

MICHIGAN SUPREME COURT  
STATE COURT ADMINISTRATIVE OFFICE

**JUDICIAL  
RESOURCES  
RECOMMENDATIONS**

December 2019



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## EXECUTIVE SUMMARY

The State Court Administrative Office (SCAO) recommends that the Legislature eliminate three district judgeships, create a probate court district and eliminate one probate judgeship, add nine new judgeships, merge courts and reverse two pending reductions. If implemented, the state would have a net increase of seven judgeships.

These 2019 Judicial Resources Recommendations continue to build upon the major steps to re-engineer Michigan's judiciary that were accomplished based on the 2011 and 2013 reports. As a result of those previous recommendations, 35 judgeships have already been eliminated with ten more slated for elimination. In addition, five new judgeships were authorized by the Michigan Legislature for a net reduction of 40 seats. These net reductions are saving taxpayers \$29 million from 2011 through the end of 2019.

The 2019 recommendations are based on the SCAO's most recent biennial review of the judicial needs of the state of Michigan. That review indicates that, in three courts, the current number of judgeships is not justified by the courts' workload. The SCAO recommends that four judgeships be eliminated by attrition, such as when a judge retires, when a judge is constitutionally prohibited from running for election due to age, or when the position otherwise becomes vacant. In one jurisdiction, the reduction could occur by creating a probate court district with one probate judge or eliminating a district judgeship. In the absence of these reductions, SCAO recommends expanding MCL 600.401 *et seq.* to permit concurrent jurisdiction plans between judicial circuits. This would allow courts with a judicial excess to more easily assist courts with a judicial need.

Further, the review indicates that, in six areas, the current number of judgeships is not sufficient for the courts' workload. The SCAO recommends that eight new judgeships be added and, if mergers take place, two pending reductions be reversed. The addition of a new judgeship requires both the Legislature's authorization and the local funding unit's approval.

The review of trial court judgeships begins with a statistical analysis. Case filings are weighted to reflect the amount of judicial time necessary to handle each case type. For example, a medical malpractice case requires much more judicial involvement than a civil infraction, so the medical malpractice case weight is much greater.

For each jurisdiction where the statistical analysis indicated a significant judicial need or excess, the SCAO conducted a secondary analysis. This analysis focused on the particular court or courts, and any factor not accounted for in the weighted caseload formula.

Within each judicial circuit, county-funded circuit, probate, and district courts were combined for analysis. In general, district courts funded by cities and townships were analyzed independently from county-funded courts.

## 2019 JUDICIAL RESOURCES RECOMMENDATIONS

	Range of Total Judgeships Needed		Current Judgeships	Range of Judicial Excess/Need		Recommendation	Pg
<b>Four Reductions by Attrition</b>							
Dickinson, Iron, and Menominee Counties	3.2	4.3	7	-3.8	-2.7	-1 district judgeship or expand concurrent jurisdiction	14
Baraga, Houghton, and Keweenaw Counties	1.7		4.5	-2.8		Create probate court district of Houghton and Keweenaw with 1 probate judgeship or -1 district judgeship	17
36 <sup>th</sup> District Court – City of Detroit	26.5	26.4	29	-2.5	-2.6	-2 district judgeships or explore assignments to Wayne County	20
<b>Eight Additions</b>							
Wayne County	78.5	65.9	64	+14.5	+1.9	+3 circuit judgeships or +1 circuit judgeship and explore assignments from 36th District	23
Macomb County	24.9	20.2	19	+5.9	+1.2	+1 circuit judgeship	25
Kent County	21.6	27.0	17	+4.6	+10.0	+1 circuit, +1 probate, and +1 district judgeships	27
Muskegon County	11.1	11.1	10	+1.1	+1.1	+1 circuit judgeship	29
Ottawa County	10.0	10.3	9	+1.0	+1.3	+1 circuit judgeship	31
<b>Two Mergers and Reversals of Pending Reductions</b>							
Lake and Mason Counties	2.5	2.4	3	-0.5	-0.6	Merge four counties into one circuit court and one district court, then +1 district judgeship	34
Newaygo and Oceana Counties	4.5	4.9	4	+0.5	+0.9		
Huron County	1.6		2	-0.4		Create probate district court, then +1 probate judgeship	37
Sanilac County	2.0		2	0.0			

## METHODOLOGY

Any estimate of judicial workload and a community’s need for judges is a complex and multidimensional process. Most states, including Michigan, consider both quantitative and qualitative factors. The process in Michigan involves two stages. The first stage utilizes a quantitative method - a weighted caseload formula - to estimate the number of judges needed in each court. During the second stage, known as the secondary analysis, the SCAO reviews additional factors, such as the need for judges to travel long distances between court locations in a single large circuit. Other factors include trends in filings or population, changes in prosecutorial practices, and any other issue that may affect the need for judges.

The SCAO evaluates all county-funded courts within a judicial circuit together. In general, district courts that are funded by cities and townships, however, are analyzed independently from county-funded courts in the same judicial circuit. Aggregating within a circuit is important because concurrent jurisdiction plans pursuant to MCL 600.401 *et seq.* permit more equitable assignment of cases among judges within a circuit, thereby allowing a judicial excess in one court to offset a need in another court. For example, a district court that shows a judicial need for one judge can offset that need by sharing work with circuit and probate courts that show a judicial excess. All courts are eligible to participate in concurrent jurisdiction plans and most courts currently do. The SCAO has strongly encouraged and assisted courts in implementing these plans, and will continue to do so.

**Weighted Caseload Formula:** The weighted caseload formula is the preliminary quantitative method used to identify potential judicial need or excess in each court. In the formula, a weight for each case type accounts for varying amounts of judicial time required to handle an individual case.<sup>1</sup> The case weight for a medical malpractice case, for example, is much greater than the case weight for a civil infraction. All case weights include postjudgment time, which are common in family and probate matters.

The case weights are applied to the average annual new case filings and the judicial proportion to generate an estimate of the total judicial time necessary to process the court’s caseload. To ensure that short-term variations in new case filings do not unduly affect judicial resource need estimates, caseload data from the preceding three years (2016, 2017, and 2018) were used in the weighted caseload formula.

Judicial proportions reflect the percentage of the judicial workload that is handled by a judge, on average, as opposed to a referee, magistrate, or other quasi-judicial officer.<sup>2</sup> The product of the case weights, filings, and judicial proportions is divided by the judicial year, which is the average amount of time available to an individual judge each year for case-related activity.<sup>3</sup> The result is an estimate of the number of judges required to process the court’s caseload, as reflected in this formula:

$$\text{Number of Judges Needed} = \frac{\text{Average Annual New Case Filings} \times \text{Case Weight} \times \text{Judicial Proportion}}{\text{Judicial Year}}$$

<sup>1</sup> See Appendix A for the case weights used for this report.

<sup>2</sup> See Appendix B for the stratum judicial proportions used for this report.

<sup>3</sup> The judicial year is the average amount of time a judge has available each year to handle cases, excluding work-related travel, administration, education, vacations, holidays, etc. The judicial year is 77,400 minutes in single-county courts and, to account for additional travel, 74,175 in multi-county courts.

The weighted caseload formula distinguishes the varying degrees of effort involved in handling different case types at the trial court level, and is far more accurate than an analysis based on unweighted total case filings. The proportions of different case types may vary significantly between different court types<sup>4</sup> and between different courts.

The National Center for State Courts (NCSC)<sup>5</sup> recommends a weighted caseload methodology above all other methods, such as a simple population analysis or an unweighted case filings analysis. In Michigan, the weighted caseload method has been used by the SCAO since 1998.

The weighted caseload formula was first developed by the Trial Court Assessment Commission (TCAC), which the Legislature created in 1996. The TCAC included representatives from the Court of Appeals, circuit courts, probate courts, district courts, State Bar of Michigan, Michigan House of Representatives, Michigan Senate, and local governments. In 1997, the TCAC conducted a time study for two months to measure the actual time judges spent on cases. The NCSC helped develop the weighted caseload formula.

In 2000, because of the implementation of the family division and changes in circuit and district court jurisdiction, the Michigan Supreme Court directed the SCAO to update the weighted caseload formula through a study of the time required to process case types. The SCAO conducted a time study in September and October 2000 and used the resulting case weights for the 2001, 2003, and 2005 Judicial Resources Recommendations reports. The SCAO conducted another time study in September and October 2006 to update the case weights. The average of the case weights from the 2000 and 2006 time studies were used to generate the recommendations in the 2007 and 2009 Judicial Resources Recommendations reports.

