Michigan Court of Appeals

2012

Annual Report

Table of Contents

Introduction 1
Court Performance 2
New Filings 2
Dispositions 3
Delay Reduction 5
Clearance Rate 6
Percentage of Dispositions within 18 and 15 months 6
Judicial Chambers 8
Judges of the Court of Appeals 8
Judges by District in 2012 9
Judicial Assistants 10
Law Clerks 11
Clerk's Office 12
Overview 12
Internal Operating Procedures (IOPs) 12
Electronic Filing 13
Electronic Records 14
Research Division 15
Commissioners 15
Research, Senior Research and Contract Attorneys 15
Court Highlights 19
iPad Initiative 19
Court Website Redesign 19
Ace Award 20
Service Recognition 22
Swainson Award Winner 23
Hall of Justice Photo Gallery 23
Grand Rapids Courtroom Improvements 24
Organizational Chart 25
Directory 26

Introduction

The Michigan Court of Appeals was created by the Constitution of 1963, art 6, § 1, and began operation in 1965 with a bench of nine judges. The Legislature increased the size of the bench to 12 judges in 1969, to 18 judges in 1974, to 24 judges in 1986, and to 28 judges in 1993. In 2012, legislation was enacted that will eventually reduce the Court's size to 24 judges through attrition. The Court is divided into four geographic districts for election purposes and has office locations in each of those districts: Detroit (District I), Troy (District II), Grand Rapids (District III), and Lansing (District IV).

In addition to the judges, approximately 170 employees work in the Court's Judicial Chambers, Clerk's Office, Research Division, Information Systems Department, Finance Office, and Security Department. These hard working employees play a critical role in effectuating the Court's mandate: "[T]o secure the just, speedy, and economical determination of every action and to avoid the consequences of error that does not affect the substantial rights of the parties." MCR 1.105. The Court continues to make progress in most performance measures despite limited resources and reduced staff levels in recent years. An increase in filings—the first in several years—prevented the Court from realizing a clearance rate of 100%, but progress was made in other performance measurements. For example, the average age of opinion cases at disposition was 432 days—a reduction of 13 days from 2011. Further, the percentage of all cases decided within fifteen months of filing increased by more than four percent in 2012. The Court has set a new goal of deciding 95% of all cases within 15 months of filing.

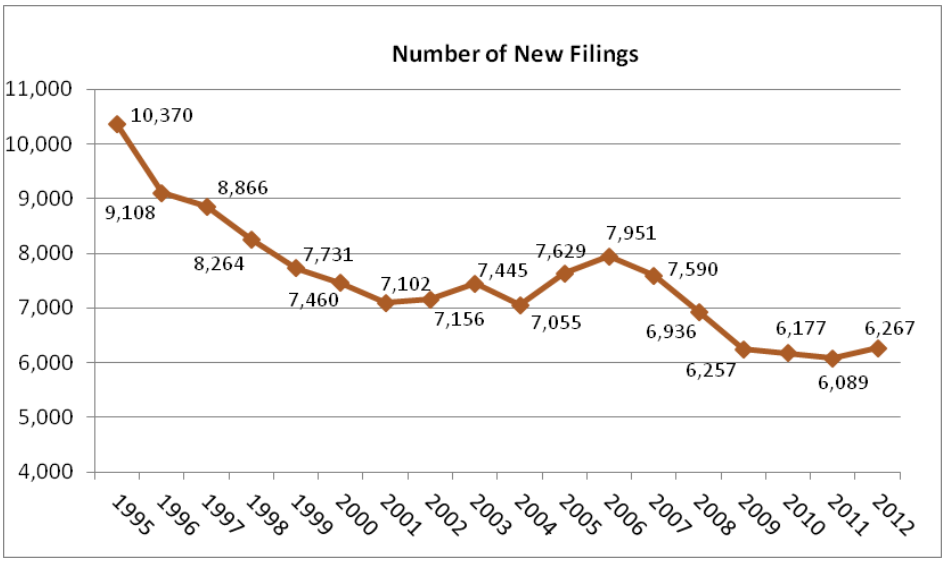
This annual report provides a more detailed profile of the Court's filings and dispositions than the annual reports in years' past. This report includes the percentage breakdowns of new filings by broad categories and specific case types. Similarly, tables display how opinion cases were decided according to broad categories and specific case types.

As the Chief Judge, I am grateful to my judicial colleagues and the dedicated staff of this Court for their many contributions made on a daily basis to serve the public.

Chief Judge William B. Murphy

New Filings

In 2012, there were 6,267 new filings with the Court. This represents the first increase in new filings in several years. The line graph below shows the number of new filings from 1995[1] to present.



Of the total new filings in 2012, 50.6% were appeals by right, 47.1% were discretionary appeals, and 2.3% were "other" (e.g., original actions). Roughly 52.4% were civil and 47.6% were criminal. The table on the right shows the civil case types that comprise the highest percentages of new filings. The table below shows the percentage breakdown of criminal case types.

Type of Criminal Appeal	% of Criminal Appeals
Appeals from district court	2.0%
Capital felonies	44.8%
Noncapital felonies	52.8%
Juvenile felonies	0.5%

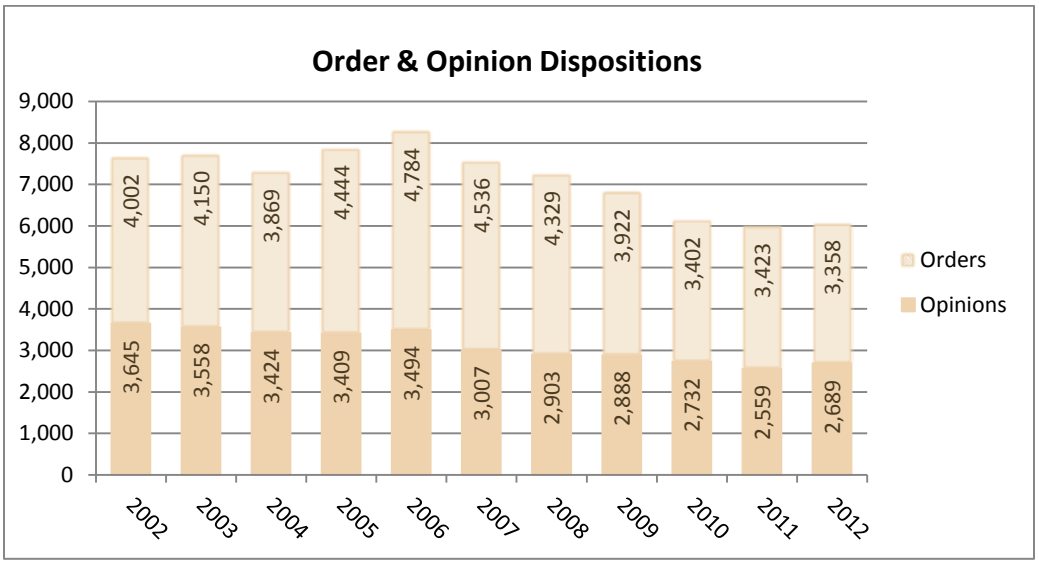
Type of Civil Appeal	% of Civil Appeals
Agency - general	2.5%
Appeal from circuit court appeal	4.3%
Child protective proceedings	13.5%
Contracts	9.9%
Court of Claims, tax-related suits	0.5%
Divorce, minor children	6.0%
Divorce, no children	1.7%
General civil	10.7%
Housing & real estate	6.2%
Labor relations	1.0%
Malpractice - Medical	3.2%
Malpractice - Other Professional	1.3%
MI Compensation Appellant Commission	1.4%
MI Employment Relations Commission	0.3%
MI Employment Security Commission	0.9%
No-fault automobile insurance	3.5%
Other damage suits	1.4%
Personal injury, autobile negligence	3.3%
Personal injury, other	6.3%
Personal protection in domestic relations	0.7%
Probate court, trust inter vivos	1.1%
Tax Tribunal	4.4%

[1] 1995 was the first full year of new filings after the amendment of art 1, § 20 of Michigan's Constitution, which eliminated appeals by right following plea-based convictions.

