

# MICHIGAN SUPREME COURT Annual Report 2010



Michigan Hall of Justice, Lansing, Michigan

# From the Chief Justice

#### CHIEF JUSTICE ROBERT P. YOUNG, JR.

G.K. Chesterton, the English writer and intellectual, once observed that "Progress should mean that we are always changing the world to fit the vision, instead we are always changing the vision." Those of us who work in government would do well to heed those words. All too often, we compromise principles of good governance, letting the unwieldy, unworkable status quo go unchallenged because change is difficult.

The state's fiscal crisis is compelling a rejection of the status quo and a return to basic principles of good governance. As detailed in this and other recent annual reports of the Michigan Supreme Court, the State Court Administrative Office (SCAO) issues a biennial analysis of judicial resources—the number of judges each Michigan trial court needs based on that court's workload. (The next Judicial Resources Recommendations Report will be issued later this year.) In every year since 2007, SCAO has recommended the reduction of four COA judgeships and more than 15 trial judgeships. The Legislature—while often



Chief Justice Robert P. Young, Jr.

adding judgeships where recommended by SCAO—did not act on any of these proposed reductions, so we have a state judiciary that has grown even as Michigan's judicial caseloads, population, and economy shrank. The result is an unnecessary burden on the taxpayers—on the state level, since the cost of judicial salaries is borne by the state, and even more on local funding units, which pay for the much larger costs of judges' benefits and other associated costs, such as staff salaries and benefits. Simply put, the taxpayers are paying for more judges than they need. That is not good government.

The judicial branch represents a very small slice, less than 1 percent, of the state's gross budget. Of that small amount, about two-thirds—mainly judicial salaries—are not under the Supreme Court's control. What this has meant is that the brunt of recent budget reductions has fallen hard on the remaining one-third, including the various divisions of SCAO. Yet, in fields ranging from technology to caseload management to continuing education for judges and court employees, the judicial branch is continually striving to improve, to provide the highest possible level of public service. This annual report describes those accomplishments.

Annual reports are by their nature focused on past achievements. I hope that this report will also remind us of what still needs to be done, and can be done, in 2011.

I look forward to working with the Governor and Legislature as, this time, we change the world of state government to fit the vision of good governance.

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Robert P. Young, Jr. Chief Justice



Justice Maura D. Corrigan holds a newly adopted baby boy while the Hon. Robert S. Sykes, Jr. looks on during Ionia County's 2010 Adoption Day festivities. *Photo courtesy of the Ionia County Probate Court.* 

# Table of Contents

#### **MICHIGAN SUPREME COURT ANNUAL REPORT 2010**

Highlights	1
BUDGET ISSUES	1
JUDICIAL RESOURCES RECOMMENDATIONS	1
COURT TECHNOLOGY	2
CHILD WELFARE SERVICES DIVISION	6
THERAPEUTIC JUSTICE: SPECIALTY COURTS1	1
CHILD SUPPORT SERVICES: THE FRIEND OF THE COURT BUREAU1	4
MICHIGAN JUDICIAL INSTITUTE1	5
OUTREACH AND PUBLIC EDUCATION1	6
COLLECTIONS1	9
MICHIGAN SUPREME COURT SECURITY DIVISION2	0
OFFICE OF DISPUTE RESOLUTION/COMMUNITY DISPUTE RESOLUTION PROGRAM 2	1
Judicial Activity & Caseload	3
SUPREME COURT	4
COURT OF APPEALS2	6
CIRCUIT COURT	9
PROBATE COURT	6
DISTRICT COURT	4
MUNICIPAL COURT	8
Appendix: Michigan Trial Court Judgeships	9



Chief Judge Elwood L. Brown of St. Clair County Probate Court and a newly-adopted child on Michigan Adoption Day 2010. *Photo courtesy of Michigan Supreme Court Office of Public Information*.

# Highlights

#### **BUDGET ISSUES**

In their November 2010 annual economic forecast, economists at the University of Michigan said that they believe the worst is over for Michigan's economy, but that their projected job growth will be too small to significantly reduce the state's unemployment rate in the next few years. Gary Olson, then director of the Senate Fiscal Agency, said in 2010 that the state faces a projected \$1.7 billion deficit for FY 2012, in large part because of the likelihood that much of the aid from the federal government that has been included in recent state budgets will no longer be available. Mr. Olson also said, "2011 is likely to be the year in which the scope and purpose of Michigan state government is adjusted to reflect the new realities in this state." ("Michigan's economy finally turning around, experts say," Detroit Free Press, November 20, 2010.)

Following significant budget cuts in FY 2010, the FY 2011 budget for the judicial branch is essentially a continuation budget. After a multiyear downsizing trend, as of the beginning of December 2010, the judicial branch had 99 fewer employees than it did at the beginning of FY 2001, a drop of 18.5 percent. (This number does not include vacancies that later opened up in the wake of the state's 2010 retirement incentive program.) The judiciary's general fund budget, excluding judicial salaries, has been reduced by almost 29 percent. Additional significant reductions are expected in FY 2012 as the new administration in Lansing addresses the budget deficits. These staff reductions challenge the judicial branch's ability to continue delivering mandated services to the public on a timely basis.

The narratives that follow illustrate how the judicial branch continued its efforts to deliver the highest possible level of public service in 2010, despite serious cutbacks in funding and staff.



### JUDICIAL RESOURCES RECOMMENDATIONS

The Michigan Constitution provides that the Legislature shall, on the Michigan Supreme Court's recommendation, increase or reduce the number of state trial court judgeships based on changes in judicial activity (Const 1963, art 6, § 11). Every odd-numbered year, the State Court Administrative Office (SCAO) performs a statistical analysis to determine whether each court has an appropriate number of judges, as determined by workload. SCAO's weighted caseload analysis takes into account not only the number of cases filed in court, but also the average amount of time required by a judge to process various types of cases. The result is a quantitative estimate of each court's judicial needs. If there is a significant discrepancy between a court's estimated judicial need and the court's actual number of judges, SCAO reviews additional, primarily qualitative, factors that affect judicial workload and need. A report

summarizing the results is published on the Supreme Court's website and shared with the Governor and Legislature. Any changes in the number of state judgeships must be made by legislation and approved by



the Governor.

In 2010, SCAO applied for and obtained a grant from the State Justice Institute to review and update the weighted caseload analysis. SCAO has matched these grant funds to retain the National Center for State Courts (NCSC) to conduct this review. SCAO's Judicial Needs Assessment Committee, which includes trial court judges, magistrates, referees, and administrators, oversees the project. In October 2010, about 1,400 judges and judicial officers from every trial court in Michigan recorded the amount of time they spent handling cases. NCSC will use this snapshot to develop realistic estimates of the amount of time necessary to process trial court caseloads. In 2011, NCSC will provide SCAO with a new, comprehensive methodology to assess Michigan's judicial needs.

In 2010, the State Bar of Michigan formed a task force to study the future of Michigan's judicial branch, including ways to

make the courts more efficient. The 28-member "Judicial Crossroads Task Force," composed of judges and attorneys, is expected to announce in early 2011 its support of a weighted caseload analysis to determine Michigan's judicial need, as SCAO has been doing in its biennial judicial resources reports. Other expected recommendations—eliminating excess judgeships by attrition and consolidating some court services—are consistent with what SCAO has recommended in the past. The task force is also expected to propose that, when a court has an opening for a judge, the Supreme Court should advise the Governor on whether to fill the vacancy or eliminate the judgeship.

# **COURT TECHNOLOGY**

#### **Statewide Trial Court Case Management System**

As SCAO's information technology division, Judicial Information Systems (JIS) assists state courts with a variety of technology issues. An example is the statewide case management system being developed by JIS in collaboration with Unisys, a technology consulting firm.

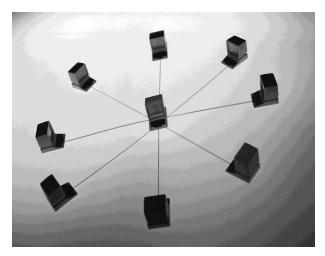
Case management is one of a trial court's most critical functions, keeping cases on track for timely disposition. In the past, each trial court selected a system that best met that court's needs within its financial limitations, resulting in a patchwork of many different case management systems deployed on various decentralized servers. In 2008, JIS began working with Unisys on a new case management system that will be available to all state trial courts. The project includes pilot courts in Berrien and Washtenaw counties.

In 2010, Unisys delivered the core application for Phase I, which includes system functions for civil cases. This application was tested by pilot courts' staff to ensure that the application meets their

needs. Completion of Phase I, which will culminate in the pilot courts' use of the case management system in civil cases, is slated for July 2011.

Phases II, III, and IV of the project will develop criminal, juvenile, and probate case management systems respectively. Phase II, which began in November 2009, continued in 2010. All phases are expected to be completed by 2014.

The project is funded in part by user fees from courts that use case management technology previously developed by JIS. Other funding is provided by the Judicial Technology Improvement Fund, which is supported by court fees and contributions from the pilot court counties. The pilot counties' contributions will be credited toward their future user fees.



#### **Traffic Tickets Paid Online**

Thanks to another Judicial Information Systems project, thousands of Michigan citizens paid traffic tickets online in 2010. Nine courts—62A District Court (Wyoming), 38th District Court (East (Eastpointe), 36th District Court (Detroit), 15th District Court (Ann Arbor), 54B District Court (East Lansing), 46th District Court (Southfield), 47th District Court (Farmington Hills), 51st District Court (Waterford), and 55th District Court (Ingham County)—offered this service in 2010, with over 3,600 online ticket payments being made each month. In addition to providing a service for ticket payers, the online payment system automatically posts transactions without involving court staff, freeing court employees for other duties.

In 2010, this project was expanded to serve drivers whose licenses were suspended because they failed to pay their tickets on time. When the driver pays the late ticket, the online system automatically clears the suspension and restores driving privileges, saving the driver a trip to the Secretary of State's office. The service also frees Secretary of State branch office staff—who would otherwise spend time processing the transaction—for other duties.

#### **Judicial Data Warehouse**

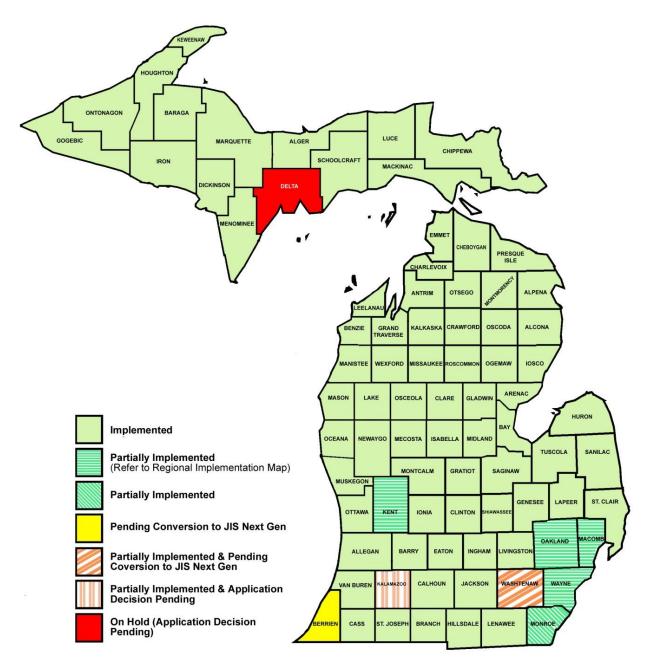
Containing approximately 40 million case records, the Judicial Data Warehouse allows the judiciary and law enforcement to obtain information about pending and closed cases throughout Michigan. As of December 31, 2010, the data warehouse was implemented in 228 courts in 81 counties; the map below and on page 5 illustrates the project's status for 2010. The 14 remaining courts are expected to be added to the warehouse in 2011.

The Judicial Data Warehouse also supports data sharing with executive branch agencies and other SCAO applications—for example, a reporting system that tracks children at risk for neglect and abuse. This collaboration between SCAO and the Department of Human Services (DHS), which is modeled on

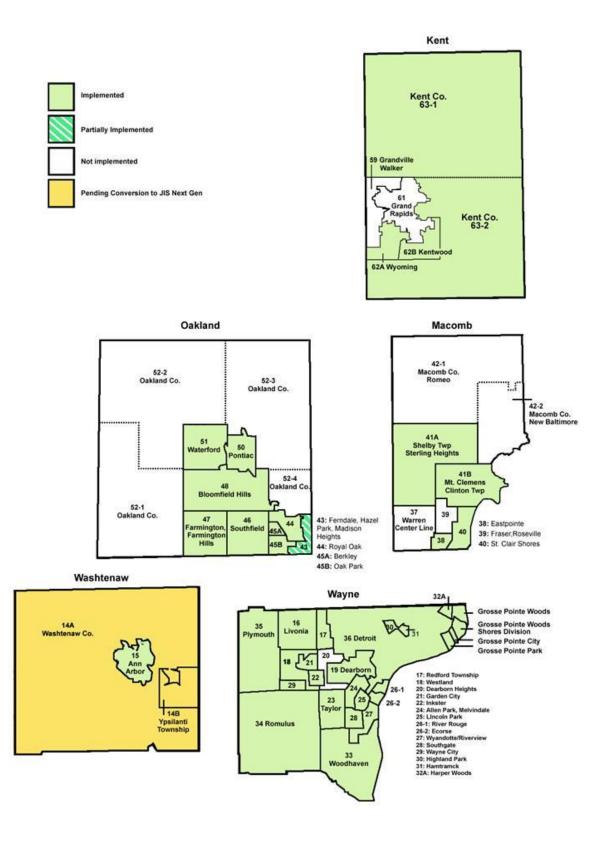
the federal Adoption and Foster Care Analysis and Reporting System and the National Child Abuse and Neglect Data System, was expanded in 2010 to include an additional 18 courts and DHS offices in Clinton, Gratiot, Newaygo, Livingston, Genesee, Eaton, Saginaw, Jackson, and Ingham counties. The project is funded by a federal grant.

Other agencies receiving data from the data warehouse in 2010 include the Michigan State Police's Criminal History System and Office of Highway Safety and Planning, as well as SCAO's Drug Court Case Management System. Once the warehouse is fully implemented, SCAO will use it to generate additional statistical and trend information.

#### **Judicial Data Warehouse Implementation Status Map**



#### **Regional District Court Judicial Data Warehouse Implementation Status Map**



#### **Video Conferencing**

In 2010, JIS added additional courtrooms to the video conferencing project, a collaboration with the Department of Corrections, the State Police Forensic Lab, and state mental health facilities. Through this project, prisoners and mental health patients can participate in court hearings without the risks and costs associated with transporting them to court. Michigan State Police technicians can also use video conferencing to participate in arraignments, pretrial conferences, and other court hearings without the time and expense of travel. Court funding units—counties and municipalities—also benefit from the project. Video conferencing reduces public safety risks and lowers transportation costs for local law enforcement.

Using a grant from the State Police Office of Highway Safety and Planning and funding from the Judicial Technology Improvement Fund, JIS implemented video conferencing in 17 courtrooms in 2010, with plans to add 26 more courtrooms in 2011.

# CHILD WELFARE SERVICES DIVISION

SCAO's Child Welfare Services (CWS) division serves as Michigan courts' central resource for child protection, foster care, and adoption. CWS is comprised of the Court Improvement Program and the Foster Care Review Board; both units provide guidance and technical support to family division courts. They also act as liaisons between family courts and the executive and legislative branches.



#### I. COURT IMPROVEMENT PROGRAM

#### **FEDERAL GRANTS**

CWS administers three federal Court Improvement Program (CIP) grants: the Main Grant, the Training Grant, and the Data Collection and Analysis Grant. CWS also administers an Interagency Agreement with the Governor's Task Force on Child Abuse and Neglect to provide cross-disciplinary child welfare trainings. Throughout 2010, CWS used these grants to improve Michigan courts' handling of cases that involve at-risk families with children. Among other activities, CWS was instrumental in helping the state prepare for various federal reviews and comply with the federal consent decree in *Dwayne B v Granholm* (Case No. 06-13548, U.S. District Court for the Eastern District of Michigan).

#### **CIP MAIN GRANT ACTIVITIES**

#### Federal Child and Family Services Review

The Child and Family Services Review (CFSR) is a comprehensive federal evaluation of each state's management of its child abuse and neglect cases. The U.S. Department of Health and Human Services (Administration for Children and Families—Children's Bureau) conducts these reviews to: (1) evaluate states' compliance with the federal Adoption and Safe Families Act of 1997; and (2) determine whether the states are meeting established outcome standards regarding child safety, child well-being, and

timely permanency. The outcome of the review determines whether the state continues to be eligible for federal child welfare funding.

In March 2010, the HHS/ACF Children's Bureau issued a report finding that Michigan conducts case reviews and holds permanency hearings in a timely manner. The report also praised Michigan courts and DHS for improved collaboration. However, the review said the state needed to do a better job of involving parents and foster parents in permanency planning. Federal reviewers also said that termination of parental



rights petitions were not always filed in a timely manner, and that case planning did not always take each family's needs into account. The report also noted that the courts could improve "preservation and continuity of family relationships and connections."

As part of the federal review, Michigan must develop a "Program Improvement Plan" to address shortcomings identified by the federal reviewers. Successful implementation of the plan will reduce or eliminate federal financial penalties that Michigan would otherwise incur. CWS works with DHS to develop the plan and oversee its implementation. In April 2010, CWS convened a statewide advisory group, whose members included Supreme Court Justice Maura Corrigan, local judges and referees, and attorneys who represent parents and children. In May 2010, the advisory group submitted to DHS its recommendations for addressing shortcomings identified in the federal audit; these recommendations are incorporated into Michigan's Program Improvement Plan, which DHS is negotiating with the HHS/ACF Children's Bureau.

In September 2010, CWS created a workgroup to address issues with poor case planning, a significant barrier to timely permanency for children in foster care. In addition, in November 2010, CWS sponsored a statewide conference to help address another issue identified by the federal review on improving parent-child visitation.

#### Federal Title IV-E Eligibility Review

In 2010, CWS assisted DHS during Michigan's federal Title IV-E eligibility review. Over a fiveday period, federal auditors reviewed 80 randomly selected cases and determined that six cases had eligibility errors. (In February 2011, DHS successfully appealed some of those error findings; as a result, the state passed the Title IV-E review.) None of the errors involved court orders. In addition, the federal reviewers cited the collaboration between the Michigan courts and DHS as one of this state's strengths. Reviewers also applauded the court orders' attention to detail.

CWS continues to provide local Title IV-E technical assistance to courts and DHS county offices. Between June and November 2010, CWS provided county-specific technical assistance in five counties, made broader IV-E presentations at two statewide conferences, and provided three trainings for DHS Child Welfare Funding specialists. Participants included judges, referees, court administrators, other court staff, private attorneys, prosecutors, DHS management and caseworkers, and private agency caseworkers. Topics included on-the-record findings that courts must make in each case, how DHS determines



Justice Maura Corrigan visits with families at Wayne County's 2010 Family Reunification Day. The event recognizes families who have overcome challenges so that their children can return from foster care. *Photo courtesy of Michigan Supreme Court Office of Public Information*.

eligibility for Title IV-E funding, trends found during the federal review process, and local issues or concerns.

CWS is also working closely with DHS to develop Michigan's Title IV-E Program Improvement Plan and training program. Collaborative training will ensure that DHS staff and the courts continue to receive the same accurate information. CWS and DHS personnel meet monthly to review Title IV-E questions from local DHS offices or the courts.

#### Educational Workgroup

Children in foster care face numerous educational challenges and have a disproportionately high dropout rate. In early 2010, CWS established a workgroup of jurists, attorneys, child welfare administrators and practitioners, and foster care alumni. Because so

many Michigan foster children reside in Wayne County and attend the Detroit Public Schools, the workgroup focused its attention on that school district. But the goals the workgroup established apply to any K-12 public school district that educates foster children:

- Keep the child in a familiar school and neighborhood whenever doing so is consistent with the child's best interests.
- Develop a system to track the number of earned academic credits for foster children who transfer, drop out, or enroll late.
- Develop a tool to identify children in out-of-home placements who display early signs of academic failure, such as below-grade-level performance, poor attendance, and frequent suspensions.
- Ensure that foster youth are prepared and encouraged to pursue educational opportunities beyond high school.

- Provide learning opportunities to help school systems better understand foster youth's special needs.
- > Involve foster children in their own educational plans.

Following an initial joint meeting in July 2010, the workgroup evolved into a formal collaborative body called Project C.A.R.E. (Communication, Action/Accountability, Results and Evaluation). Subcommittees will develop plans to achieve the workgroup's goals.