In 2010, the SCAO established a Judicial Needs Assessment Committee (JNAC) comprised of judges, referees, magistrates, and court administrators; JNAC oversaw an extensive review of the weighted caseload methodology. The NCSC was retained to conduct Michigan's review and conducted a time study in October 2010 with all trial court judges and any quasi-judicial officer performing judicial functions. This was the first judicial time study in Michigan that involved every court in the state. Previous studies were based on data from a sample of trial courts. The NCSC also conducted on-site court visits, an online survey of judges, and a qualitative review process with experienced judges. The result was an extensive update of the weighted caseload methodology and the case weights.

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<sup>4</sup> For example, a significant portion of district court caseload consists of traffic cases, making the total number of cases processed in district courts significantly higher than in either circuit or probate courts.

<sup>5</sup> The National Center for State Courts, based in Williamsburg, Virginia, is a nonprofit organization dedicated to supporting the nation's state courts through research and technical assistance.

## History of Judicial Time Studies in Michigan

Time Study	Oversight & Research	Method of Selecting Courts	JRR <sup>6</sup> Reports Issued
1997	TCAC, NCSC, and SCAO	Stratified Random Sample	2000
2000	SCAO	Stratified Random Sample	2001, 2003, 2005
2006	SCAO	Stratified Random Sample	2007, 2009
2010	JNAC, NCSC, and SCAO	All Trial Courts	2011, 2013, 2015, 2017
2018	JRAC, NCSC, and SCAO	All Trial Courts	2019

TCAC – Trial Court Assessment Commission

SCAO – State Court Administrative Office

JRAC – Judicial Resources Advisory Committee

NCSC – National Center for State Courts

JNAC – Judicial Needs Assessment Committee

The policies, practices, and structure of trial courts change over time in response to public need, legislative actions, and funding issues. The SCAO is committed to periodically reviewing and updating its methods of assessing judicial need, as it has in the past, to ensure valid results. This evolution, unfortunately, limits some comparisons between JRR reports when based on different time studies. This is particularly true when attempting to compare judicial needs estimates for large courts over time.

In late 2012, the SCAO formed a Judicial Resources Advisory Committee (JRAC) comprised of judges, court administrators, referees, and magistrates. The JRAC reviewed SCAO’s methodology and identified areas where it could be improved and where changes in policy or practice have resulted in increased workload demands. As a result of JRAC’s recommendations, SCAO updated the weighted caseload formula for 2013 and 2015.

In late 2016, the SCAO reconvened the JRAC to review several recent issues affecting judicial workload and make quality adjustments to the case weights. Experienced judges reviewed the following issues:

- The impact of *In re Sanders*, decided in 2014, in child protective cases which requires due process for both parents.
- The creation of new business courts by Public Act 333 of 2012 which necessitates more early involvement of judges and more written opinions.
- The activity by district courts on felony cases required by Public Acts 123 and 124 of 2014 which requires probable cause determinations.
- Providing criminal courts with additional time to assess obligor’s ability to pay as recommended in 2015 by the Ability to Pay Workgroup.
- Three new types of problem-solving courts which require more hearings and involvement of judges.

To account for these issues, SCAO generated a set of case weights for the 2017 recommendations that are larger than the weights used in 2013 and 2015. However, these larger case weights were used only when assessing judicial *excess* or *possible reversal* of a pending reduction. The smaller case weights were used only when assessing judicial *need*. This approach maintained stability in the courts while addressing courts with a significant judicial need or excess.

To generate case weights that could be used to assess both judicial need and judicial excess, the SCAO again retained NCSC to conduct another workload assessment in 2018. During this assessment, all judges and quasi-judicial officers participated in a time study for four weeks in 2018. NCSC again conducted on-site court visits, an online survey of judges, and a qualitative review process with experienced judges.

<sup>6</sup> JRR – Judicial Resources Recommendations.

The case weights resulting from that study were approved by the JRAC and are provided in Appendix A. NCSC’s full technical report is available online.<sup>7</sup>

**Quasi-Judicial Officers:** Almost all courts have at least one quasi-judicial officer, such as a referee, magistrate, probate register, or law clerk who performs limited judicial functions. Indeed these quasi-judicial officers perform a significant proportion of judicial work for the courts and during the 2018 time study, a total of 394 full-time equivalent quasi-judicial officers performed judicial functions.

Determining how to account for the judicial workload of quasi-judicial officers is difficult and not without controversy. There has not been a statewide analysis on how many are needed in each court or how many would be ideal in each court and there is no state control over the number of quasi-judicial officers in each court.

To account for this variability, in 2017 and 2019, SCAO used two sets of judicial proportions to calculate how many judges should be available to each court – stratum proportions and court proportions. Court proportions are the judicial proportion of workload handled by judges for each court during the 2018 time study. These are unique to the court, but are based on only four weeks of observation. Stratum proportions are the averages of the court proportions for courts of similar size.<sup>8</sup> By using two sets of judicial proportions, SCAO calculated a range of judicial need for each court. For example, in one large court, the judicial need ranged from 1.2 to 5.9. In some smaller jurisdictions, the four weeks of observation were not sufficient to generate reliable court proportions. These courts will have only one estimate of judicial need. For example, in one smaller court, the judicial excess was -2.8.

**Judicial Proportions by Stratum**

	<b>Stratum 1</b>	<b>Stratum 2</b>	<b>Stratum 3</b>
	44 Small Counties	28 Medium Counties	11 Large Counties
Circuit, Family, Probate Cases	0.72	0.57	0.50
District Cases	0.49	0.72	0.81

**Secondary Analysis:** Calculating judicial need is a complicated and multifaceted process. All prior judicial advisory committees have advised that the SCAO should conduct a secondary analysis of factors that affect a court’s workload before recommending an increase or reduction in judgeships. Therefore, all of the courts where SCAO recommends a change in judgeships were subject to a secondary analysis.

For each specific court under review during the secondary analysis, SCAO considered both qualitative and quantitative information. During the secondary analysis, the SCAO regional administrators met with each court. Discussion focused on case-related factors that affect judicial resources, court resources, and environmental factors in the court’s jurisdiction.

During the secondary analysis, the SCAO took into account the constitutional requirements of having at least one circuit judgeship for each judicial circuit and at least one probate judgeship for each county or probate court district.

<sup>7</sup> Once posted online, provide hyperlink to NCSC’s Michigan Judicial Workload Assessment, September 2019.

<sup>8</sup> See Appendix B for the stratum judicial proportions used for this report.

Other secondary analysis factors include:

- Travel Time Between Courthouses
- Specialized Dockets
- Quasi-Judicial Officers
- Staffing
- Facilities
- Accuracy of Caseload Reporting
- Demographics
- Population Trends
- Technology Usage/Capability
- Effect of Others' Practices/Policies on the Court
- Financial
- Concurrent Jurisdiction Plan
- Dispute Resolution
- Backlog of Cases
- Discipline or Potential Discipline
- Minimum Judges
- Experience of the Bench
- Chief Judge Duties
- Problem-Solving Court Administration

## SELECTING COURTS FOR SECONDARY ANALYSIS

SCAO selects courts for a secondary analysis using the results of the weighted caseload analysis and other factors described below. In 2019, for the first time, courts that requested a secondary analysis were also included in that process, even if the court did not meet the other criteria.

**Possible Addition:** Courts that met the following criteria were included in the secondary analysis in 2019 for a possible increase in judgeships.

- Using the stratum judicial proportions, a judicial need greater than one full judgeship, and
- Using the courts' judicial proportions, a judicial need greater than one full judgeship, or
- The court requested a secondary analysis.

**Possible Reduction:** Courts that met the following criteria were included in the secondary analysis in 2019 for a possible reduction in judgeships.

- Using the stratum judicial proportions, a judicial excess greater than one full judgeship, and
- Using the courts' judicial proportions, a judicial excess greater than one full judgeship, and
- No pending reduction at the time courts were selected for a secondary analysis, and
- No recent reductions in the bench of 20 percent or more, and
- A judgeship available to eliminate statutorily without reconfiguration.

## STATE COST OF A JUDGESHIP

The current method of funding trial courts in Michigan requires counties and local municipalities to bear a significant share of the cost of trial court operations. The state pays the cost of judges' salaries.

**State Costs:** The state is responsible for the judge's salary, a retirement contribution up to 7 percent, and the employer portion of FICA taxes (OASI and Medicare). The salary for a circuit or probate judge is currently \$151,438; the salary for a district judge is currently \$149,655. The annual total state cost of a judgeship ranges from \$172,474 for a circuit or probate judge to \$170,541 for a district judge.