Dispositions

Cases filed with the Court of Appeals are resolved by order or opinion. Dispositions by order usually occur in discretionary appeals, while dispositions by opinions typically occur in appeals by right or in discretionary appeals that have been granted. Dispositions by opinion take longer because of the time periods allowed by the court rules for transcript preparation, briefing, and record transmission, and because they generally receive reports on the relevant facts and applicable law by staff attorneys, are scheduled for oral argument, and are submitted for plenary consideration to three-judge panels.

In 2012, the Court issued 2,689 opinions and 3,358 dispositive orders for a total of 6,047 dispositions. The bar graph below shows the number of order and opinion dispositions since 2002.



The Court issued 174 published opinions affecting 212 separate docket numbers (many opinions involved consolidated appeals). Of those, 86 were authored and 88 were published per curiam opinions. The charts on page 4 summarize the dispositions of the opinion cases by broad categories and by more specific categories, as indicated by the case code suffix[2] or case type.

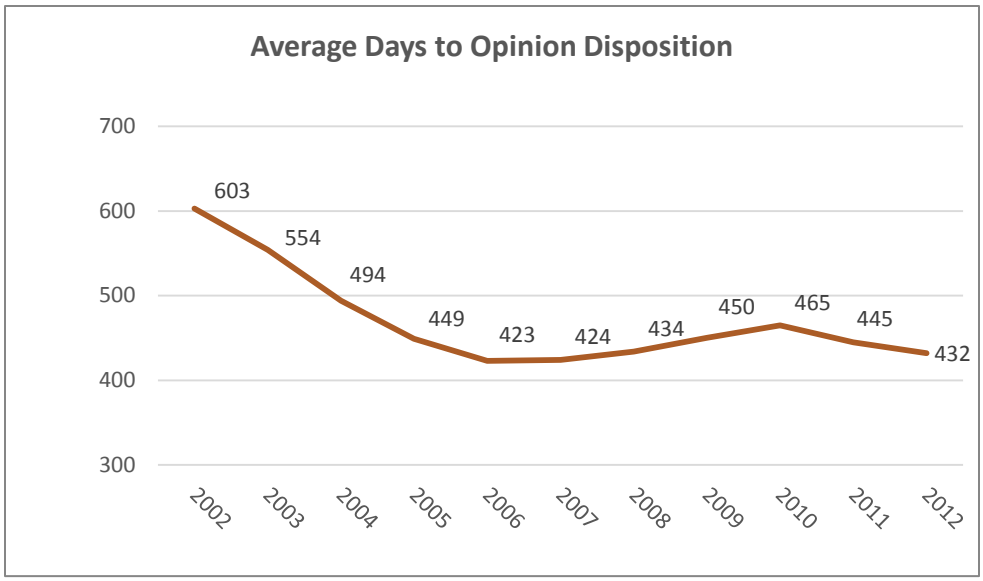
[2] The case code suffixes correspond to specific case types as described in the State Court Administrative Office's Case File Management Standards. See MCR 8.117. The Case File Management Standards can be accessed at: http://courts.mi.gov/Administration/SCAO/ Resources/Documents/standards/cf_stds.pdf .

	Affirm	Partial Affirm, Partial Reverse/ Vacate/ Remand	Reverse/ Vacate/ Remand/ Relief Granted	Dismissed
All Cases	72.3%	12.0%	15.6%	0.1%
Civil	68.6%	12.6%	18.7%	0.2%
Criminal	78.5%	11.0%	10.5%	0.0%
Agency	63.2%	0.0%	36.8%	0.0%

Case Code Suffix/Type	Affirm	Partial Affirm, Partial Reverse/ Vacate/ Remand	Reverse/ Vacate/ Remand/ Relief Granted	Dismissed
AA	63.2%	0.0%	36.8%	0.0%
AR	35.3%	17.6%	47.1%	0.0%
AV	60.0%	20.0%	20.0%	0.0%
AW	80.0%	10.0%	10.0%	0.0%
CD	83.3%	5.6%	11.1%	0.0%
CH	75.2%	8.6%	16.2%	0.0%
CK	63.8%	10.2%	26.0%	0.0%
CZ	56.4%	18.6%	24.5%	0.5%
DC	61.1%	16.7%	22.2%	0.0%
DM	57.5%	22.5%	20.0%	0.0%
DO	50.0%	28.6%	21.4%	0.0%
FC	81.7%	11.7%	6.5%	0.0%
FH	76.6%	10.2%	13.2%	0.0%
MM/MT/MZ	64.9%	18.9%	16.2%	0.0%
NA	90.4%	5.4%	4.2%	0.0%
NF	56.8%	16.2%	27.0%	0.0%
NH	61.1%	8.3%	30.6%	0.0%
NI	42.6%	18.5%	38.9%	0.0%
NM	53.8%	23.1%	23.1%	0.0%
NO	64.3%	10.3%	25.4%	0.0%
NZ	55.6%	25.0%	19.4%	0.0%
Tax Tribunal	69.7%	12.4%	18.0%	0.0%
TV	56.3%	37.5%	6.3%	0.0%

Delay Reduction

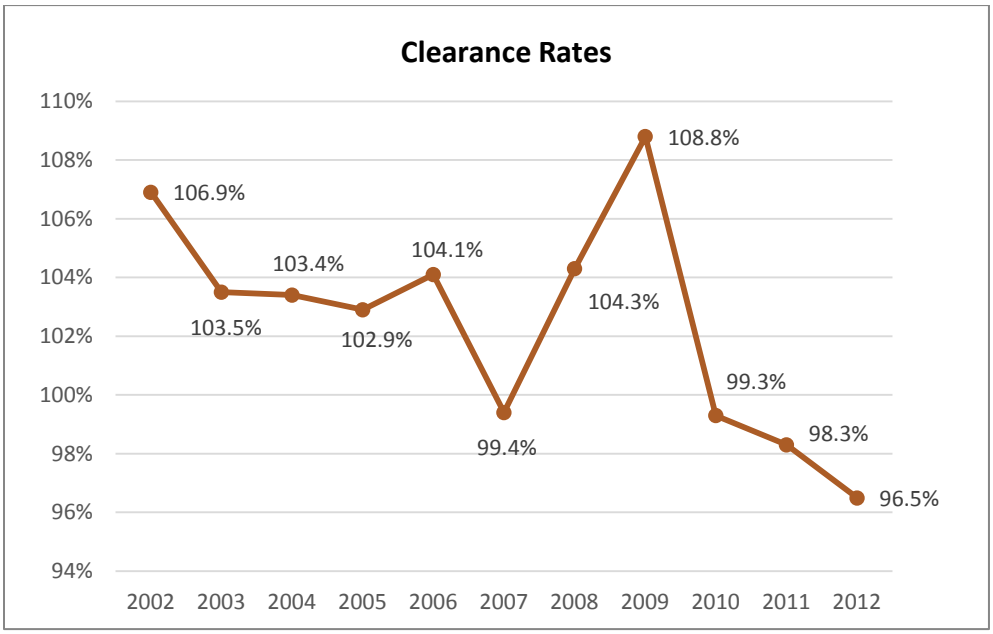
In 2001, it took 653 days on average for the Court to dispose of a case by opinion. Recognizing that such delay was unacceptable, the Court voluntarily undertook an ambitious plan in 2002 to reduce the delay in dispositions so that 95% of all cases would be decided within 18 months. Under the delay reduction plan, the average time to disposition by opinion dropped to 603 days in 2002, 554 days in 2003, 494 days in 2004, 449 days in 2005, and 423 days in 2006. Thus, between 2001 and 2006, the average time to disposition by opinion cases was reduced by 230 days, and the number of all cases decided within 18 months rose from 67.6% in 2001 to 86.3% in 2006. Unfortunately, due to stagnant or reduced budgets from 2007 through 2010, the number of central staff attorneys employed by the Court was drastically reduced. This resulted in the production of far fewer reports in cases for case call. Although case call panels began hearing cases without research reports to compensate for the reduction of reports from central staff attorneys, much of the progress in delay reduction was lost over the next four years as the average time to disposition by opinion steadily increased: 424 days in 2007, 434 days in 2008, 450 days in 2009, and 465 days in 2010. In 2011, the increase in delay reversed itself and the Court again began to reduce the average time to disposition by opinion (445 days). That trend continued in 2012 with the average age at disposition dropping to 432 days. The line graph on the left illustrates the average time to opinion disposition of all case types from 2002 through 2012.