#### Adoption and Permanency Forums

On April 30 and October 29, 2010, CWS held Adoption and Permanency Forums with the goal of expediting permanency for children who have been in foster care for more than one year. This initiative

includes the 24 Michigan counties with the largest numbers of children in foster care—approximately 85 percent of the state's total foster care caseload. At the forums, a judge from each county organized a multidisciplinary "county team" charged with developing innovative ways to expedite permanency in targeted cases from that county. The October forum featured an award ceremony in which Justice Corrigan and State Court Administrator Carl Gromek honored five county teams for "Excellence in Court Improvement," "Excellence in Working as a Team," "Excellence in Model Programs," "Excellence in



Creative Solutions," and "Judicial Leadership." The forums, which have inspired strong local partnerships and a competitive spirit among the participating counties, will continue in 2011.

#### **Tribal** Collaboration

The Tribal Court Relations Committee continued work begun in 2009 by drafting a "Michigan Indian Family Preservation Act" to serve as Michigan's version of the federal Indian Child Welfare Act. The committee is discussing this draft legislation with representatives of Michigan's 12 federally recognized tribes and several CWS partners at the Michigan Department of Human Services. The committee also discussed creating a Bench-Bar/Tribal-State forum to bring together attorneys and judges from both tribal and state courts. Justice Michael Cavanagh has agreed to be an honorary chair of the first forum, and Indigenous Law Program of the Michigan State University College of Law has also agreed to work with CWS.

#### **CIP TRAINING**

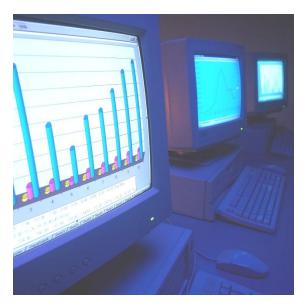
CWS administers many child welfare training programs with funds from the CIP Training Grant and special-purpose grants from the Governor's Task Force on Child Abuse and Neglect. Each training program is planned by a cross-disciplinary committee and offered to a target audience, such as judges, referees, court staff, attorneys, child protection workers, private and public foster care and adoption workers, and Michigan's 12 federally recognized tribes. CWS develops training based on recommendations from the federal Child and Family Services Review, the CIP statewide taskforce, the Governor's Task Force on Child Abuse and Neglect, DHS, various stakeholder community agencies, and practitioners in the field.

In 2010, CWS administered or cosponsored 31 trainings around the state. Topics included the Indian Child Welfare Act, removal prevention and timely reunification, legal representation of parents and children, youth in transition, legal updates, educational issues, and the role of parent/child visitation in timely reunification. The full 2010 training schedule can be found at: <a href="http://courts.michigan.gov/scao/services/CWS/TrainingDevelopment/2010TrainingSchedule.pdf">http://courts.michigan.gov/scao/services/CWS/TrainingDevelopment/2010TrainingSchedule.pdf</a>. CWS also trains new family division judges and referees.

The CWS training website offers online training registration, course materials and other resources, live webcasts, and access to archived webcasts. DHS has determined that DHS caseworkers may satisfy their continuing education requirements by viewing archived and live CWS trainings.

#### **CIP DATA GRANT ACTIVITIES**

Improving data sharing between Michigan trial courts and DHS continues to be a major CIP goal. Under a data-sharing agreement between SCAO and DHS, court data from the Judicial Data Warehouse is



combined with DHS data from the Service Worker Support System.

The reports generated from each data set are shared with local court and DHS staff to better manage their respective caseloads. Courts receive reports that demonstrate whether they are conducting timely hearings as required by statute and court rule. DHS caseworkers are able to confirm when the next court hearing date is for a specific child in foster care. As courts and DHS share more data, the reports will allow local courts and DHS workers to see the strengths and weaknesses in their local child welfare system. While data sharing in Michigan is still in its early stages, CWS is confident that the collaboration between SCAO and DHS will continue.

In 2010, CWS began administering the state's Absent Without Legal Permission system, which tracks children who have gone missing from their foster care placements. CWS evaluates both the system and the reports that it generates, making improvements and updates where necessary. Court and DHS staff use the same data management system to track AWOLP hearings and efforts to locate children under a specific court's jurisdiction. Multiple reports are available to system users, including a ready-made court report for DHS caseworkers to print and sign in preparation for an AWOLP hearing.

#### **II. FOSTER CARE REVIEW BOARD**

The Foster Care Review Board was created by statute (1984 PA 422) as a program within SCAO. The board acts as an additional set of "eyes and ears" for children in foster care by reviewing cases. The

board sometimes selects a case at random, but also can review a case by request—for example, if a foster parent disagrees with DHS's decision to remove a child from his or her home. These reviews help ensure that foster care children move toward permanency in a timely and efficient manner; the reviews also assist in monitoring the state's compliance with federal funding requirements. Thirty local review boards comprised of citizen volunteers conduct reviews monthly; individual cases are reviewed every six months until permanency.

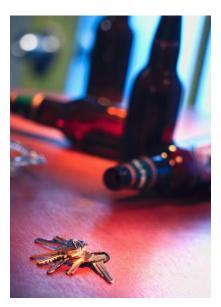
In 2010, the Foster Care Review Board conducted 1,256 reviews of 986 children. The board also received 143 phone requests for appeals by foster parents, with local boards formally investigating the removal of 128 children. Program representatives reconciled the remaining appeals without a formal investigation. In some instances, foster parents withdrew their appeals without a hearing.

The Foster Care Review Board provides an annual report of its activities to the Governor, the Legislature, and SCAO. The report analyzes key statewide systemic problems, which the board has identified through individual case reviews, and recommends solutions. The annual report is written by a statewide advisory committee that includes local board members, child welfare professionals, and child welfare advocates. The 2009 FCRB Annual Report, published in June 2010, addressed problems with the case-planning process.

# **THERAPEUTIC JUSTICE: SPECIALTY COURTS**

Specialty courts, also commonly referred to as problemsolving courts, aim to prevent crime by treating problems, such as alcohol abuse or drug addiction, that contribute to an offender's criminal behavior. A team that includes the judge, prosecutor, defense counsel, probation officers, social workers, and therapists works with the offender and monitors his or her progress. Participation is voluntary, but offenders who violate the program's requirements are subject to sanctions, including incarceration.

Under Michigan Compiled Laws 600.1060 *et seq.*, the drug treatment court enabling legislation, SCAO is responsible for administrative oversight of drug treatment courts. As part of its 2010 strategic plan, SCAO's Trial Court Services division made assisting specialty courts a high priority.



#### **Growth of Specialty Courts**

The specialty court movement in Michigan, which started with one drug treatment court in 1992, has grown to include 129 programs that include mostly drug courts and some variations:

- Adult drug treatment courts target nonviolent offenders whose substance abuse has led to criminal behavior.
- > DWI (Driving While Impaired) courts focus on hardcore repeat drunk drivers.

- Juvenile drug treatment courts address the substance abuse of delinquent juveniles and even some "status offenders" (i.e., juveniles deemed to be runaways, incorrigible, or truant).
- Family dependency drug courts target selected child abuse, neglect, and dependency cases where parental substance abuse is a primary factor.
- Teen courts, also called youth courts and peer courts, are aimed at first-time offenders between the ages of 13 and 16 who are charged with misdemeanor nonviolent criminal offenses and some status offenses. Offenders are sentenced by a jury of their peers.
- Mental health courts treat nonviolent offenders with a primary diagnosis of mental illness, often with a substance use disorder as a secondary diagnosis.
- Veterans treatment courts help to address the particular needs of military veterans who become involved with the court system.
- Child support specialty courts help noncustodial parents support their children financially by addressing barriers to employment.

As of December 2010, Michigan specialty courts included 40 adult district and adult circuit drug treatment courts, 25 DWI courts, 14 juvenile drug treatment courts, 9 family dependency drug treatment courts, 3 tribal drug treatment courts, 17 teen courts, 12 mental health courts, 5 child support specialty courts, and 4 veterans treatment courts.



Judge Robert C. Kropf of the 8th District Court in Kalamazoo stands with a recent drug court graduate. *Photo courtesy of Judge Robert Kropf.* 

Also in 2010, planning started on three adult drug treatment courts (Montcalm County Circuit Court, 22nd District Court-Inkster, and 65B District Court-Gratiot County), one family dependency drug treatment program (Livingston County Circuit Court), and one DWI court program (77th District Court-Mecosta County).

#### **Funding Specialty Courts**

Funding these programs, especially during Michigan's current anemic economy, is a formidable challenge. In FY 2011, state and federal grant programs administered by SCAO continued to provide financing for most of Michigan's specialty courts:

Seventy-one percent (65 out of 91) of the drug treatment courts and DWI courts requested a total of over \$6.7 million from the Michigan Drug Court Grant Program. All of the available MDCGP funds (\$1,353,500) were awarded to 49 of the 65 applicants. In FY 2010, 55 programs received MDCGP funds; 52 programs received MDCGP awards in FY 2009.

- Fourteen applicants requested a total of over \$3.1 million from the Byrne Memorial Justice Assistance Grant program, which funds drug treatment court programs that target priority populations, consisting of prison-bound offenders, nonviolent felony offenders, and probation violators. SCAO administers this program through an interagency agreement with the Michigan State Police. Eleven of the 14 applicants received \$1.8 million in available funds.
- The Office of Highway Safety Planning grant program, which is administered by SCAO and the Michigan State Police, awarded \$500,000 in available funding to the nine applicants, who had requested a total of \$869,000.
- The Michigan Mental Health Court Grant Program awarded a total of \$550,000 to eight pilot mental health courts. The MMHCGP, a joint grant program funded by SCAO and the Michigan Department of Community Health, has been funded for two years by the American Recovery and Reinvestment Act of 2009; this funding will end in 2012.
- The Child Support Specialty Courts Grant pilot program, also administered by SCAO, awarded a total of \$75,000 to three participating courts: 7th Circuit Court (Genesee County), 13th Circuit Court (Grand Traverse County), and 17th Circuit Court (Kent County). This program is funded by Interest on Lawyer Trust Accounts dollars, which are collected by the State Bar of Michigan. Although originally a one-time pilot grant funding source scheduled to end September 30, 2010, the program was extended for FY 2011.

### Program Evaluation and Performance Measurement

Evaluations and performance measurement provide specialty courts with data to assess their effectiveness. The Drug Court Case Management Information System helps SCAO assess whether specialty courts are meeting their goals.

In FY 2010, the 32 adult district and adult circuit drug treatment courts that



used the Drug Court Case Management Information System admitted 1,207 participants; 62 percent were felony offenders, 24 percent of whom were prison-bound. For Michigan adult drug treatment courts, the average success rate—defined as completion of the program according to specific requirements—was 44 percent. Twenty-four DWI courts reported admitting 1,127 participants, 11 percent of whom were felony offenders, with 9 percent of that group being prison-bound; the average success rate for DWI courts was 65 percent. Michigan's 15 juvenile drug treatment courts admitted 241 participants and had an average success rate of 52 percent, and the state's 10 family dependency drug treatment courts admitted 110 participants and had an average success rate of 45 percent.

In FY 2010, the state's 8 mental health court pilot programs accepted 234 mentally ill offenders; 44 percent had committed felonies, and 31 percent of these felony offenders were prison-bound. Bipolar

disorder, depression, and schizophrenia comprised 78 percent of the participants' diagnoses; 64 percent of participants had a co-occurring substance use disorder diagnosis. In FY 2010, the average success rate for mental health courts was 43 percent.



# CHILD SUPPORT SERVICES: THE FRIEND OF THE COURT BUREAU

Michigan's Friend of the Court offices assist state family courts with child support, parenting time, and child custody issues. The Friend of the Court Bureau, a SCAO division created by the Legislature in 1982, supports each county's Friend of the Court offices in various ways.

#### Federal Funding for Child Support Services

Almost two-thirds of the funding for Michigan's child support enforcement programs comes from the federal government through Title IV-D of the Social Security Act. To continue receiving those funds, the state must meet federal performance standards, primarily those related to collecting court-ordered child

support. The Friend of the Court Bureau monitors changes to the federal requirements and helps Friend of the Court offices meet those standards.

In FY 2009, the American Reinvestment and Recovery Act temporarily reinstated the former practice of allowing states to use federal child support incentive money to qualify for the federal two-for-one funding match. But as of the beginning of FY 2011, the two-for-one incentives match is no longer available.

#### **Customer Service Unit**

Another Friend of the Court Bureau function is the Customer Service Unit, which is staffed by Lansing-area law school students. Under the supervision of bureau staff, these customer service clerks respond to inquiries from parents, Friend of the Court offices, and others. In 2010, these student clerks handled 3,144 phone calls and 495 letters and e-mails. In addition, clerks assist full-time bureau staff with special projects. They also research and write articles for a newsletter that is distributed to all Friend of the Court offices. The student clerks, many of whom plan to pursue careers in family law, gain real-world experience while providing a valuable public service.

#### **State Continues to Rank High in Child Support Collections**

The courts work with the Department of Human Services to collect child support, helping Michigan families provide for their children without public assistance. In 2010, the federal Office of Child Support Enforcement, which monitors states' child support collections, released preliminary data ranking Michigan sixth in the country for child support distributions in FY 2009. Michigan distributed \$1,391,917,746 in child support collections to custodial parents. In addition, the state collected \$408,930,002 in past-due child support for FY 2009. The federal child support office ranked Michigan third among all states in total child support arrears collections.

Also noteworthy is that Michigan collected current and past-due child support while reducing its administrative costs by \$3.6 million from the previous fiscal year.

#### Friend of the Court Bureau Special Projects

*Genesee County's Expanded Problem-Solving Court*: In 2010, the DHS Office of Child Support, SCAO, and Genesee County administered a federal Section 1115 grant project to expand the county's

Child Support Specialty Court project. Whereas other child support specialty courts—in Allegan, Grand Traverse, Kent, and Newaygo counties—focus almost exclusively on the noncustodial parent's ability and willingness to pay child support, the 1115 grant project targets economically at-risk families at an earlier stage of the court proceedings and provides assistance to the entire family. At the end of 2010, the Genesee County project included almost 600 domestic relations cases.

Informal Divorce Dockets: The 29th Circuit Court (Clinton and Gratiot counties), with the assistance of Friend of the Court Bureau staff, has established an "informal docket" for divorce-with-children cases involving spouses who have only minimal assets and



intend to appear in court without an attorney. To help the litigants use the court system more effectively and achieve better outcomes in less time, the court now uses a variety of alternative dispute resolution techniques, including "conference trials." The project began on November 1, 2010, and will continue for approximately three years.

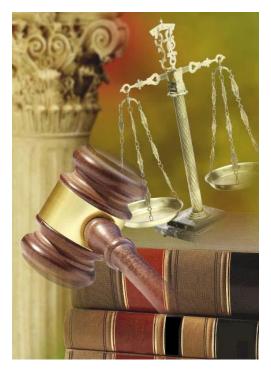
*Asset Building Project:* A new project of Kent County's child support program will help child support-paying parents learn to manage their assets, thanks to a successful 2010 grant application by the Friend of the Court Bureau, the DHS Office of Child Support, and Kent County's 17th Circuit Court. With support from a Section 1115 grant, the county child support program will work with federally funded asset-management agencies. The goal is to help child support payers manage their assets appropriately and pay support consistently.

### **MICHIGAN JUDICIAL INSTITUTE**

The Michigan Judicial Institute, SCAO's educational division, provides quality, timely training and education for Michigan judges and judicial branch staff.

MJI offers numerous educational opportunities, including the Michigan Supreme Court Judicial Conference. The 2010 conference, which was attended by 531 judges, featured sessions on "Maintaining

Judicial Excellence in an Era of Government Downsizing," "Immigration Issues and Collateral Consequences in Divorce, Child Protective, and Delinquency Proceedings," "New Medical Marihuana



Law," "Employment Law and the Americans With Disabilities Act," and many other topics.

Other 2010 MJI offerings included 45 seminars on topics including effective judging, felony sentencing, sound fiscal management for courts, and many more. Several of these programs were simultaneously delivered via webcast. In addition, MJI provides educational sessions for judicial and court professional groups, such as the Michigan Probate Judges Association, the Referees Association of Michigan, the Friend of the Court Association, the Michigan Association of Drug Court Professionals, and many more.

In 2010, MJI expanded its web-based offerings. In addition to simultaneous webcasting of some live programs, MJI provides training modules and archived video online. In 2010, over 2,000 viewers participated in Internet-based training offered by MJI. New webcasts developed in 2010 covered bankruptcy, ethics for court staff, and judicial

workload training. Also in 2010, MJI produced a new online training session, "Criminal Case Processing," and updated the web-based training for juvenile probation officers.

MJI maintains a core library of benchbooks and monographs, all of which are available online and updated annually. In 2010, updates included complete revisions to benchbooks on civil and criminal procedure. Benchbooks on evidence and postconviction proceedings were new additions to the library. Each Michigan judge receives a complete collection of MJI benchbooks on CD-ROM. MJI also collaborates annually with the Institute of Continuing Legal Education to produce a Probate Benchbook and a Family Law Benchbook, and with the West Publishing Company to produce the Michigan Sentencing Guidelines Manual. All three books are provided free of charge to judges.

MJI webcasts and publications, including publication updates, are available at http://courts.mi.gov/mji.

# **OUTREACH AND PUBLIC EDUCATION**

#### **Michigan Supreme Court Learning Center**

The Michigan Supreme Court Learning Center, located on the first floor of the Michigan Hall of Justice, is a key component of the Michigan Supreme Court's educational mission. Founded in 2002, the Learning Center teaches visitors about basic principles of law and Michigan's judicial branch of government through a combination of hands-on exhibits and special programs. It is overseen by the Michigan Judicial Institute.

In 2010, the Learning Center's more than 10,000 visitors included students at all levels of study, as well as community organizations and the general public. While the Learning Center serves a mostly Michigan audience, it has also hosted travelers from across the United States and many visitors from other countries, including foreign exchange students, international law students, and representatives of

foreign governments and cultural institutions. For these visitors, the Learning Center is an ambassador of American representative democracy and government.

In June and July 2010, the Learning Center offered "Exploring Careers in the Law" for junior high and high school students. In the high school program, students played the roles of Supreme Court justices and attorneys; the week-long program culminated in an oral argument, followed by a ruling from the "justices." The junior high school program allowed students to explore a variety of law-related careers and to watch



Students learn about the judicial branch of government with help from a volunteer at the Learning Center. *Photo courtesy of Michigan Supreme Court Learning Center*.

proceedings at Lansing's 54A District Court. Both groups met with Michigan Supreme Court justices, judges, and court staff. The programs also featured faculty, staff, and students of Thomas M. Cooley College of Law and Michigan State University College of Law.

Numerous free online resources, including lesson plans, research materials, webcasts, and educational activities, are available on the Learning Center's website at <u>http://courts.mi.gov/plc/</u>. The Learning Center also offers <u>Justitia</u>, a free e-newsletter for educators, at <u>http://courts.mi.gov/plc/</u> educatorNews/. The center's website is viewed by about 2,500 unique visitors per month.

The Learning Center's 2010 activities also included Law Day and Constitution Day. These annual civic education events are aimed primarily at students.



Justice Michael F. Cavanagh speaks with schoolchildren during Law Day 2010 activities. *Photo courtesy of Michigan Supreme Court Learning Center*.

#### Law Day 2010

"Law in the 21st Century—Enduring Traditions, Emerging Challenges" was the theme of Law Day 2010. On Monday, May 3, 2010, a group of about 200 students and adults examined the challenges courts face, including access to justice issues. Tours of the Michigan Supreme Court Learning Center emphasized the values of justice, diversity, and equality. Members of the Supreme Court and the Court of Appeals met with the visitors.

### **Court Community Connections**

Usually, anyone who wants to attend a Michigan Supreme Court hearing must come to Lansing. But twice a year, the Court goes "on the road" as part of an educational program aimed primarily at high school students.

In the spring and fall, the Supreme Court holds oral argument in different communities as part of its "Court Community Connections" program. The host community provides a site for the oral argument,



Chief Justice Marilyn Kelly talks with students at the October 2010 "Court Community Connections" program at Siena Heights University. *Photo courtesy of Michigan Supreme Court Office of Public Information.* 

and area students discuss the case in advance with the help of local attorneys who volunteer their time. Study guides, including case summaries and suggested discussion questions, are provided by the Supreme Court Office of Public Information. After hearing the argument, students are debriefed by the attorneys who argued the case, and also have an opportunity to meet with justices and court staff during a reception. When the Court renders its opinion, copies of the decision go to the volunteer attorneys, educators, and students, who then have another opportunity for study and discussion.

