

State Court Administrative Office

# Judicial Resources Recommendations



August 2007

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## EXECUTIVE SUMMARY

The State Court Administrative Office (SCAO) has completed its biennial review of the judicial needs of the state of Michigan. The SCAO, in cooperation with the trial courts, conducted a time study in 2006 to update the case weights used to determine judicial need. It then quantified the current judicial need or excess in each court and conducted extended analyses of courts that indicated a judicial excess greater than 1.25 judges.

The weighted caseload results for circuit, probate, 1<sup>st</sup> class district, and 2<sup>nd</sup> class district courts within each judicial circuit were combined for analysis purposes. When individual courts within a circuit have a judicial need or excess, the courts can take advantage of concurrent jurisdiction plans under MCL 600.401 *et seq.* Such plans permit equitable allocation of cases among all judges within a circuit by permitting a judicial excess in one court to offset a need in another court. Because 3<sup>rd</sup> class district courts are funded by cities and townships, these courts were analyzed separately.

The results of this comprehensive statistical and qualitative analysis and the final judicial resources recommendations are found in Part I of this report. In making these recommendations, the SCAO has determined that the remaining judicial resources will be sufficient, but that certain jurisdictions may benefit from a concurrent jurisdiction plan or the conferring of district court jurisdiction upon a probate judge.

The SCAO recommends the following eliminations through attrition:

- two circuit judgeships from the 3<sup>rd</sup> Circuit Court,
- one circuit judgeship from the 25<sup>th</sup> Circuit Court,
- one district judgeship from the 36<sup>th</sup> District Court,
- one district judgeship from the 70<sup>th</sup> District Court,
- one district judgeship from the 81<sup>st</sup> District Court,
- one district judgeship from 95A District Court,
- one district judgeship from 95B District Court,
- one district judgeship from the 97<sup>th</sup> District Court, and
- one district judgeship from the 98<sup>th</sup> District Court.

To ensure continued availability of judges in district court, the SCAO also recommends conferring district court jurisdiction upon probate judges in Dickinson, Gogebic, Houghton, Iosco, Keweenaw, and Menominee counties.

If the three circuit judgeships and seven district judgeships are eliminated as recommended, the state would save approximately \$1,567,368 each year and local funding units would save additional monies.

Earlier this year, Chief Justice Taylor requested that Governor Granholm delay the appointment of judgeships in five courts until the SCAO had released this report.

The five courts identified were:

- 9<sup>th</sup> Circuit Court
- 29<sup>th</sup> Circuit Court
- 42<sup>nd</sup> Circuit Court
- 50<sup>th</sup> District Court
- 68<sup>th</sup> District Court

However, on July 19, 2007, Governor Granholm filled the vacancy in the 9<sup>th</sup> Circuit Court (Kalamazoo County) by appointment.

The weighted caseload results for the courts within these judicial circuits or 3<sup>rd</sup> class district courts indicate a judicial excess. If the vacancies are not filled by appointment and the Legislature chooses to eliminate the vacant judgeships, these judicial circuits and 3<sup>rd</sup> class district courts will each still have an excess of judges. An analysis of these courts can be found in Part II of this report.

The manner in which cases are processed in the Court of Appeals (COA) is different from the way in which cases are decided in trial courts and the analysis is, for that reason, presented separately in this report.

There are essentially two types of cases in the COA: opinion cases, which are decided by a written opinion, and order cases, which are decided by issuance of a brief statement granting or denying a request by a litigant. Opinion cases require the vast majority of the COA's resources and, therefore, determine the COA's workload and staffing needs.

Working within the parameters set by its budget and shrinking research division, the COA has been forced to shift more of the preparatory work on opinion cases to the judicial chambers. This is not the most efficient means of processing cases within the COA. It would be more cost effective to reduce the number of judges on the COA from 28 to 24 and then spend approximately half the amount saved to hire research attorneys, which would allow the COA to still decide as many cases as it receives. An analysis of the COA can be found in Part III of this report.

## **PART I**

### **Recommendations for Reductions in Trial Court Judgeships through Attrition**

#### **INTRODUCTION**

The State Court Administrative Office (SCAO) has completed its biennial review of the judicial needs of the trial courts.<sup>1</sup> The following SCAO recommendations are based on a statistical analysis of the weighted caseload of trial courts and an extended analysis of additional factors that affect the workload of trial courts, such as types of cases processed, demographic trends, and availability of other resources.

#### **METHODOLOGY**

The estimation 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 in determining the need for judgeships.

The process in Michigan involves two stages. The first stage utilizes a quantitative method, specifically a weighted caseload formula, to estimate the judicial need in each court. As a general rule, circuit courts, probate courts, 1<sup>st</sup> class district courts, and 2<sup>nd</sup> class district courts within the jurisdiction of a circuit court were reviewed concurrently because the counties are the local funding units, and judicial resources can be more easily shared among the courts.<sup>2</sup> Third class district courts were reviewed separately because the cities or townships are the local funding units. The second stage of the process involves an extended analysis of quantitative and qualitative factors. This analysis is tailored to each court and results in the development of the final recommendation.

**Weighted Caseload Formula:** The preliminary quantitative method for identifying a potential need for a change in the number of judgeships is the weighted caseload formula. Weighted caseload is an approach that attributes a "weight" to different case types to account for varying degrees of judicial effort required for distinct case types. That weight, when applied to new case filings, yields an estimate of the judicial time required to process a caseload. The total judicial time required to process the caseload is then divided by a factor that represents the amount of time available in a judicial year to arrive at the approximate number of judgeships required to process that caseload. This report was based on the most recent available case filing data from 2004, 2005, and 2006.

The weighted caseload method provides a means for distinguishing the varying degrees of effort involved in handling different case types, and, therefore, provides a significant advantage over the use of unweighted total case filings. The proportions of different caseload types may vary

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<sup>1</sup> As used in this report, the term "trial court" refers to circuit, probate, and district, but not municipal courts.

<sup>2</sup> Because the 7<sup>th</sup> Probate District and the 90<sup>th</sup> District Court both encompass the 33<sup>rd</sup> and 57<sup>th</sup> Circuit Courts, for purposes of this report, the weighted caseloads for the 33<sup>rd</sup> and 57<sup>th</sup> Circuit Courts were combined.

significantly from court type to court type,<sup>3</sup> and from court to court.<sup>4</sup> Weighting the cases allows for a more precise measure of estimating judicial workload when such caseload variations exist. The National Center for State Courts recommends a weighted caseload methodology above all others, including a simple population analysis.

In Michigan, the weighted caseload formula was first developed by the Trial Court Assessment Commission (TCAC), which the Legislature created in 1996. The TCAC conducted a time study for a two-month period during 1997 to measure the actual time spent by judges in selected jurisdictions. The results were published in 1998.<sup>5</sup> The TCAC contracted with the National Center for State Courts for assistance in developing the weighted caseload formula.<sup>6</sup>

In 2000, because of implementation of the family division and changes in the jurisdiction of circuit and district courts, the Michigan Supreme Court directed the SCAO to update the weighted caseload formula through a study of the time required to process case types.<sup>7</sup> The SCAO conducted a time study in September and October of 2000 and used the resulting case weights for the 2001, 2003, and 2005 judicial resource recommendations.

The SCAO conducted another time study in September and October of 2006 to update the case weights. The average of these new case weights and the case weights from the 2000 study were used to generate the recommendations in this report.

To ensure that short-term, year-to-year variations in new case filings do not unduly affect judicial resource need estimates, caseload data reported by trial courts from the preceding three years (2004, 2005, and 2006) were used for estimating judicial resource needs for this report. The use of three years assures that a temporary fluctuation in the caseload for a single year is not given undue weight in the analysis of long-term judicial resource needs.

**Extended Analysis:** As indicated, the estimation of judicial need is a complicated and multi-faceted process. The TCAC indicated that before recommendations are made for an increase or reduction in judgeships, an extended analysis should be conducted by the SCAO regarding other factors that affect a court's workload. In this study, after preliminarily identifying courts that show a need for additional judgeships or fewer judgeships using the weighted caseload formula, an extended analysis was conducted of other factors affecting a court's workload, such as caseload filing trends and other caseload data, demographic factors, and resource factors.

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<sup>3</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>4</sup> For example, one court may be in a community where fewer highways exist, leading to relatively fewer traffic cases. While that court may have substantially fewer traffic cases, it may have a higher proportion of civil cases, or misdemeanor cases, which typically require more judicial time than traffic cases.

<sup>5</sup> Michigan Trial Court Assessment Commission: Recommendations, 1998.

<sup>6</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 providing technical assistance.

<sup>7</sup> Since the original time study, the family division has been more fully implemented in circuit and probate courts, changes were made in the jurisdictional limits of circuit and district civil cases, and some felonies were changed to misdemeanors. Several probate judges were also given district court jurisdiction and some courts have adopted concurrent jurisdiction plans under MCL 600.401 *et seq.*

Because of the current economic crisis facing the state of Michigan, including many of the local funding units, judicial circuits and 3<sup>rd</sup> class district courts statistically displaying a judicial need were not included in the extended analysis. The 16<sup>th</sup> and 17<sup>th</sup> judicial circuits are the only courts statistically displaying a need of at least 1.25 judges. On January 1, 2007, a circuit judgeship was added to each of those courts.

Judicial circuits and 3<sup>rd</sup> class district courts statistically displaying an excess of at least 1.25 judges were selected for the extended analysis. Inclusion in the extended analysis does not necessarily result in a recommended change in judgeships.

The extended analysis involves review of additional quantitative and qualitative information, such as the makeup of the caseload, caseload trends, prosecutor and law enforcement practices, staffing levels, facilities, technological resources, the need for assignments to or from other jurisdictions, demographics and demographic trends, and local legal culture.

## SAVINGS GAINED BY ELIMINATING A TRIAL COURT JUDGESHIP

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

**State Cost:** The state portion of the cost of judgeships includes state base pay ranging from \$92,548 for district judges to \$94,195 for circuit and probate judges.<sup>8</sup> In addition, the state provides reimbursement (standardization) payments to funding units in the amount of \$45,724 to offset the cost of judges' local pay. The state is responsible for the employer's share of FICA taxes (OASI and Medicare) and contributions for retirement.<sup>9</sup> On average, a judge is reimbursed approximately \$200 a year for travel to hold court in a county other than the county of his or her residence.<sup>10</sup>

The total state cost of a judgeship ranges from \$156,200.98 for a district judge to \$157,987.16 for a circuit or probate judge. The following table provides a breakdown of annual costs to the state per judge:

<b>Court Type</b>	<b>Salary</b>	<b>Reimbursement (Standardization) Payment</b>	<b>FICA</b>	<b>Travel Reimbursement</b>	<b>Retirement Contribution</b>	<b>Total State Costs</b>
Circuit	94,195.00	45,724.00	8,073.83	200.00	9,794.33	<b>157,987.16</b>
Probate	94,195.00	45,724.00	8,073.83	200.00	9,794.33	<b>157,987.16</b>
District	92,548.00	45,724.00	8,049.94	200.00	9,679.04	<b>156,200.98</b>

**Local Costs:** Significant local costs are associated with a judgeship, such as:

- Paying a judge's fringe benefits.
- Paying salaries and fringe benefits of court personnel (i.e. clerk, court reporter, bailiff, legal assistants).
- Providing computers and other equipment to court personnel.
- Providing courtroom, jury room, and a judge's chambers.

Local costs may be higher than state costs, both in terms of one-time costs and ongoing annual costs. Because local funding for the courts varies greatly from jurisdiction to jurisdiction, it is difficult to determine the amount that would be saved as a result of the elimination of any particular judgeship.

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<sup>8</sup> MCL 600.555 (circuit judges); MCL 600.821 and MCL 600.822 (probate judges); MCL 600.8202 (district judges).

<sup>9</sup> New judges are enrolled in the defined contribution plan. The estimate assumes the highest state contribution plan.

<sup>10</sup> MCL 600.555(6) (circuit judges); MCL 600.828 (probate judges); MCL 600.8202(6) (district judges).

**SUMMARY OF 2007 JUDICIAL RESOURCES RECOMMENDATIONS**

<b>Courts</b>	<b>Net Judicial Excess (-)</b>	<b>Final Recommendation</b>
3 <sup>rd</sup> Circuit Court and Wayne County Probate Court	-3.64	Eliminate two circuit judgeships through attrition.
41 <sup>st</sup> Circuit Court, Dickinson County Probate Court, Iron County Probate Court, Menominee County Probate Court, 95A District Court, and 95B District Court	-3.64	Eliminate two district judgeships through attrition. Give the Dickinson County and Menominee County probate judges district court jurisdiction.
23 <sup>rd</sup> Circuit Court, Alcona County Probate Court, Arenac County Probate Court, Iosco County Probate Court, Oscoda County Probate Court, and 81 <sup>st</sup> District Court	-3.31	Eliminate one district judgeship through attrition. Give the Iosco County probate judge district court jurisdiction.
36 <sup>th</sup> District Court – City of Detroit	-3.08	Eliminate one district judgeship through attrition.
32 <sup>nd</sup> Circuit Court, Gogebic County Probate Court, Ontonagon County Probate Court, and 98 <sup>th</sup> District Court	-2.66	Eliminate one district judgeship through attrition. Give the Gogebic County probate judge district court jurisdiction.
12 <sup>th</sup> Circuit Court, Baraga County Probate Court, Houghton County Probate Court, Keweenaw County Probate Court, and 97 <sup>th</sup> District Court	-2.40	Eliminate one district judgeship through attrition. Give the Houghton County and Keweenaw County probate judges district court jurisdiction.
25 <sup>th</sup> Circuit Court, Marquette County Probate Court, and 96 <sup>th</sup> District Court	-2.37	Eliminate one circuit judgeship through attrition.
10 <sup>th</sup> Circuit Court, Saginaw County Probate Court, and 70 <sup>th</sup> District Court	-2.13	Eliminate one district judgeship through attrition.
<b>TOTAL REDUCTION THROUGH ATTRITION:</b>		<b>10 Judgeships</b>

**EXTENDED ANALYSES**

**3<sup>rd</sup> Circuit Court – Wayne County  
 Wayne County Probate Court**

**SUMMARY AND RECOMMENDATIONS:**

The SCAO recommends reduction through attrition of two circuit judgeships.