The Court also separately tracks the average disposition times of various matters expedited by statute, court rule, or court order. In 2012, the average disposition time of all expedited cases was 234 days. For child custody and termination of parental rights (TPR) appeals, the average disposition time was 227 days. This is a vast improvement over the disposition times before the delay reduction effort began. In 2001, the disposition times were 351 days and 325 days for all expedited cases and child custody/TPR appeals, respectively.

Clearance Rate

The clearance rate reflects the number of cases disposed of compared to the number of new cases filed. In 2012, the Court achieved a clearance rate of 96.5%, disposing of 6,047 cases during the same period when 6,267 cases were filed. Although that clearance rate is the lowest in many years, it is primarily the result of increased filings outpacing dispositions in 2012. That is, the Court actually disposed of 65 more cases than in 2011 but had a lower clearance rate because the increased filings presented a moving target. The line graph below shows the Court's clearance rate since 2002.

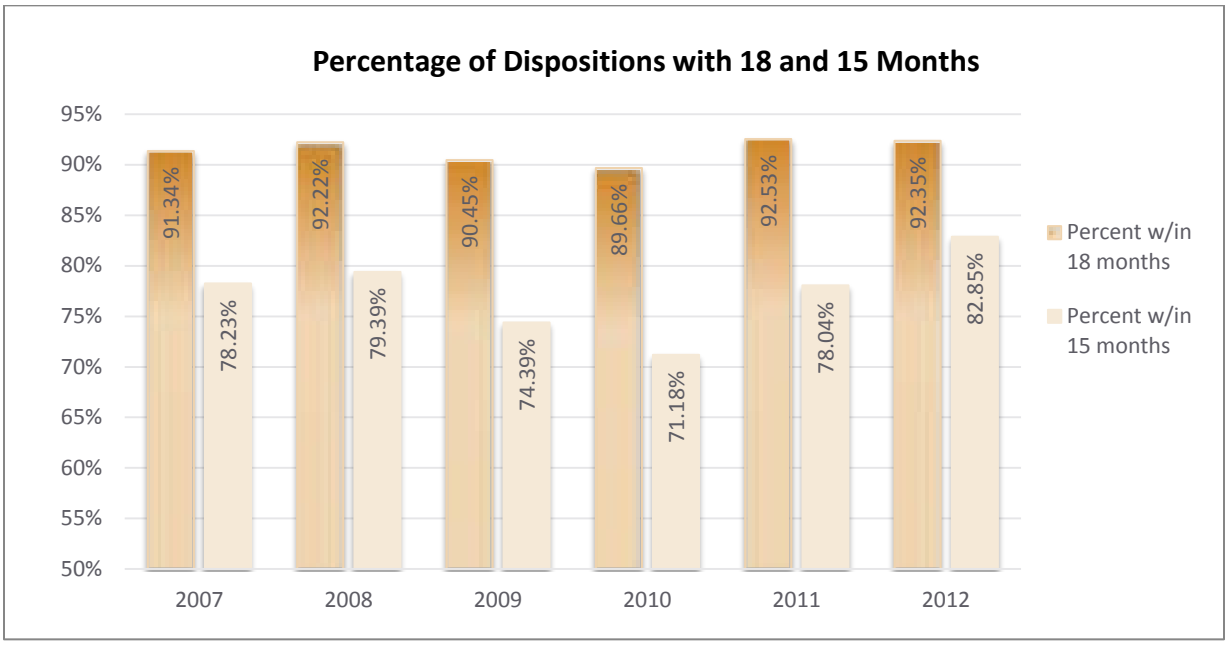


Percentage of Dispositions within 18 and 15 months

For the delay reduction effort that began in 2002, the Court set a goal of disposing of 95% of all cases (i.e., by opinion or order) within 18 months of filing. In the first year of delay reduction, 65.77% of all cases were disposed within 18 months of filing. For just opinion cases, only about one-third was disposed within that time period. In 2012, 92.35% of all cases and 83.76% of opinion cases were disposed within 18 months.

Being within just a few percentage points from achieving its "95-in-18" goal, the Court set a new goal of deciding 95% of all cases within *15 months* of filing. In 2012, 82.85% of all cases and 62.99% of opinion cases were decided within 15 months, respectively. The Court is confident it can achieve its new goal in the next year and a half assuming new filings don't increase dramatically and staffing levels in the Research Division remain stable. The bar graph

below shows the percentage of all cases disposed within 18 months and 15 months for the years 2007 through 2012.



Judges of the Court of Appeals

In March 2012, the Court welcomed two new judges to the bench by gubernatorial appointment: Mark T. Boonstra and Michael J. Riordan. Also in 2012, legislation was enacted that will eventually reduce the number of judgeships from 28 to 24 through attrition. The judgeship positions are divided into four districts for election purposes but the judges sit statewide in panels of three, rotating with two other judges with equal frequency and among the three courtroom locations (Detroit, Lansing and Grand Rapids). Published opinions of the Court of Appeals are controlling across all four districts unless and until reversed or overruled by a special conflict panel of the Court or by the Supreme Court.

Pictured From Left to Right (year of joining the bench indicated in parentheses)

First row:

Jane E. Markey (1995), E. Thomas Fitzgerald (1991), Chief Judge Pro Tem David H. Sawyer (1987), Chief Judge William B. Murphy (1988), Mark J. Cavanagh (1989), Joel P. Hoekstra (1995), Peter D. O'Connell (1995)

Second row:

Christopher M. Murray (2002), Kurtis T. Wilder (1998), Stephen L. Borrello (2003), Donald S. Owens (1999), Michael J. Talbot (1998), Jane M. Beckering (2007), Patrick M. Meter (1999), Pat M. Donofrio (2002), William C. Whitbeck (1997)

Third row:

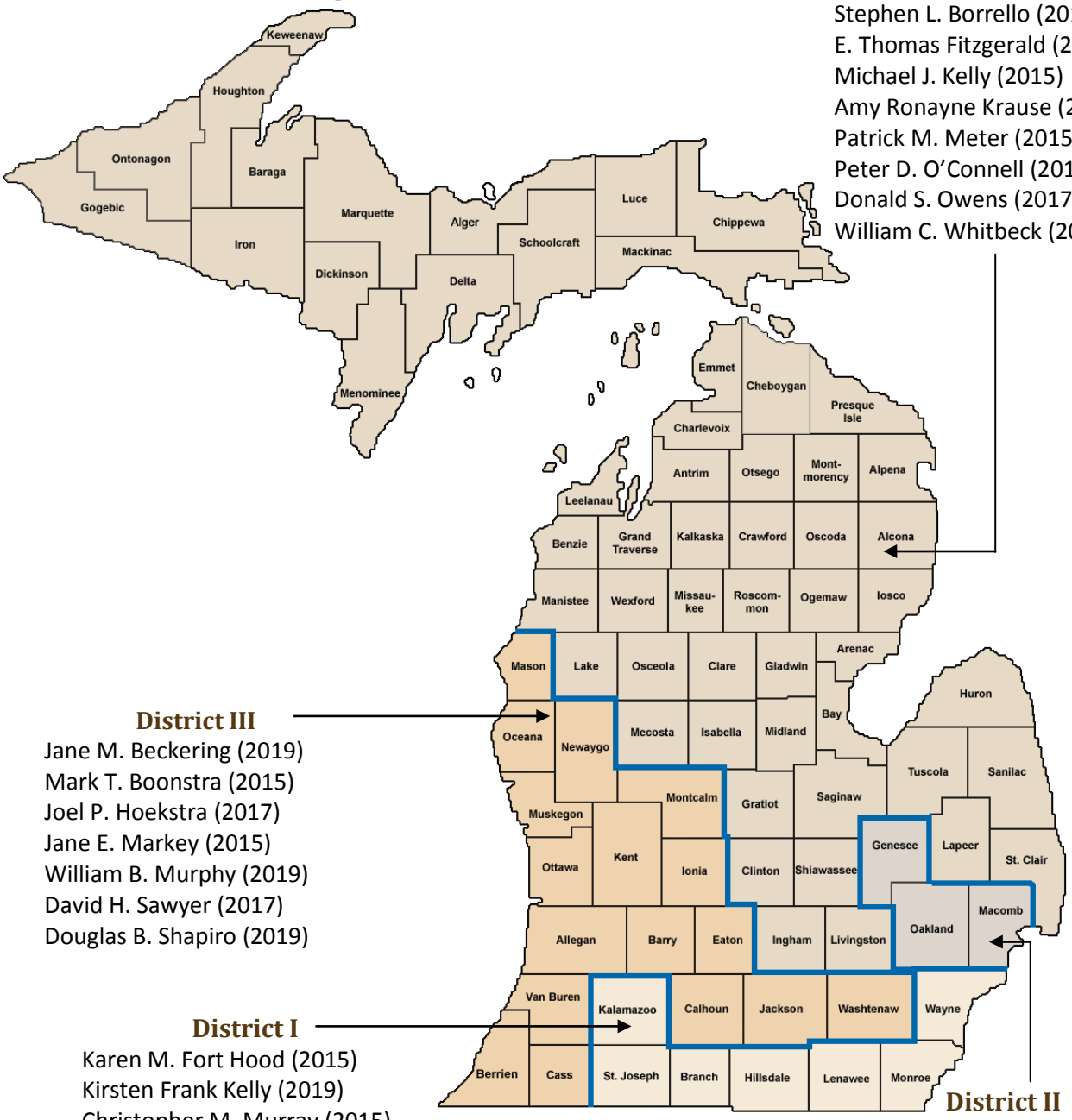
Cynthia Diane Stephens (2008), Mark T. Boonstra (2012), Douglas B. Shapiro (2009), Elizabeth L. Gleicher (2007), Amy Ronayne Krause (2010), Michael J. Kelly (2009), Michael J. Riordan (2012)