In April 2010, the Court traveled to Lake Michigan College in Berrien County. Before the hearing in Mendel Auditorium, students from area high schools joined the justices at a luncheon hosted by the Berrien County Bar Association. Oral

argument was followed by an afternoon reception attended by justices, students from 15 local high schools, local judges and attorneys, and others from the community.

The October 2010 program took place at Siena Heights University in Adrian and included students from 13 Lenawee County high schools, Siena Heights University, Adrian College, and Jackson Community College. In addition to the 500 students and community members in the Franceour Theater audience, students throughout the county watched the hearing on simulcast, courtesy of Lenawee and Monroe intermediate school districts; the oral argument was also carried on local cable and on the Internet at mistreamnet.com. A reception in adjacent Dominican Hall followed the oral argument and the debriefing session for students.

For more information about Court Community Connections, see <a href="http://courts.michigan.gov/supremecourt/Press/SpecialFeaturesIndex.htm">http://courts.michigan.gov/supremecourt/Press/SpecialFeaturesIndex.htm</a>.

#### **Juror Appreciation Month**

The Michigan Supreme Court instituted Juror Appreciation Month in July 2005 to emphasize the importance of jury service in American democracy. The 2010 event was marked by a Supreme Court resolution and a public service announcement by Chief Justice Marilyn Kelly thanking jurors for their service. Trial courts expressed their gratitude to jurors through activities and commemorative tokens,

including certificates of appreciation and bookmarks with information for jurors. For more information about Juror Appreciation Month, see <u>http://courts.mi.gov/supremecourt/Press/Juror/index.htm</u>.

#### **Michigan Adoption Day**

From the Upper Peninsula's Houghton County to Adrian County in southeastern Michigan, adoptive families throughout the state took part in the eighth annual Michigan Adoption Day. In keeping with this event's tradition, the 2010 Adoption Day was held on the Tuesday before Thanksgiving, November 23. This event brings attention to the adoption process and to the many Michigan children who need permanent homes. The Michigan Supreme Court cosponsors Michigan Adoption Day with the Department of Human Services, the Michigan Adoption Resource Exchange, and SCAO's Child Welfare Services division.

Twenty-nine Michigan counties participated in the 2010 Michigan Adoption Day; about 160 adoptions were finalized. As in past years, the Supreme Court marked the occasion with a resolution signed by the justices. Most participating courts opened adoption finalizations, which are usually private, to the public. These local celebrations, many of them featuring justices as guest speakers, received extensive media coverage. For more information about Michigan Adoption Day, see



http://courts.mi.gov/supremecourt/Press/MichiganAdoption DayIndex.htm.

Heart-felt joy was evident during Oakland County Adoption Day proceedings. *Photo courtesy of Douglas J. Levy, Michigan Lawyers Weekly.* 

# COLLECTIONS

Court collections continue to be a top priority of Michigan's judicial branch. In fact, Michigan was one of five states invited by the National Center for Victims of Crime to make presentations at the center's 2010 Restitution Roundtable; the center cited Michigan's "great progress in court collections" and the "very strong peer-to-peer aspects of Michigan's approach."

Effective enforcement of court orders, including orders that impose financial sanctions, increases respect for courts and their orders. Courts help crime victims by collecting restitution; other court-imposed fines, costs, and assessments supplement the crime victim's rights fund and support law enforcement, public libraries, and local governments.

In 2010, following the recommendations of the Court Collections Advisory Committee, the Michigan Supreme Court approved a statewide plan for court collections and related reporting requirements. Supreme Court Administrative Order No. 2010-1 provides that all trial courts must comply with collections program requirements that have been established by the state court administrator. Each program must include at least seven of ten components—for example, that the court has assigned staff, or set aside staff time, to work on collections. Courts that do not meet the minimum requirements must have an action plan, to be approved by SCAO, to improve their collections programs. Each trial court has submitted an initial collections program survey to SCAO; SCAO will complete its evaluation of these programs in 2011.

An essential part of any court-ordered payment plan is determining the litigant's ability to pay. In 2010, SCAO developed a calculator to assist courts in setting reasonable payment plans for litigants; the calculator considers a litigant's income and other obligations, such as child support, before computing a payment amount.

### **MICHIGAN SUPREME COURT SECURITY DIVISION**

Keeping courts safe is the goal of the Supreme Court's Security Division, which counsels and supports Michigan's 246 trial courts on security and emergency management. The division also provides security and emergency management for the Supreme Court, Court of Appeals, and SCAO's four regional offices.

In 2010, the Security Division assessed security measures at a number of trial court facilities and Friend of the Court offices. The division helped courts craft local administrative orders regarding weapons, contraband, and electronic device screening.



The Security Division also trains judges and court staff on security issues. In 2010, training sessions included "Security Issues and Surviving an Active Shooter Situation," "Personal and Office Safety," and "Safety and Security." The division's presentations also included "Personal Safety" for district court probation officers, "Security and Open Carry Firearms" for the Michigan Association of Probate Judges, and "Continuity of Operations Planning" for the Michigan Probate and Juvenile Registers Association. Also in 2010, Hall of Justice first-floor employees and Learning Center docents learned how to respond to an active shooter situation, thanks to training provided by the Security Division.

In 2010, the Security Division, in collaboration with representatives of the executive and legislative branches, developed the "Michigan Continuity of Government Plan," a support plan to the Michigan Emergency Management Plan. The continuity plan aims to ensure the continuation of constitutional governance in Michigan in the event of a natural disaster, epidemic, terrorist attack, or other catastrophe.

The Hall of Justice's 24,632 visitors in 2010 were screened by lobby security under the Security Division's supervision. Hall of Justice security personnel also responded to incidents at the Hall of Justice, including larceny, damage to property, disorderly persons, suspicious persons, and employee medical emergencies.

Security Division staff also provided protection at special events and hearings, such as the Supreme Court's "Court Community Connections" programs in Berrien and Lenawee counties, the 2010 Michigan Judicial Conference in Grand Rapids, and the "State of the Judiciary" address to the Michigan Legislature in April 2010.

# OFFICE OF DISPUTE RESOLUTION/COMMUNITY DISPUTE RESOLUTION PROGRAM

SCAO's Office of Dispute Resolution funds and oversees the state's 20 Community Dispute Resolution Program centers, which provide alternative dispute resolution for parties wishing to resolve their disputes without a trial. In 2010, the centers disposed of 14,656 cases, 81 percent of which were referred by courts; the centers resolved 66 percent of cases in which all parties agreed to use a center's services. Volunteer mediators, all of whom have completed a 40-hour SCAO-approved training program, provided more than 15,500 hours of service, which has a fair market value of \$2,352,000.



Community dispute resolution centers increasingly mediate family and juvenile issues, such as parenting time, child custody, and divorce. A number of

centers offer mediation to expedite permanent placements for children who are in foster care because of neglect or abuse. Mediation services are also available in juvenile cases involving minor offenses, and in truancy cases.

The centers provide low cost or free dispute resolution services and have been active in helping litigants manage numerous issues arising out of Michigan's current economic crisis. Persons with housing issues, credit matters, employment disputes, and persons seeking divorce have all benefited from finding solutions to their problems through mediation.

This Office of Dispute Resolution's annual report is available at <u>http://courts.michigan.gov/scao/resources/publications/reports/summaries.htm#arss</u>.

#### **Evaluation and Rules Update**

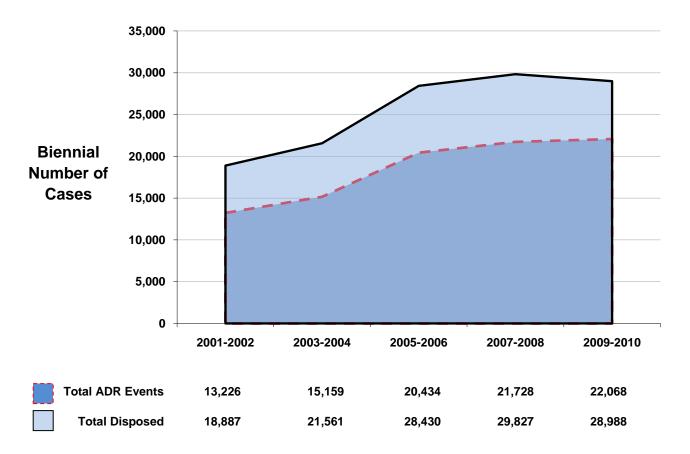
In 2010, the Office of Dispute Resolution focused on updating mediation court rules and professional standards for mediators.

SCAO's Mediation Confidentiality and Standards of Conduct Committee recommended that the Michigan Supreme Court adopt a new court rule to consolidate the mediation confidentiality provisions of MCR 2.411 and MCR 3.216. That committee also proposed expanded exceptions to mediation confidentiality, chiefly following the Uniform Mediation Act. The committee report appears at <a href="http://courts.michigan.gov/scao/resources/publications/reports/ODR-MediationConfidentialityReport.pdf">http://courts.michigan.gov/scao/resources/publications/reports/ODR-MediationConfidentialityReport.pdf</a>

A subcommittee published "Proposal for Revising Michigan's Standards of Conduct for Mediators," (<u>http://courts.michigan.gov/scao/resources/publications/reports/ODR-</u> <u>ProposalforRevisingMSCM.pdf</u>), which incorporates ethical standards adopted by the American Bar Association, American Arbitration Association, and Association for Conflict Resolution. In 2011, SCAO will convene a committee to study these recommendations and to propose revisions to Michigan's current mediation standards of conduct.

SCAO's Statewide Mediator Roster Committee proposed a new court rule to consolidate the mediator qualification and roster assignment provisions of MCR 2.411 and MCR 3.216. The committee also recommended that SCAO manage mediator rosters, except where courts choose to maintain their own (<u>http://courts.mi.gov/scao/resources/publications/reports/StatewideMediatorRosterJuly2010.pdf</u>). SCAO will assess whether to take on this function in 2011.

The Michigan Supreme Court has also directed SCAO to study the efficacy of case evaluation practice. An online survey was made available to all Michigan attorneys late in 2010, and after studying the effect on case evaluation and mediation on trial court dockets, SCAO will issue a report in mid-2011.



**Community Dispute Resolution Program Statewide Trend** 

# Judicial Activity & Caseload

### **Executive Summary**

The **Michigan Supreme Court** is Michigan's court of last resort, with final authority over all state courts. In 2010, 1,960 cases were filed with the Supreme Court, which disposed of 2,054 cases. Civil cases accounted for 30 percent of filings and criminal cases accounted for 69 percent. More Supreme Court information can be found on pages 24 and 25 of this report.

The **Court of Appeals** is the intermediate appellate court between the trial courts and the Supreme Court. In 2010, 6,177 cases were filed with the Court of Appeals; the Court disposed of 6,134 cases. More Court of Appeals information can be found on pages 26 through 28 of this report.

The **circuit court** is the trial court of general jurisdiction in Michigan. Circuit courts have original jurisdiction in all civil cases involving more than \$25,000; in all criminal cases where the offense involves a felony or certain serious misdemeanors; and in all family cases and domestic relations cases, such as divorce, paternity actions, juvenile proceedings, and adoptions. In addition, circuit courts hear appeals from other courts and from administrative agencies. In 2010, 309,920 cases were filed in circuit courts, which disposed of 314,493 cases. More circuit court information can be found on pages 29 through 45 of this report.

The **probate court** has jurisdiction over cases involving the admission of wills, administration of estates and trusts, guardianships, conservatorships, and the treatment of mentally ill and developmentally disabled persons. In 2010, 62,128 cases were filed in probate courts, which disposed of 63,053 cases. More probate court information can be found on pages 46 through 53 of this report.

The **district court** has jurisdiction over all civil litigation up to \$25,000, small claims, landlordtenant disputes, civil infractions, most traffic violations, and a range of criminal cases. In 2009, 2.9 million cases and nearly half a million parking tickets were filed in and disposed of by district courts. More district court information can be found on pages 54 through 68 of this report.

In addition to filings and dispositions, this report provides clearance rates, which measure the extent to which courts are keeping up with incoming caseload. Clearance rates are calculated by dividing the number of outgoing cases (cases disposed of or made inactive) by the number of incoming cases (cases filed or reopened) during the year. Because of the passage of time between case filing and disposition, clearance rates naturally fluctuate to a small extent above and below 100 percent. A clearance rate over 100 percent indicates that more cases were disposed of than were filed or reopened during the year; similarly, a clearance rate under 100 percent shows that there were more incoming cases than outgoing cases.

# Supreme Court

The Michigan Supreme Court, Michigan's court of last resort, consists of seven justices who are elected for eight-year terms. Candidates are nominated by political parties and are elected on a nonpartisan ballot. Two justices are elected every two years (one in the eighth year) in the November election. Supreme Court candidates must be qualified electors, licensed to practice law in Michigan for at least 5 years, and under 70 years of age at the time of election. The justices' salaries are fixed by the State Officers Compensation Commission and paid by the state of Michigan. Vacancies are filled by appointment of the Governor until the next general election. Every two years, the justices elect a member of the Court as chief justice.

In each year since 1998, the Michigan Supreme Court has received over 2,000 new case filings. In 2010, the number of filings dropped below 2,000 to 1,960. Most are applications for leave to appeal from Michigan Court of Appeals decisions, but the Court also hears cases involving charges of professional misconduct by attorneys and judges and a small number of matters in which it has original jurisdiction. All cases are reviewed and considered by the entire Court. The justices are assisted by the Supreme Court commissioners, the Court's permanent research staff. The Court issues a decision by order or opinion in all cases filed. The Court may deny leave to appeal, enter a final order based upon the application, or hear oral argument before issuing an opinion or order. By court rule, all leave granted cases orally argued in a term (which begins August 1 and runs through July 31 of the following year) must be decided by the end of the term.

In 2010, 1,960 cases were filed in the Supreme Court; the Court disposed of 2,054 cases, resulting in a clearance rate of 105 percent. Filings were relatively high in 2007; by 2010 they decreased by 25 percent. As of December 31, 2010, the number of cases pending was 762.

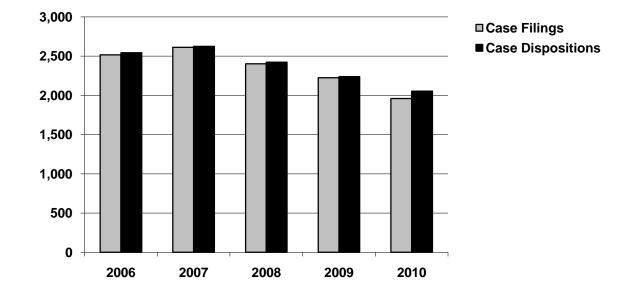
Of the 1,960 filings, criminal cases accounted for 69 percent, civil cases accounted for 30 percent, and civil suits brought by prisoners accounted for 1 percent. Of the new cases in 2010, 55 percent were filed by self-represented litigants and 45 percent were filed by an attorney.



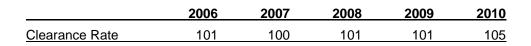
Justices of the Michigan Supreme Court. Seated, left to right: Justice Michael F. Cavanagh, Chief Justice Robert P. Young, Jr., Justice Marilyn Kelly. Standing, left to right: Justice Mary Beth Kelly, Justice Stephen J. Markman, Justice Diane M. Hathaway, Justice Brian K. Zahra. Photo by Doug Elbinger, Elbinger Studios.

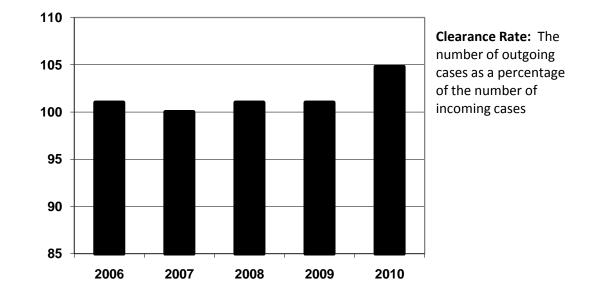
#### SUPREME COURT CASE FILINGS AND DISPOSITIONS

	2006	2007	2008	2009	2010
Case Filings	2,517	2,612	2,402	2,224	1,960
Case Dispositions	2,543	2,625	2,422	2,240	2,054



#### SUPREME COURT CLEARANCE RATE





# Court of Appeals

The Court of Appeals is the intermediate appellate court between the trial courts and the Michigan Supreme Court. While the Court of Appeals was created by the 1963 Michigan Constitution, its jurisdiction is established by statute. Court of Appeals practices and procedures are governed by the Michigan Court Rules, which are established by the Supreme Court. Court of Appeals judges' salaries are set by the Legislature. The Supreme Court chooses a chief judge for the Court of Appeals every two years.

Court of Appeals judges are typically elected for six-year terms in nonpartisan elections. A candidate for the Court of Appeals must be a lawyer admitted to practice for at least 5 years, under 70 years of age at the time of election, a qualified elector, and a resident of the district in which the candidate is running.

Judges are elected from four districts that are drawn by the Legislature along county lines. The districts are, as nearly as possible, of equal population. The Legislature may change state law to increase the number of judges and alter the districts from which they are elected.

Each Court of Appeals panel is comprised of three judges. Panels generally hear cases in Lansing, Detroit, Grand Rapids, Marquette, or other locations designated by the chief judge. Judges are rotated so that each judge sits with every other judge with equal frequency, and panels are rotated geographically so that all judges hear cases in each of the Court's locations.



**Front row, left to right:** Judge Jane E. Markey, Judge Richard A. Bandstra (left the Court effective January 8, 2011), Judge E. Thomas Fitzgerald, Chief Judge Pro Tem David H. Sawyer, Chief Judge William B. Murphy, Judge Mark J. Cavanagh, Judge Henry William Saad, Judge Joel P. Hoekstra. **Middle row, left to right:** Judge Christopher M. Murray, Judge Donald S. Owens, Judge Kurtis T. Wilder, Judge Peter D. O'Connell, Judge Michael J. Talbot, Judge Kirsten Frank Kelly, Judge Brian K. Zahra (left the Court effective January 14, 2011), Judge Pat M. Donofrio, Judge William C. Whitbeck. **Last row, left to right:** Judge Cynthia D. Stephens, Judge Douglas B. Shapiro, Judge Jane M. Beckering, Judge Stephen L. Borrello, Judge Karen M. Fort Hood, Judge Alton T. Davis (left the Court effective August 26, 2010), Judge Elizabeth L. Gleicher, Judge Michael J. Kelly. Not pictured: Judge Kathleen Jansen, Judge Patrick M. Meter, Judge Deborah A. Servitto, and Judge Amy Ronayne Krause (joined the Court effective December 13, 2010). Photo by Dave Trumpie, Trumpie Photography.

The Court of Appeals hears both civil and criminal cases. Persons convicted in a circuit court of a criminal offense have an appeal by right under the state constitution except when the conviction arises by a plea of guilty or nolo contendere (no contest).

In 2010, 6,177 cases were filed in the Court of Appeals, which disposed of 6,134 cases for a clearance rate of 99.3 percent. Filings and dispositions were relatively high in 2006; since then, filings have decreased by 22 percent and dispositions have decreased by 26 percent. Of the dispositions in 2010, 56 percent were by order and 44 percent were by opinion. Ninety percent of the cases disposed of were 18 months old or less at disposition.