There are 69 circuit and probate judges in Wayne County made up of 61 circuit judges and 8 probate judges. Two of the probate judges are assigned full-time to the family division of the circuit court.

In 2005, the SCAO recommended elimination of one probate judgeship, but the Legislature did not enact this recommendation.

The weighted caseload results indicate a combined excess of 3.64 judges for both courts.

The population of Wayne County decreased by 2.4 percent between 1990 and 2000, from 2,111,687 to 2,061,162. From 2000 to 2006 it decreased an additional 4.3 percent, to an estimated 1,971,853.

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**Judicial Workload Estimates**

<b>Courts</b>	<b>Three Year Weighted Caseload</b>	<b>Current Judgeships</b>	<b>Net Judicial Need (+) or Excess (-)</b>
C03 and Wayne County Probate Court	65.36	69.00	-3.64

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Totals and differences were calculated before rounding.

**CASE RELATED FACTORS:**

Combined case filings in the circuit and probate courts decreased by 6.5 percent between 2000 and 2006.

**Circuit and Probate Filing Trends 2000-2006**

<b>Case Category</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Percent Change</b>
Circuit Civil	16,559	18,667	18,973	18,531	16,785	16,032	15,430	-6.8%
Circuit Criminal	15,063	15,821	16,510	16,082	15,553	15,459	17,451	15.9%
Circuit Family	67,506	70,693	61,821	56,060	60,445	58,378	63,389	-6.1%
Probate	21,099	21,271	18,095	17,099	16,551	16,051	16,180	-23.3%
<b>Total</b>	<b>120,227</b>	<b>126,452</b>	<b>115,399</b>	<b>107,772</b>	<b>109,334</b>	<b>105,920</b>	<b>112,450</b>	<b>-6.5%</b>

**ADDITIONAL INFORMATION SUBMITTED BY THE COURTS:**

Two of the eight probate judges currently serve full-time in the family division of the circuit court.

One circuit judge is assigned to asbestos cases. Of the 2,200 pending asbestos cases, half have aged beyond the time guidelines. The circuit court has a significant backlog of postjudgment matters in domestic relations cases, in part due to friend of the court staff shortages.

Five judges preside over the adult drug court program, which currently has 178 enrollees. One judge and 2 referees preside over the juvenile drug court program, which currently has 43 enrollees.

Each judge has an administrative assistant or law clerk. Seven friend of the court referees and 14 juvenile referees serve the circuit court. The circuit court judicial assistant's office has ten full-time employees.

The county is planning to build a centralized facility for Wayne County courts and other criminal justice entities to improve efficiency. Until the facility is available, the court is operating in four locations. The physical separation of judges and staff hampers effective case management.

**CONCLUSION:**

A recent Supreme Court order modified the case processing of asbestos cases, which should reduce the current backlog. The backlog of postjudgment matters in domestic relations cases is due to staff shortages rather than judicial resources.

The weighted caseload results indicate a combined excess of 3.64 judges for both courts. Combined case filings decreased by 6.5 percent for circuit and probate courts between 2000 and 2006. During this same time period, population decreased by 4.3 percent. Reducing the combined number of judgeships from 69 to 67 would represent a 2.9 percent reduction in judicial resources and still leave the courts with an excess of 1.64 judges.

With the full-time assignment of two probate judges to the circuit court, the total circuit bench is 63 judges. As a result, the judicial excess is greater in circuit court than in probate court. There are two circuit judges who will be ineligible to run for reelection in 2008 due to age. Consequently, the SCAO is recommending a reduction in circuit court, not probate court.

Therefore, the SCAO recommends the reduction through attrition of two circuit judgeships.

**41<sup>st</sup> Circuit Court – Dickinson, Iron, and Menominee Counties**  
**Dickinson County Probate Court**  
**Iron County Probate Court**  
**Menominee County Probate Court**  
**95A District Court – Menominee County**  
**95B District Court – Dickinson and Iron Counties**

**SUMMARY AND RECOMMENDATIONS:**

The SCAO recommends the reduction through attrition of two district judgeships. The SCAO also recommends that the probate judges in Dickinson and Menominee counties be given district court jurisdiction.

There are seven judges in Dickinson, Iron, and Menominee counties made up of two circuit judges, three probate judges, and two district judges. In March 2005, the part-time probate judgeship in Iron County converted to a full-time judgeship and was given district court jurisdiction.

In 2003, the SCAO recommended that if the part-time judgeship in Iron County was converted to full-time and given district court jurisdiction, a circuit judgeship should be eliminated through attrition. Even though the Legislature converted the probate judgeship to full-time with district court jurisdiction, the Legislature did not eliminate a circuit judgeship. In 2005, the SCAO recommended the elimination of one circuit judgeship through attrition and the Legislature again did not enact this recommendation.

The weighted caseload results indicate a combined excess of 3.64 judges for all six courts.

The population of Dickinson, Iron, and Menominee counties increased by 1.6 percent between 1990 and 2000, from 64,926 to 65,936. From 2000 to 2006 it decreased by 2.1 percent, to an estimated 64,520.

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**Judicial Workload Estimates**

<b>Courts</b>	<b>Three Year Weighted Caseload</b>	<b>Current Judgeships</b>	<b>Net Judicial Need (+) or Excess (-)</b>
C41, Dickinson County Probate Court, Iron County Probate Court, and Menominee County Probate Court	2.35		
95A District Court and 95B District Court	1.01		
<b>Totals</b>	<b>3.36</b>	<b>7.00</b>	<b>-3.64</b>

Totals and differences were calculated before rounding.

**CASE RELATED FACTORS:**

Combined case filings in the circuit and probate courts of Dickinson, Iron, and Menominee counties decreased by 11.3 percent between 2000 and 2006. Combined case filings in the district courts decreased by 18.5 percent between 2000 and 2006.

**Circuit and Probate Filing Trends 2000-2006**

Case Category	2000	2001	2002	2003	2004	2005	2006	Percent Change
Circuit Civil	235	215	256	264	219	211	151	-35.7%
Circuit Criminal	338	282	296	321	345	403	390	15.4%
Circuit Family	1,745	1,874	1,670	1,559	1,541	1,548	1,464	-16.1%
Probate	449	470	424	375	384	393	449	0.0%
<b>Total</b>	<b>2,767</b>	<b>2,841</b>	<b>2,646</b>	<b>2,519</b>	<b>2,489</b>	<b>2,555</b>	<b>2,454</b>	<b>-11.3%</b>

**District Filing Trends 2000-2006**

Case Category	2000	2001	2002	2003	2004	2005	2006	Percent Change
Felony	443	424	535	508	567	528	571	28.9%
Nontraffic Misdemeanor	2,157	1,997	1,814	1,746	1,704	1,706	1,598	-25.9%
Nontraffic Civil Infraction	191	268	183	208	263	289	335	75.4%
Traffic Civil Infraction	8,385	8,048	7,624	7,534	7,448	6,235	6,373	-24.0%
Traffic Misdemeanor	1,894	1,865	1,682	1,829	1,025	932	1,153	-39.1%
OUIL	617	651	564	528	541	482	511	-17.2%
Civil	1,470	1,720	2,081	2,136	2,004	1,919	1,810	23.1%
<b>Total</b>	<b>15,157</b>	<b>14,973</b>	<b>14,483</b>	<b>14,489</b>	<b>13,552</b>	<b>12,091</b>	<b>12,351</b>	<b>-18.5%</b>

**ADDITIONAL INFORMATION SUBMITTED BY THE COURTS:**

The probate and district judges in Dickinson and Iron counties did not submit any information in response to the extended analysis.

Drug courts are in operation in Dickinson and Iron counties. The Dickinson County program has 26 enrollees and the Iron County program has between 25 and 30 enrollees.

The circuit court does not have a court administrator, referee, law clerk, or legal assistant. Menominee County Probate Court has one referee.

**CONCLUSION:**

The weighted caseload results indicate a combined excess of 3.64 judges for all courts. Combined case filings decreased by 11.3 percent for circuit and probate courts and by 18.5 percent for combined district courts between 2000 and 2006. During this same time period, population decreased by 2.1 percent.

The conversion of the Iron County probate judgeship from part-time to full-time without a corresponding reduction in the total number of judgeships as recommended by the SCAO in 2003 and 2005, exacerbated the preexisting judicial excess. Reducing the combined number of judgeships from seven to five would still leave an excess of 1.64 judges.

By eliminating two district judgeships and giving the probate judges in Dickinson and Menominee counties district court jurisdiction, each probate judge would serve both the probate court and district court in their own county. Two circuit judges would remain and continue to serve all three counties.

Therefore, the SCAO recommends the reduction through attrition of two district judgeships. The SCAO also recommends that the probate judges in Dickinson and Menominee counties be given district court jurisdiction.

**23<sup>rd</sup> Circuit Court – Alcona, Arenac, Iosco, and Oscoda Counties**  
**Alcona County Probate Court**  
**Arenac County Probate Court**  
**Iosco County Probate Court**  
**Oscoda County Probate Court**  
**81<sup>st</sup> District Court – Alcona, Arenac, Iosco, and Oscoda Counties**

**SUMMARY AND RECOMMENDATIONS:**

The SCAO recommends the reduction through attrition of one district judgeship. The SCAO also recommends that the probate judge in Iosco County be given district court jurisdiction.

There are seven judges in Alcona, Arenac, Iosco, and Oscoda counties made up of two circuit judges, four probate judges, and one district judge. In March 2003, the part-time probate judgeship in Arenac converted to a full-time judgeship and was given district court jurisdiction. In January 2007, the part-time probate judgeships in Alcona and Oscoda converted to full-time judgeships and were given district court jurisdiction.

The weighted caseload results indicate a combined excess of 3.31 judges for all six courts.

The population of Alcona, Arenac, Iosco, and Oscoda counties increased by 4.1 percent between 1990 and 2000, from 63,127 to 65,745. From 2000 to 2006 it decreased by 1.5 percent, to an estimated 64,754.

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**Judicial Workload Estimates**

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<b>Courts</b>	<b>Three Year Weighted Caseload</b>	<b>Current Judgeships</b>	<b>Net Judicial Need (+) or Excess (-)</b>
C23, Alcona County Probate Court, Arenac County Probate Court, Iosco County Probate Court, and Oscoda County Probate Court	2.54		
81 <sup>st</sup> District Court	1.15		
<b>Totals</b>	<b>3.69</b>	<b>7.00</b>	<b>-3.31</b>

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Totals and differences were calculated before rounding.

**CASE RELATED FACTORS:**

Combined case filings in the circuit and probate courts of Alcona, Arenac, Iosco, and Oscoda counties increased by 38.1 percent between 2000 and 2006. Case filings in the district court decreased by 28.7 percent between 2000 and 2006.

**Circuit and Probate Filing Trends 2000-2006**

Case Category	2000	2001	2002	2003	2004	2005	2006	Percent Change
Circuit Civil	111	141	148	232	247	230	267	140.5%
Circuit Criminal	176	192	154	359	416	388	412	134.1%
Circuit Family	1,161	970	930	1,463	1,511	1,303	1,449	24.8%
Probate	450	334	298	606	620	536	494	9.8%
<b>Total</b>	<b>1,898</b>	<b>1,637</b>	<b>1,530</b>	<b>2,660</b>	<b>2,794</b>	<b>2,457</b>	<b>2,622</b>	<b>38.1%</b>

**District Filing Trends 2000-2006**

Case Category	2000	2001	2002	2003	2004	2005	2006	Percent Change
Felony	654	666	605	667	741	746	763	16.7%
Nontraffic Misdemeanor	2,351	1,978	2,569	2,457	1,940	1,715	1,523	-35.2%
Nontraffic Civil Infraction	17	15	194	562	280	139	98	476.5%
Traffic Civil Infraction	12,343	10,548	10,004	11,280	9,260	8,618	8,402	-31.9%
Traffic Misdemeanor	2,560	2,177	1,534	1,513	907	998	1,011	-60.5%
OUIL	584	496	507	490	474	558	505	-13.5%
Civil	1,988	2,142	2,690	2,685	2,253	2,320	2,315	16.4%
<b>Total</b>	<b>20,497</b>	<b>18,022</b>	<b>18,103</b>	<b>19,654</b>	<b>15,855</b>	<b>15,094</b>	<b>14,617</b>	<b>-28.7%</b>

**ADDITIONAL INFORMATION SUBMITTED BY THE COURTS:**

There is a concurrent jurisdiction plan in place that permits the courts to share judicial resources. Currently, the circuit and district judges are required to hold court in all four counties.

The circuit and district courts operate a drug court in Alcona County that is currently serving 11 enrollees.