Not pictured:

Kathleen Jansen (1989), Henry William Saad (1994), Kirsten Frank Kelly (2001), Karen M. Fort Hood (2003), Deborah A. Servitto (2006)

Judges by District in 2012

Year that Current Term Expires Indicated in Parentheses



District IV

Stephen L. Borrello (2019)
E. Thomas Fitzgerald (2015)
Michael J. Kelly (2015)
Amy Ronayne Krause (2015)
Patrick M. Meter (2015)
Peter D. O'Connell (2019)
Donald S. Owens (2017)
William C. Whitbeck (2017)

District III

Jane M. Beckering (2019)
Mark T. Boonstra (2015)
Joel P. Hoekstra (2017)
Jane E. Markey (2015)
William B. Murphy (2019)
David H. Sawyer (2017)
Douglas B. Shapiro (2019)

District I

Karen M. Fort Hood (2015)
Kirsten Frank Kelly (2019)
Christopher M. Murray (2015)
Michael J. Riordan (2019)
Cynthia Diane Stephens (2017)
Michael J. Talbot (2015)
Kurtis T. Wilder (2017)

District II

Mark J. Cavanagh (2015)
Pat M. Donofrio (2017)
Elizabeth L. Gleicher (2019)
Kathleen Jansen (2019)
Henry William Saad (2015)
Deborah A. Servitto (2019)

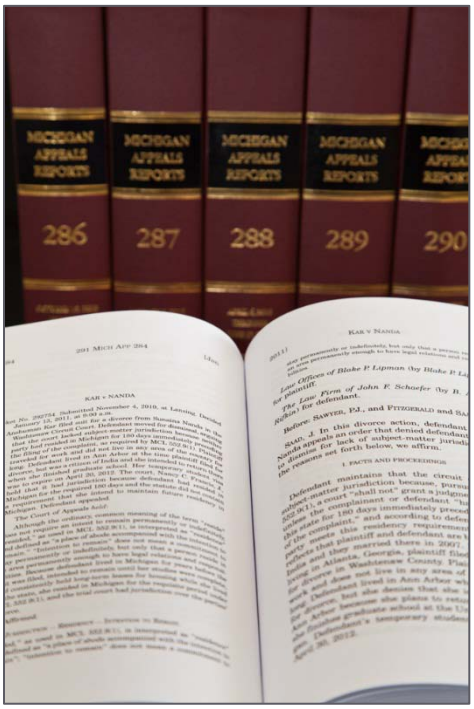
Judicial Assistants

The **Judicial Assistants (JAs)** perform a wide variety of secretarial and administrative tasks to assist the judges in operating the judicial chambers in a confidential and professional manner. A few examples of these tasks include scheduling and maintaining the judges' calendars, preparing files for motion dockets and case calls, submitting and tracking votes and memos concerning motion docket and case call matters, docketing the receipt and transmission of lower court records, proofreading and cite-checking opinions, typing bench memoranda, draft opinions, and original correspondence, and monitoring various case management lists.

On September 19, 2012, the JAs attended an all-day educational session at the Hall of Justice in Lansing to meet with staff from the Clerk's Office, Information Systems, Finance, and Human Resources and to learn about new technologies and techniques for improving the operations of the judicial chambers. The JAs met in small groups for more targeted learning on subjects such as iPad basics (including document conversion and storage), electronic signatures, calendaring software, and Microsoft Word tips. The electronic signature and iPad usage sessions were especially popular given that these technologies have only recently become available at the Court. The JAs also participated in larger, roundtable discussions to share tips and ideas learned not only in the educational sessions but also from their many years of experience.

Law Clerks

Each judge employs a single **law clerk** to assist him or her in handling the huge volume of motion docket and case call matters assigned to the judge. The law clerks read the appellate briefs of the parties and the staff reports written by Research Division attorneys, conduct independent research on the issues, and review the lower court files and transcripts to recommend appropriate resolutions of the issues and dispositions of the appeals. The law clerks also rewrite draft opinions written by the Research Division to reflect the judge's writing style or to add statements of facts and analyses of the legal issues. Further, the law clerks assist the judges in drafting concurrences and dissents, as well as those opinions where publication is recommended by the Research Division attorneys. In 2012, the law clerks also collectively prepared bench memoranda and/or draft opinions in approximately 310 civil appeals that were assigned directly to the judges without the benefit of reports from the Research Division. The judges were assigned these cases without reports as a way of advancing the Court's delay reduction goals.



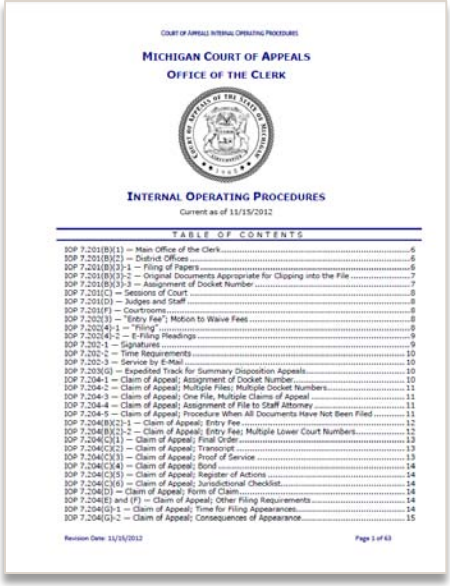
Overview

There are Clerk Offices in Detroit (District I), Troy (District II), Grand Rapids (District III), and Lansing (District IV). The district offices open new case files, docket incoming filings and correspondence, field inquiries by phone and at the public counters, review all filings for jurisdiction and compliance with the court rules, monitor numerous management lists to ensure that cases proceed without undue delay, process motions for submission to the judges, track the return of signed orders, and send the orders to the pertinent attorneys, parties, trial court judges, and staff. The Lansing Clerk's Office also schedules case call matters and releases the judges' opinions resolving those appeals. Lastly, the Clerk's Office is the public face of the Court in that it communicates with the general public, counsel of record, the parties, prospective litigants, lower courts or tribunals, and media representatives on case-related matters.

Since 2002, the staff of the Clerk's Office has been reduced by one-third (from 48 to 32 total employees) due to budget cuts. Although new filings have decreased during the same period by about 15%, the Clerk's Office staff has improved its efficiency through technology enhancements, creative processes, hard work, and positive attitudes.

Internal Operating Procedures (IOPs)

The IOPs were initially developed in 1998 by a task force of judges, court personnel, and appellate practitioners. The IOPs track the numbering system of the court rules and reflect the evolving practices and procedures of the Clerk's Office to implement the requirements of the Michigan Court Rules. The IOPs are updated continuously to reflect new practices or procedures that are occasioned by changes to the court rules or Court policy. The IOPs are available to the public on the Court's website at http://courts.mi.gov/courts/coa/clerksoffice/pages/iop.aspx.