#### COURT OF APPEALS JUDGES (as of 1/31/11)

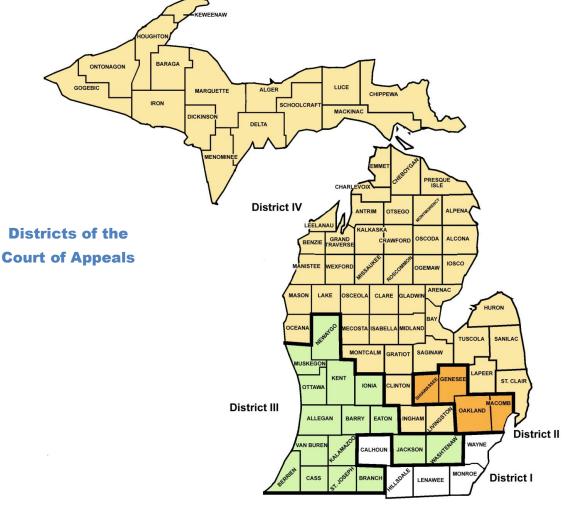
#### **District I**

Hon. Karen Fort Hood Hon. Kirsten Frank Kelly Hon. Christopher M. Murray Hon. Cynthia Diane Stephens Hon. Michael J. Talbot Hon. Kurtis T. Wilder *Vacancy*  District II

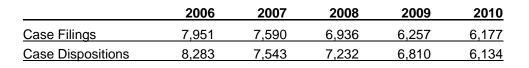
Hon. Mark J. Cavanagh Hon. Pat M. Donofrio Hon. E. Thomas Fitzgerald Hon. Elizabeth L. Gleicher Hon. Kathleen Jansen Hon. Henry William Saad Hon. Deborah A. Servitto **District III** Hon. Jane M. Beckering Hon. Joel P. Hoekstra Hon. Jane E. Markey Hon. William B. Murphy Hon. David H. Sawyer Hon. Douglas B. Shapiro *Vacancy* 

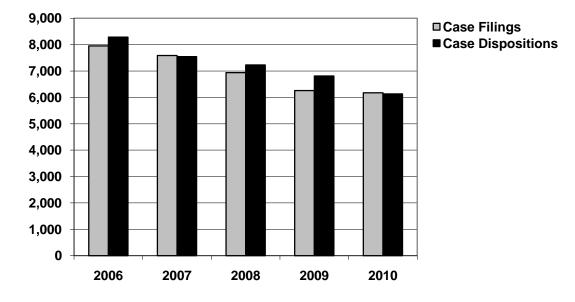
#### **District IV**

Hon. Stephen L. Borrello Hon. Michael J. Kelly Hon. Amy Ronayne Krause\* (joined the Court 12/13/10) Hon. Patrick M. Meter Hon. Peter D. O'Connell Hon. Donald S. Owens Hon. William C. Whitbeck \*Appointed to succeed another judge.



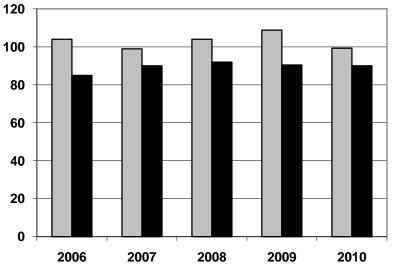
#### **COURT OF APPEALS CASE FILINGS AND DISPOSITIONS**





#### **COURT OF APPEALS CLEARANCE RATE**

	2006	2007	2008	2009	2010
Clearance Rate	104	99	104	109	99
Age at Disposition	85	90	92	90	90



Clearance Rate
 Age at Disposition

**Clearance Rate:** The number of outgoing cases as a percentage of the number of incoming cases

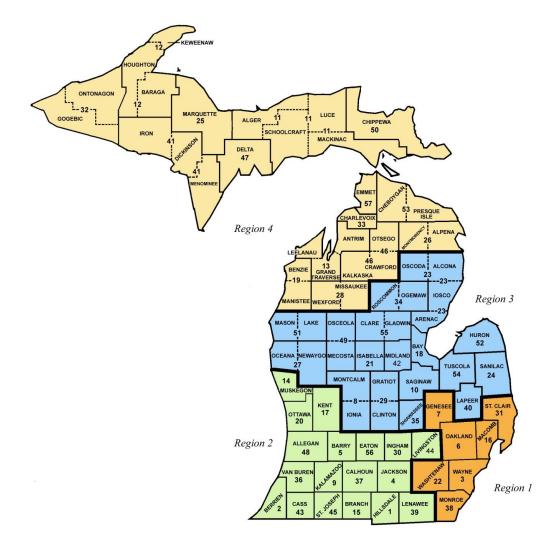
**Age at Disposition:** Percent of cases 18 months old or less at disposition

# Circuit Court

The circuit court is the trial court of general jurisdiction in Michigan, presiding in all actions except those given by state law to another court. The circuit court's original jurisdiction over criminal cases includes felonies and certain serious misdemeanors, as well as civil cases where the amount in controversy is \$25,000 or more. The court also handles family division matters, cases where a party seeks an equitable remedy, and appeals from other courts and administrative agencies.

The state is divided into judicial circuits along county lines. The number of judges within a circuit is established by the Legislature to accommodate the circuit's workload. In multicounty circuits, judges travel from one county to another to hold court sessions.

Circuit judges are elected to six-year terms in nonpartisan elections. A candidate must be a qualified elector, a resident of the judicial circuit, a lawyer admitted to practice for 5 years, and under 70 years of age at the time of election. The Legislature sets circuit judges' salaries.



#### **Regions of the Circuit Court**

#### **CIRCUIT COURT JUDGES** (as of 1/31/11)

C01

Hon, Michael R. Smith C02 Hon. Alfred M. Butzbaugh Hon. John E. Dewane Hon. John M. Donahue Hon. Charles T. LaSata C03 Hon. Deborah Ross Adams Hon. David J. Allen Hon. Wendy M. Baxter Hon. Annette J. Berry Hon. Gregory D. Bill Hon. Susan D. Borman Hon. Ulysses W. Boykin Hon. Margie R. Braxton Hon. Megan M. Brennan Hon. Bill Callahan<sup>R</sup> (left the court 6/16/10) Hon. James A. Callahan Hon. Michael J. Callahan Hon. Jerome C. Cavanagh Hon. Eric W. Cholack Hon. James R. Chylinski Hon. Robert J. Colombo, Jr. Hon. Daphne Means Curtis Hon. Christopher D. Dingell Hon. Gershwin Allen Drain Hon. Prentis Edwards Hon, Charlene M, Elder Hon. Vonda R. Evans Hon. Edward Ewell, Jr. Hon. Patricia Susan Fresard Hon. Sheila Ann Gibson Hon. John H. Gillis, Jr. Hon. David Alan Groner Hon. Richard B. Halloran, Jr. Hon. Amy Patricia Hathaway Hon. Cynthia Gray Hathaway Hon. Daniel A. Hathaway Hon. Michael M. Hathaway Hon. Susan L. Hubbard<sup>E</sup> (joined the court 1/1/11) Hon. Muriel D. Hughes Hon. Thomas Edward Jackson Hon. Vera Massey Jones Hon. Connie M. Kelley Hon. Mary Beth Kelly<sup>C</sup> (left the court 1/1/11) Hon. Timothy Michael Kenny Hon. Arthur J. Lombard Hon. Kathleen I. Macdonald Hon. Kathleen M. McCarthy Hon. Wade H. McCree Hon. Bruce U. Morrow Hon. John A. Murphy CO3 (continued)

Hon. Maria L. Oxholm Hon. Linda V. Parker Hon. Lynne A. Pierce Hon. Lita Masini Popke Hon. Daniel P. Ryan Hon. Michael F. Sapala Hon. Richard M. Skutt Hon. Mark T. Slavens Hon. Leslie Kim Smith Hon. Virgil C. Smith Hon. Jeanne Stempien Hon. Craig S. Strong Hon. Brian R. Sullivan Hon. Lawrence S. Talon\* (joined the court 10/4/10) Hon. Deborah A. Thomas Hon. Isidore B. Torres<sup>R</sup> (left the court 7/1/10) Hon. Carole F. Youngblood Hon. Robert L. Ziolkowski C04 Hon. Susan E. Beebe Hon. John G. McBain. Jr. Hon. Chad C. Schmucker Hon. Thomas D. Wilson C05 Hon. James H. Fisher C06 Hon. James M. Alexander Hon. Martha Anderson Hon. Leo Bowman Hon. Mary Ellen Brennan Hon. Rae Lee Chabot Hon. Mark A. Goldsmith<sup>A</sup> (left the court 7/26/10) Hon. Lisa Ortlieb Gorcyca Hon. Nanci J. Grant Hon. Shalina D. Kumar Hon. Denise Langford-Morris Hon. Cheryl A. Matthews Hon. Phyllis C. McMillen\* (joined the court 9/13/10) Hon. John James McDonald<sup>Z</sup> (left the court 1/1/11) Hon. Rudy J. Nichols Hon. Colleen A. O'Brien Hon. Daniel Patrick O'Brien Hon. Wendy Lynn Potts Hon. Edward Sosnick Hon. Michael D. Warren, Jr. Hon. Joan E. Young C07 Hon. Duncan M. Beagle Hon. Joseph J. Farah Hon. Judith A. Fullerton

**CO7** (continued) Hon. John A. Gadola Hon. Archie L. Hayman Hon. Geoffrey L. Neithercut Hon. David J. Newblatt Hon. Michael J. Theile Hon. Richard B. Yuille **C**08 Hon. David A. Hoort Hon. Suzanne Kreeger C09 Hon. Gary C. Giguere, Jr. Hon. Stephen D. Gorsalitz Hon. J. Richardson Johnson Hon. Pamela L. Lightvoet Hon. Alexander C. Lipsey C10 Hon. Janet M. Boes Hon. Fred L. Borchard Hon. James T. Borchard<sup>E</sup> (ioined the court 1/1/11) Hon. William A. Crane<sup>R</sup> (left the court 1/1/11) Hon. Darnell Jackson Hon. Robert L. Kaczmarek C11 Hon. William W. Carmody C12 Hon. Charles R. Goodman C13 Hon. Thomas G. Power Hon. Philip E. Rodgers, Jr. C14 Hon. James M. Graves, Jr. Hon. Timothy G. Hicks Hon. William C. Marietti Hon. John C. Ruck C15 Hon. Patrick W. O'Grady C16 Hon. James M. Biernat, Sr.<sup>R</sup> (left the court 1/1/11) Hon. Richard L. Caretti Hon. Mary A. Chrzanowski Hon. Diane M. Druzinski Hon. John C. Foster Hon. Peter J. Maceroni Hon. Donald G. Miller<sup>R</sup> (left the court 1/7/11)

#### KEY

- \* Appointed to succeed another judge
- A Appointed to another court
- C Elected to another court
- E Elected
- R Retired
  - Z Position sunsetted

## **CIRCUIT COURT JUDGES** (as of 1/31/11)

C16 (continued) Hon. Edward A. Servitto, Jr. Hon. Mark S. Switalski Hon. Matthew S. Switalski Hon. Antonio P. Viviano<sup>Z</sup> (left the court 1/1/11) Hon. David Viviano Hon. Kathryn Viviano<sup>E</sup> (joined the court 1/1/11) Hon. Tracey A. Yokich C17 Hon. George S. Buth Hon. Paul J. Denenfeld Hon. Kathleen A. Feeney Hon. Donald A. Johnston, III Hon. Dennis B. Leiber Hon. James R. Redford Hon. Paul J. Sullivan Hon. Mark A. Trusock Hon. Christopher P. Yates Hon. Daniel V. Zemaitis C18 Hon. William J. Caprathe<sup>R</sup> (left the court 1/1/11) Hon. Harry P. Gill<sup>E</sup> (joined the court 1/1/11) Hon. Kenneth W. Schmidt Hon. Joseph K. Sheeran C19 Hon. James M. Batzer C20 Hon. Calvin L. Bosman<sup>R</sup> (left the court 1/1/11) **C20** (continued) Hon. Kent D. Engle<sup>E</sup> (joined the court 1/1/11) Hon. Jon H. Hulsing Hon. Edward R. Post Hon. Jon Van Allsburg C21 Hon. Paul H. Chamberlain Hon. Mark H. Duthie C22 Hon. Archie Cameron Brown Hon. Timothy P. Connors Hon. Melinda Morris Hon. Donald E. Shelton Hon. David S. Swartz C23 Hon. Ronald M. Bergeron Hon. William F. Myles C24 Hon. Donald A. Teeple C25 Hon. Jennifer Mazzuchi Hon. Thomas L. Solka

## C26

Hon, Michael G. Mack C27 Hon. Anthony A. Monton Hon. Terrence R. Thomas C28 Hon. William M. Fagerman C29 Hon. Michelle M. Rick Hon. Randy L. Tahvonen C30 Hon. Rosemarie E. Aquilina Hon. Laura Baird Hon. Clinton Canady, III<sup>E</sup> (joined the court 1/1/11) Hon. William E. Collette Hon. Joyce Draganchuk Hon. James R. Giddings<sup>R</sup> (left the court 1/1/11) Hon. Janelle A. Lawless Hon. Paula J.M. Manderfield C31 Hon. James P. Adair Hon. Peter E. Deegan<sup>R</sup> (left the court 1/1/11) Hon. Daniel J. Kelly Hon. Cynthia A. Lane<sup>E</sup> (joined the court 1/1/11) C32 Hon. Roy D. Gotham C33 Hon. Richard M. Pajtas C34 Hon. Michael J. Baumgartner C35 Hon. Gerald D. Lostracco C36 Hon. William C. Buhl<sup>R</sup> (left the court 1/1/11) Hon. Paul E. Hamre C37 Hon. Allen L. Garbrecht Hon. James C. Kingsley Hon. Stephen B. Miller Hon. Conrad J. Sindt **C**38 Hon. Joseph A. Costello, Jr. Hon. Michael W. LaBeau Hon. Michael A. Weipert C39 Hon. Margaret Murray-Sholz Noe Hon. Timothy P. Pickard **C40** Hon. Michael P. Higgins

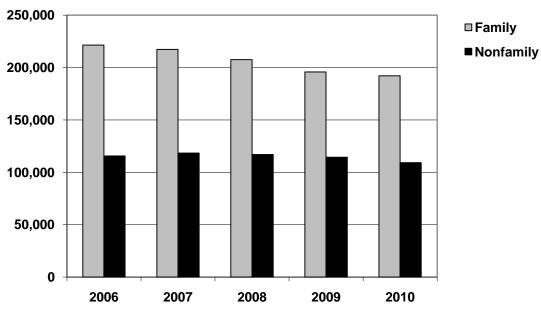
C40 (continued) Hon. Nick O. Holowka C41 Hon. Mary Brouillette Barglind Hon. Richard J. Celello C42 Hon, Michael J. Beale Hon. Jonathan E. Lauderbach C43 Hon. Michael E. Dodge C44 Hon. Michael P. Hatty Hon. David Reader C45 Hon. Paul E. Stutesman C46 Hon. Janet M. Allen Hon. Dennis F. Murphy C47 Hon. Stephen T. Davis C48 Hon. George R. Corsiglia<sup>R</sup> (left the court 1/1/11) Hon. Margaret Bakker<sup>E</sup> (joined the court 1/1/11) Hon. Kevin W. Cronin C49 Hon. Scott P. Hill-Kennedy Hon. Ronald C. Nichols C50 Hon. Nicholas J. Lambros C51 Hon. Richard I. Cooper C52 Hon. M. Richard Knoblock C53 Hon. Scott Lee Pavlich C54 Hon. Patrick Reed Joslyn C55 Hon. Thomas R. Evans Hon. Roy G. Mienk C56 Hon. Thomas S. Eveland Hon. Calvin E. Osterhaven C57 Hon. Charles W. Johnson

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# **CIRCUIT COURT FILINGS BY DIVISION**

	2006	2007	2008	2009	2010
Family					
Domestic Relations	88,802	88,022	84,754	85,854	87,300
Personal Protection*	41,779	39,163	38,266	40,222	<u>39,568</u>
Juvenile Code*	82,243	81,456	75,812	61,239	56,875
Adoption	4,874	5,066	5,057	4,808	4,538
Miscellaneous Family	3,788	3,661	3,765	3,772	3,888
Total Family	221,486	217,368	207,654	195,895	192,169
Nonfamily					
Civil	44,988	46,089	46,216	47,300	45,760
Criminal	65,532	67,123	65,416	61,851	58,325
Appeals, Administrative					
Review, Writs	4,988	5,065	5,198	5,039	5,002
Court of Claims	186	177	153	150	118
Total Nonfamily	115,694	118,454	116,983	114,340	109,205
Total Filings	337,180	335,822	324,637	310,235	301,374

\*Personal protection orders filed against a juvenile are included with Personal Protection filings, not Juvenile Code.



# **Circuit Court Filings by Division**

In 2010, 301,374 cases were filed in circuit court. Of that total, 192,169 cases, or 64 percent, were family division filings, which include domestic relations, personal protection, juvenile code proceedings, adoption code proceedings, and miscellaneous family proceedings. The remaining 109,205

cases, representing 36 percent of filings, include civil, criminal, appeals, administrative, and court of claims cases, in addition to extraordinary writs. Nonfamily division filings have been relatively stable; between 1999 and 2010, nonfamily division filings averaged 113,950. These nonfamily division cases, followed by those in the family division, are described in more detail in this section.

Filings	2006	2007	2008	2009	2010
General Civil	27,025	28,797	29,001	30,644	27,732
Auto Negligence	8,525	8,424	8,477	9,067	10,722
Nonauto Damage	7,006	6,134	5,967	5,235	5,559
Other Civil*	2,432	2,734	2,771	2,354	1,747
Total Filings	44,988	46,089	46,216	47,300	45,760
Dispositions	2006	2007	2008	2009	2010
General Civil	28,066	29,129	29,505	31,224	29,376
Auto Negligence	9,716	9,184	9,260	8,708	9,225
Nonauto Damage	8,012	7,625	7,143	6,588	5,896
	0,012	7,025	7,110	0,000	
Other Civil*	2,400	2,758	2,720	2,362	1,910

# **CIRCUIT COURT CIVIL CASE FILINGS AND DISPOSITIONS**

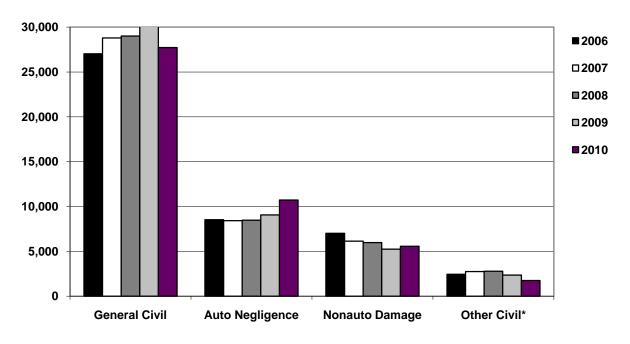
\*Other Civil includes proceedings to restore, establish, or correct records; claim and delivery; receivers in supplemental proceedings; supplemental proceedings; and miscellaneous proceedings.

Method of Disposition	2006	2007	2008	2009	2010
Jury Verdict	525	432	305	369	320
Bench Verdict	419	423	437	383	352
Uncontested, Default, Settled	19,466	20,501	20,272	24,254	22,414
Dismissal by Party	17,193	16,276	12,625	13,005	13,280
Dismissal by Court	9,005	9,368	9,160	9,076	8,176
Other Dispositions*	1,586	1,696	5,829	1,795	560
Total Dispositions	48,194	48,696	48,628	48,882	45,102

\*Other Dispositions includes cases transferred, cases that changed case type, and other dispositions not including cases made inactive.

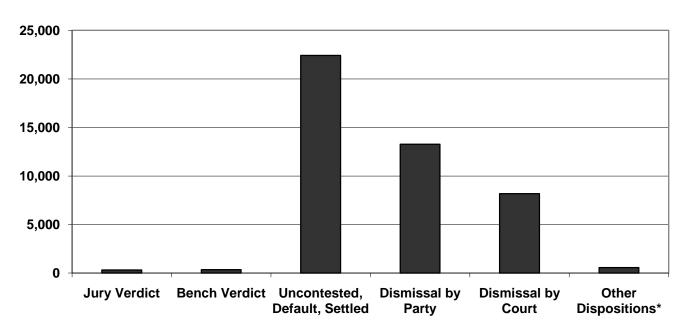
In 2010, 45,760 of the nonfamily division filings in circuit court were general civil, auto negligence, nonauto damage, and other civil cases. Nonauto damage case filings have decreased since 1999, when filings were at 11,464, to 2010, when filings were 5,559.

Over 21,000 civil cases were voluntarily dismissed by the plaintiff or dismissed by the court for various reasons, including lack of progress, failure of the plaintiff to appear, and payment of an award under MCR 2.403(M). Defaults, consent judgments, settlements, or summary dispositions accounted for 22,414 dispositions. Less than 700 civil cases were resolved by a jury verdict or bench verdict.



## **Circuit Court Civil Cases Filings**

\*Other Civil includes proceedings to restore, establish, or correct records; claim and delivery; receivers in supplemental proceedings; supplemental proceedings; and miscellaneous proceedings.



# 2010 Circuit Court Civil Case Dispositions by Disposition Method

\*Other Dispositions includes cases transferred, cases that changed case type, and other dispositions not including cases made inactive.