The SCAO recommends that the Legislature eliminate four district court judgeships by attrition, add eight judgeships, and reverse two pending reductions. If the Legislature enacts these recommendations, the annual cost to the state will be an additional \$1,038,710.

### Estimated Annual State Savings & State Expenses

		Recommended Changes in Judgeships	State Cost Per Judge	<u>Annual State Savings and State Expenses</u> Total	
Additions <sup>9</sup>	9 circuit & probate		\$ 172,474	\$ 1,552,266	
	2 district		\$ 170,541	\$ 341,082	
				<u>\$ 1,893,348</u>	Additional Expenses
Reductions by Attrition	4 district <sup>10</sup>		\$ 170,541	<u>\$ 682,164</u>	
				\$ 682,164	Savings
				<b>\$ 1,211,184</b>	<b>Net</b>

**Local Costs:** Significant local costs are associated with a judgeship, such as judges' fringe benefits; salaries and fringe benefits of court personnel (i.e., clerk, court reporter, bailiff, legal assistants); computer hardware, software, and other equipment for court personnel; and courtrooms, jury rooms, and judges' chambers. Local funding units must approve any increase in judgeships once authorized by the Legislature. As it relates to savings from reductions, local funding, particularly staffing for the courts, varies greatly from jurisdiction to jurisdiction, it is difficult to determine the amount that a funding unit would save through the elimination of a specific judgeship.

<sup>9</sup> These additions include the reversal of two pending reductions.

<sup>10</sup> For purposes of the fiscal analysis in this table, the judgeship to be reduced in Baraga, Houghton, and Keweenaw Counties is the district judgeship.

## **RECOMMENDED REDUCTIONS BY ATTRITION**

## Dickinson, Iron, and Menominee Counties

The SCAO estimates that the courts in Dickinson, Iron, and Menominee Counties can operate with 3.2 to 4.3 judges and have a judicial excess of 3.8 to 2.7 judges.

**Recommendation:**

The SCAO recommends the elimination through attrition of one district judgeship. As an alternative to eliminating the district judgeship that was retained by Public Act 1 of 2019, the legislature could expand MCL 600.401 *et seq.* to allow assignment of judges between circuits. This would make it easier to equitably balance workload between courts.

Current Judgeships	7
2019 SCAO Recommendation	-1 district judgeship
Remaining Judgeships	6

One judgeship is 14.3 percent of the current bench.

**Courts, Jurisdictions, and Judgeships**

Court	Jurisdiction	Current Judgeships
41st Circuit Court	Dickinson, Iron, Menominee Counties	2
Dickinson County Probate Court	Dickinson County	1
Iron County Probate Court	Iron County	1
Menominee County Probate Court	Menominee County	1
95A District Court	Menominee County	1
95B District Court	Dickinson, Iron Counties	1

**History of Recommendations:**

In 2003, the SCAO recommended that the part-time probate judgeship in Iron County be converted to full-time with district court jurisdiction, and a circuit judgeship be eliminated through attrition. Although the Legislature converted the probate judgeship to full-time with district court jurisdiction, the Legislature did not eliminate a circuit court judgeship.

In 2005, the SCAO recommended the elimination of one circuit judgeship through attrition.

In 2007, the SCAO and the Michigan Supreme Court recommended the elimination of two district judgeships through attrition and that the probate judges in Dickinson and Menominee counties be given district court jurisdiction.

In 2009, the SCAO recommended the reduction through attrition of one circuit judgeship and one district judgeship. The SCAO also recommended that the 95A District Court be reconstituted to include Dickinson and Menominee counties and that the 95B District Court be reconstituted to include only Iron County. Because the Iron County probate judge already has district court jurisdiction, the SCAO recommended that the reconstituted 95B District Court not have an elected district judge. As an alternative to eliminating a circuit judgeship, the SCAO stated that the counties could create a probate court district of Dickinson and Menominee counties, which would result in the reduction through attrition of one probate judgeship.

In 2011, the SCAO recommended the reduction through attrition of two judgeships.

### Legislative Action Since 2001

The Legislature eliminated through attrition the judgeship in 95A District Court and gave the Menominee County Probate Court judge district court jurisdiction. *2012 PA 21, MCL 600.8160.*

The Legislature restored the judgeship in 95A District Court. *2019 PA 1, MCL 600.8160.*

### Dickinson County Case Filings

Year	Circuit Court				Probate Court	District Court		Total Caseload
	Appeals	Criminal	Civil	Family		Traffic Infractions	Civil All Others	
2005	21	178	88	616	146	3,203	2,546	6,798
2006	8	176	47	746	155	3,447	2,476	7,055
2007	8	195	59	635	177	3,457	2,559	7,090
2008	9	204	58	599	144	2,934	2,391	6,339
2009	2	222	55	565	114	2,391	2,254	5,603
2010	9	159	83	516	151	2,197	1,980	5,095
2011	5	122	75	532	141	2,280	1,804	4,959
2012	14	156	50	593	142	2,502	2,071	5,528
2013	8	151	44	516	130	3,733	2,046	6,628
2014	10	129	55	510	122	3,392	1,801	6,019
2015	8	126	52	390	174	2,383	1,765	4,898
2016	8	129	41	391	157	2,019	1,744	4,489
2017	11	152	37	409	159	2,228	1,860	4,856
2018	8	168	29	410	153	1,652	1,769	4,189

*All Others and Total Caseload exclude Traffic Civil Infractions and Parking.*

### Iron County Case Filings

Year	Circuit Court				Probate Court	District Court		Total Caseload
	Appeals	Criminal	Civil	Family		Traffic Infractions	Civil All Others	
2005	2	119	46	348	101	1,110	1,094	2,820
2006	1	139	49	275	137	900	1,141	2,642
2007	2	104	48	358	103	976	1,185	2,776
2008	2	97	39	256	84	643	1,043	2,164
2009	8	109	35	289	125	787	950	2,303
2010	6	77	56	248	131	763	868	2,149
2011	3	80	42	175	104	1,058	947	2,409
2012	3	83	44	167	114	1,389	973	2,773
2013	2	110	29	167	124	1,680	1,015	3,127
2014	2	92	32	202	98	1,384	890	2,700
2015	2	85	36	201	95	1,280	893	2,592
2016	5	83	21	163	109	876	805	2,062
2017	5	67	28	169	89	1,029	850	2,237
2018	3	74	19	181	95	772	853	1,997

*All Others and Total Caseload exclude Traffic Civil Infractions and Parking.*

## Menominee County Case Filings

Year	Circuit Court				Probate Court	District Court			Total Caseload
	Appeals	Criminal	Civil	Family		Traffic	Civil Infractions	All Others	
2005	7	106	47	634	145		1,922	2,216	5,077
2006	13	75	33	482	156		2,026	2,361	5,146
2007	9	84	52	531	130		1,823	2,382	5,011
2008	8	113	47	536	139		1,505	2,211	4,559
2009	9	57	46	481	117		1,280	2,209	4,199
2010	5	59	41	503	148		1,820	2,075	4,651
2011	12	76	50	473	160		1,785	2,002	4,558
2012	3	101	37	390	158		1,287	1,932	3,908
2013	7	72	43	391	316		1,406	1,902	4,137
2014	6	97	63	421	134		1,862	2,146	4,729
2015	12	61	36	492	149		2,090	1,991	4,831
2016	4	76	40	363	126		1,758	1,970	4,337
2017	2	76	38	355	131		1,057	1,905	3,564
2018	2	86	22	354	123		894	1,877	3,358

All Others and Total Caseload exclude Traffic Civil Infractions and Parking.

## Population

Year	Dickinson County	Iron County	Menominee County
2010 Census	26,168	11,817	24,029
2011 Estimate	26,064	11,762	23,864
2012 Estimate	26,170	11,564	23,727
2013 Estimate	26,014	11,499	23,721
2014 Estimate	25,898	11,344	23,516
2015 Estimate	25,655	11,316	23,466
2016 Estimate	25,487	11,162	23,196
2017 Estimate	25,428	11,119	23,007
2018 Estimate	25,383	11,117	22,983

Annual Estimates of the Resident Population: April 1, 2010, to July 1, 2018.

Source: U.S. Census Bureau, Population Division

## Baraga, Houghton, and Keweenaw Counties

The SCAO estimates that the courts in Baraga, Houghton, and Keweenaw Counties can operate with 1.7 judges and have a judicial excess of 2.8 judges.

### Recommendation:

The SCAO recommends the creation of a probate court district of Houghton and Keweenaw Counties and the elimination through attrition of a probate court judgeship. If a probate court district is not created, the SCAO recommends the reduction through attrition of one district judgeship.