COURT OF APPEALS INTERNAL OPERATING PROCEDURES

MICHIGAN COURT OF APPEALS

OFFICE OF THE CLERK

INTERNAL OPERATING PROCEDURES

Current as of 11/15/2012

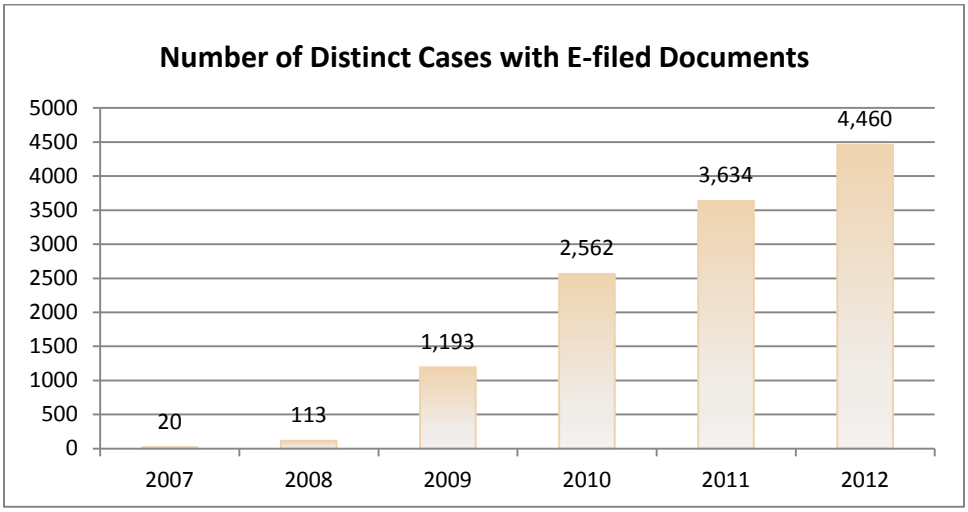
TABLE OF CONTENTS

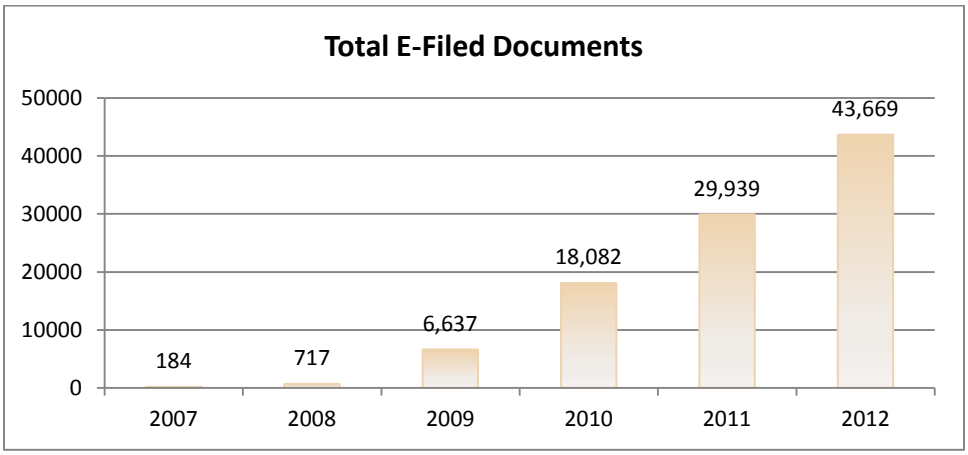
IOP 7.201(B)(1) — Main Office of the Clerk 6
IOP 7.201(B)(2) — District Offices 6
IOP 7.201(B)(3)-1 — Filing of Papers 6
IOP 7.201(B)(3)-2 — Original Documents Appropriate for Clipping into the File 7
IOP 7.201(B)(3)-3 — Assignment of Docket Number 7
IOP 7.201(C) — Sessions of Court 8
IOP 7.201(D) — Judges and Staff 8
IOP 7.201(F) — Courtrooms 8
IOP 7.202(3) — "Entry Fee"; Motion to Waive Fees 8
IOP 7.202(4)-1 — "Filing" 8
IOP 7.202(4)-2 — E-Filing Pleadings 9
IOP 7.202-1 — Signatures 9
IOP 7.202-2 — Time Requirements 10
IOP 7.202-3 — Service by E-Mail 10
IOP 7.203(G) — Expedited Track for Summary Disposition Appeals 10
IOP 7.204-1 — Claim of Appeal; Assignment of Docket Number 10
IOP 7.204-2 — Claim of Appeal; Multiple Files; Multiple Docket Numbers 11
IOP 7.204-3 — Claim of Appeal; One File, Multiple Claims of Appeal 11
IOP 7.204-4 — Claim of Appeal; Assignment of File to Staff Attorney 11
IOP 7.204-5 — Claim of Appeal; Procedure When All Documents Have Not Been Filed 11
IOP 7.204(B)(2)-1 — Claim of Appeal; Entry Fee 12
IOP 7.204(B)(2)-2 — Claim of Appeal; Entry Fee; Multiple Lower Court Numbers 12
IOP 7.204(C)(1) — Claim of Appeal; Final Order 13
IOP 7.204(C)(2) — Claim of Appeal; Transcript 13
IOP 7.204(C)(3) — Claim of Appeal; Proof of Service 13
IOP 7.204(C)(4) — Claim of Appeal; Bond 14
IOP 7.204(C)(5) — Claim of Appeal; Register of Actions 14
IOP 7.204(C)(6) — Claim of Appeal; Jurisdictional Checklist 14
IOP 7.204(D) — Claim of Appeal; Form of Claim 14
IOP 7.204(E) and (F) — Claim of Appeal; Other Filing Requirements 14
IOP 7.204(G)-1 — Claim of Appeal; Time for Filing Appearances 14
IOP 7.204(G)-2 — Claim of Appeal; Consequences of Appearance 15

Revision Date: 11/15/2012 Page 1 of 63

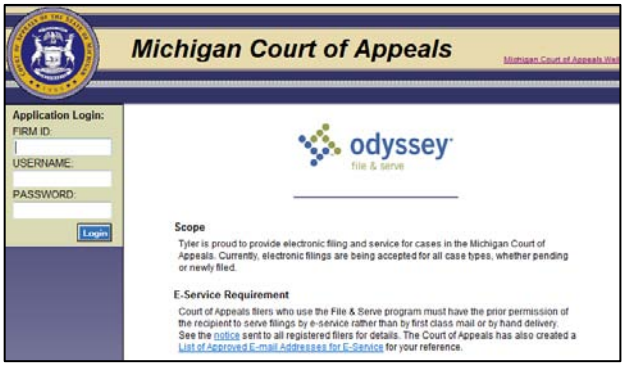
Electronic Filing

In 2006, the Court deployed an electronic filing system through a third-party vendor (Wiznet Inc., now Tyler Technologies, Inc.) that litigants can use to initiate an appeal or original action, file all pleadings and forms in all case types with electronic cover sheets (including proofs of service) and electronically serve filings on opposing parties. Court fees are paid directly through the e-filing system. Although e-filing is not mandatory, the number of e-filed documents has increased exponentially over the years. At the end of 2012, 46.58% of the active cases had at least one document that was filed electronically. Of the cases with at least one document that was e-filed in 2012, approximately 64% were civil and 36% were criminal. Further, during the year, 45.08% of all appellant briefs and 51.93% of all appellee briefs were e-filed. The two bar graphs below show the number of distinct cases with e-filed documents and the total number of e-filed documents for the years 2007 through 2012.





When electronic documents are received and docketed, a link to the document is created in the Court's case management system from which the judges and staff can immediately access the document from any location connected to the Court's network.



At present, the e-filing system is available for use around the clock (with the exception of periodic maintenance). E-filings received by 11:59 PM on a business day are docketed for that business day. E-filings received between 12:00 AM and 11:59 PM on a Saturday, Sunday, or court holiday are docketed for the following business day. A document that is not successfully e-filed on or before 11:59 PM on its due date is docketed the following business day unless the e-filing system, as acknowledged by Tyler, is inaccessible or incapable of receiving documents on the due date.