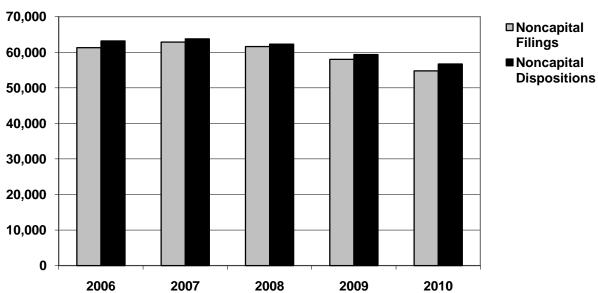
# **CIRCUIT COURT CRIMINAL CASE FILINGS AND DISPOSITIONS**

Filings	2006	2007	2008	2009	2010
Noncapital Filings	61,275	62,866	61,625	58,021	54,785
Capital Filings	4,160	4,158	3,675	3,694	3,443
Felony Juvenile	97	99	116	136	97
Total Filings	65,532	67,123	65,416	61,851	58,325
Dispositions	2006	2007	2008	2009	2010
Noncapital Dispositions	63,169	63,784	62,296	59,360	56,701
Capital Dispositions	4,298	4,245	3,820	3,788	3,595
Felony Juvenile	125	82	116	128	116
Total Dispositions	67,592	68,111	66,232	63,276	<u>60,412</u>
Method of Disposition	2006	2007	2008	2009	2010
Jury Verdict	1,830	1,814	1,588	1,491	1,439
Bench Verdict	1,075	904	728	592	564
Guilty Plea	55,758	56,838	55,111	52,493	50,126
Dismissal by Party	3,772	3,440	3,388	3,466	3,197
Dismissal by Court	2,205	2,228	2,480	2,424	2,172
Other Dispositions*	2,952	2,887	2,937	2,810	2,914
Total Dispositions	67,592	68,111	66,232	63,276	<u>60,412</u>

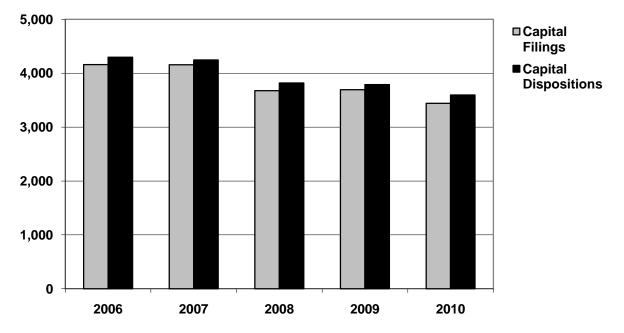
\*Other Dispositions includes cases transferred and cases that changed case type.

In 2010, 58,325 felony cases were filed in circuit court. Of these, 3,443 were capital felony cases and 54,785 were noncapital felony cases. Ninety-seven were felony cases against juvenile defendants.

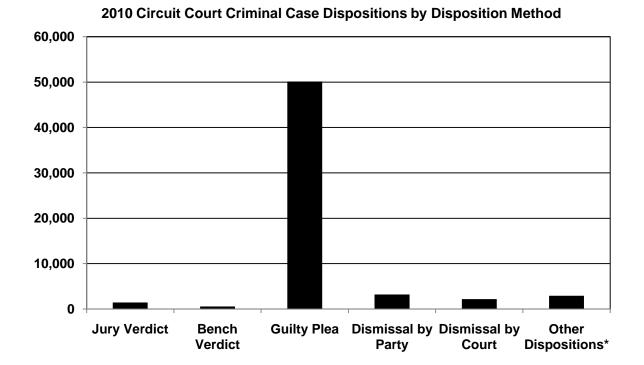
Over 50,000 felony cases were disposed of by guilty plea. An additional 2,003 cases went to trial and a judge or jury returned a verdict.



**Circuit Court Noncapital Cases Filings and Dispositions** 



**Circuit Court Criminal Capital Cases Filings and Dispositions** 

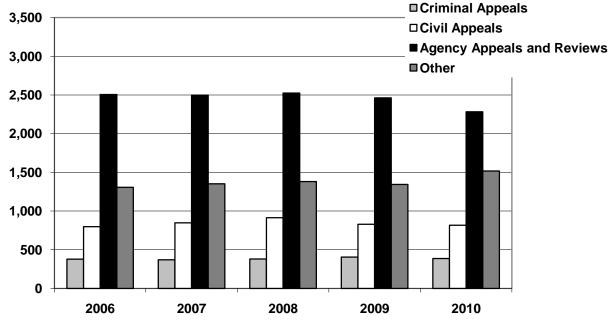


# CIRCUIT COURT APPEALS, ADMINISTRATIVE REVIEW, AND EXTRAORDINARY WRIT FILINGS AND DISPOSITIONS

Filings	2006	2007	2008	2009	2010
Criminal Appeals	378	369	379	404	385
Civil Appeals	798	847	913	828	817
Agency Appeals and Reviews	2,505	2,497	2,525	2,463	2,282
Other	1,307	1,352	1,381	1,344	1,518
Total Filings	4,988	5,065	5,198	5,039	5,002
Dispositions	2006	2007	2008	2009	2010
Criminal Appeals	435	366	342	387	397
Civil Appeals	783	840	1,001	832	825
Agency Appeals and Reviews	2,577	2,507	2,563	2,497	2,291
Other	1,337	1,330	1,341	1,378	1,541
Total Dispositions	5,132	5,043	5,247	5,094	5,054
Method of Disposition	2006	2007	2008	2009	<u>2010</u>
Order Entered	3,070	3,058	3,083	2,996	3,041
Dismissed/Denied	1,944	1,882	2,056	1,948	1,888
Other Dispositions*	118	103	108	150	125
Total Dispositions	5,132	5,043	5,247	5,094	5,054

\*Other Dispositions includes cases transferred and cases that changed case type.

In 2010, over 5,000 appeals, administrative cases, and extraordinary writs were filed in circuit court. In approximately 3,000 cases, the court entered an order other than dismissal or denial. Courts dismissed or denied almost all of the remaining cases.



Filings of Circuit Court Appellate Cases, Administrative Reviews, and Actions for Extraordinary Writs

Family division filings continued to decline in 2010, with fewer than 200,000 cases filed. The 192,169 cases filed in the family division of circuit court represented 64 percent of all circuit court filings. Family division filings include domestic relations, personal protection, juvenile, adoption, and miscellaneous family.

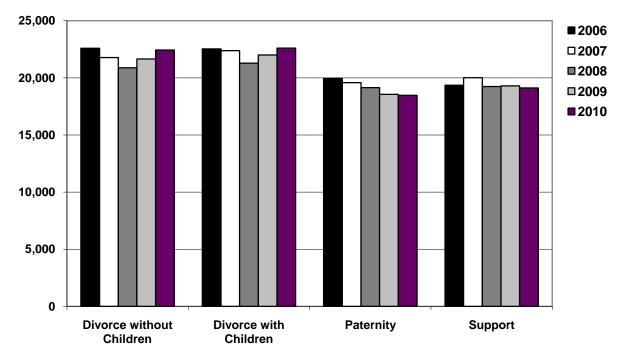
Filings	2006	2007	2008	2009	2010
Divorce without Children	22,592	21,773	20,882	21,645	22,441
Divorce with Children	22,538	22,375	21,283	21,994	22,604
Paternity	19,960	19,583	19,149	18,560	18,472
Support	19,356	20,016	19,237	19,298	<u> 19,115</u>
Other Domestic	3,119	3,089	3,067	3,161	<u>3,512</u>
UIFSA	1,237	1,186	1,136	1,196	1,156
Total Filings	88,802	88,022	84,754	85,854	87,300
Dispositions	2006	2007	2008	2009	2010
Divorce without Children	23,296	22,686	21,958	21,469	22,842
Divorce with Children	23,290	23,511	22,975	22,071	23,463
Paternity	19,069	19,710	20,104	18,097	17,624
Support	18,961	19,600	19,707	18,819	18,360
Other Domestic	3,158	3,064	3,050	3,112	3,297
UIFSA	1,311	1,202	1,178	1,191	1,122
Total Dispositions	89,797	89,773	88,972	84,759	86,708
Method of Disposition	2006	2007	2008	2009	2010
Bench Verdict	1,456	1,342	1,139	1,107	933
Uncontested, Default, Settled	65,700	66,410	65,972	63,507	65,164
Dismissal by Party	7,292	6,585	6,403	5,847	5,759
Dismissal by Court	15,101	15,201	15,254	14,092	14,587
Other Dispositions*	248	235	204	206	265
Total Dispositions	89,797	89,773	88,972	84,759	86,708

# **CIRCUIT COURT DOMESTIC RELATIONS CASE FILINGS AND DISPOSITIONS**

\*Other Dispositions includes cases transferred and cases that changed case type.

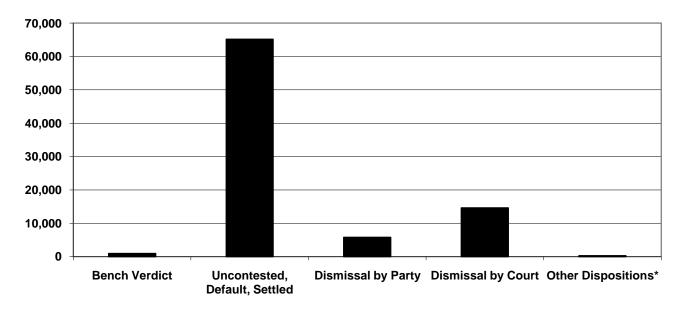
Domestic relations cases comprise 45 percent of the family division and include divorce, paternity, support, custody, and intrastate domestic relations filings.

In 2010, 65,164 domestic relations cases were disposed of by default, consent judgment, or settlement during trial; 933 were disposed of by a judge's verdict.



**Circuit Court Domestic Relations Case Filings** 

## 2010 Circuit Court Domestic Relations Case Dispositions by Disposition Method



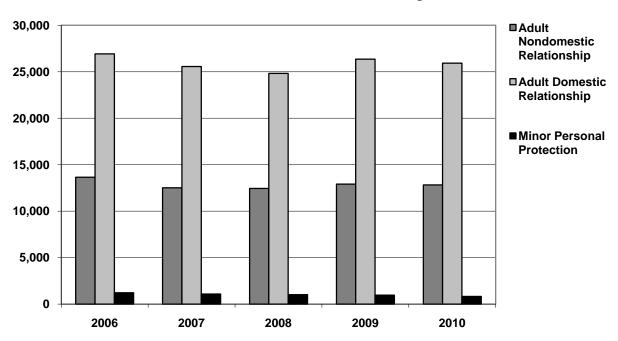
\*Other Dispositions includes cases transferred and cases that changed case type.

Filings	2006	2007	2008	2009	2010
Adult Nondomestic Relationship	13,647	12,513	12,437	12,914	12,826
Adult Domestic Relationship	26,921	25,562	24,816	26,350	25,916
Minor Personal Protection	1,211	1,088	1,013	958	826
Total Filings	41,779	39,163	38,266	40,222	<u>39,568</u>
Dispositions	2006	2007	2008	2009	2010
Adult Nondomestic Relationship	14,206	13,061	12,969	13,516	13,498
Adult Domestic Relationship	28,062	26,581	25,743	27,534	27,329
Adult Domestic Relationship Minor Personal Protection	28,062 1,237	26,581 1,115	25,743 1,028	27,534 989	27,329 881

# **CIRCUIT COURT PERSONAL PROTECTION FILINGS AND DISPOSITIONS**

In 2010, 39,568 petitions for personal protection were filed in circuit court. The filing party sought protection against adult domestic partners in 25,916 of these petitions; 12,826 were filed for protection against stalking by other adults. The remaining 826 were filed to obtain protection against minors.

In 21,963 petitions filed against adults, the court issued orders without a hearing; in 1,243 petitions, the court issued orders after a hearing. The court dismissed or denied 14,282 petitions without a hearing and 1,833 petitions after a hearing.



**Circuit Court Personal Protection Petition Filings** 

Filings	2006	2007	2008	2009	2010
Delinquency	56,906	53,930	49,147	44,713	40,938
Traffic	16,869	19,380	18,636	9,398	8,286
Child Protective	8,306	7,988	7,824	6,975	7,484
Designated	162	158	205	153	167
Total Filings	82,243	81,456	75,812	61,239	<u>56,875</u>
Dispositions	2006	2007	2008	2009	2010
Delinquency	56,911	55,735	51,569	46,756	42,605
Traffic	15,230	18,932	18,332	8,830	8,230
Child Protective	8,012	7,935	7,773	6,830	7,434
Designated	162	151	179	145	163
Total Dispositions	80,315	82,753	77,853	62,561	58,432
Juveniles Under Supervision	2006	2007	2008	2009	2010
Supervised by the Court	13,172	12,799	12,475	11,386	10,862
Supervised by DCJ of Wayne County	3,193	3,050	2,890	2,493	1,849
Supervised by DHS	1,199	938	764	687	580
Total Juveniles	17,564	16,787	16,129	14,566	13,291

# **CIRCUIT COURT FILINGS AND DISPOSITIONS UNDER JUVENILE CODE**

DCJ: Department of Community Justice.

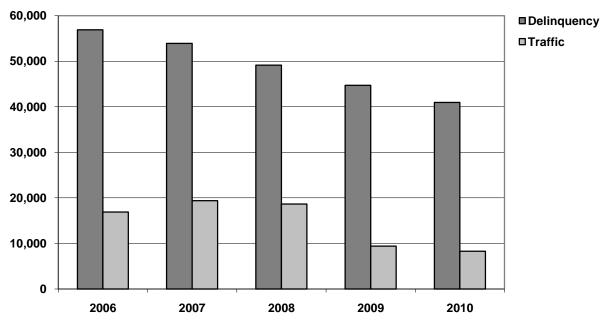
DHS: Michigan Department of Human Service.

In 2010, 167 new juvenile offense cases were designated to be heard in the same manner as adult criminal cases. In 119 of the cases disposed, the court accepted the juvenile's plea; 8 cases went to trial and a judge or jury returned a verdict; 3 were dismissed upon a prosecutor's motion; and 33 were dismissed by the court.

Delinquency case filings continued to decrease. In 2010, 40,938 delinquency cases were filed, compared to 60,743 in 1999. In 14,158 cases, the court accepted the juvenile's plea; 792 cases went to trial and a judge or jury returned a verdict.

At the close of 2010, 13,291 juveniles were under court jurisdiction because of delinquency proceedings. Of those, 10,862 were supervised by the circuit court, 1,849 were supervised by the Wayne County Department of Community Justice, and 580 were supervised by the Department of Human Services. An additional 7,589 juveniles not already under court supervision were awaiting adjudication.

A total of 8,286 juvenile traffic tickets were filed in 2010. The court dismissed 2,781 of these tickets and accepted the juvenile's guilty plea in 2,945 cases. An additional 2,387 were not authorized by the court or referred for alternative services.



**Circuit Court Petitions Filed Under Juvenile Code** 

# CIRCUIT COURT CHILD ABUSE AND NEGLECT CASES AND CHILDREN ASSOCIATED WITH NEW FILINGS

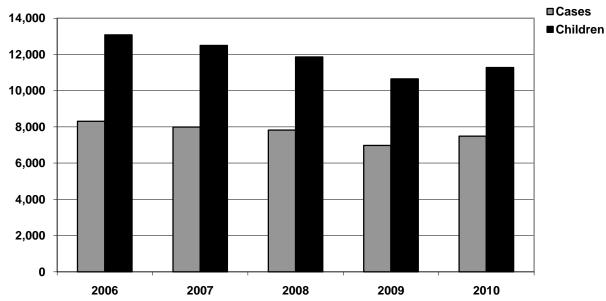
Filings	2006	2007	2008	2009	2010
Cases	8,306	7,988	7,824	6,975	7,484
Children	13,080	12,493	11,859	10,653	11,276

In 2010, 7,484 child abuse and neglect petitions were filed with the circuit court. In 4,278 cases, the court accepted a plea of admission. In 1,116 cases, a trial was held and a judge or jury returned a verdict. An additional 1,353 cases were dismissed by the court or withdrawn by the petitioner.

Of the 11,276 children associated with new child protective filings in 2010, 922 had previously been under court jurisdiction.

Termination of parental rights petitions totaled 2,266 and involved 3,686 children. Of these, 1,078 were filed as part of original or amended petitions and 1,188 were filed as supplemental petitions. There were an additional 911 supplemental petitions, involving 1,148 children, related to child protective cases; these petitions were filed for reasons other than termination.

At the close of 2010, the circuit court had jurisdiction over 15,879 children as a result of child protective proceedings. Of that number, 10,947 were temporary wards of the court, 4,871 were permanent wards of the court or the Michigan Children's Institute, and 61 were temporary wards who were ordered to the Michigan Children's Institute for observation. An additional 2,191 children were awaiting adjudication and were not yet under court jurisdiction.



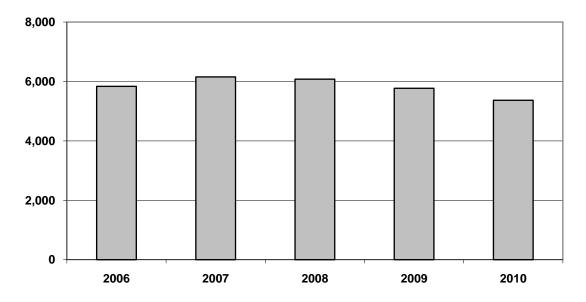
# Circuit Court Child Protective Case Filings and Children Associated with New Filings

# **CIRCUIT COURT FILINGS AND DISPOSITIONS UNDER ADOPTION CODE**

	2006	2007	2008	2009	2010
Adoption Filings	4,874	5,066	5,057	4,808	4,538
Requests for Release of Adoption Information	734	853	780	760	641
Petitions for Appointment of Confidential Intermediary	226	234	240	199	<u> 185</u>
Adoptions Finalized	4,595	4,632	4,806	4,462	4,376
Adoption Dispositions	4,937	4,982	5,129	4,768	4,664

In 2010, 4,538 petitions for adoption were filed and 4,376 were finalized. Circuit courts received 641 requests for the release of adoption information and 185 petitions for the appointment of a confidential intermediary. These requests and petitions are included in the bar graph.

*Please note*: The statistics provided in the chief justice's letter on page 1 and the Child Welfare Services Division report on page 8 are specific to adoptions through the child welfare system. The statistics on this page pertain to all types of adoptions, including adult adoptions, international agency adoptions, step-parent adoptions, and other private adoptions.



## **Circuit Court Petitions Filed Under the Adoption Code**

# **CIRCUIT COURT MISCELLANEOUS FAMILY CASE FILINGS**

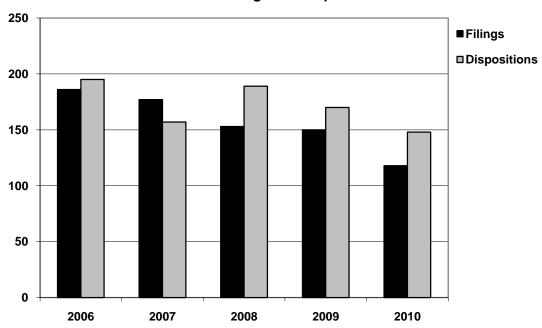
Filings	2006	2007	2008	2009	2010
Waiver of Parental Consent	381	389	415	315	257
Name Change	2,845	2,665	2,779	2,732	2,948
Emancipation of Minor	83	55	54	52	42
Infectious Disease	11	4	4	2	3
Safe Delivery of New Born	7	13	12	14	13
Out-of-County Personal Protection Violations Orders	34	43	42	33	44
Ancillary	427	492	459	624	581
Total Filings	3,788	3,661	3,765	3,772	3,888

Miscellaneous family division filings include name change petitions, proceedings under the Minors and Emancipation Act, and proceedings under the Safe Delivery of Newborns Act. Also included are Public Health Code proceedings for treating or testing for infectious diseases, and personal protection order violations heard by a court in a different county than the one that issued the order.

# **COURT OF CLAIMS FILINGS AND DISPOSITIONS**

	2006	2007	2008	2009	2010
Filings	186	177	153	150	118
Dispositions	195	157	189	170	148

The Court of Claims, a function of the 30th Circuit Court of Ingham County, has jurisdiction over claims against the state or any of its departments. In 2010, 118 cases were filed with the Court of Claims. Of these cases, 36 were related to state taxes. The Court of Claims also hears highway defect, medical malpractice, contracts, constitutional claims, prisoner litigation, and other claims for damages.