The court has no law clerks, legal assistants, or attorney referees.

The Saginaw Chippewa Indian Tribe has begun construction of a casino in southeastern Arenac County. It is expected to be in operation in the fall of 2007.

**CONCLUSION:**

The weighted caseload results indicate a combined excess of 3.31 judges for all six courts. Combined case filings increased by 38.1 percent for circuit and probate courts and decreased by 28.7 percent for district court between 2000 and 2006. During this same time period, population decreased by 1.5 percent.

The conversion of three probate judgeships from part-time to full-time without a corresponding reduction in the total number of judgeships has contributed to the current judicial excess. Reducing the combined number of judgeships from seven to six would still leave an excess of

2.31 judges. Any increase in judicial need in Arenac County resulting from a new casino should easily be absorbed by the remaining judicial excess.

By eliminating the district judgeship and giving the probate judge in Iosco County district court jurisdiction, each probate judge would serve both the probate court and district court in their own county. Two circuit judges would remain and continue to serve all four counties.

Therefore, the SCAO recommends reduction through attrition of one district judgeship. The SCAO also recommends that the probate judge in Iosco County be given district court jurisdiction.

### 36<sup>th</sup> District Court – City of Detroit

**SUMMARY AND RECOMMENDATIONS:**

The SCAO recommends reduction through attrition of one district judgeship.

The 36<sup>th</sup> District Court is a third-class district court within Wayne County serving the city of Detroit. There are 31 judges serving this district court. The weighted caseload results indicate an excess of 3.08 judges for this court.

The population of the city of Detroit decreased by 7.5 percent between 1990 and 2000, from 1,027,974 to 951,270. From 2000 to 2006 it decreased by an additional 8.4 percent, to an estimated 871,121. Since 1990, the city of Detroit has decreased by an estimated 156,853.

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**Judicial Workload Estimates**

Courts	Three Year Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
36 <sup>th</sup> District Court – City of Detroit	27.92	31.00	-3.08

Totals and differences were calculated before rounding.

**CASE RELATED FACTORS:**

Case filings in the district court decreased by 7.3 percent between 2000 and 2006.

**District Filing Trends 2000-2006**

Case Category	2000	2001	2002	2003	2004	2005	2006	Percent Change
Felony	13,105	13,570	12,039	10,623	10,336	10,634	10,107	-22.9%
Nontraffic Misdemeanor	58,090	87,146	71,829	101,755	36,888	36,207	44,516	-23.4%
Nontraffic Civil Infraction	502	289	107	6,356	557	6,953	9,899	1871.9%
Traffic Civil Infraction	213,626	231,283	79,046	112,451	78,721	129,368	159,224	-25.5%
Traffic Misdemeanor	46,650	53,166	46,961	89,640	39,854	34,927	46,908	0.6%
OUIL	1,848	1,987	2,164	3,923	2,086	1,966	2,067	11.9%
Civil	75,004	79,991	91,209	98,067	85,141	87,435	106,250	41.7%
<b>Total</b>	<b>408,825</b>	<b>467,432</b>	<b>303,355</b>	<b>422,815</b>	<b>253,583</b>	<b>307,490</b>	<b>378,971</b>	<b>-7.3%</b>

**ADDITIONAL INFORMATION SUBMITTED BY THE COURT:**

There is currently a backlog of cases in both civil and traffic divisions as a result of high volume and staff shortages, rather than lack of judicial resources. Due to budget restrictions, the court is currently operating with vacancies in 10 percent of the staff positions.

There is a judicial assistant, court attorney, legal assistant, and legal secretary to support the judges.

Three of the judges are assigned to dedicated dockets. They include a drug court, a pre-exam docket, and a domestic violence docket. The drug court currently has 123 active enrollees.

**CONCLUSION:**

The cost savings gained by eliminating a judgeship could be used to alleviate the staff shortage.

The weighted caseload results indicate an excess of 3.08 judges. Case filings decreased by 7.3 percent between 2000 and 2006. During this same time period, population of the city of Detroit decreased by 8.4 percent. Reducing the number of judgeships from 31 to 30 would represent a 3.2 percent reduction in judicial resources and still leave the court with an excess of 2.08 judges.

Therefore, the SCAO recommends reduction through attrition of one district judgeship.

**32<sup>nd</sup> Circuit Court – Gogebic and Ontonagon Counties**  
**Gogebic County Probate Court**  
**Ontonagon County Probate Court**  
**98<sup>th</sup> District Court – Gogebic and Ontonagon Counties**

**SUMMARY AND RECOMMENDATIONS:**

The SCAO recommends the reduction through attrition of one district judgeship. The SCAO also recommends that the probate judge in Gogebic County be given district court jurisdiction.

There are four judges in Gogebic and Ontonagon counties made up of one circuit judge, two probate judges, and one district judge. In March 2005, the part-time probate judgeship in Ontonagon County converted to a full-time judgeship and was given district court jurisdiction.

In 2003, the SCAO recommended that the part-time probate judgeship in Ontonagon County be converted to full-time and given district court jurisdiction upon elimination of the district judgeship by attrition. The Legislature, however, converted the probate judgeship to a full-time judgeship without eliminating the district judgeship.

The weighted caseload results indicate a combined excess of 2.66 judges for all four courts.

The population of Gogebic and Ontonagon counties decreased by 6.4 percent between 1990 and 2000, from 26,906 to 25,188. From 2000 to 2006 it decreased by an additional 5.8 percent, to an estimated 23,726.

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**Judicial Workload Estimates**

<b>Courts</b>	<b>Three Year Weighted Caseload</b>	<b>Current Judgeships</b>	<b>Net Judicial Need (+) or Excess (-)</b>
C32, Gogebic County Probate Court, and Ontonagon County Probate Court	0.91		
98 <sup>th</sup> District Court	0.43		
<b>Totals</b>	<b>1.34</b>	<b>4.00</b>	<b>-2.66</b>

Totals and differences were calculated before rounding.

**CASE RELATED FACTORS:**

Combined case filings in the circuit and probate courts decreased by 33.1 percent between 2000 and 2006. Case filings in the district court decreased by 17.4 percent between 2000 and 2006.

**Circuit and Probate Filing Trends 2000-2006**

Case Category	2000	2001	2002	2003	2004	2005	2006	Percent Change
Circuit Civil	80	81	120	95	83	73	79	-1.3%
Circuit Criminal	28	42	82	117	121	93	119	325.0%
Circuit Family	1,053	990	739	629	570	660	511	-51.5%
Probate	174	222	234	175	211	157	184	5.7%
<b>Total</b>	<b>1,335</b>	<b>1,335</b>	<b>1,175</b>	<b>1,016</b>	<b>985</b>	<b>983</b>	<b>893</b>	<b>-33.1%</b>

**District Filing Trends 2000-2006**

Case Category	2000	2001	2002	2003	2004	2005	2006	Percent Change
Felony	111	146	147	241	214	183	194	74.8%
Nontraffic Misdemeanor	1,495	1,123	1,103	1,167	928	818	845	-43.5%
Nontraffic Civil Infraction	95	108	53	100	126	104	76	-20.0%
Traffic Civil Infraction	3,379	2,785	2,785	3,065	3,102	2,760	2,948	-12.8%
Traffic Misdemeanor	633	477	409	490	358	336	389	-38.5%
OUIL	298	268	259	273	260	233	239	-19.8%
Civil	461	560	629	671	627	687	655	42.1%
<b>Total</b>	<b>6,472</b>	<b>5,467</b>	<b>5,385</b>	<b>6,007</b>	<b>5,615</b>	<b>5,121</b>	<b>5,346</b>	<b>-17.4%</b>

**ADDITIONAL INFORMATION SUBMITTED BY THE COURT:**

There is a 1,000 inmate medium security prison located in Gogebic County. In Gogebic County, the poverty rate is high and population is transient.

There are no law clerks, referees, or legal assistants in the circuit court. In district court, a minimal staff is split between two locations.

**CONCLUSION:**

Because the Ojibway Correctional Facility in Gogebic County has been a prison in this location since 2000, it is not expected to change the current assessment of judicial need.

The weighted caseload results indicate a combined excess of 2.66 judges for all four courts. Combined case filings decreased by 33.1 percent for circuit and probate courts and by 17.4 percent for district court between 2000 and 2006. During this same time period, population decreased by 5.8 percent.

The conversion of the Ontonagon County probate judgeship from part-time to full-time without a corresponding reduction in the total number of judgeships as recommended by the SCAO in 2003 exacerbated the preexisting judicial excess. Reducing the combined number of judgeships from four to three would still leave an excess of 1.66 judges. Any increase in judicial need in Gogebic

County resulting from the poverty rate or transient population should easily be absorbed by the remaining judicial excess.

By eliminating one district judgeship and giving the probate judge in Gogebic County district court jurisdiction, each probate judge would serve both the probate and district court in their own county. One circuit judge would remain and continue to serve both counties. Under Const 1963, art 6, §§ 11 and 16, the Legislature cannot eliminate the circuit judgeship or either of the probate judgeships.

Therefore, the SCAO recommends the reduction through attrition of one district judgeship. The SCAO also recommends that the probate judge in Gogebic County be given district court jurisdiction.

**12<sup>th</sup> Circuit Court – Baraga, Houghton, and Keweenaw Counties**  
**Baraga County Probate Court**  
**Houghton County Probate Court**  
**Keweenaw County Probate Court**  
**97<sup>th</sup> District Court – Baraga, Houghton, and Keweenaw Counties**

**SUMMARY AND RECOMMENDATIONS:**

The SCAO recommends the reduction through attrition of one district judgeship. The SCAO also recommends that the probate judges in Houghton and Keweenaw counties be given district court jurisdiction.

There are four full-time judges and one part-time judge in Baraga, Houghton, and Keweenaw counties made up of one circuit judge, two full-time probate judges, one part-time probate judge, and one district judge. In January 2007, the part-time probate judgeship in Baraga County converted to a full-time judgeship and was given district court jurisdiction.

In 2003, the SCAO recommended the part-time probate judges in Baraga and Keweenaw counties be converted to full-time and given district court jurisdiction upon elimination of the district judgeship by 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 without eliminating the district judgeship.

The weighted caseload results indicate a combined excess of 2.40 judges for all five courts.

The population of Baraga, Houghton, and Keweenaw counties increased by 4.4 percent between 1990 to 2000, from 45,101 to 47,063. From 2000 to 2006 it decreased by 1.7 percent, to an estimated 46,259.

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**Judicial Workload Estimates**

<b>Courts</b>	<b>Three Year Weighted Caseload</b>	<b>Current Judgeships</b>	<b>Net Judicial Need (+) or Excess (-)</b>
C12, Baraga County Probate Court, Houghton County Probate Court, Keweenaw County Probate Court	1.13		
97 <sup>th</sup> District Court	0.48		
<b>Totals</b>	<b>1.61</b>	<b>4.01<sup>11</sup></b>	<b>-2.40</b>

Totals and differences were calculated before rounding.

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<sup>11</sup> The part-time probate judge in Keweenaw County is only required to handle probate court cases in Keweenaw County, which equates to a judicial availability of .01 judge.

**CASE RELATED FACTORS:**

Combined case filings in the circuit and probate courts decreased by 28.5 percent between 2000 and 2006. Case filings in the district court decreased by 29.8 percent between 2000 and 2006.

**Circuit and Probate Filing Trends 2000-2006**

Case Category	2000	2001	2002	2003	2004	2005	2006	Percent Change
Circuit Civil	133	117	112	111	98	90	98	-26.3%
Circuit Criminal	99	106	105	90	131	176	149	50.5%
Circuit Family	1,087	1,027	695	666	688	602	613	-43.6%
Probate	259	393	306	303	295	319	268	3.5%
<b>Total</b>	<b>1,578</b>	<b>1,643</b>	<b>1,218</b>	<b>1,170</b>	<b>1,212</b>	<b>1,187</b>	<b>1,128</b>	<b>-28.5%</b>

**District Filing Trends 2000-2006**

Case Category	2000	2001	2002	2003	2004	2005	2006	Percent Change
Felony	169	188	197	178	227	253	233	37.9%
Nontraffic Misdemeanor	1,279	1,137	896	701	634	775	805	-37.1%
Nontraffic Civil Infraction	15	17	103	74	75	66	88	486.7%
Traffic Civil Infraction	4,473	3,618	3,485	3,945	3,589	3,244	2,954	-34.0%
Traffic Misdemeanor	1,066	872	866	757	442	397	347	-67.4%
OUIL	321	288	258	224	237	301	238	-25.9%
Civil	780	1,003	994	1,090	987	1,086	1,024	31.3%
<b>Total</b>	<b>8,103</b>	<b>7,123</b>	<b>6,799</b>	<b>6,969</b>	<b>6,191</b>	<b>6,122</b>	<b>5,689</b>	<b>-29.8%</b>

**ADDITIONAL INFORMATION SUBMITTED BY THE COURTS:**

The part-time probate judge in Keweenaw County did not submit any information in response to the extended analysis.

There is no likelihood the Keweenaw County Probate Court will become a part of a probate court district with Houghton County.

The courts are not supported by law clerks or legal assistants. The friend of the court has an attorney referee.

The Department of Corrections has a maximum security prison in Baraga County and a work camp in Houghton County.

**CONCLUSION:**

The state and local court costs could be reduced by the formation of a probate court district between Houghton and Keweenaw counties.

Because the Baraga Maximum Correctional Facility has been a prison in this location since 1993, it is not expected to change the current assessment of judicial need.