Training and best practices documents are available on the Court's website that provide guidance to users in creating the most useful PDF documents for e-filing, ensuring that the e-filings meet the technical requirements of the system, and conforming to the requirements of the Michigan Court Rules.

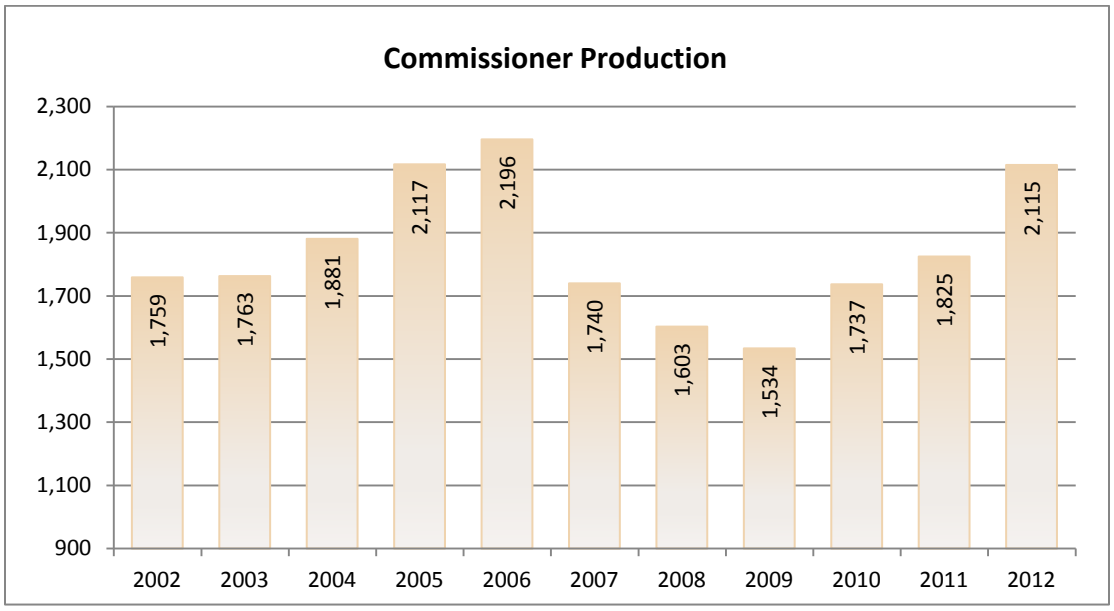
Electronic Records

Just as an increasing number of documents are filed and stored electronically, more and more lower court and tribunal records exist in electronic form only. For several years, the Court has directly accessed the records of the Public Service Commission appeals via its servers. Also for several years, the records of the 6th Circuit Court (Oakland County) have been received on CD-ROMs, uploaded to the Court's servers, and linked to the Court's case management system. Most recently, the Court set up a File Transfer Protocol (FTP) server to receive the electronic records on appeal from lower courts and tribunals. To date, records from the 4th Circuit Court (Alpena County), 16th Circuit Court (Macomb County), 20th Circuit Court (Ottawa County), 6th Circuit Court (Oakland County), and the St. Clair Probate Court have been transmitted to the Court's FTP server. Having records accessible through the Court's case management systems allows the judges, law clerks, and staff attorneys to access the records simultaneously and instantly.

Commissioners

The **commissioners** are experienced central staff attorneys whose primary functions are to prepare written reports in (1) discretionary matters such as applications for leave to appeal, (2) motions to withdraw as counsel or to remand, and (3) complaints for writs of habeas corpus, superintending control, and mandamus. The commissioners also review incoming emergency applications and work closely with the judges to resolve priority matters on an expedited basis. The commissioners are located in each of the four district offices—Detroit, Troy, Lansing, and Grand Rapids.

In 2012, the commissioners prepared reports in 2,115 leave applications and miscellaneous matters. The graph below shows the production of commissioner reports for the past eleven years.



Research, Senior Research and Contract Attorneys

Research attorneys are typically recent law school graduates who are hired for a period of one to three years. Although these graduates are primarily recruited from in-state law schools, the Research Division also made on-campus recruitment visits in 2012 to Howard University Law School in Washington, D.C., the University of Notre Dame Law School in Indiana, and the University of Toledo Law School in Ohio. In addition, many students from other out-state law schools were interviewed at the Research offices in Detroit, Lansing, and Grand Rapids. In 2012, the research staff represented the in-state law schools of Michigan State University, Thomas M. Cooley, University of Michigan, University of Detroit Mercy, and Wayne State

University, and the out-state law schools of Boston College (Boston, MA), Boston University (Boston, MA), DePaul (Chicago, IL), Drake University (Des Moines, IA), Chicago-Kent (Chicago, IL), Howard University (Washington, DC), Indiana University Mauer School of Law (Bloomington, IN), Loyola University (Chicago, IL), Northwestern University (Chicago, IL), Notre Dame (South Bend, IN), University of Illinois at Urbana-Champaign (Urbana, IL), University of Minnesota, University of Toledo, and West Virginia University (Morgantown, WV). Most research attorneys ranked in the top 5 to 10% of their graduating classes.

The research attorneys generally prepare research reports in cases that are determined to be easy to moderately difficult.[3] A research report is a confidential intra-Court document that contains a comprehensive and neutral presentation of the material facts, a recitation of the issues raised by the parties, a summary of the parties' arguments, a thorough analysis of the law and facts on each issue, and a recommendation as to the appropriate disposition. In cases involving non-jurisprudentially significant issues, such that a published opinion is not required, the attorneys also prepare rough draft opinions to accompany the reports. The judges and their law clerks are responsible for preparing those opinions when publication is recommended, as well as editing, refining, or rewriting the rough draft opinions provided by the staff attorneys.

Senior research is comprised of experienced attorneys whose backgrounds typically include research, judicial clerkships and private practice. Unlike with the research attorneys, the tenure of the senior research attorneys is not for a limited duration. The primary function of senior research attorneys is to prepare research reports in the longer or more complex cases for case call. The content of these research reports is the same as those prepared by the research attorneys, but the cases are typically more difficult in nature.[4] The main office of senior research is located in Detroit, but several attorneys are housed in Lansing and Grand Rapids.

---

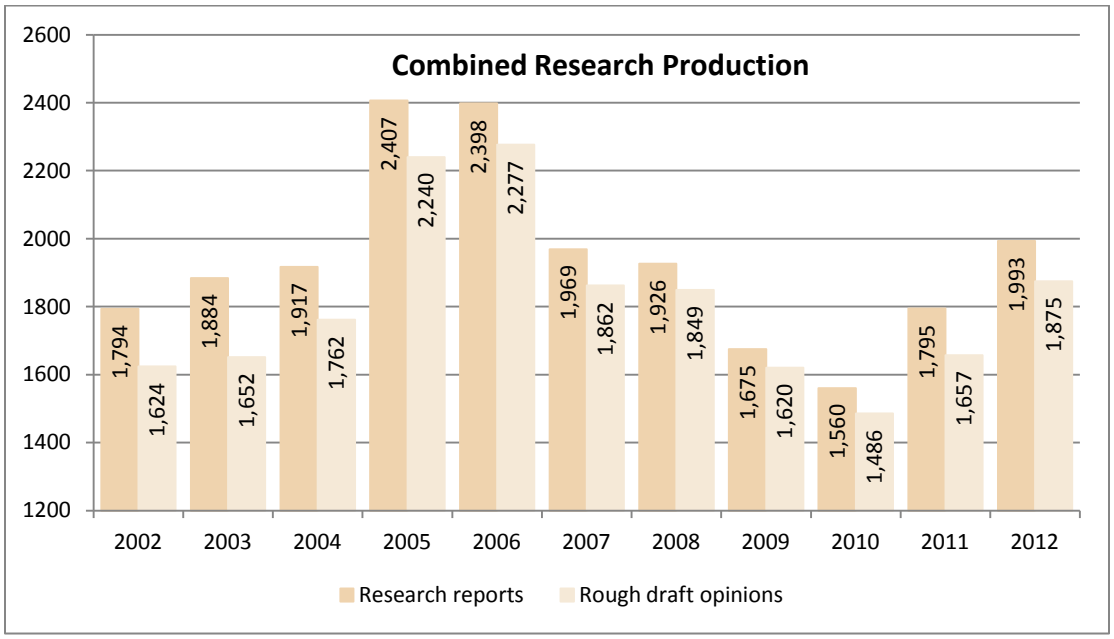
[3] When cases are ready for reports from the Research Division, an experienced staff attorney reviews the lower court records and appellate briefs and, based on established criteria, assigns day evaluations to them. The day evaluations represent how long it should take an average research attorney to complete reports in the cases. They are given in whole numbers only (i.e., no fractions of a day). Research attorneys generally work on cases that are evaluated at six days or lower, and are expected to complete the reports within the day evaluations of the cases, as measured on a monthly basis.