Current Judgeships	4.5
2017 SCAO Recommendation	Create probate court district of Houghton and Keweenaw with 1 probate judge or -1 district judgeship <sup>11</sup>
Remaining Judgeships	4.0 or 3.5

One-half of a judgeship is 11.1 percent of the current bench and one judgeship is 22.2 percent of the current bench.

### Courts, Jurisdictions, and Judgeships

Court	Jurisdiction	Current Judgeships
12th Circuit Court	Baraga, Houghton, Keweenaw Counties	1
Baraga County Probate Court	Baraga County	1
Houghton County Probate Court	Houghton County	1
Keweenaw County Probate Court	Keweenaw County	0.5 <sup>12</sup>
97th District Court	Baraga, Houghton, Keweenaw Counties	1

### History of Recommendations:

In 2003, the SCAO recommended that the part-time probate judgeships in Baraga and Keweenaw counties be converted to full-time with district court jurisdiction upon elimination of the district judgeship through attrition, if Houghton and Keweenaw counties did not form a probate court district. The counties did not form a probate court district and the Legislature converted the Baraga County probate judgeship to full-time, however, the Legislature did not eliminate the district judgeship.

In 2007, the SCAO and the Michigan Supreme Court recommended the elimination through attrition of one district judgeship.

In 2009, the SCAO recommended the elimination through attrition of one district judgeship. The SCAO also recommended that two district courts be created, one for Baraga County and one for Houghton and Keweenaw counties. As an alternative to eliminating the district judgeship and creating separate district courts, the SCAO stated that the counties could create a probate court district of Houghton and

<sup>11</sup> MCL 600.807 (a) permits the counties of Houghton and Keweenaw to form a probate court district when a majority of electors voting on the question in each affected county approves. As an alternative to a probate court district with one judge, SCAO recommends the reduction of one district judgeship.

<sup>12</sup> The Keweenaw County Probate Court judgeship is the only judgeship in Michigan where state law permits the judge to also engage in the practice of law. It is shown as 0.5, instead of 1.0, in this report.

Keweenaw counties, which would result in the elimination through attrition of one part-time probate judgeship.

In 2011, the SCAO recommended the reduction through attrition of one judgeship.

In 2013, SCAO recommended the elimination by attrition of one district judgeship. As an alternative to eliminating the district judgeship, the SCAO also stated that the counties could create a probate court district of Houghton and Keweenaw counties, which would result in the elimination through attrition of one part-time probate judgeship.

In 2015, the SCAO recommended the elimination through attrition of one district judgeship. The SCAO also recommended giving the probate judges district court authority.

In 2017, the SCAO recommended the creation of a probate district court in Houghton and Keweenaw Counties with one probate judge or the elimination through attrition of one district judgeship.

**Legislative Action Since 2001:**

The Legislature converted the Baraga County probate judgeship from part-time to full-time effective January 2, 2007. *2004 PA 492, MCL 600.810a.*

**Trends:**

The raw case filing and population data is used in the secondary analysis only for the purpose of projecting future case filing trends. This data alone is not a substitute for a weighted caseload analysis, so caution should be used when considering this information.

The caseload in these courts, excluding traffic civil infractions and parking tickets, peaked in 2005 at more than 4,000 and decreased to less than 3,000 in 2016. The population in these three counties has remained steady at more than 47,000 since 2010.

**Baraga County Case Filings**

Year	Circuit Court				Probate Court	District Court		Total Caseload
	Appeals	Criminal	Civil	Family		Traffic Civil Infractions	All Others	
2005	3	72	17	136	83	1,406	745	2,462
2006	10	47	22	160	55	1,283	643	2,220
2007	7	44	19	211	39	1,288	663	2,271
2008	5	55	22	181	66	926	596	1,851
2009	6	59	14	119	59	777	657	1,691
2010	10	34	31	112	68	622	518	1,395
2011	20	58	16	116	66	610	489	1,375
2012	5	38	16	122	73	651	570	1,475
2013	3	52	23	111	82	500	502	1,273
2014	8	38	8	99	52	596	455	1,256
2015	5	54	15	104	74	647	493	1,392
2016	10	37	11	94	89	689	556	1,486
2017	12	34	14	119	56	751	573	1,559
2018	1	59	14	110	53	839	536	1,612

*All Others and Total Caseload exclude Traffic Civil Infractions and Parking.*

## Houghton County Case Filings

Year	Circuit Court				Probate Court	District Court		Total Caseload
	Appeals	Criminal	Civil	Family		Traffic Infractions	Civil All Others	
2005	11	84	54	444	222	1,770	1,978	4,563
2006	12	88	49	434	198	1,610	1,953	4,344
2007	11	77	64	386	203	1,538	2,051	4,330
2008	8	75	50	361	181	1,527	1,854	4,056
2009	7	64	54	343	213	1,748	1,930	4,359
2010	11	84	63	347	188	2,305	1,884	4,882
2011	13	106	54	323	167	2,016	1,835	4,514
2012	12	62	56	279	229	1,425	1,799	3,862
2013	10	74	50	365	253	1,526	1,684	3,962
2014	16	66	47	334	223	1,547	1,738	3,971
2015	11	90	21	275	211	1,454	1,560	3,622
2016	11	83	27	288	234	1,421	1,399	3,463
2017	12	62	24	287	244	1,643	1,718	3,990
2018	11	86	30	295	218	1,609	1,591	3,840

All Others and Total Caseload exclude Traffic Civil Infractions and Parking.

## Keweenaw County Case Filings

Year	Circuit Court				Probate Court	District Court		Total Caseload
	Appeals	Criminal	Civil	Family		Traffic Infractions	Civil All Others	
2005	1	20	4	22	14	68	155	284
2006	1	14	4	41	15	61	139	275
2007	0	7	4	40	22	44	167	284
2008	0	7	7	16	12	48	121	211
2009	0	4	3	10	11	67	106	201
2010	0	21	7	38	13	91	135	305
2011	1	3	9	25	25	64	114	241
2012	4	3	8	12	10	43	84	164
2013	0	4	4	11	14	51	81	165
2014	2	17	4	6	12	39	101	181
2015	1	2	3	11	13	74	82	186
2016	0	1	1	14	6	71	66	159
2017	0	4	4	19	15	72	108	222
2018	0	3	2	13	20	53	73	164

All Others and Total Caseload exclude Traffic Civil Infractions and Parking.

## Population

Year	Baraga County	Houghton County	Keweenaw County
2010 Census	8,860	36,628	2,156
2011 Estimate	8,835	36,773	2,179
2012 Estimate	8,727	36,741	2,167
2013 Estimate	8,717	36,672	2,142
2014 Estimate	8,648	36,468	2,174
2015 Estimate	8,583	36,283	2,123
2016 Estimate	8,548	36,432	2,139
2017 Estimate	8,438	36,397	2,102
2018 Estimate	8,320	36,219	2,113

Annual Estimates of the Resident Population: April 1, 2010, to July 1, 2018.

Source: U.S. Census Bureau, Population Division

## 36th District Court – City of Detroit

The SCAO estimates that the 36th District Court can operate with 26.5 to 26.4 judges and has a judicial excess of 2.5 to 2.6 judges.

### **Recommendation:**

The SCAO recommends the elimination through attrition of two judgeships. As an alternative to eliminating two judgeships in the 36th District Court and adding two judgeships to the 3rd Circuit Court, SCAO could assign two judges from the district court to the circuit court.

Current Judgeships	29
2017 SCAO Recommendation	-2
Remaining Judgeships	27

Two judgeships is 6.9 percent of the current bench.

### **History of Recommendations:**

In 2007, the SCAO recommended the elimination through attrition of one district judgeship. The Michigan Supreme Court recommended the elimination through attrition of two district judgeships.

In 2013, the SCAO recommended no changes in judgeships due to the appointment of a special judicial administrator for this court.

In 2015, the SCAO recommended the elimination through attrition of one district judgeship.

In 2017, the SCAO recommended the elimination through attrition of two district judgeships.

### **Legislative Action Since 2001:**

The Legislature eliminated through attrition one district judgeship. *2014 PA 58, MCL 600.8121a.*

The Legislature eliminated through attrition one district judgeship. *2018 PA 6, MCL 600.8121a.*

### **Trends:**

The raw case filing and population data is used in the secondary analysis only for the purpose of projecting future case filing trends. This data alone is not a substitute for a weighted caseload analysis, so caution should be used when considering this information.