The weighted caseload results indicate a combined excess of 2.40 judges for all five courts. Combined case filings decreased by 28.5 percent for circuit and probate courts and by 29.8 percent for district court between 2000 and 2006. During this same time period, population decreased by 1.7 percent.

The conversion of the Baraga County probate judgeship from part-time to full-time without a corresponding reduction in the total number of judgeships as recommended by the SCAO in 2003 has contributed to the current judicial excess. If the district judgeship is eliminated and the Keweenaw County probate judge is given district court jurisdiction, the workload of the probate judge would increase from .01 to .04. The Keweenaw County probate judge should remain part-time and allowed to maintain a private law practice. The combined number of judgeships would be reduced from 4.01 to 3.04, leaving an excess of 1.43 judges.

By eliminating the district judgeship and giving the probate judges in Houghton and Keweenaw counties district court jurisdiction, each probate judge would serve both the probate court and district court in their own county. One circuit judge would remain and continue to serve all three counties. Under Const 1963, art 6, §§ 11 and 16, the Legislature cannot eliminate the circuit judgeship or any of the probate judgeships.

Therefore, the SCAO recommends reduction through attrition of one district judgeship. The SCAO also recommends that the probate judges in Houghton and Keweenaw counties be given district court jurisdiction.

**25<sup>th</sup> Circuit Court – Marquette County**  
**Marquette County Probate Court**  
**96<sup>th</sup> District Court – Marquette County**

**SUMMARY AND RECOMMENDATIONS:**

The SCAO recommends the reduction through attrition of one circuit judgeship.

There are five judges in Marquette County made up of two circuit judges, one probate judge, and two district judges.

In 2005, the weighted caseload results indicated a combined excess of 2.11 judges for Marquette County. At that time, the SCAO did not recommend a change in the number of judgeships because a rapid decline in case filings and a historic decline in county population supported the assertion that Marquette County may need to be assigned to a different category of courts in the weighted caseload formula. The SCAO has since reviewed the court categories and Marquette County was appropriately reclassified. However, the current weighted caseload results indicate a judicial excess of 2.37 for all three courts.

The population of Marquette County decreased by 8.8 percent between 1990 and 2000, from 70,887 to 64,634. From 2000 to 2006 it increased by 0.1 percent, to an estimated 64,675.

<b>Judicial Workload Estimates</b>			
<b>Courts</b>	<b>Three Year Weighted Caseload</b>	<b>Current Judgeships</b>	<b>Net Judicial Need (+) or Excess (-)</b>
C25 and Marquette County Probate Court	1.75		
96 <sup>th</sup> District Court	0.88		
<b>Totals</b>	<b>2.63</b>	<b>5.00</b>	<b>-2.37</b>

Totals and differences were calculated before rounding.

**CASE RELATED FACTORS:**

Combined case filings in the circuit and probate court decreased by 34.6 percent between 2000 and 2006. Case filings in the district court decreased by 17.0 percent between 2000 and 2006.

**Circuit and Probate Filing Trends 2000-2006**

<b>Case Category</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Percent Change</b>
Circuit Civil	232	217	192	243	190	217	183	-21.1%
Circuit Criminal	264	185	206	160	218	193	212	-19.7%
Circuit Family	1,863	1,655	1,396	1,191	1,069	1,160	1,143	-38.6%
Probate	508	446	362	344	306	359	337	-33.7%
<b>Total</b>	<b>2,867</b>	<b>2,503</b>	<b>2,156</b>	<b>1,938</b>	<b>1,783</b>	<b>1,929</b>	<b>1,875</b>	<b>-34.6%</b>

**District Filing Trends 2000-2006**

<b>Case Category</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Percent Change</b>
Felony	351	307	299	305	339	352	378	7.7%
Nontraffic Misdemeanor	1,595	1,581	1,549	1,138	1,105	1,183	1,186	-25.6%
Nontraffic Civil Infraction	585	703	581	626	689	633	992	69.6%
Traffic Civil Infraction	9,797	9,999	9,382	9,073	7,728	7,470	7,042	-28.1%
Traffic Misdemeanor	1,832	1,738	1,885	1,644	946	892	974	-46.8%
OUIL	510	534	511	485	410	446	431	-15.5%
Civil	1,605	1,923	1,987	2,159	2,251	2,219	2,509	56.3%
<b>Total</b>	<b>16,275</b>	<b>16,785</b>	<b>16,194</b>	<b>15,430</b>	<b>13,468</b>	<b>13,195</b>	<b>13,512</b>	<b>-17.0%</b>

**ADDITIONAL INFORMATION SUBMITTED BY THE COURTS:**

The judges in Marquette County contend that any excess judicial capacity be appropriately used performing tasks such as “administrator, community leader, and an advocate for continual improvement in the justice system.” Additionally, they contend, “We believe that the judicial system should ideally have some excess capacity to absorb additional work.”

The judges in Marquette County also confirm that the new case filing data between 1998 and 2006 is accurate.

The circuit court has one part-time attorney referee for juvenile cases within the family division and no legal assistants.

The circuit and district courts operate a felony and misdemeanor drug court with approximately 20 enrollees. The family division of the circuit court operates a delinquency docket on the drug court model with five enrollees.

The judges stated, “Area municipalities and the Michigan State Police at the Negaunee Post (down 5 officers) have cut back on law enforcement personnel, with a significant impact on District Court filings, which could turn around if these law enforcement agencies are fully staffed.”

The former K. I. Sawyer Air Force Base is successfully being converted to private civilian use. Kennecott Minerals is conducting an economic and environmental assessment to determine the potential for a new nickel and copper mine. Both could affect the economic and employment base in the future.

**CONCLUSION:**

The SCAO does not support state funding of excess judgeships for the purpose of performing nonjudicial activities.

The weighted caseload results indicate a combined excess of 2.37 judges for all three courts. Combined case filings decreased by 34.6 percent for circuit and probate courts and by 17.0 percent for district courts between 2000 and 2006. During this same time period, population increased by 0.1 percent. Reducing the combined number of judgeships from five to four would still leave the courts with an excess of 1.37 judges. Any increase in judicial need from the restoration of five state police officers should easily be absorbed by the remaining judicial excess.

The weighted caseload results indicate a greater judicial excess in the combined circuit and probate courts than in the district court. Additionally, under Const 1963, art 6, § 16, the Legislature cannot eliminate the probate judgeship. There is one circuit judge who will be ineligible to run for reelection in 2008 due to age. Consequently, the SCAO is recommending a reduction in circuit court.

Therefore, the SCAO recommends the reduction through attrition of one circuit judgeship.

**10<sup>th</sup> Circuit Court – Saginaw County**  
**Saginaw County Probate Court**  
**70<sup>th</sup> District Court – Saginaw County**

**SUMMARY AND RECOMMENDATIONS:**

The SCAO recommends reduction through attrition of one district judgeship.

There are 13 judges in Saginaw County made up of 5 circuit judges, 2 probate judges, and 6 district judges.

In 2001, the SCAO recommended that the district court be reviewed for the elimination of a judgeship at the first vacancy. In 2003, the SCAO recommended the elimination of one district judgeship. In 2005, the SCAO recommended the elimination of one district judgeship. The Legislature did not enact any of these recommendations.

The weighted caseload results indicate a combined excess of 2.13 judges for all three courts.

The population of Saginaw County decreased by 0.9 percent between 1990 and 2000, from 211,946 to 210,039. From 2000 to 2006 it decreased an additional 1.8 percent, to an estimated 206,300.

<b>Judicial Workload Estimates</b>			
<b>Courts</b>	<b>Three Year Weighted Caseload</b>	<b>Current Judgeships</b>	<b>Net Judicial Need (+) or Excess (-)</b>
C10 and Saginaw County Probate Court	6.68		
70 <sup>th</sup> District Court	4.19		
<b>Totals</b>	<b>10.87</b>	<b>13.00</b>	<b>-2.13</b>

Totals and differences were calculated before rounding.

**CASE RELATED FACTORS:**

Combined case filings in the circuit and probate courts decreased by 16.5 percent between 2000 and 2006. Case filings in the district court decreased by 5.5 percent between 2000 and 2006.

**Circuit and Probate Filing Trends 2000-2006**

<b>Case Category</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Percent Change</b>
Circuit Civil	1,120	937	1,013	973	842	804	827	-26.2%
Circuit Criminal	1,328	1,511	1,536	1,419	1,438	1,537	1,483	11.7%
Circuit Family	6,672	6,558	5,886	5,095	5,124	5,026	5,317	-20.3%
Probate	1,817	1,770	1,554	1,433	1,501	1,467	1,500	-17.4%
<b>Total</b>	<b>10,937</b>	<b>10,776</b>	<b>9,989</b>	<b>8,920</b>	<b>8,905</b>	<b>8,834</b>	<b>9,127</b>	<b>-16.5%</b>

**District Filing Trends 2000-2006**

<b>Case Category</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Percent Change</b>
Felony	1,782	1,969	2,059	2,021	2,191	2,026	2,164	21.4%
Nontraffic Misdemeanor	4,420	4,512	3,356	3,252	2,678	3,148	4,083	-7.6%
Nontraffic Civil Infraction	586	184	238	691	1,392	1,216	1,003	71.2%
Traffic Civil Infraction	29,492	26,234	24,489	21,838	21,247	20,524	24,998	-15.2%
Traffic Misdemeanor	10,157	8,441	8,364	7,657	10,802	6,608	8,243	-18.8%
OUIL	1,392	1,335	1,311	1,002	1,169	1,077	1,039	-25.4%
Civil	8,155	9,332	10,961	11,857	11,285	11,907	11,398	39.8%
<b>Total</b>	<b>55,984</b>	<b>52,007</b>	<b>50,778</b>	<b>48,318</b>	<b>50,764</b>	<b>46,506</b>	<b>52,928</b>	<b>-5.5%</b>

**ADDITIONAL INFORMATION SUBMITTED BY THE COURTS:**

The circuit and probate courts did not submit any information in response to the extended analysis.

The district court does not have any law clerks, referees, or legal assistants.

The decline in the automobile industry has had a negative effect on the economy in Saginaw County.

**CONCLUSION:**

The weighted caseload results indicate a combined excess of 2.13 judges for all three courts. Combined case filings decreased by 16.5 percent for circuit and probate courts and by 5.5 percent for district court between 2000 and 2006. During this same time period, population decreased by 1.8 percent. Reducing the combined number of judgeships from 13 to 12 would still leave the courts with an excess of 1.13 judges.

Since 2001, the weighted caseload results have indicated a greater judicial excess in the district court than in the circuit and probate courts.

Therefore, the SCAO recommends reduction through attrition of one district judgeship.

## **PART II**

### **Trial Court Vacancies**

#### **INTRODUCTION**

On April 26, 2007, Chief Justice Taylor requested that Governor Granholm delay judicial appointments in three communities until the SCAO had released this report. The three communities identified were the 9<sup>th</sup> Circuit Court (Kalamazoo County), 50<sup>th</sup> District Court (city of Pontiac), and 68<sup>th</sup> District Court (city of Flint).

Subsequently, additional vacancies were announced. On June 5, 2007, Chief Justice Taylor requested that Governor Granholm also delay judicial appointments in two additional courts. The two additional courts were the 29<sup>th</sup> Circuit Court (Clinton and Gratiot counties) and the 42<sup>nd</sup> Circuit Court (Midland County).

On July 19, 2007, Governor Granholm filled the vacancy in the 9<sup>th</sup> Circuit Court (Kalamazoo County) by appointment.

The following analysis is provided to assist the Governor and Legislature in making informed decisions regarding these vacancies.

**EXTENDED ANALYSES**

**50<sup>th</sup> District Court – City of Pontiac**

**SUMMARY:**

The 50<sup>th</sup> District Court is a third-class district court within Oakland County serving the city of Pontiac. There are a total of four judges serving the 50<sup>th</sup> District Court.

In 2005, the 50<sup>th</sup> District Court had a judicial excess of 1.05 and the SCAO recommended no change in judgeships. The current weighted caseload results indicate an excess of 1.69 judges for this court.

The population of the city of Pontiac decreased by 6.8 percent between 1990 and 2000, from 71,166 to 66,337. From 2000 to 2006 it increased by 1.2 percent, to an estimated 67,124.

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**Judicial Workload Estimates**

<b>Courts</b>	<b>Three Year Weighted Caseload</b>	<b>Current Judgeships</b>	<b>Net Judicial Need (+) or Excess (-)</b>
50 <sup>th</sup> District Court – City of Pontiac	2.31	4.00	-1.69

Totals and differences were calculated before rounding.

**CASE RELATED FACTORS:**

Case filings in the district court decreased by 17.0 percent between 2000 and 2006.

**District Filing Trends 2000-2006**

<b>Case Category</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Percent Change</b>
Felony	1,231	1,108	1,395	1,194	1,414	1,204	1,048	-14.9%
Nontraffic Misdemeanor	4,731	4,052	3,635	2,781	2,918	1,934	1,913	-59.6%
Nontraffic Civil Infraction	252	214	116	121	240	484	597	136.9%
Traffic Civil Infraction	10,860	14,536	11,680	10,773	13,315	6,960	6,205	-42.9%
Traffic Misdemeanor	2,881	3,793	4,043	4,663	3,380	2,802	2,600	-9.8%
OUIL	291	391	426	365	263	251	199	-31.6%
Civil	6,702	8,015	7,895	8,828	8,051	8,326	9,796	46.2%
<b>Total</b>	<b>26,948</b>	<b>32,109</b>	<b>29,190</b>	<b>28,725</b>	<b>29,581</b>	<b>21,961</b>	<b>22,358</b>	<b>-17.0%</b>

**ADDITIONAL INFORMATION SUBMITTED BY THE COURT:**

The 50<sup>th</sup> District Court does not have law clerks, referees, or legal assistants.

