

MUSKEGON COUNTY CIRCUIT COURT JUDGE TIMOTHY HICKS

Muskegon County's Judge Hicks Manages New Business Court Docket with the Help of Alternative Dispute Resolution

Growing up, Judge Timothy Hicks, of the 14th Circuit Court in Muskegon County, always had an interest in being a public servant.

"For a while I wanted to be the president or a senator," Judge Hicks recalled. "When I was a kid, I was always the dorky guy who read histories or biographies."

Later on, after graduating from Cooley Law School, he clerked with then circuit court Judge Robert Holmes Bell. "When I saw Judge Bell and how good he was at it, he was kind of inspirational; I thought, 'Wow! That would be a pretty good way to go,'" Judge Hicks exclaimed.

After earning his law degree from Cooley Law School and practicing privately for 13 years, Judge Hicks was appointed to the bench in 1996 by former Governor John Engler. Throughout his time as a judge, Judge Hicks has been assigned to different dockets, with his most recent assignment being the business court docket in January 2017.

"I wanted to do it and I was happy to do it," Judge Hicks said. "It sort of meshes with my private practice background, and I am in the last chapter of my career, so it gives me a change of pace and some new challenges."



Judge Timothy Hicks

Judge Hicks said one of the main differences between the business docket and other dockets is that individuals involved in the cases generally know one another.

"Business court cases are a little more interesting because you have cases with individuals who typically had a good relationship in the beginning, and then it turns south," Judge Hicks explained.

Business courts in Michigan were created with the goal of improving the consistency of



decision-making and speeding up resolutions. One of the ways Judge Hicks achieves this is utilizing alternative dispute resolution (ADR).

"I am a big believer in and will continue to utilize all the ADR tools at my disposal," Judge Hicks said. "For example, some of these cases respond very well to facilitated mediation, lots of times even before the case has had much discovery."

Judge Hicks said that one of the goals in working in the Muskegon County Business Court is to tailor his management of cases to the specific needs of that case. Judge Hicks said that one way he hopes to do this is through a differentiated case management approach.

"That sounds fancy, but what I am trying to recognize is that not every case is the same. Some of them are going to need a year or more, especially if they involve intellectual property, but many of them can be resolved a lot sooner than that," Judge Hicks clarified.

Judge Hicks mentioned that the most rewarding part of being on the business court docket is when cases are resolved through a mutually agreeable settlement.

"A lot of business court cases—really because of the long history people have with each other—have some personal issues that are getting in the way," he explained. "A lot of times, if you can break through those, then a settlement falls into place, and those times when we can accomplish that are the most satisfying for me."

One of the challenges of this method Judge Hicks says is having all individuals involved agree to this new approach.

"The most challenging part is the human dilemma," Judge Hicks said. "It is getting lawyers to consider a new way of doing things, considering creative solutions, and getting them to focus more on things like ADR, rather than using their proverbial swords and shields and heading to the courthouse."

Despite the challenges, Judge Hicks said that knowing the work he does as a judge has meaning makes it all worth it.

"What I do every single day makes a difference for people and our community, it is not always fun, but it makes a difference and that's the best part for me," Judge Hicks said. 🚧

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