The caseload in this court, excluding traffic civil infractions and parking tickets, has remained at less than 200,000 since 2010. The population in Detroit has decreased from 713,777 in 2010 to 672,795.

### 36<sup>th</sup> District Court Case Filings

Year	Traffic Civil	
	Infractions	All Other Cases
2005	129,368	178,122
2006	159,224	219,747
2007	187,216	242,458
2008	164,678	222,488
2009	137,719	192,981
2010	137,442	200,634
2011	148,584	197,319
2012	136,707	187,633
2013	128,411	161,541
2014	114,956	151,523
2015	127,471	167,136
2016	126,762	168,834
2017	112,703	180,850
2018	107,289	181,985

*All Other Cases excludes Traffic Civil Infractions and Parking.*

### Population

Year	City of Detroit
2010 Census	713,777
2011 Estimate	705,043
2012 Estimate	700,159
2013 Estimate	691,883
2014 Estimate	682,669
2015 Estimate	679,305
2016 Estimate	676,883
2017 Estimate	674,188
2018 Estimate	672,662

*Annual Estimates of the Resident Population: April 1, 2010, to July 1, 2018.*

*Source: U.S. Census Bureau, Population Division*

## **RECOMMENDED ADDITIONS**

## Wayne County

The SCAO estimates that the 3<sup>rd</sup> Circuit and Wayne County Probate Courts need 78.5 to 65.9 judges to operate and have a judicial need of 14.5 to 1.9 judges.

**Recommendation:**

The SCAO recommends the addition of three circuit judgeships. As an alternative to adding three judgeships, the legislature could add one judgeship and SCAO could assign two judges from the 36th District Court to the 3rd Circuit Court.

Current Judgeships	64
2019 SCAO Recommendation	+3
Remaining Judgeships	67

Three judgeships is 4.7 percent of the current bench.

**Courts, Jurisdictions, and Judgeships**

Court	Jurisdiction	Current Judgeships
3rd Circuit Court	Wayne County	56
Wayne County Probate Court	Wayne County	8

**History of Recommendations:**

In 2005, the SCAO recommended elimination of one probate judgeship through attrition.

In 2007, the SCAO recommended elimination of two circuit judgeships through attrition. In 2007, the Michigan Supreme Court also recommended elimination of two circuit judgeships and one probate judgeship through attrition.

In 2009, the SCAO recommended the reduction through attrition of two circuit judgeships.

In 2011, the SCAO recommended the reduction through attrition of one circuit judgeship.

In 2013, the SCAO recommended the reduction through attrition of four circuit judgeships.

**Legislative Action Since 2001**

The Legislature eliminated three circuit judgeships. *2001 PA 254, 2002 PA 715, MCL 600.504.*

The Legislature eliminated one probate judgeship. *2001 PA 253 MCL 600.803*

The Legislature eliminated one circuit and one probate judgeship. *2011 PA 300, MCL 600.504.*

The Legislature eliminated four circuit judgeships. *2014 PA 59, MCL 600.504.*

## Wayne County Case Filings

Year	Circuit Court				Probate Court	Total Caseload
	Appeals	Criminal	Civil	Family		
2005	891	15,459	15,141	59,619	16,036	107,146
2006	852	17,451	14,578	64,501	16,164	113,546
2007	996	18,067	14,511	63,054	15,608	112,236
2008	1,132	17,002	14,705	58,107	15,285	106,231
2009	992	15,441	14,804	49,597	14,946	95,780
2010	931	14,268	14,485	46,743	14,334	90,761
2011	844	15,665	15,399	40,674	13,613	86,195
2012	1,015	12,566	16,316	46,473	13,730	90,100
2013	849	12,176	15,871	43,243	13,162	85,301
2014	733	11,696	15,921	39,268	13,068	80,686
2015	709	11,044	16,465	38,461	13,323	80,002
2016	827	11,200	17,080	36,727	13,127	78,961
2017	743	11,362	17,530	38,409	13,250	81,294
2018	748	9,758	15,799	37,086	13,649	77,040

## Population

Year	Wayne County
2010 Census	1,820,584
2011 Estimate	1,803,100
2012 Estimate	1,795,973
2013 Estimate	1,780,371
2014 Estimate	1,771,931
2015 Estimate	1,764,726
2016 Estimate	1,760,095
2017 Estimate	1,756,264
2018 Estimate	1,753,893

*Annual Estimates of the Resident Population: April 1, 2010, to July 1, 2018.*

*Source: U.S. Census Bureau, Population Division*

## Macomb County

The SCAO estimates that the 16<sup>th</sup> Circuit, Macomb County Probate, and 42<sup>nd</sup> District Courts need 24.9 to 20.2 judges to operate and have a judicial need of 5.9 to 1.2 judges.

**Recommendation:**

The SCAO recommends the addition of one circuit judgeship.

Current Judgeships	19
2019 SCAO Recommendation	+1
Remaining Judgeships	20

One judgeship is 5.3 percent of the current bench.

**Courts, Jurisdictions, and Judgeships**

Court	Jurisdiction	Current Judgeships
16th Circuit Court	Macomb County	15
Macomb County Probate Court	Macomb County	2
42nd District Court	Cities of Memphis, Richmond, and New Baltimore and the townships of Bruce, Washington, Armada, Ray, Richmond, Lenox, and Chesterfield in the county of Macomb.	2

**History of Recommendations:**

In 2001, the SCAO recommended the addition of two circuit judgeships.

In 2003, the SCAO recommended the addition of one circuit judgeship.

In 2005, the SCAO recommended the addition of one circuit judgeship.

In 2009, the SCAO recommended the addition of one circuit judgeship and the conversion of one probate judgeship to a circuit judgeship.

In 2013, the SCAO recommended the addition of four circuit judgeships.

In 2015, the SCAO recommended the addition of one circuit judgeship.

**Legislative Action Since 2001:**

The Legislature authorized the addition of two circuit judgeships. *2001 PA 251, 2001 PA 257, MCL 600.517.*

The Legislature authorized the addition of one circuit judgeship and eliminated one probate judgeship. *2002 PA 715, MCL 600.517.*

The Legislature authorized the addition of one circuit judgeship. *2006 PA 101, MCL 600.517.*

The Legislature temporarily eliminated one circuit judgeship between January 1, 2011, and January 1, 2017. *2009 PA 228, MCL 600.517.*

The Legislature authorized the addition of one circuit judgeship on January 1, 2017, and one circuit judgeship on January 1, 2019. *2014 PA 56, MCL 600.517.*

**Macomb County Case Filings**

Year	Circuit Court				Probate Court	42 <sup>nd</sup> District Court		Total Caseload
	Appeals	Criminal	Civil	Family		Traffic Infractions	Civil All Others	
2005	703	5,607	3,754	13,047	4,685	17,418	12,001	57,215
2006	627	5,632	3,974	13,740	4,152	13,565	11,009	52,699
2007	586	6,048	4,249	13,083	4,051	12,228	10,953	51,198
2008	527	6,210	4,444	12,835	4,132	9,896	11,320	49,364
2009	578	5,876	4,496	12,302	4,091	9,820	10,170	47,333
2010	519	5,464	4,243	12,559	4,031	9,849	10,538	47,203
2011	448	4,518	4,339	11,477	4,242	10,179	9,649	44,852
2012	641	4,578	4,241	10,562	4,497	9,350	9,512	43,381
2013	493	4,729	3,957	10,196	4,854	8,683	8,726	41,638
2014	306	4,681	4,037	10,219	5,148	8,844	7,939	41,174
2015	250	4,565	3,758	10,756	5,254	10,540	8,199	43,322
2016	234	4,730	3,723	10,462	5,084	12,002	9,188	45,423
2017	216	4,780	4,311	9,930	5,039	11,759	9,664	45,699
2018	225	4,421	4,331	9,703	5,072	13,153	9,524	46,429

*All Others and Total Caseload exclude Traffic Civil Infractions and Parking.*

**Population**

Year	Macomb County
2010 Census	840,978
2011 Estimate	844,075
2012 Estimate	849,727
2013 Estimate	857,158
2014 Estimate	862,959
2015 Estimate	865,086
2016 Estimate	868,739
2017 Estimate	871,976
2018 Estimate	874,759

*Annual Estimates of the Resident Population: April 1, 2010, to July 1, 2018.*

*Source: U.S. Census Bureau, Population Division*

## Kent County

The SCAO estimates that the 17<sup>th</sup> Circuit, Kent County Probate, and 63<sup>rd</sup> District Courts need 21.6 to 27.0 judges to operate and have a judicial need of 4.6 to 10.0 judges.

**Recommendation:**

The SCAO recommends the addition of one circuit judgeship, one probate judgeship, and one district judgeship.