Several police officers and city employees have been laid off. Local judges contend that the deteriorating economic conditions may result in higher crime rates and evictions. The city is currently facing a deficit.

**CONCLUSION:**

The weighted caseload results indicate an excess of 1.69 judges. Case filings decreased by 17.0 percent between 2000 and 2006. During this same time period, the population increased by 1.2 percent. If the vacancy is not filled by appointment and the Legislature chooses to eliminate the vacant judgeship, the court will still have an excess of 0.69 judges.

**29<sup>th</sup> Circuit Court – Clinton and Gratiot Counties**  
**Clinton County Probate Court**  
**Gratiot County Probate Court**  
**65A District Court – Clinton County**  
**65B District Court – Gratiot County**

**SUMMARY:**

There are a total of six judges in Clinton and Gratiot counties. The weighted caseload results indicate a combined excess of 1.54 judges for all five courts.

The population of Clinton and Gratiot counties increased by 10.5 percent between 1990 and 2000, from 96,865 to 107,038. From 2000 to 2006 it increased an additional 4.7 percent, to an estimated 112,016.

<b>Judicial Workload Estimates</b>			
<b>Courts</b>	<b>Three Year Weighted Caseload</b>	<b>Current Judgeships</b>	<b>Net Judicial Need (+) or Excess (-)</b>
C29, Clinton County Probate Court, and Gratiot County Probate Court	2.90		
65A District Court and 65B District Court	1.56		
<b>Totals</b>	<b>4.46</b>	<b>6.00</b>	<b>-1.54</b>

Totals and differences were calculated before rounding.

**CASE RELATED FACTORS:**

Combined case filings in circuit and probate courts in Clinton and Gratiot counties decreased by 14.0 percent between 2000 and 2006. Combined case filings in the district courts increased by 5.2 percent between 2000 and 2006.

**Circuit and Probate Filing Trends 2000-2006**

<b>Case Category</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Percent Change</b>
Circuit Civil	257	256	261	241	248	238	258	0.4%
Circuit Criminal	345	375	424	372	373	461	428	24.1%
Circuit Family	2,076	2,314	2,005	1,811	1,846	1,962	1,736	-16.4%
Probate	715	800	565	577	556	513	497	-30.5%
<b>Total</b>	<b>3,393</b>	<b>3,745</b>	<b>3,255</b>	<b>3,001</b>	<b>3,023</b>	<b>3,174</b>	<b>2,919</b>	<b>-14.0%</b>

**District Filing Trends 2000-2006**

<b>Case Category</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Percent Change</b>
Felony	481	532	577	600	619	714	650	35.1%
Nontraffic Misdemeanor	2,427	2,325	2,192	1,874	2,140	2,295	2,107	-13.2%
Nontraffic Civil Infraction	49	35	25	38	53	59	114	132.7%
Traffic Civil Infraction	28,696	29,355	31,038	33,977	31,207	29,294	30,710	7.0%
Traffic Misdemeanor	3,995	3,876	4,112	4,005	3,154	2,915	3,177	-20.5%
OUIL	796	776	651	646	750	796	780	-2.0%
Civil	2,934	3,022	3,404	3,921	3,539	3,556	3,907	33.2%
<b>Total</b>	<b>39,378</b>	<b>39,921</b>	<b>41,999</b>	<b>45,061</b>	<b>41,462</b>	<b>39,629</b>	<b>41,445</b>	<b>5.2%</b>

**ADDITIONAL INFORMATION SUBMITTED BY THE COURTS:**

There are three prisons in Gratiot County: the St. Louis Correctional Facility, Pine River Correctional Facility, and Mid-Michigan Correctional Facility.

In Clinton County, the residential and commercial growth in the southern tier of townships north of Lansing creates a significant amount of fairly complex civil litigation.

The circuit and probate court share a law clerk in Clinton County. Each probate court has one referee.

**CONCLUSION:**

The weighted caseload results indicate a combined excess of 1.54 judges for all five courts. Combined case filings decreased by 14.0 percent for circuit and probate and increased by 5.2 percent for district between 2000 and 2006. During this same time period, the population increased by 4.7 percent. If the vacancy is not filled by appointment and the Legislature chooses to eliminate the vacant judgeship, the courts will still have an excess of 0.54 judges.

**9<sup>th</sup> Circuit Court – Kalamazoo County  
 Kalamazoo County Probate Court  
 8<sup>th</sup> District Court – Kalamazoo County**

**SUMMARY:**

There are 15 judges in Kalamazoo County made up of 5 circuit judges, 3 probate judges, and 7 district judges.

In 2003, the district court had a judicial excess of 1.87 judges and the SCAO recommended reduction through attrition of one district judgeship. The Legislature did not enact this recommendation. The current weighted caseload results indicate a combined excess of 1.44 judges for all three courts.

The population of Kalamazoo County increased by 6.8 percent between 1990 and 2000, from 223,411 to 238,603. From 2000 to 2006 it increased an additional 0.9 percent, to an estimated 240,720.

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**Judicial Workload Estimates**

<b>Courts</b>	<b>Three Year Weighted Caseload</b>	<b>Current Judgeships</b>	<b>Net Judicial Need (+) or Excess (-)</b>
C09 and Kalamazoo County Probate Court	7.66		
8 <sup>th</sup> District Court	5.90		
<b>Totals</b>	<b>13.56</b>	<b>15.00</b>	<b>1.44</b>

Totals and differences were calculated before rounding.

**CASE RELATED FACTORS:**

Combined case filings in circuit and probate courts in Kalamazoo County decreased by 8.3 percent between 2000 and 2006. Case filings in district court increased by 16.2 percent between 2000 and 2006.

**Circuit and Probate Filing Trends 2000-2006**

<b>Case Category</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Percent Change</b>
Circuit Civil	721	704	711	693	705	605	693	-3.9%
Circuit Criminal	1,550	1,679	1,692	1,591	1,914	2,131	2,051	32.3%
Circuit Family	6,901	7,221	6,751	6,063	6,284	5,492	5,899	-14.5%
Probate	1,283	1,029	941	978	1,027	995	941	-26.7%
<b>Total</b>	<b>10,455</b>	<b>10,633</b>	<b>10,095</b>	<b>9,325</b>	<b>9,930</b>	<b>9,223</b>	<b>9,584</b>	<b>-8.3%</b>

**District Filing Trends 2000-2006**

<b>Case Category</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Percent Change</b>
Felony	1,667	1,823	1,868	1,842	2,167	2,372	2,202	32.1%
Nontraffic Misdemeanor	8,180	9,619	9,706	8,484	8,636	8,905	8,383	2.5%
Nontraffic Civil Infraction	277	444	461	425	579	516	392	41.5%
Traffic Civil Infraction	35,565	32,094	32,505	42,025	45,632	46,240	44,585	25.4%
Traffic Misdemeanor	8,412	8,534	8,963	7,928	6,575	6,872	7,125	-15.3%
OUIL	1,293	1,173	1,283	1,196	1,165	1,310	1,178	-8.9%
Civil	12,804	15,358	17,190	17,396	15,854	16,111	15,392	20.2%
<b>Total</b>	<b>68,198</b>	<b>69,045</b>	<b>71,976</b>	<b>79,296</b>	<b>80,608</b>	<b>82,326</b>	<b>79,257</b>	<b>16.2%</b>

**ADDITIONAL INFORMATION SUBMITTED BY THE COURTS:**

Two judges preside over the drug court program, which currently has 132 enrollees. In 2007, the 8<sup>th</sup> District Court will be implementing a misdemeanor sobriety court to address drunk driving. A domestic violence (post sentencing) review program is slated for implementation in July 2007.

The requirement that the courts operate in numerous locations hampers the efficiency of the courts.

**CONCLUSION:**

The weighted caseload results indicate a combined excess of 1.44 judges for all three courts. Combined case filings decreased by 8.3 percent for circuit and probate and increased by 16.2 percent for district between 2000 and 2006. During this same time period, the population increased by 0.9 percent.

As a result of Governor Granholm's recent appointment, the net judicial excess for all three courts continues to be 1.44 judges.

## 68<sup>th</sup> District Court – City of Flint

### SUMMARY:

The 68<sup>th</sup> District Court is a third-class district court within Genesee County serving the city of Flint. There are five judges serving this district court.

In January of 2004, the number of judgeships in the 68<sup>th</sup> District Court was reduced from six to five. In 2005, the district court had a judicial excess of 1.37 judges and the SCAO recommended reduction through attrition of one judgeship. The Legislature did not enact this recommendation. The current weighted caseload results indicate an excess of 1.43 judges for this court.

The population of the city of Flint decreased by 11.2 percent between 1990 and 2000, from 140,761 to 124,943. From 2000 to 2006 it decreased an additional 6.3 percent, to an estimated 117,068.

<b>Judicial Workload Estimates</b>			
<b>Courts</b>	<b>Three Year Weighted Caseload</b>	<b>Current Judgeships</b>	<b>Net Judicial Need (+) or Excess (-)</b>
68 <sup>th</sup> District Court – City of Flint	3.57	5.00	-1.43

Totals and differences were calculated before rounding.

### CASE RELATED FACTORS:

Case filings in the district court increased by 7.6 percent.

#### **District Filing Trends 2000-2006**

<b>Case Category</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Percent Change</b>
Felony	1,502	1,531	1,463	1,681	1,768	1,511	1,711	13.9%
Nontraffic Misdemeanor	3,942	3,853	3,397	3,292	3,202	3,722	3,933	-0.2%
Nontraffic Civil Infraction	4	1	0	1	3	5	71	1675.0%
Traffic Civil Infraction	16,436	16,067	17,538	18,035	16,445	17,235	17,614	7.2%
Traffic Misdemeanor	7,780	7,377	8,068	7,411	6,098	6,520	7,320	-5.9%
OUIL	614	618	495	450	364	327	299	-51.3%
Civil	13,470	15,421	16,180	16,931	16,191	15,315	16,135	19.8%
<b>Total</b>	<b>43,748</b>	<b>44,868</b>	<b>47,141</b>	<b>47,801</b>	<b>44,071</b>	<b>44,635</b>	<b>47,083</b>	<b>7.6%</b>

**ADDITIONAL INFORMATION SUBMITTED BY THE COURT:**

The recent reopening of the Flint Police Department city lock-up has resulted in additional arraignments for this court.

The district court anticipates the implementation of a drug court in September of 2007.

The city has a high crime rate. The ongoing decline in the workforce coupled with a reduction in social and mental health services may result in increased criminal activity.

**CONCLUSION:**

The weighted caseload results indicate an excess of 1.43 judges. Case filings increased by 7.6 percent between 2000 and 2006. During this same time period, the population decreased by 6.3 percent. If the vacancy is not filled by appointment and the Legislature chooses to eliminate the vacant judgeship, the court will still have an excess of 0.43 judges.

**42<sup>nd</sup> Circuit Court – Midland County**  
**Midland County Probate Court**  
**75<sup>th</sup> District Court – Midland County**

**SUMMARY:**

There are five judges in Midland County made up of two circuit judges, one probate judge, and two district judges.

The weighted caseload results indicate a combined excess of 1.38 judges for all three courts.

The population of Midland County increased by 9.5 percent between 1990 and 2000, from 75,651 to 82,874. From 2000 to 2006 it increased an additional 1.1 percent, to an estimated 83,792.

<b>Judicial Workload Estimates</b>			
<b>Courts</b>	<b>Three Year Weighted Caseload</b>	<b>Current Judgeships</b>	<b>Net Judicial Need (+) or Excess (-)</b>
C42 and Midland County Probate Court	2.59		
75 <sup>th</sup> District Court	1.03		
<b>Totals</b>	<b>3.62</b>	<b>5.00</b>	<b>-1.38</b>

Totals and differences were calculated before rounding.

**CASE RELATED FACTORS:**

Combined case filings in the circuit and probate courts in Midland County decreased by 30.9 percent between 2000 and 2006. Case filings in the district court decreased by 18.1 percent between 2000 and 2006.

**Circuit and Probate Filing Trends 2000-2006**

<b>Case Category</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Percent Change</b>
Circuit Civil	274	360	296	370	210	201	295	7.7%
Circuit Criminal	350	318	406	455	384	429	385	10.0%
Circuit Family	1,871	1,921	1,986	1,648	1,600	1,403	1,410	-24.6%
Probate	1,118	758	438	381	444	431	406	-63.7%
<b>Total</b>	<b>3,613</b>	<b>3,357</b>	<b>3,126</b>	<b>2,854</b>	<b>2,638</b>	<b>2,464</b>	<b>2,496</b>	<b>-30.9%</b>

**District Filing Trends 2000-2006**

<b>Case Category</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Percent Change</b>
Felony	419	424	494	533	502	556	568	35.6%
Nontraffic Misdemeanor	2,181	2,300	1,718	1,573	1,375	1,350	1,110	-49.1%
Nontraffic Civil Infraction	77	107	175	156	123	307	113	46.8%
Traffic Civil Infraction	13,706	13,641	14,084	15,303	12,721	11,477	10,938	-20.2%
Traffic Misdemeanor	2,407	2,212	2,332	2,022	1,282	1,200	1,234	-48.7%
OUIL	477	503	428	432	352	320	259	-45.7%
Civil	2,461	2,657	2,947	3,180	3,187	3,484	3,571	45.1%
<b>Total</b>	<b>21,728</b>	<b>21,844</b>	<b>22,178</b>	<b>23,199</b>	<b>19,542</b>	<b>18,694</b>	<b>17,793</b>	<b>-18.1%</b>

**ADDITIONAL INFORMATION SUBMITTED BY THE COURTS:**

The court handles approximately 100 asbestos cases per year, due to the presence of two manufacturing corporations in the county.