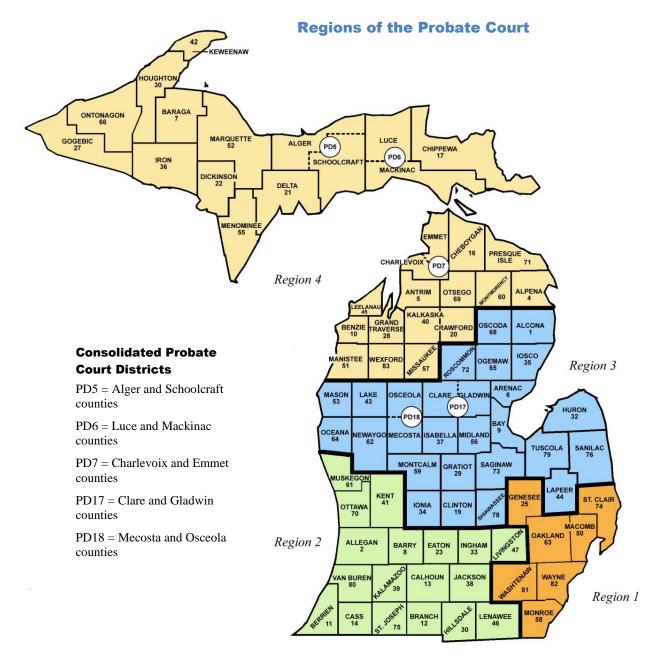


**Court of Claims Case Filings and Dispositions** 

# Probate Court

The probate court has jurisdiction over cases that involve the admission of wills, administration of estates and trusts, guardianships, conservatorships, and the treatment of mentally ill and developmentally disabled persons.

Each county has its own probate court, with the exception of ten northern counties that have consolidated to form five probate court districts. Each of those probate court districts has one judge. Other probate courts have one or more judges. Probate judges are elected to six-year terms on a nonpartisan ballot, subject to the same requirements as other judges. The Legislature sets probate judges' salaries.



## **PROBATE COURT JUDGES** (as of 1/31/11)

**P01 Alcona County** Hon. Laura A. Frawley

PD5 Alger & Schoolcraft Counties Hon. Charles C. Nebel

**P03 Allegan County** Hon. Michael L. Buck

**P04 Alpena County** Hon. Thomas J. LaCross

**P05 Antrim County** Hon. Norman R. Hayes

**P06 Arenac County** Hon. Richard E. Vollbach, Jr

**P07 Baraga County** Hon. Timothy S. Brennan

**P08 Barry County** Hon. William M. Doherty

**P09 Bay County** Hon. Karen Tighe

**P10 Benzie County** Hon. Nancy A. Kida

**P11 Berrien County** Hon. Mabel Johnson Mayfield Hon. Thomas E. Nelson

**P12 Branch County** Hon. Frederick L. Wood

P13 Calhoun County Hon. Phillip E. Harter<sup>R</sup> (left the court 1/1/11) Hon. Michael L. Jaconette<sup>E</sup> (joined the court 1/1/11) Hon. Gary K. Reed

**P14 Cass County** Hon. Susan L. Dobrich

**PD7 Charlevoix & Emmet Counties** Hon. Frederick R. Mulhauser

**P16 Cheboygan County** Hon. Robert John Butts

**P17 Chippewa County** Hon. Lowell R. Ulrich

**PD17 Clare & Gladwin Counties** Hon. Thomas P. McLaughlin **P19 Clinton County** Hon. Lisa Sullivan

**P20 Crawford County** Hon. Monte Burmeister

**P21 Delta County** Hon. Robert E. Goebel, Jr.

**P22 Dickinson County** Hon. Thomas D. Slagle

P23 Eaton County Hon. Michael F. Skinner<sup>F</sup> (left the court 2/21/10) Hon. Thomas K. Byerley<sup>\*</sup> (joined the court 4/26/10)

**P25 Genesee County** Hon. Jennie E. Barkey Hon. F. Kay Behm

**P27 Gogebic County** Hon. Joel L. Massie

P28 Grand Traverse County Hon. David L. Stowe

**P29 Gratiot County** Hon. Jack T. Arnold

**P30 Hillsdale County** Hon. Michael E. Nye

**P31 Houghton County** Hon. Fraser T. Strome

**P32 Huron County** Hon. David L. Clabuesch

**P33 Ingham County** Hon. R. George Economy Hon. Richard Joseph Garcia

**P34 Ionia County** Hon. Robert Sykes, Jr.

**P35 losco County** Hon. John D. Hamilton

**P36 Iron County** Hon. C. Joseph Schwedler

**P37 Isabella County** Hon. William T. Ervin

**P38 Jackson County** Hon. Diane M. Rappleye

**P39 Kalamazoo County** Hon. Curtis J. Bell **P39 Kalamazoo County** (continued) Hon. Patricia N. Conlon Hon. Donald R. Halstead

**P40 Kalkaska County** Hon. Lynne Marie Buday

**P41 Kent County** Hon. Nanaruth H. Carpenter Hon. Patricia D. Gardner Hon. G. Patrick Hillary Hon. David M. Murkowski

**P42 Keweenaw County** Hon. James G. Jaaskelainen

**P43 Lake County** Hon. Mark S. Wickens

**P44 Lapeer County** Hon. Justus C. Scott

**P45 Leelanau County** Hon. Larry J. Nelson<sup>E</sup> (joined the court 1/1/11)

**P46 Lenawee County** Hon. Gregg P. Iddings

**P47 Livingston County** Hon. Carol Hacket Garagiola

PD6 Luce & Mackinac Counties Hon. W. Clayton Graham

**P50 Macomb County** Hon. Kathryn A. George Hon. Pamela Gilbert O'Sullivan

**P51 Manistee County** Hon. Thomas N. Brunner

**P52 Marquette County** Hon. Michael J. Anderegg

**P53 Mason County** Hon. Mark D. Raven

- \* Appointed to succeed another judge
- A Appointed to another court
- C Elected to another court
- E Elected
- R Retired Z Position sunsetted

## **PROBATE COURT JUDGES** (as of 1/31/11)

## PD18 Mecosta & Osceola Counties

Hon. Marco S. Menezes<sup>\*</sup> (joined the court 2/2/10)

**P55 Menominee County** Hon. William A. Hupy

**P56 Midland County** Hon. Dorene S. Allen

**P57 Missaukee County** Hon. Charles R. Parsons

**P58 Monroe County** 

Hon. Frank L. Arnold<sup>\*</sup> (joined the court 8/18/10)
Hon. John A. Hohman, Jr.
Hon. Pamela A. Moskwa<sup>R</sup> (left the court 6/30/10)

#### **P59 Montcalm County**

Hon. Charles W. Simon, III

**P60 Montmorency County** Hon. John E. Fitzgerald

**P61 Muskegon County** Hon. Neil G. Mullally Hon. Gregory C. Pittman

**P62 Newaygo County** Hon. Graydon W. Dimkoff

#### **P63 Oakland County**

Hon. Linda S. Hallmark Hon. Eugene Arthur Moore<sup>R</sup> (left the court 1/1/11) Hon. Daniel A. O'Brien Hon. Elizabeth M. Pezzetti Hon. Kathleen A. Ryan<sup>E</sup> (joined the court 1/1/11)

**P64 Oceana County** Hon. Bradley G. Lambrix

P65 Ogemaw County Hon. Shana A. Lambourn

**P66 Ontonagon County** Hon. Janis M. Burgess

**P68 Oscoda County** Hon. Kathryn Joan Root

P69 Otsego County Hon. Michael K. Cooper

**P70 Ottawa County** Hon. Mark A. Feyen **P71 Presque Isle County** Hon. Donald J. McLennan

**P72 Roscommon County** Hon. Douglas C. Dosson

**P73 Saginaw County** Hon. Faye M. Harrison Hon. Patrick J. McGraw

**P74 St. Clair County** Hon. Elwood L. Brown Hon. John Tomlinson

**P75 St. Joseph County** Hon. Thomas E. Shumaker

**P76 Sanilac County** Hon. R. Terry Maltby

**P78 Shiawassee County** Hon. James R. Clatterbaugh

#### **P79 Tuscola County**

Hon. W. Wallace Kent, Jr.<sup>R</sup> (left the court 12/30/10) Hon. Amanda L. Roggenbuck<sup>\*</sup> (joined the court 12/31/10)

**P80 Van Buren County** Hon. Frank D. Willis

#### **P81 Washtenaw County**

Hon. Nancy Cornelia Francis Hon. Darlene A. O'Brien

#### **P82 Wayne County**

Hon. June E. Blackwell-Hatcher
Hon. Freddie G. Burton, Jr.
Hon. Judy A. Hartsfield
Hon. Terrance A. Keith\*

(joined the court 12/28/10)

Hon. Milton L. Mack, Jr.
Hon. Cathie B. Maher
Hon. Martin T. Maher
Hon. David J. Szymanski<sup>R</sup>

(left the court 12/21/10)

Hon. Frank S. Szymanski

#### **P83 Wexford County**

Hon. Kenneth L. Tacoma

- Appointed to succeed another judge
- A Appointed to another court
- C Elected to another court
- E Elected
- R Retired
- Z Position sunsetted



# PROBATE COURT FILINGS BY DIVISION

	2006	2007	2008	2009	2010
Estates and Trusts	24,391	23,892	23,950	23,997	23,215
Guardianships, Conservatorships, and Protective Proceedings	22,143	21,528	21,593	21,374	21,320
Mental Health and Judicial Admission	14,556	15,265	14,993	15,852	16,036
Civil and Miscellaneous	1,051	946	923	905	897
Total Filings	62,141	61,631	61,459	62,128	61,468

In 2010, 61,468 cases were filed in probate courts, which disposed of 63,238 cases. Of the cases filed in 2010, 23,215 were estates and trusts; 21,320 were guardianships, conservatorships, and protective proceedings; 16,036 were mental health and judicial admission cases; and 897 were civil and miscellaneous filings.

# **PROBATE COURT TRUST AND ESTATE FILINGS AND DISPOSITIONS**

Filings	2006	2007	2008	2009	2010
Supervised Administration	535	610	432	620	411
Unsupervised Administration	16,687	16,287	16,370	16,115	15,477
Small Estates	6,048	5,942	6,061	6,046	<u>6,125</u>
Trusts Inter Vivos and <u>Trusts Testamentary</u>	1,098	1,034	1,078	1,198	1,185
Determination of Heirs	23	19	9	18	17
Total Filings	24,391	23,892	23,950	23,997	23,215
Dispositions	2006	2007	2008	2009	2010
Supervised Administration	645	581	517	552	538
Unsupervised Administration	17,205	16,631	16,704	16,305	15,976
Small Estates	6,335	6,227	6,408	6,372	6,437
Trusts Inter Vivos and <u>Trusts Testamentary</u>	949	866	953	1,016	1,028
Determination of Heirs	18	20	5	16	15
Total Dispositions	25,152	24,325	24,587	24,261	23,994
Method of Disposition	2006	2007	2008	2009	2010
Petition Granted	24,635	23,862	24,062	23,712	23,470
Petition Denied	71	66	84	104	103
Petition Withdrawn, Dismissed	393	344	394	381	359
Other Dispositions*	53	53	47	64	62
Total Dispositions	25,152	24,325	24,587	24,261	23,994

\*Other Dispositions includes orders determining testacy or heirs, cases transferred, and cases that changed case type.

In 2010, probate courts were asked to supervise the administration of 411 new decedent estates. New filings of unsupervised and nonadministered decedent estates totaled 15,477; new filings of small estates, where the gross estate assets do not exceed \$15,000, totaled 6,125. In 2010, 159 testamentary trusts, which take effect on the settler's death, and 1,026 inter vivos trusts, which are operative during the settler's lifetime, were filed in probate court. Probate courts received and registered 170 trusts. Probate courts also received and filed wills for safekeeping and delivered wills after the testator's death but before the opening of any estate case. These wills totaled 8,521 in 2010.

As of December 31, 2010, 38,389 estate and trusts cases were active in probate courts. During the course of 2010, probate courts supervised 3,444 estate cases.

# PROBATE COURT GUARDIANSHIP, CONSERVATORSHIP, AND PROTECTIVE PROCEEDINGS FILINGS AND DISPOSITIONS

Filings	2006	2007	2008	2009	2010
Guardianships*	16,730	16,434	16,559	16,571	16,578
Conservatorships*	4,983	4,588	4,545	4,355	4,285
Protective Proceedings	430	506	489	448	457
Total Filings	22,143	21,528	21,593	21,374	21,320
Dispositions	2006	2007	2008	2009	2010
<u>Dispositions</u> Guardianships*	<b>2006</b> 16,677	<b>2007</b> 16,171	<b>2008</b> 16,613	<b>2009</b> 16,318	<b>2010</b> 16,440
Guardianships*	16,677	16,171	16,613	16,318	16,440

\*Guardianships include both adult and minor guardianships. Conservatorships include both adult and minor conservatorships.

Method of Disposition	2006	2007	2008	2009	2010
Petition Granted	18,054	17,358	17,646	17,053	17,042
Petition Denied	304	311	346	393	375
Petition Withdrawn, Dismissed	3,527	3,400	3,388	3,374	3,519
Other Dispositions**	176	130	112	183	172
Total Dispositions	22,061	21,199	21,492	21,003	21,108

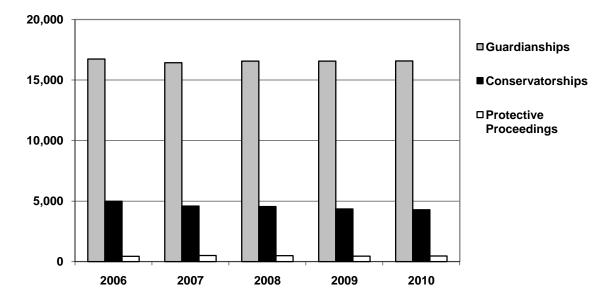
\*\*Other Dispositions includes cases transferred and cases that changed case type.

In 2010, probate courts received 7,651 new petitions involving full guardianship and 203 new petitions involving limited guardianship of an incapacitated adult. For minors, 4,254 new petitions were filed in probate court for full guardianship and 1,623 new petitions were filed in probate court for limited guardianship. Probate courts also received 2,847 new petitions for guardianship of an adult or minor with a developmental disability. An additional 506 new petitions for guardianship were filed in the family division of circuit court as ancillary proceedings.

As of December 31, 2010, those under guardianship included 29,266 adults, 23,960 minors, and 23,106 persons with a developmental disability.

In 2010, probate courts received 3,210 new petitions for adult conservatorship and 1,075 new petitions for minor conservatorship. Filed separately were 457 protective orders requested under the Estates and Protected Individuals Code. An additional 42 new petitions for conservatorships were filed in the family division of circuit court as ancillary proceedings.

As of December 31, 2010, there were 13,217 adults and 9,484 minors under a conservatorship.



Filings for Probate Court Guardianships, Conservatorships, and Protective Proceedings

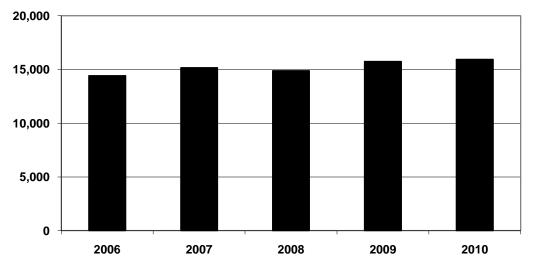
# PROBATE COURT MENTAL HEALTH PROCEEDINGS FILINGS AND DISPOSITIONS

Filings	2006	2007	2008	2009	2010
Mental Illness	14,421	15,165	14,877	15,740	15,944
Judicial Admission	135	100	116	112	92
Total Filings	14,556	15,265	14,993	15,852	16,036
<b>D</b> : 1/1					
Dispositions	2006	2007	2008	2009	2010
Dispositions Mental Illness	2006 15,399	<b>2007</b> 16,276	<b>2008</b> 15,998	<b>2009</b> 16,819	<b>2010</b> 17,185

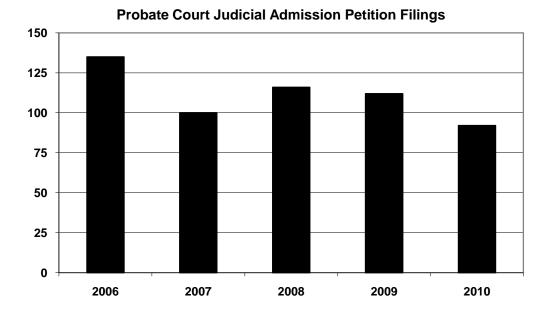
In 2010, 15,944 petitions were filed in probate court under the Mental Health Code. Of these, 55 were for assisted outpatient treatment. An additional 31 petitions under the Mental Health Code were filed in the family division of circuit court as ancillary proceedings. Probate courts also received 683

subsequent petitions for a second order of commitment and 1,719 subsequent petitions for a continuing order of commitment. Supplemental petitions for court-ordered examination on an application for hospitalization and petitions for court-ordered transportation of a minor totaled 2,773.

Ninety-two new petitions and objections involving judicial admission of individuals with developmental disabilities were filed in probate court.



**Probate Court Mental Illness Petition Filings** 



PROBATE COURT CIVIL AND MISC	ELLANEOUS CASE FILINGS & DISPOSITIONS
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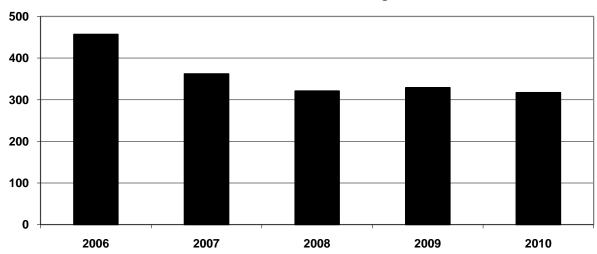
Filings	2006	2007	2008	2009	2010
Civil	457	362	321	329	317
Miscellaneous*	594	584	602	576	580
Total Filings	1,051	946	923	905	897
Dispositions	2006	2007	2008	2009	2010
Civil	349	398	373	327	280
Miscellaneous*	576	566	586	541	575
Total Dispositions	925	964	959	868	855

\*Miscellaneous includes death by accident/disaster, filings of letters by foreign personal representative, kidney transplants, review of drain commissioner, review of mental health financial liability, etc.

In 2010, 317 civil actions were filed in probate court. These included all actions filed by a fiduciary against another and all actions filed by a claimant after notice that the claim has been disallowed. Probate courts disposed of 280 civil actions, including 108 where the case was resolved by settlement, consent judgment, summary disposition, or default. Seventy-one civil actions were dismissed by the court and 76 were voluntarily dismissed by the plaintiff.

In addition, 580 miscellaneous matters for judicial or administrative action were filed in probate court. These included appeals, petitions seeking judicial decisions regarding death by accident or disaster, filing of letters by foreign personal representative, kidney transplants, lost instruments, opening of safe deposit box, review of adoption subsidy, review of drain commissioner proceedings, review of mental health financial liability, secret marriage licenses, substance abuse treatment of minor, support of poor persons, and petitions brought under the Uniform Gifts to Minors Act.

Probate courts also received 359 motions to establish delayed registration of foreign birth by court order.





# District Court

The district court is often referred to as "The People's Court," because the public has more contact with the district court than with any other court in the state, and because many people go to district court without an attorney.

The district court has exclusive jurisdiction over all civil claims up to \$25,000, including small claims, landlord-tenant disputes, land contract disputes, and civil infractions. The court may also conduct marriages in a civil ceremony.

The district court's small claims division handles cases in which the amount in controversy is \$3,000 or less. Small claims litigants represent themselves; they waive their right to be represented by an attorney, as well as the right to a jury trial. They also waive evidence rules and any right to appeal the district judge's decision. If either party objects, the case is heard in the court's general civil division, where the parties retain these rights. If a district court attorney magistrate enters the judgment, the decision may be appealed to the district judge.

Civil infractions are offenses formerly considered criminal, but decriminalized by statute or local ordinance, with no jail penalty associated with the offense. The most common civil infractions are minor traffic matters, such as speeding, failure to stop or yield, careless driving, and equipment and parking violations. Some other violations in state law or local ordinance may be decriminalized, such as land-use rules enforced by the Department of Natural Resources and blight or junk violations. In contrast to criminal cases, where the burden of proof is "beyond a reasonable doubt," the burden of proof for a civil infraction is by a preponderance of the evidence. Most civil infractions are handled in an informal hearing before a district court magistrate, although a judge may hear the case by request or on appeal. There is no jury trial for a civil infraction.