Current Judgeships	17
2019 SCAO Recommendation	+3
Remaining Judgeships	20

Three judgeships is 17.6 percent of the current bench.

**Courts, Jurisdictions, and Judgeships**

Court	Jurisdiction	Current Judgeships
17th Circuit Court	Kent County	11
Kent County Probate Court	Kent County	4
63rd District Court	Kent County, except the cities of Grand Rapids, Walker, Grandville, Wyoming, and Kentwood.	2

**History of Recommendations:**

In 2003, the SCAO recommended adding one circuit judgeship.

In 2005, the SCAO recommended adding one circuit judgeship.

In 2013, the SCAO recommended the addition of one circuit and one district judgeship.

**Legislative Action Since 2001:**

The Legislature added two circuit judgeships. *2001 PA 256, MCL 600.518.*

The Legislature added one circuit judgeship. *2006 PA 99, MCL 600.518.*

The Legislature added one circuit judgeship and one district judgeship. *2014 PA 58 and PA 60, MCL 600.518.* Kent County approved the addition of one circuit judgeship.

## Kent County Case Filings

Year	Circuit Court				Probate Court	63 <sup>rd</sup> District Court		Total Caseload
	Appeals	Criminal	Civil	Family		Traffic Infractions	Civil Others	
2005	183	3,707	1,562	12,915	3,871	19,773	16,422	58,433
2006	180	3,847	1,595	13,722	3,741	19,407	17,562	60,054
2007	186	3,882	1,878	14,209	3,869	19,336	18,922	62,282
2008	195	3,937	1,774	13,402	3,314	18,124	19,024	59,770
2009	217	3,914	1,910	12,504	3,512	21,716	19,348	63,121
2010	156	3,482	1,656	12,787	3,642	19,326	18,704	59,753
2011	198	3,574	1,462	11,486	3,882	16,044	17,477	54,123
2012	212	3,327	1,412	11,563	3,787	14,908	17,393	52,602
2013	205	3,273	1,366	11,681	3,834	13,919	15,585	49,863
2014	221	3,168	1,415	12,062	4,043	12,835	15,221	48,965
2015	232	3,193	1,207	11,688	4,314	13,874	14,647	49,155
2016	222	3,278	1,072	11,594	4,255	12,133	14,486	47,040
2017	208	3,074	1,123	11,225	4,480	13,738	14,117	47,965
2018	171	3,258	1,291	10,174	4,277	13,735	15,166	48,072

*All Others and Total Caseload exclude Traffic Civil Infractions and Parking.*

## Population

Year	Kent County
2010 Census	602,622
2011 Estimate	608,468
2012 Estimate	615,823
2013 Estimate	624,377
2014 Estimate	631,451
2015 Estimate	637,304
2016 Estimate	643,927
2017 Estimate	649,231
2018 Estimate	653,786

*Annual Estimates of the Resident Population: April 1, 2010, to July 1, 2018.*

*Source: U.S. Census Bureau, Population Division*

## Muskegon County

The SCAO estimates that the courts in Muskegon County need 11.1 judges to operate and have a judicial need of 1.1 judges.

### Recommendation:

The SCAO recommends the addition of one circuit judgeship.

Current Judgeships	10
2019 SCAO Recommendation	+1
Remaining Judgeships	11

One judgeship is ten percent of the current bench.

### Courts, Jurisdictions, and Judgeships

Court	Jurisdiction	Current Judgeships
14th Circuit Court	Muskegon County	4
Muskegon County Probate Court	Muskegon County	2
60th District Court	Muskegon County	4

### History of Recommendations:

No recent recommendations or analyses by SCAO.

### Muskegon County Case Filings

Year	Circuit Court				Probate Court	District Court		Total Caseload
	Appeals	Criminal	Civil	Family		Traffic Infractions	Civil All Others	
2005	78	1,525	571	6,072	942	19,600	24,280	53,068
2006	72	1,694	583	6,011	961	20,625	25,190	55,136
2007	69	1,525	631	6,391	935	21,071	26,299	56,921
2008	58	1,562	625	6,186	899	20,277	26,395	56,002
2009	48	1,481	550	6,232	945	18,215	22,983	50,454
2010	49	1,324	571	6,244	953	16,742	21,852	47,735
2011	35	1,369	475	5,930	977	13,275	21,279	43,340
2012	61	1,462	503	5,667	984	13,679	22,924	45,280
2013	77	1,391	410	5,339	949	15,299	22,840	46,305
2014	52	1,516	455	5,020	1,052	15,229	21,521	44,845
2015	30	1,403	386	4,454	1,149	14,292	21,813	43,527
2016	40	1,291	393	4,322	1,210	11,655	21,061	39,972
2017	58	1,374	353	4,222	1,317	11,608	20,883	39,815
2018	45	1,457	355	4,368	1,403	13,379	21,723	42,730

*All Others and Total Caseload exclude Traffic Civil Infractions and Parking.*

## Population

Year	Muskegon County
2010 Census	172,188
2011 Estimate	170,004
2012 Estimate	170,144
2013 Estimate	172,268
2014 Estimate	172,266
2015 Estimate	172,462
2016 Estimate	173,242
2017 Estimate	173,656
2018 Estimate	173,588

*Annual Estimates of the Resident Population: April 1, 2010, to July 1, 2018.*

*Source: U.S. Census Bureau, Population Division*

## Ottawa County

The SCAO estimates that the courts in Ottawa County need 10.0 to 10.3 judges to operate and have a judicial need of 1.0 to 1.3 judges.

**Recommendation:**

The SCAO recommends the addition of one circuit judgeship.

Current Judgeships	9
2019 SCAO Recommendation	+1
Remaining Judgeships	10

One judgeship is 11.1 percent of the current bench.

**Courts, Jurisdictions, and Judgeships**

Court	Jurisdiction	Current Judgeships
20th Circuit Court	Ottawa County	4
Ottawa County Probate Court	Ottawa County	1
58th District Court	Ottawa County	4

**History of Recommendations:**

No recent recommendations or analyses by SCAO.

**Legislative Action Since 2001:**

The Legislature added one circuit judgeship. *2001 PA 256, MCL 600.521.*

**Ottawa County Case Filings**

Year	Circuit Court				Probate Court	District Court		Total Caseload
	Appeals	Criminal	Civil	Family		Traffic Infractions	Civil All Others	
2005	63	1,025	454	4,883	1,000	37,874	22,484	67,783
2006	63	1,116	493	4,953	883	39,677	23,938	71,123
2007	51	1,182	554	4,874	1,008	37,110	24,319	69,098
2008	43	1,087	595	4,088	939	33,807	24,753	65,312
2009	47	1,040	572	4,172	928	34,115	22,922	63,796
2010	49	1,007	524	3,997	957	29,494	22,540	58,568
2011	53	918	423	4,003	973	29,542	21,254	57,166
2012	58	928	443	3,939	966	28,304	22,403	57,041
2013	60	884	363	3,739	962	28,083	19,958	54,049
2014	70	922	411	3,347	1,077	26,605	18,870	51,302
2015	56	930	328	3,493	1,065	24,649	18,144	48,665
2016	59	849	318	3,602	1,024	22,587	17,851	46,290
2017	48	1,013	366	3,587	1,012	23,262	18,964	48,252
2018	54	996	350	3,460	1,171	24,463	19,066	49,560

*All Others and Total Caseload exclude Traffic Civil Infractions and Parking.*

## Population

Year	Ottawa County
2010 Census	263,801
2011 Estimate	266,901
2012 Estimate	270,861
2013 Estimate	274,391
2014 Estimate	277,890
2015 Estimate	280,958
2016 Estimate	283,907
2017 Estimate	286,922
2018 Estimate	290,494

*Annual Estimates of the Resident Population: April 1, 2010, to July 1, 2018.*

*Source: U.S. Census Bureau, Population Division*

**RECOMMENDED MERGERS AND  
REVERSALS OF PENDING REDUCTIONS**

## Lake, Mason, Newaygo, and Oceana Counties

The SCAO estimates that the courts in Lake and Mason Counties need 2.5 to 2.4 judges and have a judicial excess of 0.5 to 0.6 judges. The district court has one pending reduction. The SCAO estimates that the courts in Newaygo and Oceana Counties need 4.5 to 4.9 judges and have a judicial need of 0.5 to 0.9 judges.

**Recommendation:**

The SCAO recommends that the four counties be merged to create one circuit court and one district court, then the district judgeship scheduled for elimination through attrition not be eliminated. The four-county circuit court would have two circuit judges, the four-county district court would have two district judges, and each county would have a probate judge.

