the demonstration project in his or her jurisdiction has been "not very successful." In fact, 98% of the survey respondents who express an opinion (one respondent does not) say that the demonstration projects have either been "very successful" or "somewhat successful." Stakeholders associated with three demonstration courts are unanimous in their opinion that the projects in those courts are "very successful." For two other demonstration courts, there are more stakeholders who are enthusiastic about the projects and say they are "very successful" than there are who are less positive and consider them to be only "somewhat successful." In two other courts, however, the stakeholders who rate the projects as only "somewhat successful" outnumber those who rate them more enthusiastically as "very successful."

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B. Recommendations. Based on the assessment summarized here, NCSC has some high-level suggestions for steps that the Michigan court system should take in the future. Those suggestions are reflected in the following three broad recommendations.

Recommendation 1. **Court system and legislative leaders in Michigan should recognize judicial leadership, demonstrated commitment to success among judges and court staff, and the support of key local**

stakeholders as necessary and essential ingredients in the successful implementation of any trial court consolidation effort and should take steps to ensure their presence in any effort to bring about further trial court consolidation in the state.

All of the demonstration courts – from the smallest to the largest – have succeeded in direct proportion to the extent that they have had strong leadership, have been able to create and maintain strong commitment to the objectives of court consolidation from both judges and court staff members, and had the support of key local stakeholders. This is not surprising, since leadership, commitment, and effective communication are recognized as fundamental conditions for the successful management of a court or any other organization.[6] The potential expansion of trial court consolidation is not universally supported by all trial judges in Michigan, however, and any effort to transplant it to a circuit lacking the requisite leadership, commitment to success, and support of local stakeholders may fail.

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Recommendation 2. **Michigan court system and legislative leaders should consider trial court consolidation to be highly desirable in all small rural circuits where it will result in the availability of an able full-time resident judge to hear all trial court matters.**

The two smallest demonstration projects (those in Lake and Iron Counties) were formed in counties that previously had a part-time resident probate/juvenile judge, a circuit court judge serving two counties, and a district court judge serving two counties. In each demonstration court, the transition to having a very capable resident full-time judge hearing all types of case has been a clear success. This is in part attributable to the benefits of structural change, and in part attributable to judge leadership, the commitment of court staff members, and the support of county officials and other key local stakeholders. This suggests that a small county now served by part-time or "circuit

6 See Ronald Stupak, "Court Leadership in Transition," 15 *Justice System Journal* (no, 2, 1991) 617; David Osborne and Ted Gaebler, *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector* (New York: Penguin Books, 1993), p. 327; and Peter Drucker, *The New Realities: In Government and Politics/In Economics and Business/In Society and World View* (New York: Harper & Row, 1989), p. 84. See also, David Steelman, John Goerdt, and James McMillan, *Caseflow Management: The Heart of Court Management in the New Millennium* (Williamsburg, Va.: National Center for State Courts, 2000), pp. 88-101.

riding" judges can be a prime candidate for a successful trial court consolidation effort led by an able judge with court staff commitment and support from key local stakeholders.

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Recommendation 3. **As a prelude to further trial court consolidation in other judicial circuits, state and local court leaders in Michigan should seek to implement aspects of the demonstration projects that have yielded many of their benefits. These aspects include (a) blanket cross assignment of local judges; (b) providing for felony pleas to be taken at the time of preliminary examinations; (c) centralization of jury management and of contracts for court-appointed counsel; (d) enhanced attention to compliance with court orders relating to fines and fees; (e) greater integration, communicability and compatibility of case information systems; and (f) greater coordination of local court budgets.**

As the general and specific findings presented above indicate, the seven trial court consolidation demonstration projects have been quite successful. Most of the demonstration projects had successful features that would have improved local court operations even in the absence of formal consolidation of all courts in any given circuit. Efforts in each of Michigan's other judicial circuits to adopt such elements of demonstration project success as those listed in this recommendation should have at least two positive effects: (1) such efforts should allow court leaders and court staff to explore the dimensions of cross-court interaction and coordination that will provide a necessary basis for successful coordination if that step is taken; and (2) even without formal consolidation, local courts will benefit along with citizens and key local stakeholders from the improved effectiveness and efficiency that such changes will yield for local court operations.