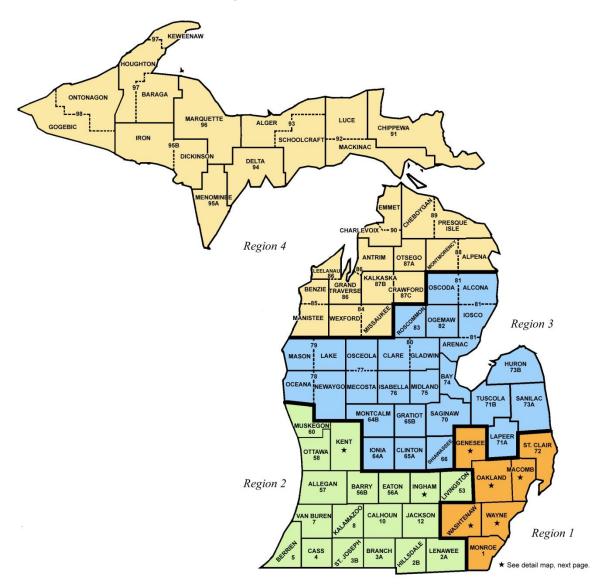
District courts handle a wide range of criminal proceedings, including misdemeanors, offenses for which the maximum possible penalty does not exceed one year in jail. In misdemeanor cases, the district court judge arraigns the defendant, sets and accepts bail, presides at the trial, and sentences the defendant. Typical district court misdemeanor offenses include driving under the influence of intoxicants, driving on a suspended license, assault, shoplifting, and possession of marijuana. The district courts also conduct preliminary examinations in felony cases, after which, if the prosecutor provides sufficient proofs, the felony case is transferred to the circuit court for arraignment and trial. The district courts also handle extraditions to another state for a pending criminal charge, coroner inquests, and issuance of search warrants. The court may appoint an attorney for persons who cannot afford a lawyer and may go to jail if convicted.

District court clerks may, with a judge's approval, accept admissions of responsibility to civil infractions, guilty pleas to certain misdemeanor violations, and payments to satisfy judgments. Indeed, as a general rule, people who come to district court are more likely to interact with court staff than with a judge, particularly on traffic civil infractions where the offender does not request a hearing. Clerks provide a variety of district court forms for the public at little to no cost, but may not give legal advice. By law, district courts provide information to various state agencies, such as the Secretary of State (motor vehicle violations) and the Michigan State Police (criminal convictions).

District courts can place offenders on probation; most district courts have a probation department to monitor offenders' compliance with the court-ordered conditions of their probation. Courts can order offenders to pay fines, attend classes, and receive treatment or counseling. With some exceptions, probation cannot exceed two years.

District judges have statutory authority to appoint district court magistrates. Magistrates may issue search warrants and arrest warrants when authorized by the county prosecutor or municipal attorney. They may also conduct arraignments and set bail, accept guilty pleas to some offenses, and sentence most traffic, motor carrier, and snowmobile violations, as well as animal, game, and marine violations. If the district court magistrate is an attorney licensed in Michigan, the magistrate may also hear small claims cases. At the chief judge's direction, the magistrate may perform other duties as provided by state law.

District judges are elected to six-year terms on a nonpartisan ballot, subject to the same requirements as other judges. The Legislature sets district judges' salaries.



## **Regions of the District Court**

# **First Class District Court**

Detail map for Saginaw County

**Second and Third Class** 

Washtenaw

Washtenaw Co.

14A ★

Ann

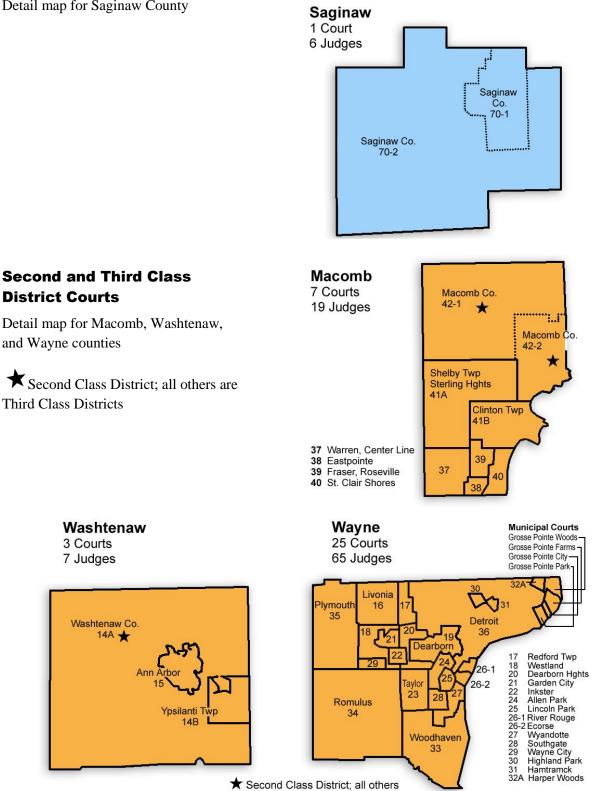
3 Courts

7 Judges

**District Courts** 

and Wayne counties

Third Class Districts

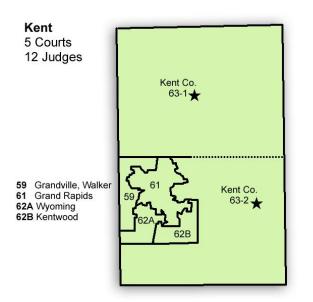


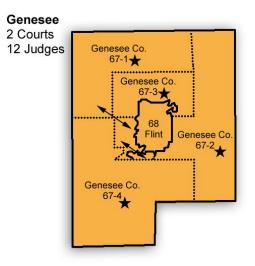
are Third Class Districts

## **Second and Third Class District Courts**

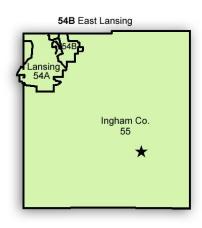
Detail map for Genesee, Ingham, Kent, and Oakland counties

 $\star$  Second Class District; all others are Third Class Districts



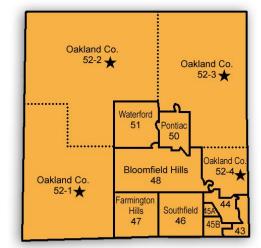








33 Judges



43 Ferndale, Hazel Park, Madison Heights
44 Royal Oak
45A Berkley
45B Oak Park

## **DISTRICT COURT JUDGES** (as of 1/31/11)

## D01

Hon. Mark S. Braunlich Hon. Terrence P. Bronson Hon. Jack Vitale

## D02A

Hon. Natalia M. Koselka<sup>R</sup> (left the court 1/1/11) Hon. Laura J. Schaedler<sup>E</sup> (joined the court 1/1/11) Hon. James E. Sheridan

## D02B

Hon. Donald L. Sanderson

D03A

Hon. Brent R. Weigle

**D03B** Hon. Jeffrey C. Middleton Hon. William D. Welty

**D04** Hon. Stacey A. Rentfrow

## D05

Hon. Gary J. Bruce Hon. Angela Pasula Hon. Scott Schofield Hon. Sterling R. Schrock Hon. Dennis M. Wiley

## D07

Hon. Arthur H. Clarke, III Hon. Robert T. Hentchel

## D08

Hon. Anne E. Blatchford Hon. Paul J. Bridenstine Hon. Carol A. Husum Hon. Robert C. Kropf Hon. Julie K. Phillips Hon. Richard A. Santoni Hon. Vincent C. Westra

## D10

Hon. Samuel I. Durham, Jr. Hon. John A. Hallacy Hon. John R. Holmes Hon. Franklin K. Line, Jr.

## D12

Hon. Joseph S. Filip Hon. James M. Justin Hon. Michael J. Klaeren Hon. R. Darryl Mazur

## D14A

Hon. Richard E. Conlin Hon. J. Cedric Simpson Hon. Kirk W. Tabbey D14B

Hon. Charles Pope

## D15

Hon. Julie Creal Hon. Christopher S. Easthope Hon. Elizabeth Pollard Hines

## D16

Hon. Sean P. Kavanagh Hon. Kathleen J. McCann

## D17

Hon. Karen Khalil Hon. Charlotte L. Wirth

## D18

Hon. Sandra A. Cicirelli Hon. Mark A. McConnell

## D19

Hon. William C. Hultgren Hon. Mark W. Somers Hon. Richard Wygonik

## D20

Hon. Mark J. Plawecki Hon. David Turfe

**D21** Hon. Richard L. Hammer, Jr.

**D22** Hon. Sylvia A. James

## D23

Hon. Geno Salomone Hon. William J. Sutherland

## D24

Hon. John T. Courtright Hon. Richard A. Page

## D25

Hon. David A. Bajorek Hon. David J. Zelenak

## D26-1

Hon. Raymond A. Charron

**D26-2** Hon. Michael F. Ciungan

**D27** Hon. Randy L. Kalmbach

D28 Hon. James A. Kandrevas

#### **D29** Hon. Laura R. Mack

D30

Hon. Brigette R. Officer

## D31

Hon. Paul J. Paruk

## D32A

Hon. Roger J. La Rose

## D33

Hon. Jennifer Coleman Hesson<sup>E</sup> (joined the court 1/1/11) Hon. James Kurt Kersten Hon. Michael K. McNally Hon. Edward J. Nykiel<sup>D</sup> (left the court 1/1/11)

## D34

Hon. Tina Brooks Green Hon. Brian A. Oakley Hon. David M. Parrott

## D35

Hon. Michael J. Gerou Hon. Ronald W. Lowe Hon. James A. Plakas

## D36

Hon. Lydia Nance Adams Hon. Roberta C. Archer Hon. Marylin E. Atkins Hon. Joseph N. Baltimore Hon. Nancy McCaughan Blount Hon. Izetta F. Bright Hon. Esther L. Bryant-Weekes Hon. Ruth C. Carter Hon. George A. Chatman<sup>\*</sup> (joined the court 12/30/10) Hon. Donald Coleman Hon. Nancy A. Farmer Hon. Deborah Geraldine Ford Hon. Ruth Ann Garrett Hon. Ronald Giles Hon. Katherine Hansen Hon. Beverley J. Hayes-Sipes<sup>F</sup> (left the court 11/8/10) Hon. Paula G. Humphries Hon. Patricia L. Jefferson Hon. Vanesa F. Jones-Bradley Hon. Kenneth J. King Hon. Deborah L. Langston Hon. Willie G. Lipscomb, Jr.

- \* Appointed to succeed another judge
- A Appointed to another court
- C Elected to another court
- E Elected R Retired
- Z Position sunsetted

## **DISTRICT COURT JUDGES** (as of 1/31/11)

D36 (continued) Hon. Leonia J. Lloyd Hon. Miriam B. Martin-Clark Hon. William McConico<sup>\*</sup> (joined the court 7/12/10) Hon. Donna R. Milhouse Hon. B. Pennie Millender Hon. Cylenthia LaToye Miller Hon. Kevin F. Robbins Hon. David S. Robinson, Jr. Hon. C. Lorene Royster<sup>R</sup> (left the court 4/30/10) Hon. Brenda K. Sanders Hon. Noceeba Southern

#### D37

Hon. John M. Chmura Hon. Jennifer Faunce Hon. Dawnn M. Gruenburg Hon. Matthew P. Sabaugh

#### D38

Hon. Carl F. Gerds, III

#### D39

Hon. Joseph F. Boedeker Hon. Marco A. Santia Hon. Catherine B. Steenland

#### **D40**

Hon. Mark A. Fratarcangeli Hon. Joseph Craigen Oster

## D41A

Hon. Michael S. Maceroni Hon. Douglas P. Shepherd Hon. Stephen S. Sierawski Hon. Kimberley Anne Wiegand

#### D41B

Hon. Linda Davis Hon. Carrie L. Fuca<sup>E</sup> (joined the court 1/1/11) Hon. Sebastian Lucido Hon. Sheila A. Miller<sup>D</sup> (left the court 1/1/11)

### D42-1

Hon. Denis R. LeDuc

#### D42-2

Hon. William H. Hackel, III

#### D43

Hon. Charles G. Goedert<sup>\*</sup> (joined the court 9/13/10) Hon. Keith P. Hunt Hon. Joseph Longo Hon. Robert J. Turner<sup>R</sup> (left the court 7/1/10)

#### D44

Hon. Terrence H. Brennan Hon. Daniel Sawicki

#### D45A

Hon. James L. Wittenberg

## D45B

Hon. Michelle Friedman Appel Hon. David M. Gubow

### D46

Hon. Sheila R. Johnson Hon. Susan M. Moiseev Hon. William J. Richards

#### D47

Hon. James Brady Hon. Marla E. Parker

#### D48

Hon. Marc Barron Hon. Diane D'Agostini Hon. Kimberly Small

#### D50

Hon. Ronda Fowlkes Gross Hon. Michael C. Martinez Hon. Preston G. Thomas Hon. Cynthia T. Walker

## D51

Hon. Jodi R. Debbrecht<sup>\*</sup> (joined the court 11/15/10) Hon. Richard D. Kuhn, Jr. Hon. Phyllis C. McMillen<sup>A</sup> (left the court 9/12/10)

#### D52-1

Hon. Robert Bondy Hon. Brian W. MacKenzie Hon. Dennis N. Powers

## D52-2

Hon. Joseph G. Fabrizio Hon. Kelley Renae Kostin

#### D52-3

Hon. Lisa L. Asadoorian Hon. Nancy Tolwin Carniak Hon. Julie A. Nicholson

#### D52-4

Hon. William E. Bolle Hon. Dennis C. Drury Hon. Kirsten Nielsen Hartig<sup>E</sup> (joined the court 1/1/11) Hon. Michael A. Martone<sup>D</sup> (left the court 1/1/11)

#### D53

Hon. Theresa M. Brennan

**D53** (continued) Hon. L. Suzanne Geddis Hon. Carol Sue Reader

#### D54A

Hon. Louise Alderson Hon. Patrick F. Cherry Hon. Hugh B. Clarke, Jr.<sup>\*</sup> (joined the court 12/22/10) Hon. Frank J. DeLuca Hon. Charles F. Filice Hon. Amy Krause<sup>A</sup> (left the court 12/12/10)

## D54B

Hon. Richard D. Ball Hon. David L. Jordon

#### D55

Hon. Donald L. Allen Hon. Thomas P. Boyd

## D56A

Hon. Harvey J. Hoffman Hon. Julie H. Reincke

## D56B

Hon. Gary R. Holman

#### D57

Hon. William A. Baillargeon Hon. Joseph S. Skocelas

## D58

Hon. Susan A. Jonas Hon. Richard J. Kloote Hon. Bradley S. Knoll Hon. Kenneth D. Post

#### D59

Hon. Peter P. Versluis

#### D60

Hon. Harold F. Closz, III Hon. Maria Ladas Hoopes Hon. Michael Jeffrey Nolan Hon. Andrew Wierengo

#### D61

Hon. David J. Buter Hon. J. Michael Christensen Hon. Jeanine Nemesi LaVille Hon. Ben H. Logan, II Hon. Donald H. Passenger Hon. Kimberly A. Schaefer

- Appointed to succeed another judge
- A Appointed to another court
- C Elected to another court
- E Elected R Retired
- Z Position sunsetted

## **DISTRICT COURT JUDGES** (as of 1/31/11)

**D62A** Hon. Pablo Cortes Hon. Steven M. Timmers

**D62B** Hon. William G. Kelly

**D63-1** Hon. Steven R. Servaas

**D63-2** Hon. Sara J. Smolenski

**D64A** Hon. Raymond P. Voet

**D64B** Hon. Donald R. Hemingsen

**D65A** Hon. Richard D. Wells

**D65B** Hon. Stewart D. McDonald

**D66** Hon. Ward L. Clarkson Hon. Terrance P. Dignan

**D67-1** Hon. David J. Goggins

D67-2 Hon. John L. Conover Hon. Richard L. Hughes<sup>R</sup> (left the court 1/1/11) Hon. Mark W. Latchana<sup>E</sup> (joined the court 1/1/11)

D67-3 Hon. Larry Stecco

**D67-4** Hon. Mark C. McCabe Hon. Christopher Odette

## D68

Hon. Tracy L. Collier-Nix Hon. William H. Crawford, II Hon. Mary C. Dowd Hon. Herman Marable, Jr. Hon. Nathaniel C. Perry, III

## D70-1

Hon. Terry L. Clark Hon. M. Randall Jurrens Hon. M. T. Thompson, Jr.

#### D70-2

Hon. Christopher S. Boyd Hon. A. T. Frank Hon. Kyle Higgs Tarrant

#### D71A

Hon. Laura Cheger Barnard Hon. John T. Connolly

**D71B** Hon. Kim David Glaspie

## D72

Hon. Richard A. Cooley, Jr.<sup>R</sup> (left the court 1/1/11) Hon. Michael L. Hulewicz<sup>E</sup> (joined the court 1/1/11) Hon. John D. Monaghan Hon. Cynthia Siemen Platzer

D73A

Hon. Gregory S. Ross

**D73B** Hon. David B. Herrington

#### D74

Hon. Jennifer Cass Barnes<sup>\*D</sup> (joined the court 6/1/10) (left the court 1/1/11) Hon. Mark E. Janer<sup>E</sup> (joined the court 1/1/11) Hon. Timothy J. Kelly Hon. Dawn A. Klida<sup>\*</sup> (joined the court 2/8/10) Hon. Scott J. Newcombe<sup>R</sup> (left the court 5/30/10)

## D75

Hon. Stephen Carras Hon. John Henry Hart

**D76** Hon. William R. Rush

**D77** Hon. Susan H. Grant

**D78** Hon. H. Kevin Drake

**D79** Hon. Peter J. Wadel

**D80** Hon. Joshua M. Farrell

**D81** Hon. Allen C. Yenior

**D82** Hon. Richard E. Noble

**D83** Hon. Daniel L. Sutton

**D84** Hon. David A. Hogg

#### D85

Hon. Brent V. Danielson

## D86

Hon. John D. Foresman<sup>R</sup> (left the court 1/1/11) Hon. Michael J. Haley Hon. Thomas J. Phillips Hon. Michael Stepka<sup>E</sup> (joined the court 1/1/11)

D87A

Hon. Patricia A. Morse

**D88** Hon. Theodore O. Johnson

**D89** Hon. Maria I. Barton

**D90** Hon. Richard W. May

**D91** Hon. Elizabeth Church

**D92** Hon. Beth Gibson

**D93** Hon. Mark E. Luoma

**D94** Hon. Glen A. Pearson

**D95A** Hon. Jeffrey G. Barstow

**D95B** Hon. Christopher S. Ninomiya

**D96** Hon. Dennis H. Girard Hon. Roger W. Kangas

**D97** Hon. Mark A. Wisti

**D98** Hon. Anders B. Tingstad, Jr.

- \* Appointed to succeed another judge
- A Appointed to another court
- C Elected to another court
- E Elected
- R RetiredZ Position sunsetted

# **DISTRICT COURT FILINGS BY DIVISION**

	2006	2007	2008	2009	2010
NONTRAFFIC					
Felony and Extradition	83,044	84,258	82,451	76,196	72,421
Misdemeanor	270,588	281,506	262,108	247,626	239,081
Civil Infraction	62,436	69,189	66,508	66,712	64,094
TRAFFIC					
Misdemeanor	306,484	299,800	280,337	267,631	271,660
Civil Infraction	1,795,348	1,828,735	1,702,809	1,590,623	1,516,109
OWI Misdemeanor and Felony	54,096	50,916	48,443	46,550	41,531
CIVIL					
General and Miscellaneous Civil	317,165	379,418	375,895	332,686	317,979
Small Claims	89,167	84,803	78,267	71,828	62,617
Summary Proceedings	222,738	238,591	239,720	218,458	214,045
Total Filings	3,201,066	3,317,216	3,136,538	2,918,310	2,799,537

In 2010, 2.7 million cases and nearly half a million parking tickets were filed in, and disposed of, by district courts. Although filings of nontraffic civil infractions, civil cases, and summary proceedings increased, there were fewer district court case filings in 2010 than in any year between 2002 and 2010.

Incoming district court caseload, including cases reopened and parking tickets filed, totaled 3,513,082; outgoing caseload, including cases made inactive and parking ticket dispositions, totaled 3,494,127. This results in a statewide clearance rate for district courts of 99.5 percent.

The majority of district court filings are traffic civil infractions; a total of 1,516,109 traffic civil infractions were filed in 2010. Traffic filings also included 271,660 misdemeanor and 41,531 drunk driving cases. Of these drunk driving cases, 4,545 involved at least one felony charge; the rest were misdemeanor charges under ordinance or statute.