	Lake and Mason	Newaygo and Oceana
Current Judgeships	3	4
2019 SCAO Recommendation	+1	0
Resulting Judgeships		8

**Courts, Jurisdictions, and Judgeships**

Court	Jurisdiction	Current Judgeships
51st Circuit Court	Lake County and Mason County	1
Lake County Probate Court	Lake County	1
Mason County Probate Court	Mason County	1
79th District Court	Lake County and Mason County	0
27th Circuit Court	Newaygo County and Oceana County	1
Newaygo County Probate Court	Newaygo County	1
Oceana County Probate Court	Oceana County	1
78th District Court	Newaygo County and Oceana County	1

**Proposed Courts, Jurisdictions, and Judgeships**

Court	Jurisdiction	Judgeships
Circuit Court	Lake, Mason, Newaygo, and Oceana County	2
Lake County Probate Court	Lake County	1
Mason County Probate Court	Mason County	1
Newaygo County Probate Court	Newaygo County	1
Oceana County Probate Court	Oceana County	1
District Court	Lake, Mason, Newaygo, and Oceana County	2

**History of Recommendations:**

In 2007, the Michigan Supreme Court recommended the elimination of one district judgeship through attrition and that the probate judge in Mason County be given district court jurisdiction.

In 2009, the SCAO recommended the reduction through attrition of one district judgeship. The SCAO also recommended that the probate judge in Mason County be given district court jurisdiction.

In 2011, the SCAO recommended the reduction through attrition of one judgeship.

**Legislative Action Since 2001:**

The Legislature restructured the seventy-eighth district court from Newaygo and Lake to Newaygo and Oceana. The Legislature restructured the seventy-ninth district court from Oceana and Mason to Lake and Mason. This aligned the district court jurisdictions with the circuit court jurisdictions. *2002 PA 92, MCL 600.8143, MCL 600.8144.*

The Legislature eliminated through attrition one circuit judgeship in Newaygo and Oceana Counties and one district judgeship in Lake and Mason Counties. *2012 PA 18, MCL 600.528, MCL 600.8144.*

**Lake County Case Filings**

Year	Circuit Court				Probate Court	District Court		Total Caseload
	Appeals	Criminal	Civil	Family		Traffic Infractions	Civil All Others	
2005	1	136	42	379	78	1325	1,516	3,477
2006	8	89	39	341	85	839	1,446	2,847
2007	3	125	66	341	93	871	1,527	3,026
2008	5	107	36	237	78	853	1,692	3,008
2009	3	72	39	263	76	799	1,580	2,832
2010	3	87	33	298	77	840	1,456	2,794
2011	5	74	41	265	88	996	1,331	2,800
2012	3	92	31	247	74	822	1,202	2,471
2013	0	88	41	263	95	637	1,204	2,328
2014	1	99	37	244	77	918	1,160	2,536
2015	3	79	40	227	69	723	1,572	2,713
2016	3	79	28	257	72	631	1,736	2,806
2017	1	65	27	238	79	560	1,571	2,541
2018	3	70	30	241	112	563	1,788	2,807

*All Others and Total Caseload exclude Traffic Civil Infractions and Parking.*

**Mason County Case Filings**

Year	Circuit Court				Probate Court	District Court		Total Caseload
	Appeals	Criminal	Civil	Family		Traffic Infractions	Civil All Others	
2005	8	144	74	679	197	2,639	2,979	6,720
2006	4	168	66	612	204	2,410	3,178	6,642
2007	7	149	69	710	226	2,217	3,349	6,727
2008	7	172	69	675	208	2,572	3,155	6,858
2009	8	164	67	641	215	2,109	2,851	6,055
2010	8	132	68	667	210	1,940	2,698	5,723
2011	7	125	57	632	219	1,832	2,601	5,473
2012	2	184	63	583	205	1,957	2,837	5,831
2013	4	132	51	498	238	1,868	2,701	5,492
2014	6	128	44	571	229	1,992	2,577	5,547
2015	5	192	40	509	231	1,728	2,660	5,365
2016	5	149	48	525	266	1,688	2,673	5,354
2017	8	144	51	495	211	2,014	2,838	5,761
2018	6	97	47	564	231	1,981	2,805	5,731

*All Others and Total Caseload exclude Traffic Civil Infractions and Parking.*

## Newaygo County Case Filings

Year	Circuit Court				Probate Court	District Court		Total Caseload
	Appeals	Criminal	Civil	Family		Traffic Infractions	Civil All Others	
2005	17	229	119	1,323	398	4,686	5,021	11,793
2006	20	233	97	1,394	321	3,825	4,634	10,524
2007	22	200	138	1,199	301	3,886	4,751	10,497
2008	18	223	94	1,315	335	3,936	5,300	11,221
2009	21	229	116	1,044	367	4,144	4,932	10,853
2010	11	232	118	1,169	349	4,139	4,495	10,513
2011	9	278	108	1,174	331	3,845	4,355	10,100
2012	13	255	94	1,227	346	3,016	4,451	9,402
2013	17	301	81	1,097	356	3,065	4,447	9,364
2014	15	285	90	1,161	330	3,657	4,428	9,966
2015	10	269	69	999	406	2,965	4,128	8,846
2016	11	262	75	1,067	419	2,761	3,762	8,357
2017	11	269	76	1,028	432	2,217	4,021	8,054
2018	11	277	90	983	424	2,338	4,181	8,304

All Others and Total Caseload exclude Traffic Civil Infractions and Parking.

## Oceana County Case Filings

Year	Circuit Court				Probate Court	District Court		Total Caseload
	Appeals	Criminal	Civil	Family		Traffic Civil	All	
2005	9	124	83	633	194	2,705	2,944	6,692
2006	3	139	73	523	162	2,149	3,180	6,229
2007	5	110	100	550	141	2,081	3,419	6,406
2008	9	100	76	525	180	1,639	3,289	5,818
2009	6	117	105	505	172	2,410	3,507	6,822
2010	6	101	71	494	171	2,025	3,073	5,941
2011	9	114	73	377	150	1,790	2,878	5,391
2012	4	163	83	458	177	1,593	3,049	5,527
2013	7	191	82	362	190	1,278	2,960	5,070
2014	6	125	67	338	177	1,227	2,534	4,474
2015	9	136	58	479	185	1,023	2,531	4,421
2016	9	152	52	496	181	936	2,583	4,409
2017	6	144	48	462	167	1,117	3,033	4,977
2018	7	168	51	418	177	1,204	2,798	4,823

All Others and Total Caseload exclude Traffic Civil Infractions and Parking.

## Population

Year	Lake County	Mason County	Newaygo County	Oceana County
2010 Census	11,539	28,705	48,460	26,570
2011 Estimate	11,454	28,641	48,319	26,453
2012 Estimate	11,458	28,659	47,881	26,307
2013 Estimate	11,391	28,667	47,872	26,300
2014 Estimate	11,395	28,732	47,785	26,352
2015 Estimate	11,695	28,741	47,888	26,328
2016 Estimate	11,858	28,822	47,822	26,320
2017 Estimate	11,984	29,023	48,325	26,458
2018 Estimate	11,881	29,100	48,892	26,625

Annual Estimates of the Resident Population: April 1, 2010, to July 1, 2018.

Source: U.S. Census Bureau, Population Division

## Huron and Sanilac Counties

The SCAO estimates that the courts in Huron County need 1.6 judges and have a judicial excess of 0.4 judges. The SCAO estimates that the courts in Sanilac County need 2.0 judges and have no judicial excess or need.

**Recommendation:**

The SCAO recommends that the counties form a probate court district and, if it is created, that a probate judgeship scheduled for elimination through attrition not be eliminated. The circuit court would remain separate, each with one circuit judgeship. The district courts would remain separate, each with one probate judge with district court jurisdiction. The probate court district of Huron and Sanilac Counties would be served by one probate judge.

	Huron	Sanilac
Current Judgeships	2	2
2019 SCAO Recommendation	+1	
Remaining Judgeships	5	

**Courts, Jurisdictions, and Judgeships**

Court	Jurisdiction	Current Judgeships
52nd Circuit Court	Huron County	1
24th Circuit Court	Sanilac County	1
Huron County Probate Court	Huron County	1
Sanilac County Probate Court	Sanilac County	1
73B District Court	Huron County	0
73A District Court	Sanilac County	0

**Proposed Courts, Jurisdictions, and Judgeships**

Court	Jurisdiction	Judgeships
52nd Circuit Court	Huron County	1
24th Circuit Court	Sanilac County	1
Probate Court District	Huron County and Sanilac County	3
73B District Court	Huron County	0
73A District Court	Sanilac County	0

**History of Recommendations:**

In 2011, the SCAO recommended the reduction through attrition of one judgeship in Huron County and one judgeship in Sanilac County.