The courts are supported by two law clerks, five judicial assistants, and a referee.

The infrastructure of the county has grown, including a minor league baseball team, a Dow Chemical Company international training school, a significant investment in the Ashman Court Hotel, and new jobs at several manufacturing and medical facilities. Construction of a new power plant is anticipated over the next four years.

**CONCLUSION:**

The weighted caseload results indicate a combined excess of 1.38 judges for all three courts. Combined case filings decreased by 30.9 percent for circuit and probate and decreased by 18.1 percent for district between 2000 and 2006. During this same time period, the population increased by 1.1 percent.

The vacancy will be in the circuit court, but the judicial excess is greater in the district court. The excess in the circuit and probate courts is 0.41 and the excess in district court is 0.97. If the vacancy is not filled by appointment and the Legislature chooses to eliminate the vacant judgeship, the net judicial excess for all three courts would be 0.38 judges. However, the circuit and probate courts would have a need for 0.59 judges and the district court would still have an excess of 0.97 judges.

### Weighted Caseload Results for All Trial Courts

The weighted caseload results for all courts in Michigan are provided below.

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
3 <sup>rd</sup> Circuit Court, and Wayne County Probate Court	61	8			69	65.36		65.36	-3.64
41 <sup>st</sup> Circuit Court, Dickinson County Probate Court, Iron County Probate Court, Menominee County Probate Court, 95A District Court, and 95B District Court	2	2	1	2	7	2.35	1.01	3.36	-3.64
23 <sup>rd</sup> Circuit Court, Alcona County Probate Court, Arenac County Probate Court, Iosco County Probate Court, Oscoda County Probate Court, and 81 <sup>st</sup> District Court	2	1	3	1	7	2.54	1.15	3.69	-3.31
36 <sup>th</sup> District Court – City of Detroit				31	31		27.92	27.92	-3.08
11 <sup>th</sup> Circuit Court, Probate District 5 – Alger and Schoolcraft Counties, Probate District 6 – Luce and Mackinac Counties, 92 <sup>nd</sup> District Court, and 93 <sup>rd</sup> District Court	1	2		2	5	1.47	0.74	2.21	-2.79
32 <sup>nd</sup> Circuit Court, Gogebic County Probate Court, Ontonagon County Probate Court, and 98 <sup>th</sup> District Court	1	1	1	1	4	0.91	0.43	1.34	-2.66

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
12 <sup>th</sup> Circuit Court, Baraga County Probate Court, Houghton County Probate Court, Keweenaw County Probate Court, and 97 <sup>th</sup> District Court	1	1.01	1	1	4.01	1.13	0.48	1.61	-2.40
25 <sup>th</sup> Circuit Court, Marquette County Probate Court, and 96 <sup>th</sup> District Court	2	1		2	5	1.75	0.88	2.63	-2.37
10 <sup>th</sup> Circuit Court, Saginaw County Probate Court, and 70 <sup>th</sup> District Court	5	2		6	13	6.68	4.19	10.87	-2.13
46 <sup>th</sup> Circuit Court, Crawford County Probate Court, Kalkaska County Probate Court, Otsego County Probate Court, and 87 <sup>th</sup> District Court	2	1	2	1	6	2.72	1.25	3.97	-2.03
51 <sup>st</sup> Circuit Court, Lake County Probate Court, Mason County Probate Court, 79 <sup>th</sup> District Court	1	1	1	1	4	1.51	0.72	2.23	-1.77
19 <sup>th</sup> Circuit Court, Benzie County Probate Court, Manistee County Probate Court, and 85 <sup>th</sup> District Court	1	1	1	1	4	1.47	0.79	2.26	-1.74
50 <sup>th</sup> District Court – City of Pontiac				4	4		2.31	2.31	-1.69
26 <sup>th</sup> Circuit Court, Alpena County Probate Court, Montmorency County Probate Court, and 88 <sup>th</sup> District Court	1	1	1	1	4	1.64	0.73	2.37	-1.63

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
52 <sup>nd</sup> Circuit Court, Huron County Probate Court, and 73B District Court	1	1		1	3	0.90	0.49	1.39	-1.61
13 <sup>th</sup> Circuit Court, Antrim County Probate Court, Grand Traverse County Probate Court, Leelanau County Probate Court, and 86 <sup>th</sup> District Court	2	3		3	8	4.47	1.96	6.43	-1.57
29 <sup>th</sup> Circuit Court, Clinton County Probate Court, Gratiot County Probate Court, 65A District Court, and 65B District Court	2	2		2	6	2.90	1.56	4.46	-1.54
53 <sup>rd</sup> Circuit Court, Cheboygan County Probate Court, Presque Isle County Probate Court, and 89 <sup>th</sup> District Court	1	1	1	1	4	1.78	0.75	2.53	-1.47
9 <sup>th</sup> Circuit Court, Kalamazoo County Probate Court, and 8 <sup>th</sup> District Court	5	3		7	15	7.66	5.90	13.56	-1.44
68 <sup>th</sup> District Court – City of Flint				5	5		3.57	3.57	-1.43
42 <sup>nd</sup> Circuit Court, Midland County Probate Court, and 75 <sup>th</sup> District Court	2	1		2	5	2.59	1.03	3.62	-1.38
34 <sup>th</sup> Circuit Court, Ogemaw County Probate Court, Roscommon County Probate Court, 82 <sup>nd</sup> District Court, and 83 <sup>rd</sup> District Court	1	2		2	5	2.37	1.27	3.64	-1.36
15 <sup>th</sup> District Court – City of Ann Arbor				3	3		1.66	1.66	-1.34

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
47 <sup>th</sup> Circuit Court, Delta County Probate Court, and 94 <sup>th</sup> District Court	1	1		1	3	1.24	0.54	1.78	-1.22
18 <sup>th</sup> Circuit Court, Bay County Probate Court, and 74 <sup>th</sup> District Court	3	1		3	7	4.10	1.70	5.80	-1.20
33 <sup>rd</sup> District Court –City of Woodhaven				3	3		1.82	1.82	-1.18
50 <sup>th</sup> Circuit Court, Chippewa County Probate Court, and 91 <sup>st</sup> District Court	1	1		1	3	1.31	0.55	1.86	-1.14
27 <sup>th</sup> Circuit Court, Newaygo County Probate Court, Oceana County Probate Court, and 78 <sup>th</sup> District Court	2	2		1	5	2.74	1.13	3.87	-1.13
40 <sup>th</sup> Circuit Court, Lapeer County Probate Court, and 71A District Court	2	1		2	5	2.61	1.27	3.88	-1.12
54A District Court – City of Lansing				5	5		3.89	3.89	-1.11
24 <sup>th</sup> Circuit Court, Sanilac County Probate Court, and 73A District Court	1	1		1	3	1.33	0.57	1.90	-1.10
28 <sup>th</sup> Circuit Court, Missaukee County Probate Court, Wexford County Probate Court, and 84 <sup>th</sup> District Court	1	1	1	1	4	1.97	0.98	2.95	-1.05
39 <sup>th</sup> District Court – Cities of Fraser and Roseville				3	3		1.98	1.98	-1.02
2 <sup>nd</sup> Circuit Court, Berrien County Probate Court, and 5 <sup>th</sup> District Court	4	2		5	11	5.20	4.81	10.01	-0.99
61 <sup>st</sup> District Court – City of Grand Rapids				6	6		5.05	5.05	-0.95
26 <sup>th</sup> District Court – Cities of River Rouge and Ecorse				2	2		1.08	1.08	-0.92

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
37 <sup>th</sup> Circuit Court, Calhoun County Probate Court, and 10 <sup>th</sup> District Court	4	2		4	10	5.00	4.13	9.13	-0.87
48 <sup>th</sup> District Court – City of Bloomfield Hills				3	3		2.14	2.14	-0.86
43 <sup>rd</sup> District Court – Cities of Ferndale, Hazel Park, and Madison Heights				3	3		2.15	2.15	-0.85
17 <sup>th</sup> District Court – Redford Township				2	2		1.19	1.19	-0.81
40 <sup>th</sup> District Court – City of East Clair Shores				2	2		1.23	1.23	-0.77
25 <sup>th</sup> District Court – City of Lincoln Park				2	2		1.24	1.24	-0.76
35 <sup>th</sup> District Court – City of Plymouth				3	3		2.24	2.24	-0.76
24 <sup>th</sup> District Court – Cities of Allen Park and Melvindale				2	2		1.28	1.28	-0.72
38 <sup>th</sup> Circuit Court, Monroe County Probate Court, and 1 <sup>st</sup> District Court	3	2		3	8	4.01	3.28	7.29	-0.71
45A District Court – City of Berkley				1	1		0.30	0.30	-0.70
1 <sup>st</sup> Circuit Court, Hillsdale County Probate Court, and 2B District Court	1	1		1	3	1.49	0.81	2.30	-0.70
33 <sup>rd</sup> Circuit Court, 57 <sup>th</sup> Circuit Court, Probate District 7 – Charlevoix and Emmet Counties, and 90 <sup>th</sup> District Court	2	1		1	4	2.13	1.21	3.34	-0.66
45B District Court – City of Oak Park				2	2		1.36	1.36	-0.64
49 <sup>th</sup> Circuit Court, Probate District 18 – Mecosta and Osceola Counties, and 77 <sup>th</sup> District Court	2	1		1	4	2.19	1.18	3.37	-0.63
51 <sup>st</sup> District Court – City of Waterford				2	2		1.39	1.39	-0.61
44 <sup>th</sup> District Court – City of Royal Oak				2	2		1.43	1.43	-0.57

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
35 <sup>th</sup> Circuit Court, Shiawassee County Probate Court, and 66 <sup>th</sup> District Court	1	1		2	4	2.44	1.03	3.47	-0.53
32A District Court – City of Harper Woods				1	1		0.49	0.49	-0.51
21 <sup>st</sup> District Court – City of Garden City				1	1		0.50	0.50	-0.50
20 <sup>th</sup> District Court – City of Dearborn Heights				2	2		1.52	1.52	-0.48
34 <sup>th</sup> District Court – City of Romulus				3	3		2.53	2.53	-0.47
31 <sup>st</sup> Circuit Court, St. Clair County Probate Court, and 72 <sup>nd</sup> District Court	3	2		3	8	4.60	2.98	7.58	-0.42
21 <sup>st</sup> Circuit Court, Isabella County Probate Court, and 76 <sup>th</sup> District Court	2	1		1	4	2.32	1.30	3.62	-0.38
62A District Court – City of Wyoming				2	2		1.62	1.62	-0.38
56 <sup>th</sup> Circuit Court, Eaton County Probate Court, and 56A District Court	2	1		2	5	3.33	1.30	4.63	-0.37
47 <sup>th</sup> District Court – Cities of Farmington and Farmington Hills				2	2		1.65	1.65	-0.35
36 <sup>th</sup> Circuit Court, Van Buren County Probate Court, and 7 <sup>th</sup> District Court	2	1		2	5	3.07	1.59	4.66	-0.34
28 <sup>th</sup> District Court – City of Southgate				1	1		0.67	0.67	-0.33
54 <sup>th</sup> Circuit Court, Tuscola County Probate Court, and 71B District Court	1	1		1	3	1.91	0.76	2.67	-0.33
16 <sup>th</sup> District Court – City of Livonia				2	2		1.67	1.67	-0.33
29 <sup>th</sup> District Court – City of Wayne City				1	1		0.69	0.69	-0.31

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
41A District Court – Shelby Township and City of Sterling Heights				4	4		3.71	3.71	-0.29
15 <sup>th</sup> Circuit Court, Branch County Probate Court, and 3A District Court	1	1		1	3	1.72	1.00	2.72	-0.28
31 <sup>st</sup> District Court – City of Hamtramck				1	1		0.72	0.72	-0.28
30 <sup>th</sup> District Court – City of Highland Park				1	1		0.76	0.76	-0.24
59 <sup>th</sup> District Court – Cities of Grandville and Walker				1	1		0.77	0.77	-0.23
5 <sup>th</sup> Circuit Court, Barry County Probate Court, and 56B District Court	1	1		1	3	2.00	0.79	2.79	-0.21
46 <sup>th</sup> District Court – City of Southfield				3	3		2.80	2.80	-0.20
37 <sup>th</sup> District Court – Cities of Warren and Centerline				4	4		3.85	3.85	-0.15
14 <sup>th</sup> Circuit Court, Muskegon County Probate Court, and 60 <sup>th</sup> District Court	4	2		4	10	5.89	3.99	9.88	-0.12
62-B District Court – City of Kentwood				1	1		0.91	0.91	-0.09
44 <sup>th</sup> Circuit Court, Livingston County Probate Court, and 53 <sup>rd</sup> District Court	2	1		3	6	3.74	2.19	5.93	-0.07
43 <sup>rd</sup> Circuit Court, Cass County Probate Court, and 4 <sup>th</sup> District Court	1	1		1	3	2.13	0.81	2.94	-0.06
55 <sup>th</sup> Circuit Court, Probate District 17 – Clare and Gladwin Counties, and 80 <sup>th</sup> District Court	2	1		1	4	2.64	1.30	3.94	-0.06
45 <sup>th</sup> Circuit Court, St. Joseph County Probate Court, and 3B District Court	1	1		2	4	2.63	1.35	3.98	-0.02