[4] Senior research attorneys generally work on cases that are evaluated at seven days or more (see footnote 3, *supra*). They have higher production requirements than the research attorneys and are expected to complete the reports in about 25% less time than the day evaluations.

Contract attorneys, as their title indicates, work for the Court on a contractual basis, primarily preparing reports and rough draft opinions in routine termination of parental rights (TPR) appeals. However, the contract attorneys also prepare reports and rough draft opinions in a significant number of routine criminal and civil appeals. Most of the thirty or so contract attorneys previously worked for the Court in research, senior research, or the commissioner offices. They now work from their homes and are not otherwise engaged in the practice of law. The value of the contract attorney program to the Court cannot be overstated. In 2012, 440 TPR appeals were filed. Without the assistance of the contract attorneys in preparing the vast majority of reports and rough draft opinions in the routine TPR appeals, these cases simply could not be processed as quickly and efficiently.

Moreover, if staff attorneys were required to process all the TPR appeals, there would be significant delay in the dispositions of other case types.

Combined, the research attorneys, senior research attorneys, and contract attorneys prepared 1,993 research reports and 1,875 rough draft opinions in cases that were submitted on case call. The graph below compares the combined production numbers from 2002 to 2012.



The number of research reports and rough draft opinions produced annually by the Research Division correlates directly with the staffing levels and average day evaluations of the cases for any given year. In 2012, the higher staff level was offset slightly by the increase in the average day evaluation of the cases. The table to the right shows the number of research and senior research attorneys, as well as the average day evaluation of the cases, for 2012 and the prior ten years.

	Number of Research & Senior Research Attorneys	Average Day Eval of All Cases Screened
2002	45.1	4.57
2003	47.3	4.31
2004	44.8	3.99
2005	45.4	3.97
2006	42.8	3.99
2007	37.5	4.15
2008	36.4	4.06
2009	36.8	3.95
2010	32.4	3.99
2011	35.3	3.88
2012	45.4	4.05

iPad Initiative

At the beginning of 2012, iPads were officially rolled out to the judges. The iPads are not only used for checking email and calendaring, but many judges are downloading all case call documents to read and make notations in preparation for oral arguments. Judges are using apps such as GoodReader, iAnnotate, and Pages to work with these documents. Using the iPads has cut back enormously on the amount of printing taking place in the chambers. Many judges now go into oral arguments with just their iPad instead of a briefcase full of paper documents. Toward the end of 2012, some judges began testing VMware View as a way to remotely connect to the Court network. This option will be made available to all judges in the near future.

Court Website Redesign

On October 1, 2012, an updated and enhanced **One Court of Justice** website was unveiled. C/D/H Technology Consultants (CDH), working in close collaboration with members of the Michigan Supreme Court, the State Court Administrator's Office, and the Court of Appeals, created the website using state of the art technology and industry best practices. The redesigned website provides an infrastructure that allows for the manageable administration of web pages and resolves many complex maintenance aspects, such as disaster recovery, security, provisioning new web applications, and central administration. The Court of Appeals' pages are now more tightly integrated with the **One Court of Justice** website in terms of structure and appearance. In migrating the Court's old web pages to the new site, staff from the Court's Information Systems Department updated content and improved many linked documents, such as the e-filing guidelines, e-service, and the clerk comment form. The new website works well with a variety of web browsers, including multiple versions of Microsoft Internet Explorer, Apple Safari, Google Chrome, and Mozilla Firefox, for computer workstations, laptops, and mobile devices. The Court of Appeals website is now located at http://courts.mi.gov/courts/coa.

Ace Award

The Ace Award is named after Donald L. ("Ace") Byerlein, who served as court administrator from the Court's inception in 1965 until his retirement in 1997. Mr. Byerlein was known for being conscientious, dedicated, loyal, selfless, upbeat, civil, and possessed a "can-do" attitude. In 1998, the Court created the annual Ace Award in honor of Mr. Byerlein as a way to recognize current Court employees who possess those same qualities. The Ace Award is given to an outstanding employee (or employees) who was nominated by his or her peers and selected by a committee of judges and administrators.

Irene Coffee, Judicial Assistant for Chief Judge William B. Murphy, was nominated by her peers and selected by a committee of judges and administrators as the 15th annual recipient of the Ace Award. Irene joined the Court as a docketer in the Grand Rapids Clerks Office in August 1976. In recognition of her abilities and distinguished service, Irene was selected by Judge William B. Murphy in April 1988 to be his judicial assistant. During her time with Judge Murphy, which includes the past three years he has served as Chief Judge, Irene acted as a mentor to many of the new or less experienced JAs and helped create the manual and establish the processes used by the judicial chambers. Fellow workers who nominated Irene for the Ace Award commented that "[n]ot only did she teach me how to do my job properly, she also taught me her tricks of the trade, the nuances of making correct docket entries, how to make sure the best possible work product left my desk, and most importantly, how to give more to the Court than what was expected of me" and "Irene has tackled a variety of court projects during her tenure, putting in endless hours in the process and doing so without regard to personal recognition."

Chief Judge Murphy, Irene Coffee, and Don Byerlein.

Prior Ace Award honorees include:

Year	Ace Award Recipient(s)	Office Location
2011	Kathy Donovan, Technology Training Specialist	Lansing
2010	Matthew Johnson, Docket Clerk	Troy
2009	Anna Campbell, Judicial Assistant	Detroit
2008	Martha Sutton, Judicial Assistant *-and-* Claudette Bexell Frame, Judicial Assistant	Lansing Lansing
2007	Rebekah Neely, Programmer (awarded posthumously)	Lansing
2006	Bob Kwiatkowski, Lead Court Officer	Detroit
2005	Thomas Rasdale, Assistant Clerk	Lansing
2004	Carol Abdo, PC Network Specialist *-and-* Bobbie Dembowski, Commissioner Assistant	Lansing Lansing
2003	Elizabeth Gordon, Research Support	Lansing
2002	Suzanne Gammon, Judicial Assistant	Saginaw
2001	Mark Stoddard, District Commissioner	Grand Rapids
2000	John Pratt, Court Officer	Lansing
1999	Deborah Messer, Judicial Assistant	Petoskey
1998	Mary Lu Hickner, Deputy Clerk	Lansing

Service Recognition

Chief Judge Murphy

In June of every year, the Court recognizes current employees who have celebrated a five-year incremental anniversary with the Court during the preceding twelve months. In 2012, service recognition ceremonies were held in Detroit, Lansing, and Grand Rapids to honor twenty employees who represented 315 years of combined service. The employees were awarded lapel pins and certificates that indicate the individual's specific years of service. Immediately following the ceremonies, the Court also recognizes the contributions of all employees to the effective operation of the Court with a brief party and social gathering. Pictured below are those employees who were specially recognized for their service to the Court in 2012.