**Legislative Action Since 2001:**

The Legislature eliminated the district judgeship and gave the Sanilac County Probate Judge district court jurisdiction. *2011 PA 300, MCL 600.8138.*

The Legislature converted the district judge to a probate judge with district court jurisdiction and eliminated one Huron County Probate judgeship. 2012 PA 36, MCL 600.8138.

### Huron County Case Filings

Year	Circuit Court				Probate Court	District Court		Total Caseload
	Appeals	Criminal	Civil	Family		Traffic Civil Infractions	All Others	
2005	11	72	76	400	318	3,229	3,493	7,599
2006	11	70	103	424	394	2,714	3,186	6,902
2007	9	66	73	446	394	2,905	3,407	7,300
2008	9	56	90	379	356	2,015	3,293	6,198
2009	12	133	76	356	455	2,025	3,040	6,097
2010	17	116	88	370	370	2,414	2,871	6,246
2011	7	110	70	393	402	2,123	2,791	5,896
2012	10	124	139	381	447	1,724	2,731	5,556
2013	17	151	75	331	406	1,734	2,518	5,232
2014	14	114	49	332	372	1,704	2,323	4,908
2015	10	106	64	365	400	1,610	2,388	4,943
2016	9	126	63	373	378	1,563	2,389	4,901
2017	8	136	55	311	382	1,529	2,303	4,724
2018	6	108	58	342	391	1,392	2,329	4,626

All Others and Total Caseload exclude Traffic Civil Infractions and Parking.

### Sanilac County Case Filings

Year	Circuit Court				Probate Court	District Court		Total Caseload
	Appeals	Criminal	Civil	Family		Traffic Civil Infractions	All Others	
2005	13	146	154	777	240	4,269	3,922	9,521
2006	17	145	152	832	249	3,957	4,116	9,468
2007	18	143	162	745	223	3,493	4,239	9,023
2008	23	150	152	622	237	3,439	4,388	9,011
2009	14	150	131	607	226	2,458	3,927	7,513
2010	15	115	129	612	213	2,458	3,571	7,113
2011	11	153	137	654	207	2,390	3,464	7,016
2012	10	163	128	610	234	2,370	3,771	7,286
2013	12	121	178	549	237	2,648	3,335	7,080
2014	5	113	126	581	261	2,414	2,847	6,347
2015	9	135	125	543	258	1,555	3,089	5,714
2016	10	139	129	609	220	1,745	3,083	5,935
2017	10	140	91	569	199	2,326	3,287	6,622
2018	13	146	117	546	252	2,535	2,973	6,582

All Others and Total Caseload exclude Traffic Civil Infractions and Parking.

### Population

Year	Huron County	Sanilac County
2010 Census	33,118	43,114
2011 Estimate	32,764	42,693
2012 Estimate	32,451	42,297
2013 Estimate	32,255	41,894
2014 Estimate	32,038	41,653
2015 Estimate	31,759	41,446
2016 Estimate	31,480	41,379
2017 Estimate	31,271	41,219
2018 Estimate	31,166	41,182

Annual Estimates of the Resident Population: April 1, 2010, to July 1, 2018.

Source: U.S. Census Bureau, Population Division

## APPENDIX A – CASE WEIGHTS

Case weights reflect the average number of minutes needed to perform the judicial work associated with a case. The following case weights were established during the most recent Michigan Judicial Workload Assessment, which included quality adjustments by the Judicial Resources Advisory Committee.

<b>Circuit Court</b>	<b>Case Weight</b>
Capital Felony and Felony Juvenile (FC, FJ)	894
Noncapital Felony (FH, AX)	140
Auto Negligence (ND, NF, NI)	140
Medical Malpractice (NH)	822
Other Civil (CC, CD, CE, CF, CH, CK, CL, CP, CR, CZ, NM, NO, NP, NS, NZ, PC, PD, PR, PS, PZ)	203
Business Court Cases (CB)	441
Divorce without Minor Children (DO)	71
Divorce with Minor Children (DM)	373
Non-Divorce Domestic (DC, DP, DS, DZ, UD, UE, UF, UI, UM, UN, UT, UW)	142
PPO (PP, VP, PH, PJ)	30
Adoption (AB, AC, AD, AF, AG, AM, AN, AO, AY)	99
Other Family (EM, ID, NB, NC, PW, VF)	180
Juvenile Delinquency and Designated (DL, DJ, TL)	99
Child Protective Proceedings (NA)	409
Appeals (AR, AV, AA, AE, AL, AP, AS, AH, AW)	215
Circuit Adult Drug/Sobriety Court	276
Juvenile Drug Court	365
Family Dependency Drug Court	365
Veterans Court	430
Adult Mental Health Court	270
Juvenile Mental Health Court	656
Swift and Sure Sanctions Probation Program	68
<b>Probate Court</b>	<b>Case Weight</b>
Supervised and Unsupervised Estates (DA, DE)	64
Small Estates (PE)	32
Trusts (TT, TV)	303
Conservatorships and Protective Orders (CA, CY, PO)	185
Adult Guardianships (DD, GA, GL)	107
Minor Guardianships (GM, LG)	159
Civil Cases (CZ)	471
Judicial Admissions and Mental Commitments (JA, MI)	31
Other Probate (ML, BR, DH)	758
<b>District Court</b>	<b>Case Weight</b>
Felony (FY, FT, EX)	51
Misdemeanor (OM, SM)	35
Non-Traffic Civil Infraction (ON, SN)	4
Traffic Misdemeanor (OT, ST)	9
Traffic Civil Infraction (OI, SI)	1.2
OUIL Misdemeanor (OD, SD)	50
OUIL Felony (FD)	30
General Civil (GC, GZ)	11
Small Claims (SC)	14
Landlord-Tenant/Summary Proceedings (LT, SP)	7
District Adult Drug/Sobriety Court	278
Veterans Court	491
Adult Mental Health Court	231

## APPENDIX B – STRATA AND JUDICIAL PROPORTIONS

In 2017 and 2019, SCAO used two sets of judicial proportions to calculate how many judges should be available to each court. As in prior reports, SCAO used the average proportion of judicial workload performed by judges compared to quasi-judicial officers during the most recent time study. These proportions are shown below and reflect the average for the courts in each stratum. SCAO also used a second set of judicial proportions based on the amount of judicial workload performed by judges compared to quasi-judicial officers in each court during the most recent time study. These are unique to each court.

### **Stratum 1 – 44 Small Counties**

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Alcona	Chippewa	Huron	Manistee	Osceola
Alger	Clare	Iosco	Mason	Oscoda
Alpena	Crawford	Iron	Mecosta	Otsego
Antrim	Dickinson	Kalkaska	Menominee	Presque Isle
Arenac	Emmet	Keweenaw	Missaukee	Sanilac
Baraga	Gladwin	Lake	Montmorency	Schoolcraft
Benzie	Gogebic	Leelanau	Newaygo	Tuscola
Charlevoix	Grand Traverse	Luce	Oceana	Wexford
Cheboygan	Houghton	Mackinac	Ontonagon	

<b>Stratum 1 Judicial Proportions</b>	Judicial Proportion	Quasi-Judicial Officer Proportion
Circuit, Family, Probate Cases	0.72	0.28
District Cases	0.49	0.51

### **Stratum 2 – 28 Medium Counties**

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Allegan	Cass	Ionia	Marquette	Shiawassee
Barry	Clinton	Isabella	Midland	St. Clair
Bay	Delta	Jackson	Monroe	St. Joseph
Berrien	Eaton	Lapeer	Montcalm	Van Buren
Branch	Gratiot	Lenawee	Ogemaw	
Calhoun	Hillsdale	Livingston	Roscommon	

<b>Stratum 2 Judicial Proportions</b>	Judicial Proportion	Quasi-Judicial Officer Proportion
Circuit, Family, Probate Cases	0.57	0.43
District Cases	0.72	0.28

### **Stratum 3 – 11 Large Counties**

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Genesee	Kent	Oakland	Washtenaw
Ingham	Macomb	Ottawa	Wayne
Kalamazoo	Muskegon	Saginaw	

<b>Stratum 3 Judicial Proportions</b>	Judicial Proportion	Quasi-Judicial Officer Proportion
Circuit, Family, Probate Cases	0.50	0.50
District Cases	0.81	0.19