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
48 <sup>th</sup> Circuit Court, Allegan County Probate Court, and 57 <sup>th</sup> District Court	2	1		2	5	3.29	1.69	4.98	-0.02
38 <sup>th</sup> District Court – City of Eastpointe				1	1		0.99	0.99	-0.01
19 <sup>th</sup> District Court – City of Dearborn				3	3		3.02	3.02	+0.02
54B District Court – City of East Lansing				2	2		2.07	2.07	+0.07
27 <sup>th</sup> District Court – Cities of Wyandotte/Riverview				1	1		1.09	1.09	+0.09
41B District Court – City of Mt. Clemens and Clinton Township				3	3		3.15	3.15	+0.15
8 <sup>th</sup> Circuit Court, Ionia County Probate Court, Montcalm County Probate Court, 64A District Court, and 64B District Court	2	2		2	6	4.26	1.91	6.17	+0.17
7 <sup>th</sup> Circuit Court, Genesee County Probate Court, 67 <sup>th</sup> District Court	9	2		6	17	12.08	5.15	17.23	+0.23
30 <sup>th</sup> Circuit Court, Ingham County Probate Court, and 55 <sup>th</sup> District Court	7	2		2	11	9.28	1.96	11.24	+0.24
20 <sup>th</sup> Circuit Court, Ottawa County Probate Court, and 58 <sup>th</sup> District Court	4	1		4	9	5.13	4.13	9.26	+0.26
14B District Court – Ypsilanti Township				1	1		1.31	1.31	+0.31
4 <sup>th</sup> Circuit Court, Jackson County Probate Court, and 12 <sup>th</sup> District Court	4	1		4	9	5.00	4.33	9.33	+0.33

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
6 <sup>th</sup> Circuit Court, <sup>12</sup> Oakland County Probate Court, 52 <sup>nd</sup> District Court	20	4		11	35	26.31	9.03	35.34	+0.34
23 <sup>rd</sup> District Court – City of Taylor				2	2		2.39	2.39	+0.39
22 <sup>nd</sup> District Court – City of Inkster				1	1		1.44	1.44	+0.44
18 <sup>th</sup> District Court – City of Westland				2	2		2.60	2.60	+0.60
22 <sup>nd</sup> Circuit Court, Washtenaw County Probate Court, and 14A District Court	5	2		3	10	7.82	2.89	10.71	+0.71
39 <sup>th</sup> Circuit Court, Lenawee County Probate Court, 2A District Court	2	1		2	5	4.21	1.82	6.03	+1.03
17 <sup>th</sup> Circuit Court, Kent County Probate Court, and 63 <sup>rd</sup> District Court	10	4		2	16	16.28	2.67	18.95	+2.95
16 <sup>th</sup> Circuit Court, Macomb County Probate Court, 42 <sup>nd</sup> District Court	13	2		2	17	18.01	1.98	19.99	+2.99

<sup>12</sup> The number of circuit judges in the 6<sup>th</sup> Circuit Court will increase from 19 to 20 on January 1, 2009. This table includes the additional judgeship.

### Part III Court of Appeals

#### INTRODUCTION

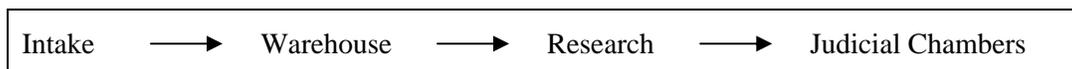
The State Court Administrative Office (SCAO) has not reviewed judicial need at the Court of Appeals (COA) since 1994. However, the dire fiscal circumstances that envelop Michigan state government have resulted in reductions to the COA's budget and, consequently, a shift in its method of operations.

This review shows that the current operations are out of balance and that reallocating resources at the COA would result in greater operating efficiencies. By reducing the number of judges on the COA from 28 to 24 and adding research attorneys, the COA could decide as many cases as it receives each year, restore balance to the court, and save taxpayer dollars.

#### OPINION CASES

The manner in which cases are processed in the COA is different from the way cases are decided in the trial courts. There are essentially two types of cases in the COA: opinion cases, which are decided by a written opinion, and order cases, which are disposed of by issuance of a brief statement granting or denying a request by a litigant. In recent years the COA has had approximately 3,500 opinion cases each year, representing approximately 45 percent of all annual dispositions. Opinion cases consume the vast majority of the COA's resources and, therefore, they determine workload and staffing needs. The caseflow process for opinion cases is explained below.

##### *Process for Opinion Cases*



**Intake** – When the initial papers are filed with the clerk's office, a file is opened and a docket number is assigned. The papers are reviewed for conformance with the court rules and for jurisdiction. Following the filing of the transcripts, briefs, and lower court records, the case is ready for research.

**Warehouse** – Once the case is ready for research, it is “warehoused” until a request comes from the research division to begin the process of preparing a report and, in over 90 percent of these cases, a proposed opinion. Before leaving the warehouse, the case is evaluated by the case screener who reviews the briefs, transcripts, and records. The screener notes the issues raised on appeal, notes the size of the lower court transcripts and records, and estimates the number of days it should take an average prehearing attorney to complete a report. This is called the case “day evaluation.”

**Research** – The research division (for purposes of opinion cases) is comprised of prehearing and senior research attorneys. Prehearing attorneys are typically recent law school graduates who are hired for a period of one to three years. They prepare research reports in cases that are in the mid-range of difficulty. Senior research attorneys are experienced attorneys whose backgrounds include prehearing, judicial clerkships, and private practice. They prepare reports in the more complex cases. The research reports provide the judges with an objective statement of the facts, the parties' legal arguments, an independent legal analysis, and a recommended disposition. The

report is reviewed by a supervising attorney who assigns a "degree of difficulty evaluation" to the case. This evaluation represents the complexity of the case and is used to balance the workload among the three judges on the case call panel.

**Judicial Chambers** – Each month, the clerk's office assigns cases to case call panels comprised of three judges each. The COA uses three types of panels. Regular or weighted panels are assigned approximately 27 to 30 cases accompanied by research reports and proposed opinions. The judges on these regular panels are also assigned one case, allocated a "degree of difficulty evaluation" of three to four days, without research reports or proposed opinions. The other, less common, panel types are complex panels and summary panels. Complex panels are assigned cases without accompanying research reports according to the "day evaluation" made in the "warehouse," with each judge receiving a total of 28 evaluation days (regardless of whether the panel is given one, two, or three cases). Summary panels are assigned 60 routine matters with accompanying reports and proposed opinions. (Summary panel cases are generally not scheduled for oral argument, but can be scheduled at the panel's request.)

Regular or weighted case call panels typically sit for oral argument two days each month. Each judge on each panel receives the same set of documents for every case, regardless of writing assignments. The judge assigned to author the opinion receives the lower court record. Regular or weighted panels receive the reports on their cases approximately two weeks before oral argument. Following oral argument, each chamber (judge, law clerk, and secretary) circulates opinions for consideration by the other two panel members.

The bulk of the work required to process a case through the COA is performed by staff. This is not to minimize the judges' efforts or ultimate responsibility in deciding cases, but to point out that a proper balance of judges and staff will maximize efficiency.

## **THE LAST 20 YEARS**

Historically, the COA has struggled to achieve the proper balance between judges and staff. When the COA first exceeded 8,000 filings per year, it had 18 judges. By the time filings dropped below 8,000, it had 28 judges. The number of research attorneys employed by the COA was largely a function of budgets. Nevertheless, the COA always seemed to be able to do what was necessary to get the job done.

The following table and graphs illustrate trends in the COA between 1987 and 2006.

<b>Michigan Court of Appeals 1987 - 2006</b>								
<b>Year</b>	<b>Filings</b>	<b>Total Dispositions</b>	<b>Clearance Rate<sup>1</sup></b>	<b>Opinions</b>	<b>COA Judges</b>	<b>Annual Equivalent Visiting Judges</b>	<b>Central Research Staff Attorneys<sup>2</sup></b>	<b>Average Day Evaluation of Cases</b>
1987	8,186	7,502	91.6%	4,179	18	NA	53	NA
1988	8,545	8,508	99.6%	4,874	18	NA	49	NA
1989 <sup>3</sup>	10,951	8,983	82.0%	4,976	24	NA	70	NA
1990	12,369	10,504	84.9%	4,729	24	NA	56	NA
1991	11,825	10,237	86.6%	4,627	24	0.27	38	NA
1992	13,352	11,662	87.3%	5,300	24	3.09	51	3.02
1993	12,494	13,037	104.3%	6,240	24	5.18	65	3.49
1994	11,287	12,824	113.6%	6,332	24	11.73	79	3.33
1995 <sup>4</sup>	10,370	12,596	121.5%	5,968	28	10.09	85	3.49
1996	9,108	10,842	119.0%	4,774	28	11.73	75	3.72
1997	8,866	10,242	115.5%	4,418	28	3.36	80	3.94
1998 <sup>5</sup>	8,264	8,806	106.6%	3,013	28	0.91	61	3.84
1999	7,731	7,715	99.8%	3,063	28	0.73	61	4.09
2000	7,460	7,799	104.5%	2,967	28	0.82	63	4.43
2001	7,102	7,606	107.1%	3,138	28	0.45	63	4.42
2002	7,156	7,647	106.9%	3,645	28	0.00	60	4.57
2003	7,445	7,706	103.5%	3,558	28	0.09	60	4.31
2004	7,055	7,293	103.4%	3,424	28	0.00	56	4.19
2005	7,629	7,853	102.9%	3,409	28	0.00	56	3.97
2006	7,951	8,278	104.1%	3,494	28	0.00	54	3.99

<sup>1</sup> Clearance rates are calculated by dividing the number of dispositions by the number of filings.

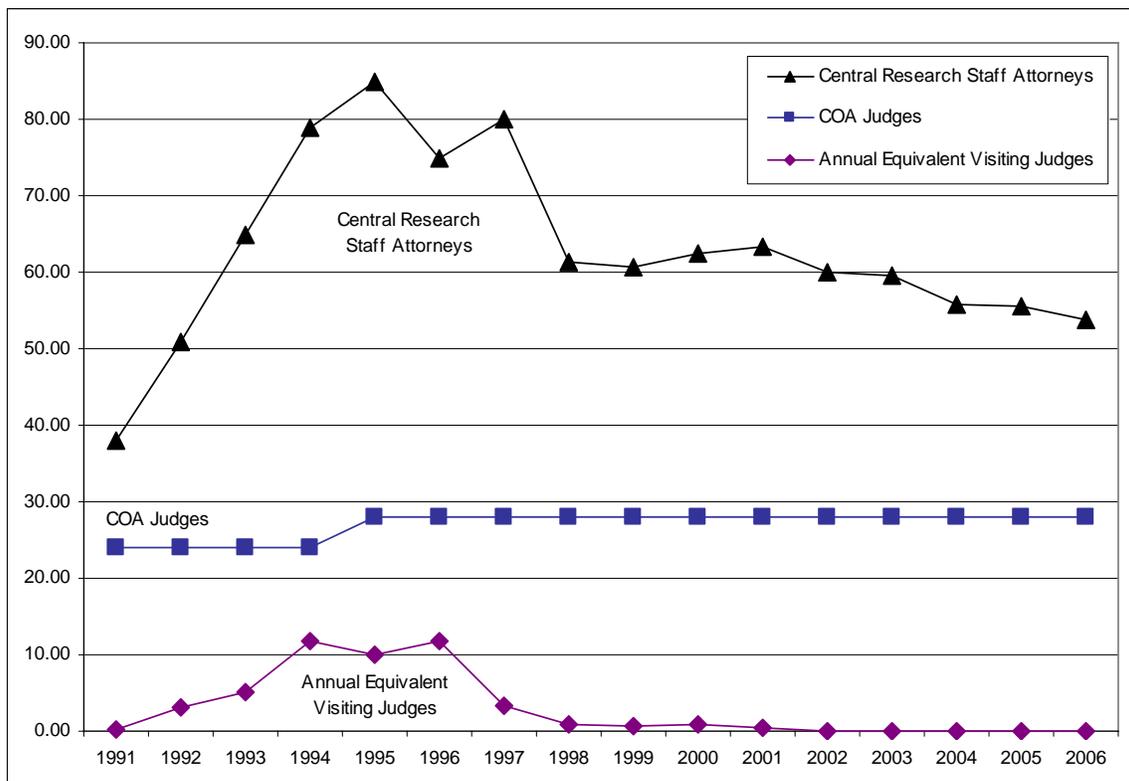
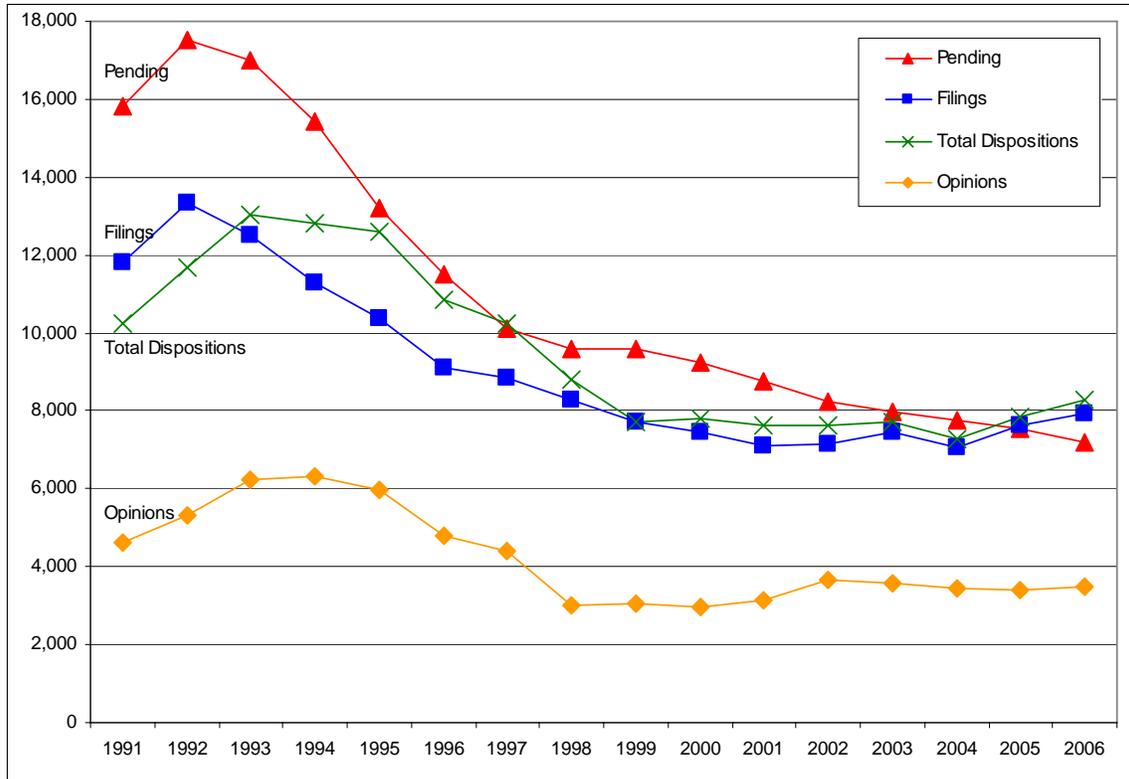
<sup>2</sup> Includes prehearing attorneys, senior research attorneys, and commissioners.