District courts received for filing 239,081 nontraffic misdemeanor cases; 72,421 nontraffic felony, extradition, and detainer cases; and 64,094 nontraffic civil infraction cases.

District courts handle civil cases up to \$25,000. In 2010, district courts received 317,979 general and miscellaneous civil case filings. Small claims, in which the amount is less than \$3,000, totaled 62,617. Landlord-tenant and land contract summary proceedings totaled 214,045.

Filings	2006	2007	2008	2009	2010
Felony and Extradition	83,044	84,258	82,451	76,196	72,421
Misdemeanor	270,588	281,506	262,108	247,626	239,081
Civil Infraction	62,436	69,189	66,508	66,712	64,094
Total Filings	416,068	434,953	411,067	390,534	375,596
Dispositions	2006	2007	2008	2009	2010
Felony and Extradition	86,912	85,106	85,392	77,855	75,462
Misdemeanor	266,086	266,055	255,554	246,403	238,458
Civil Infraction	65,597	71,586	70,599	70,648	67,210
Total Dispositions	418,595	422,747	411,545	394,906	381,130
Method of Disposition	2006	2007	2008	2009	2010
Method of Disposition	<b>2006</b> 824	<b>2007</b> 819	<b>2008</b> 783	<b>2009</b> 779	<b>2010</b> 743
Jury Verdict	824	819	783	779	743
Jury Verdict Bench Verdict	824 6,646	819 4,379	783 3,278	779 8,151	743 7,743
Jury Verdict Bench Verdict Verdict at Hearing	824 6,646 NA	819 4,379 3,382	783 3,278 3,514	779 8,151 3,752	743 7,743 3,639
Jury Verdict Bench Verdict Verdict at Hearing Guilty Plea/Admission/Waiver	824 6,646 NA 214,202	819 4,379 3,382 216,622	783 3,278 3,514 207,578	779 8,151 3,752 193,919	743 7,743 3,639 186,407
Jury Verdict Bench Verdict Verdict at Hearing Guilty Plea/Admission/Waiver Bindover/Transfer	824 6,646 NA 214,202 60,293	819 4,379 3,382 216,622 58,848	783 3,278 3,514 207,578 61,104	779 8,151 3,752 193,919 54,600	743 7,743 3,639 186,407 53,149
Jury Verdict Bench Verdict Verdict at Hearing Guilty Plea/Admission/Waiver Bindover/Transfer Dismissal by Party	824 6,646 NA 214,202 60,293 65,691	819 4,379 3,382 216,622 58,848 68,412	783 3,278 3,514 207,578 61,104 64,702	779 8,151 3,752 193,919 54,600 64,688	743 7,743 3,639 186,407 53,149 60,109
Jury Verdict Bench Verdict Verdict at Hearing Guilty Plea/Admission/Waiver Bindover/Transfer Dismissal by Party Dismissal by Court	824 6,646 NA 214,202 60,293 65,691 38,212	819 4,379 3,382 216,622 58,848 68,412 38,291	783 3,278 3,514 207,578 61,104 64,702 40,714	779 8,151 3,752 193,919 54,600 64,688 40,682	743 7,743 3,639 186,407 53,149 60,109 42,668

# **DISTRICT COURT NONTRAFFIC CASE FILINGS AND DISPOSITIONS**

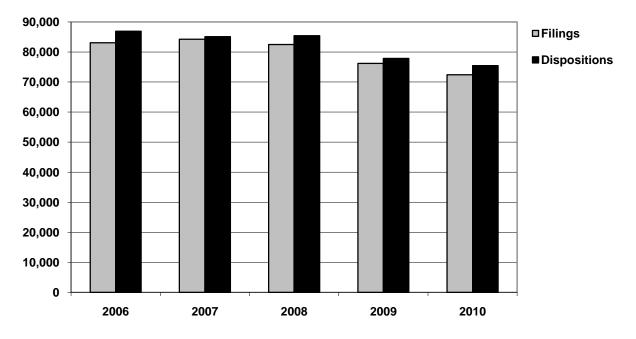
In 2010, district courts received 375,596 nontraffic filings. Of those, 72,421 were new filings of felony, extradition, and detainer cases. An additional 30,920 nontraffic felony cases were reopened for various reasons, including arraignments on a preadjudicatory warrant.

District courts' felony case dispositions included 53,149 cases bound over to circuit court. An additional 28,732 were made inactive when a preadjudicatory warrant was issued when a defendant was referred for evaluation to determine competency to stand trial, or when an order staying the case from an appellate court was entered. Over 13,000 were reduced to only misdemeanor charges and disposed of by verdict or plea. In 5,397 cases, the court accepted the prosecutor's motion to dismiss the case; in an additional 3,190 cases, the court entered a dismissal after preliminary examination.

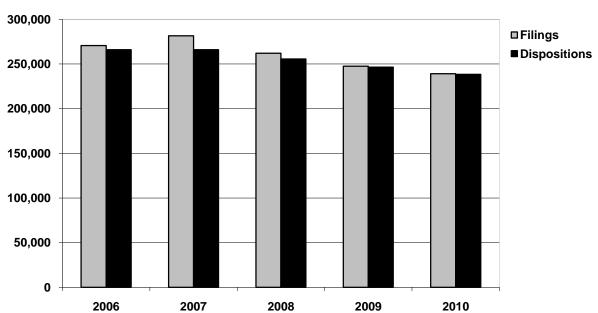
Nearly a quarter of a million nontraffic misdemeanor cases were filed in 2010, representing a two-year decline of 9 percent. In 2009, 97,998 nontraffic misdemeanor cases were reopened, including cases in which arraignment was held on a preadjudicatory warrant.

Of the nontraffic misdemeanor cases dispositions, 147,658 were resolved by a guilty plea accepted by the court. Cases placed on inactive status totaled 98,648. In 46,587 cases, the court accepted the prosecutor's or city attorney's motion to dismiss the case. In 36,073 cases, the court dismissed the case. Trials were held and verdicts were issued in 7,927 cases.

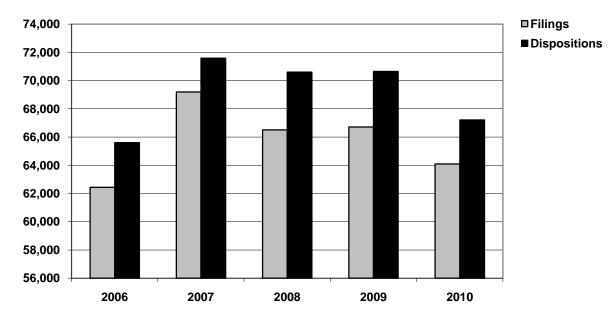
In 2010, 64,094 nontraffic civil infraction (both ordinance and statute) cases were filed and 2,591 were reopened. The court entered a default judgment after the respondent failed to appear in 26,366 cases. The court accepted the respondent's admission of responsibility in 25,651 cases. In 8,125 other cases, the court accepted the plaintiff's motion to dismiss. The court dismissed 3,405 cases during trial or after a hearing. A judge or magistrate decided the matter after a formal or informal hearing in 3,639 cases.







**District Court Nontraffic Misdemeanor Case Filings and Dispositions** 



# District Court Nontraffic Civil Infraction Case Filings and Dispositions

# **DISTRICT COURT TRAFFIC FILINGS AND DISPOSITIONS**

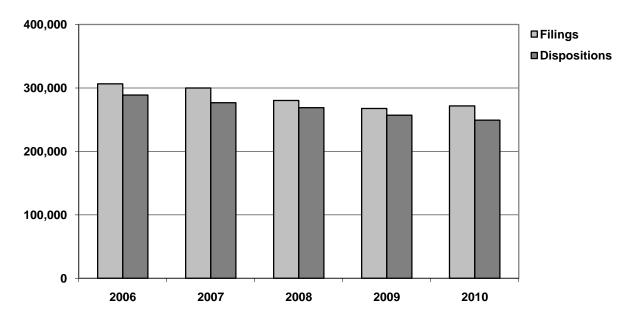
Filings	2006	2007	2008	2009	2010
Misdemeanor	306,484	299,800	280,337	267,631	271,660
Civil Infraction	1,795,348	1,828,735	1,702,809	1,590,623	1,516,109
OWI Misdemeanor and Felony	54,096	50,916	48,443	46,550	41,531
Total Filings	2,155,928	2,179,451	2,031,589	1,904,804	1,829,300
Dispositions	2006	2007	2008	2009	2010
Misdemeanor	288,793	276,694	268,899	256,943	249,093
Civil Infraction	1,844,866	1,867,554	1,771,702	1,643,209	1,568,066
OWI Misdemeanor and Felony	54,441	52,395	49,857	47,511	42,975
Total Dispositions	2,188,100	2,196,643	2,090,458	1,947,663	<u>1,860,134</u>
Method of Disposition	2006	2007	2008	2009	2010
Jury Verdict	391	337	331	272	277
Bench Verdict	133,516	149,977	140,919	115,892	118,120
Guilty Plea/Admission/Waiver	1,289,722	1,287,637	1,212,532	1,177,634	1,105,970
Bindover/Transfer	2,749	3,969	4,077	3,823	3,554
Dismissal by Party	138,586	142,273	137,151	135,686	123,484
Dismissal by Court	129,622	135,748	143,392	135,428	137,174
Default	492,922	476,260	451,555	378,470	371,126
Other Dispositions	592	442	501	458	429
Total Dispositions	2,188,100	2,196,643	2,090,458	1,947,663	1,860,134

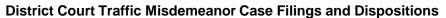
In 2010, 271,660 traffic misdemeanor, 1,516,109 traffic civil infraction, and 41,531 drunk driving (misdemeanor and felony) cases were filed in district courts.

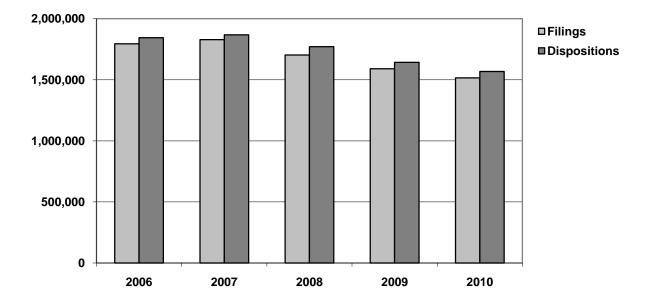
Traffic misdemeanor cases increased slightly from 2009 to 2010; however, filings between 2006 and 2010 decreased 11 percent, from 306,484 to 271,660. In 166,515 cases, the court accepted the defendant's guilty plea. The case was made inactive, for preadjudicatory warrants and other reasons, in 126,836 cases. Another 39,027 cases were dismissed on the plaintiff's motion; 37,155 cases were dismissed by the court.

Traffic civil infraction filings decreased by 17 percent between 2007, when case filings were fairly high, and 2010. In 904,084 cases, the court accepted the respondent's admission of responsibility. In 371,126 cases, the court entered a default judgment after the respondent failed to appear or respond; 181,496 cases were dismissed upon motion by the plaintiff or upon action by the court. In 111,148 cases, a judge or magistrate decided the matter after a formal or informal hearing.

Drunk driving case filings also continued to decrease. Between 2002 and 2010, these filings decreased by 31 percent, from 60,572 to 41,531. Of the drunk driving filings in 2010, 4,545 were felony cases and 36,986 were misdemeanor (statute and ordinance) cases. In 2010, 3,554 felony drunk driving cases were bound over to circuit court and 1,128 were placed on inactive status. In 34,375 misdemeanor drunk driving cases, the court accepted the defendant's guilty plea; 2,869 were dismissed by the court or by the prosecutor. District courts heard an additional 1,017 cases that resulted in verdicts.

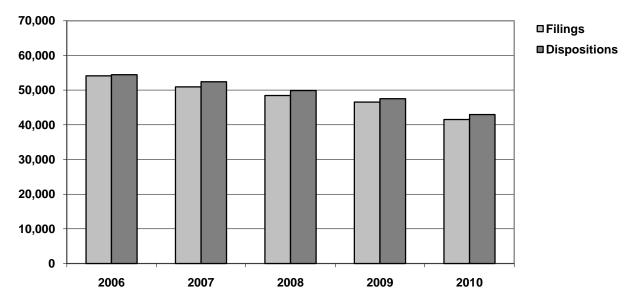






**District Court Traffic Civil Infraction Case Filings and Dispositions** 

**District Court OWI Case Filings and Dispositions** 



Filings	2006	2007	2008	2009	2010
General & Miscellaneous Civil	317,165	379,418	375,895	332,686	317,979
Small Claims	89,167	84,803	78,267	71,828	62,617
Summary Proceedings	222,738	238,591	239,720	218,458	214,045
Total Filings	629,070	702,812	693,882	622,972	594,641
Dispositions	2006	2007	2008	2009	2010
General & Miscellaneous Civil	305,010	358,574	376,957	358,804	317,003
Small Claims	90,129	86,728	80,018	75,336	64,794
Summary Proceedings	219,840	237,537	239,995	220,407	213,486
Total Dispositions	614,979	682,839	696,970	654,547	<u>595,283</u>
Method of Disposition	2006	2007	2008	2009	2010
Jury Verdict	367	131	64	70	39
Bench Verdict	33,593	34,921	30,366	28,959	27,682
Uncontested/Default/Settled	376,113	430,258	450,948	419,157	389,259
Bindover/Transfer	4,029	3,963	3,844	3,895	3,589
Dismissal by Party	118,463	121,314	121,309	117,740	112,013
Dismissal by Court	80,769	90,594	88,527	81,012	60,590
Case Type Change	104	139	135	107	102
Other Disposition	1,541	1,519	1,777	3,607	2,009
Total Dispositions	614,979	682,839	696,970	654,547	595,283

In 2010, 317,979 general and miscellaneous civil suits, 62,617 small claims, and 214,045 landlord-tenant and land contract summary proceedings were filed in district courts.

Civil case filings were relatively high in 2007 and decreased by 16 percent by 2010. In 225,360 civil cases, the case was disposed of by default, consent judgment, settlement, or summary disposition. The case was dismissed by the plaintiff or the court in 85,750 cases. A judge or jury decided 3,259 cases.

Small claims filings continued to decline. In 2010, 62,617 cases were filed, representing 40 percent fewer than in 2002, when 104,208 cases were filed. In 2010, 27,639 small claims cases were disposed of by default, consent judgment, settlement, or summary disposition. An additional 27,034 cases were dismissed by the court or voluntarily dismissed by the plaintiff.

Summary proceeding filings continued to decrease from 239,720 in 2008 to 214,045 in 2010, a decline of 11 percent. In 2010, 136,260 landlord-tenant and land contract cases were disposed of by default, consent judgment, settlement, or summary disposition. An additional 53,455 were voluntarily dismissed by the plaintiff.

## MUNICIPAL COURT JUDGES (as of 1/31/11)

Municipal Court of Grosse Pointe (MGP) Hon. Russell F. Ethridge

Municipal Court of Grosse Pointe Farms (MGPF) Hon. Matthew R. Rumora

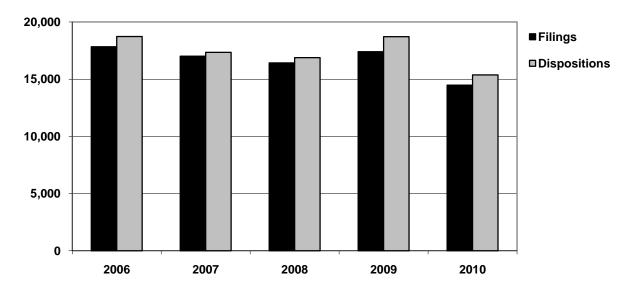
Municipal Court of Grosse Pointe Park (MGPP) Hon. Carl F. Jarboe

Municipal Court of Grosse Pointe Woods (MGPW) Hon. Theodore A. Metry

# **MUNICIPAL COURT CASE FILINGS AND DISPOSITIONS**

	2006	2007	2008	2009	2010
Filings	17,832	17,004	16,427	17,405	14,483
Dispositions	18,729	17,342	16,878	18,717	15,371

Parking cases are excluded from both filings and dispositions.



## **Municipal Court Case Filings and Dispositions**

# Appendix: Michigan Trial Court Judgeships

Region	Circuit Court	Probate Court	District Court	Municipal Court	Total
Region 1	111	22	143	4	280
Region 2	57	27	66	NA	150
Region 3	32	26	30	NA	88
Region 4	19	28	19	NA	66
Statewide	219*	103	258	4	584

\*Two circuit court seats are temporarily vacant.

## **CIRCUIT COURT JUDGESHIPS** (as of 1/31/2011)

Court	Judges								
C01	1	C13	2	C25	2	C37	4	C49	2
C02	4	C14	4	C26	1	C38	3	C50	1
C03	61	C15	1	C27	2	C39	2	C51	1
C04	4	C16	12	C28	1	C40	2	C52	1
C05	1	C17	10	C29	2	C41	2	C53	1
C06	18	C18	3	C30	7	C42	2	C54	1
C07	9	C19	1	C31	3	C43	1	C55	2
C08	2	C20	4	C32	1	C44	2	C56	2
C09	5	C21	2	C33	1	C45	1	C57	1
C10	5	C22	5	C34	1	C46	2		
C11	1	C23	2	C35	1	C47	1		
C12	1	C24	1	C36	2	C48	2		

## **PROBATE COURT JUDGESHIPS** (as of 1/31/2011)

Court	Judges								
P01	1	P20	1	P38	1	P57	1	P74	2
P03	1	P21	1	P39	3	P58	2	P75	1
P04	1	P22	1	P40	1	P59	1	P76	1
P05	1	P23	1	P41	4	P60	1	P78	1
P06	1	P25	2	P42	1	P61	2	P79	1
P07	1	P27	1	P43	1	P62	1	P80	1
P08	1	P28	1	P44	1	P63	4	P81	2
P09	1	P29	1	P45	1	P64	1	P82	8
P10	1	P30	1	P46	1	P65	1	P83	1
P11	2	P31	1	P47	1	P66	1	PD17	1
P12	1	P32	1	P50	2	P68	1	PD18	1
P13	2	P33	2	P51	1	P69	1	PD5	1
P14	1	P34	1	P52	1	P70	1	PD6	1
P16	1	P35	1	P53	1	P71	1	PD7	1
P17	1	P36	1	P55	1	P72	1		
P19	1	P37	1	P56	1	P73	2		

DISTRICT AND MUNICIPAL COURT JUDGESHIPS (as of 1/51/2011)									
Court	Judges	Court	Judges	Court	Judges	Court	Judges	Court	Judges
D01	3	D24	2	D45A	1	D64A	1	D83	1
D02A	2	D25	2	D45B	2	D64B	1	D84	1
D02B	1	D26	2	D46	3	D65A	1	D85	1
D03A	1	D27	1	D47	2	D65B	1	D86	3
D03B	2	D28	1	D48	3	D66	2	D87A	1
D04	1	D29	1	D50	4	D67	6	D87B*	0
D05	5	D30	1	D51	2	D68	5	D87C*	0
D07	2	D31	1	D52	11	D70	6	D88	1
D08	7	D32A	1	D53	3	D71A	2	D89	1
D10	4	D33	3	D54A	5	D71B	1	D90	1
D12	4	D34	3	D54B	2	D72	3	D91	1
D14A	3	D35	3	D55	2	D73A	1	D92	1
D14B	1	D36	31	D56A	2	D73B	1	D93	1
D15	3	D37	4	D56B	1	D74	3	D94	1
D16	2	D38	1	D57	2	D75	2	D95A	1
D17	2	D39	3	D58	4	D76	1	D95B	1
D18	2	D40	2	D59	1	D77	1	D96	2
D19	3	D41A	4	D60	4	D78	1	D97	1
D20	2	D41B	3	D61	6	D79	1	D98	1
D21	1	D42	2	D62A	2	D80	1	MGP	1
D22	1	D43	3	D62B	1	D81	1	MGPF	1
D23	2	D44	2	D63	2	D82	1	MGPP	1
								MGPW	1

# **DISTRICT AND MUNICIPAL COURT JUDGESHIPS** (as of 1/31/2011)

\*The probate judges in Kalkaska and Crawford counties serve in the respective district court.

# MICHIGAN SUPREME COURT ANNUAL REPORT 2010

http://courts.michigan.gov

http://courts.mi.gov/scao/resources/publications/reports/summaries.htm#annual



October 2010: the Michigan Supreme Court hears oral argument at Siena Heights University in Adrian as part of the "Court Community Connections" program. *Photo courtesy of Lad Strayer.*