Detroit Service Pin Recipients

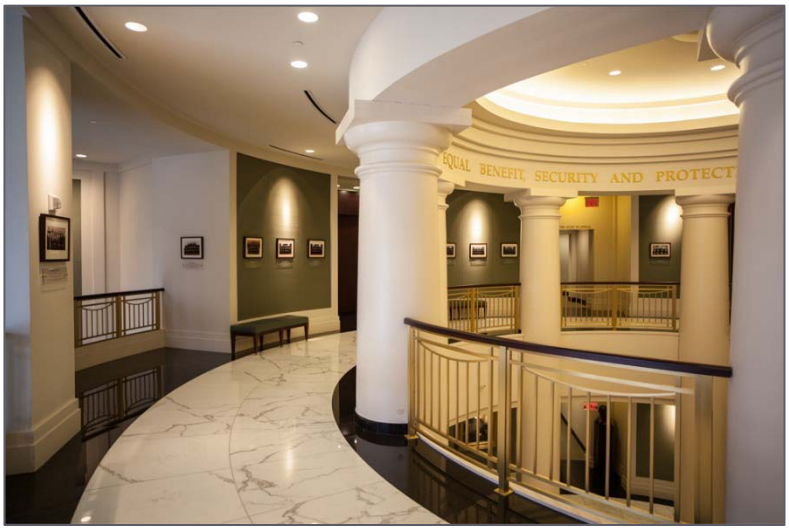
Grand Rapids Service Pin Recipients

Lansing Service Pin Recipients

Swainson Award Winner

Jennifer Boardman, Judicial Assistant to Judge Elizabeth L. Gleicher, was named one of three John B. Swainson Award winners in 2012. The Swainson Award is presented by the Michigan Historical Commission to state, county, or municipal employees who have gone above and beyond their official duties to help preserve Michigan's history. Jennifer, a founding member of the Friends of Belle Isle Aquarium, was instrumental in obtaining a service management agreement with the City of Detroit and securing state and federal grant monies to restore the aquarium building. Jennifer was presented with the award at a special ceremony in the rotunda of the State Capitol Building on May 31, 2012, with many judges and coworkers in attendance.

Hall of Justice Photo Gallery

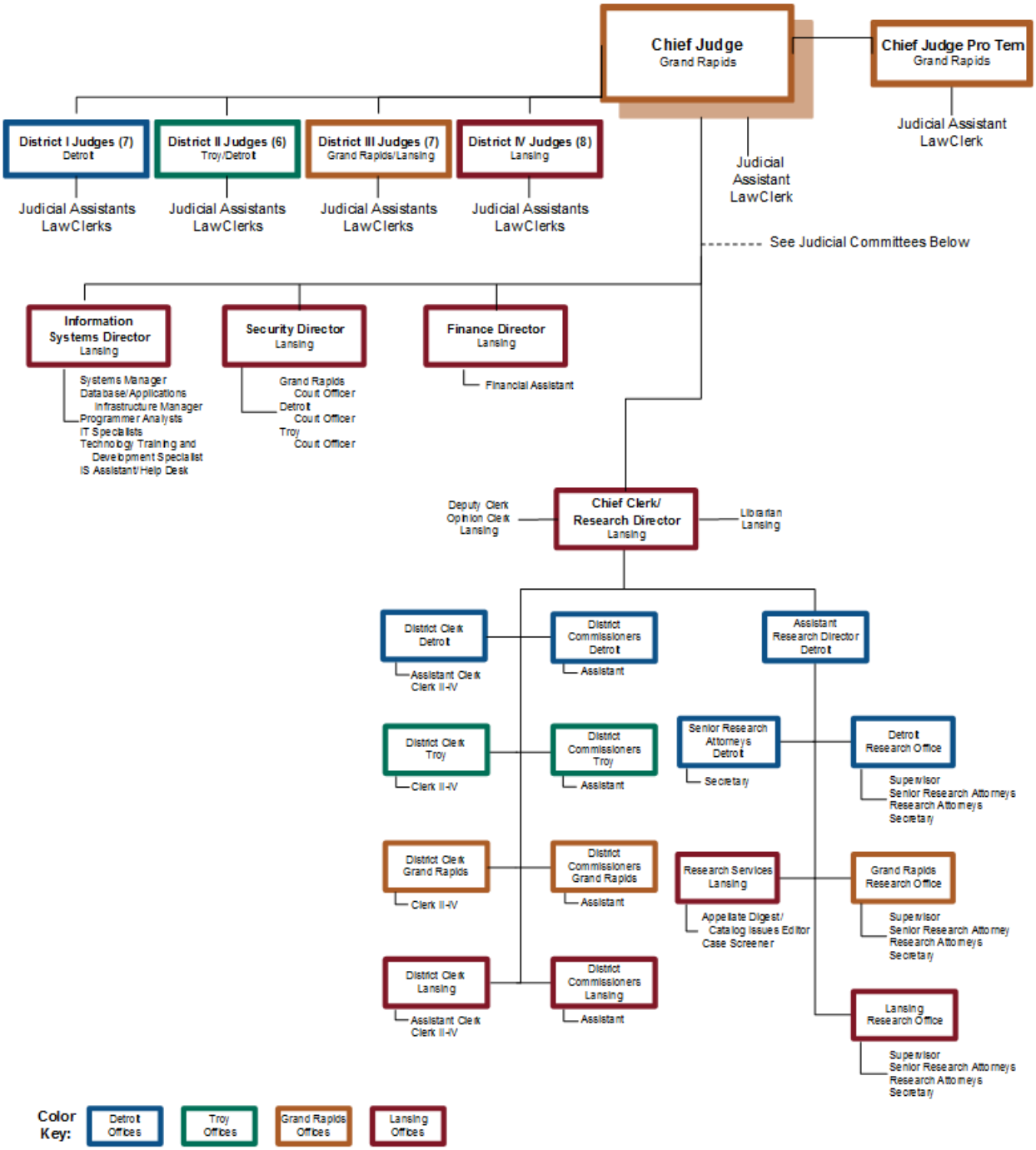


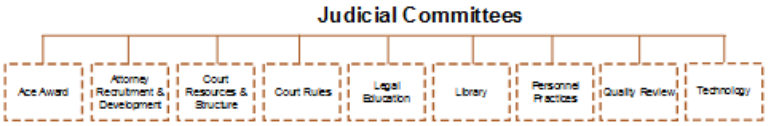
Visitors to the Hall of Justice in Lansing have no doubt noticed a photographic history of the Court's judges hanging on the rotunda walls outside the second floor courtroom. The photo gallery project, which began in late 2011 and was finalized in 2012, currently displays twenty-one bench photographs of the approximately eighty judges who have served to date. The oldest picture, to the left of the courtroom doors, depicts the original nine judges of the Court in 1965—its first year of operation. Arranged in chronological order clockwise around the rotunda, the bench photos were taken as new judges joined the Court or as a new chief judge was selected or appointed to lead the Court. Legends below each photograph depict the year, the number of judges on the bench, and the names of those judges.

Grand Rapids Courtroom Improvements

In 2011, several District III judges relocated from the Law Building in Grand Rapids to newly constructed judicial chambers on the 3rd floor of the nearby State Office Building. Improvements to the Court's facilities in the state building continued in 2012, with the thirty-year-old courtroom receiving new carpeting and light fixtures, as well as a fresh coat of paint. The courtroom now presents a more pleasant and professional environment for the judges, court staff, and litigants and their attorneys.

Organizational Chart





Larry Royster, Chief Clerk/Research Director
Hall of Justice
925 West Ottawa Street
P.O. Box 30022
Lansing, MI 48909-7522
(517) 373-0786

CLERK'S OFFICE

District I – Detroit Jerome Zimmer, District Clerk Cadillac Place 3020 West Grand Boulevard Suite 14-300 Detroit, MI 48202-6020 (313) 972-5678	**District II – Troy** Angela DiSessa, District Clerk Columbia Center 201 West Big Beaver Road Suite 800 Troy, MI 48084-4127 (248) 524-8700
District III – Grand Rapids Lori Zarzecki, District Clerk State of Michigan Office Building 350 Ottawa NW Grand Rapids, MI 49503-2349 (616) 456-1167	**District IV – Lansing** Kimberly S. Hauser, District Clerk Hall of Justice 925 West Ottawa Street P.O. Box 30022 Lansing, MI 48909-7522 (517) 373-0786

RESEARCH DIVISION

(Research attorney and extern recruitment)

Douglas Messing, Assistant Research Director
Cadillac Place
3020 West Grand Boulevard, Suite 14-300
Detroit, MI 48202-6020
(313) 972-5820

INFORMATION SYSTEMS

Denise Devine, Director
Hall of Justice
925 West Ottawa Street
P.O. Box 30022
Lansing, MI 48909-7522
(517) 373-6965

Court of Appeals website address: http://courts.mi.gov/courts/coa

The 2012 Annual Report is published by

The Michigan Court of Appeals

For more information, visit http://courts.mi.gov/courts/coa