<sup>3</sup> In 1989, 6 judges were added to bring the total to 24 judges.

<sup>4</sup> In 1995, 4 judges were added to bring the total to 28 judges.

<sup>5</sup> The COA changed its method of counting the number of filings. Before 1998, COA statistics reflected one case per each lower court number that was referenced in a file. Starting in 1998, COA statistics reflect one case for each appeals court docket number regardless of how many lower court docket numbers may be referenced in that file. COA filing trends represent both a decrease in filings and a change in case counting methods.

State Court Administrative Office  
 Judicial Resources Recommendations August 2007



**Correlation Coefficients**

A statistical analysis of the trends since 1991 supports the contention that the COA can operate efficiently with fewer sitting judges.

There are significant positive correlations between filings, total dispositions, opinions, pending caseload, and annual equivalent visiting judges. In other words, since 1991, new filings, total dispositions, opinions, pending cases, and visiting judges fluctuated in close unison, primarily in a downward trend. Filings and pending caseload were nearly 100 percent correlated, which is apparent in the graph. Visiting judges and pending caseload were also correlated, with visiting judges contributing to the decrease in pending caseload.

There are significant negative correlations between COA judges and filings, total dispositions, opinions, and pending caseload. In 1995, the number of COA judges increased from 24 to 28. Conversely, the number of filings, total dispositions, opinions, and pending caseload decreased during the past decade.

Correlations, whether they are negative or positive, do not necessarily reveal a causal relationship between two or more factors. One would not suspect that an increase in COA judges causes a decrease in filings; however, one might suspect that decreased filings contribute to a decreased pending caseload.

Correlation Coefficients

	<b>Filings</b>	<b>Total Dispositions</b>	<b>Opinions</b>	<b>Pending</b>
<b>Total Dispositions</b>	.880**			
<b>Opinions</b>	.847**	.965**		
<b>Pending</b>	.976**	.875**	.843**	
<b>Annual Equivalent Visiting Judges</b>	n.s.	.797**	.780**	.529*
<b>COA Judges</b>	-.895**	-.688**	-.706**	-.900**

\*\* Correlation is significant at the 0.01 level (2-tailed).

\* Correlation is significant at the 0.05 level (2-tailed).

n.s. Correlation was nonsignificant.

**BACKLOG ELIMINATION**

The COA added six judges in 1989, but it took until 1993 before the Court was finally able to dispose of more cases than it was receiving. Even after the COA increased to 28 judges in 1995, visiting judges were used because more staff attorneys were being employed to prepare a greater number of cases for decision. The focus was on reducing the backlog of opinion cases that had built up.

From 1993 through 1997, the COA averaged 10,425 filings, 11,908 dispositions, and 5,546 opinions. The average clearance rate (dispositions/filings) during this period was 114.2 percent. In other words, the COA disposed of more cases per year than it received in new filings. This was accomplished with an average of 26.4 COA judges, 8.4 visiting judges, and 76.8 central research staff attorneys. This level of staffing eliminated the backlog.

**DELAY REDUCTION**

The use of visiting judges was no longer necessary as filings dropped below 8,000 and remained relatively low. In 2001, the focus of the COA shifted to reducing the time it took to decide an opinion case. The COA decided 7,606 cases in 2001. Of those cases, 3,138 were opinion cases that took an average of 653 days from the date of filing to decision. At that time, a case spent 260 days in the "intake" stage where, after the case is docketed and reviewed for jurisdiction, the COA waits for the transcripts, briefs, and lower court records to be filed. Although the case was then ready for the research division, an average of 271 additional days passed in the "warehouse" until a research attorney was available to start researching the case and preparing a report.

Between 2001 and 2006, by shortening various filing deadlines, implementing new case processing procedures, and working hard, the COA was able to reduce the time from filing to opinion by 230 days. By the end of 2006, the COA was issuing an opinion within 423 days of a case's filing. Most of this reduction (190 days) occurred during the "intake" and "warehouse" phases of the process.

<b>2001</b>	260 Days		271 Days		61 Days		61 Days	= 653 Days
	Intake		Warehouse		Research		Judicial Chambers	
<b>2006</b>	182 Days		159 Days		52 Days		30 Days	= 423 Days

This substantial reduction in delay is a remarkable achievement. However, further delay reduction cannot continue within current and anticipated budgets. In fact, regardless of budgetary constraints, a court cannot decide more cases than it receives indefinitely. There comes a point of diminishing returns in attempting to reduce the time it takes to decide a case on appeal. New case management techniques, under the guise of greater efficiency, violate the traditional "first-in, first-out" order of deciding cases on appeal,<sup>13</sup> and, unless a sufficient pool of cases is available, a balanced case call cannot be prepared. Optimal results require the correct allocation of resources.

**PRESENT ALLOCATION OF RESOURCES**

Working within the parameters set by its budget and shrinking research division, the COA has been forced to shift more of the preparatory work on opinion cases to the judicial chambers. Presently, the COA is scheduling five regular or weighted panels per month. However, each judge on a regular panel is assigned one case without an accompanying research report. (Had that case been assigned to a research attorney, it would take the attorney three to four days to prepare a report and proposed opinion.) The COA is also scheduling two complex panels per month with each panel member assigned one to three cases without accompanying research reports. (Had those cases been assigned to a research attorney, it would take the attorney 28 days to prepare the reports and proposed opinions.) As a result, complex panels are able to handle approximately 6 cases instead of 30 cases.

<sup>13</sup> The expedited summary disposition docket was a pilot program started on January 1, 2005, in which the COA hoped to receive, process, and decide appeals from trial court orders granting or denying summary disposition within 180 days of filing. The goal was never achieved and on May 7, 2007, the pilot was suspended due to budget induced staff reductions.

The following analysis quantifies the annual contributions of judicial chambers preparing research reports and proposed opinions. It utilizes the estimates made by the COA case screener who reviews all cases before assignment, and estimates the number of days that it should take the average prehearing attorney to complete a report.

**Regular Panels** – There are 5 regular panels per month for 11 months per year and each panel consists of 3 judges. Each judge on a regular panel is assigned one case evaluated at three to four days without an accompanying research report. Therefore, the judges are assigned a total of 165 “no report” cases each year on regular panels. If the work requires an average of 3.5 days, judicial chambers spend 577.50 days per year preparing research reports and proposed opinions for regular panel cases.

*Regular Panel Formula*

5 panels x 11 months x 3 judges x 3.5 days = 577.50 days of work per year

**Complex Panels** – There are 2 complex panels per month for 11 months per year and each panel consists of 3 judges. Each judge on a complex panel is assigned one, two, or three cases without accompanying research reports. The aggregate day evaluation of each judge’s assignments is 28 days. Therefore, judicial chambers spend 1,848.00 days per year preparing research reports and proposed opinions for complex panel cases.

*Complex Panel Formula*

2 panels x 11 months x 3 judges x 28 days = 1,848.00 days of work per year

**Regular and Complex Panels** – Adding together the days per year on regular and complex panel cases, judicial chambers spend a total of 2,425.50 days on research reports and proposed opinions for regular and complex panel cases. The “judge year” used in Parts I and II of this report to estimate trial court judges is 215 days per year. Applying this judge year, the COA judicial chambers are contributing a workload equal to 11.28 full-time prehearing attorneys by preparing research reports and proposed opinions for regular and complex panel cases.

*Days of Work Per Year Formula*

577.50 regular panel + 1,848.00 complex panel = 2,425.50 days of work per year

*Full-Time Prehearing Attorneys*

2,425.50 / 215 = 11.28 full-time prehearing attorneys

**REALLOCATION OF RESOURCES**

Requiring the judicial chambers to perform the work of prehearing attorneys is not the most efficient means of processing cases within the COA. However, the inability to vary the number of judges in response to budget constraints has led to reductions in staff attorneys. This caused some of the work normally performed by the research division to be moved to judicial chambers.

Each judicial chamber employs a judge, a law clerk, and a judicial assistant. Salary costs in 2007 for these positions in each judicial chamber are shown below:

	<b>Judge</b>	<b>Law Clerk</b>	<b>Judicial Assistant</b>	<b>Total</b>
Salary	151,441	65,730	51,072	268,243
Retirement & FICA (DC)	19,145	17,649	13,713	50,506
Insurances (employee & spouse)	13,267	13,286	13,220	39,773
<b>Total</b>	<b>183,853</b>	<b>96,665</b>	<b>78,005</b>	<b>358,522</b>

To reduce the number of COA judges by 4, from 28 to 24, would result in personnel savings of \$1,434,088 annually. The cost of hiring 11 prehearing attorneys, at approximately \$70,000 each, would be \$770,000. The reallocation of \$770,000 of this amount to provide increased staffing in the research division would restore balance to the COA and allow for more efficient use of resources.

### **CURRENT AND PROPOSED CASE CALL CONFIGURATIONS**

Since 2001, when the COA focused on reducing the time it took to decide an opinion case, it has received an average of 7,390 filings per year and has averaged 7,731 dispositions per year. In other words, for the past six years, the COA has been deciding an average of 341 cases per year more than it receives for a clearance rate of 104.6 percent. As impressive as this is, it is not possible to continue deciding more cases than are filed indefinitely.

In fact, delay reduction in the COA, under its present composition and budget strictures, has reached a point where further reductions in the time it takes to decide an opinion case are impossible. Even without budget reductions in 2007 and 2008, further delay reduction would be minimal and the cost, in both dollars and variance from traditional "first case filed - first case decided" principles, would outweigh any gains. The focus must shift to maintaining the COA's present position with fewer resources.

The COA does need to decide as many cases as it receives each year to maintain its hard-earned gains. Using the average number of opinions issued by the COA since 2001 (3,445) and dividing it by the clearance rate (104.6 percent), the COA would have achieved a 100 percent clearance rate by issuing 3,293 opinions per year. What is so impressive is that the COA not only met that number, but exceeded it with its current case call configuration. Looking at a typical case call and not taking into consideration any production-enhancing efforts, the COA's current scheduling would be expected to produce approximately 3,100 opinions.

**Current Scheduling (with 28 judges)**

Monthly Schedule

2 Summary Panels (60 cases per panel) = 120 opinion cases

2 Complex Panels (6 cases per panel) = 12 opinion cases

5 Regular Panels (30 cases per panel) = 150 opinion cases

***Annual Totals***

*282 cases per month x 11 months = 3,102 opinion cases per year*

By reducing the number of judges on the COA from 28 to 24 and adding research attorneys, the COA could eliminate inefficient complex panels from the case call, decide approximately 3,300 opinion cases per year, and save money.

**Proposed Scheduling (with 24 judges)**

Monthly Schedule

2 Summary Panels (60 cases per panel) = 120 opinion cases

6 Regular Panels (30 cases per panel) = 180 opinion cases

***Annual Totals***

*300 cases per month x 11 months = 3,300 opinion cases per year*

The SCAO recommends reducing the number of COA judges from 28 to 24 through attrition and using approximately half the savings to hire research attorneys. This will allow the COA to eliminate the practice of assigning cases without accompanying research reports on its case call, decide as many cases as are filed (100 percent clearance), and save taxpayer dollars.