

State Court Administrative Office
Judicial Resources Recommendations



September 2009

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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. Part I of this report summarizes the recommendations for trial court judgeships and Part II summarizes the recommendations for Court of Appeals (COA) judgeships.

The review of trial courts began with a statistical weighted caseload analysis. The weighted caseload for circuit, probate, 1st class district, and 2nd class district courts within each judicial circuit were combined for analysis purposes because courts within a circuit 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. Third class district courts are funded by cities and townships and were analyzed independently of any circuit or probate court. As a general rule, trial courts with a combined judicial excess greater than 1.25 were subject to an extended analysis of additional factors that affect workload, such as caseload filing and population trends.

The SCAO's judicial resources recommendations for trial courts are summarized below and on pages 8 and 9. Certain jurisdictions may also benefit from a concurrent jurisdiction plan, the conferring of district court jurisdiction upon a probate judge, or the creation of different district court jurisdictions.

Eliminate the following judgeships:

- Two circuit judgeships by attrition from the 3rd Circuit Court of Wayne County.
- One circuit judgeship by attrition from the 41st Circuit Court of Dickinson, Iron, and Menominee counties.
- One district judgeship by attrition from the 95B District Court of Dickinson and Iron counties.
- One district judgeship by attrition from the 81st District Court of Alcona, Arenac, Iosco, and Oscoda counties.
- One probate judgeship by attrition upon the creation of a probate court district of Alcona and Oscoda counties.
- One district judgeship by attrition from the 98th District Court of Gogebic and Ontonagon counties.
- One district judgeship by attrition from the 97th District Court of Baraga, Houghton, and Keweenaw counties.
- One circuit judgeship by attrition from the 25th Circuit Court of Marquette County or one district judgeship by attrition from the 96th District Court of Marquette County.
- One district judgeship by attrition from the 8th District Court of Kalamazoo County.
- One circuit judgeship by attrition from the 46th Circuit Court of Crawford, Kalkaska, and Otsego counties.
- One district judgeship by attrition from the 50th District Court of the City of Pontiac.
- One district judgeship by attrition from the 85th District Court of Benzie and Manistee counties.
- One district judgeship by attrition from the 88th District Court of Alpena and Montmorency counties.
- One district judgeship by attrition from the 79th District Court of Lake and Mason counties.

The SCAO also recommends adding one circuit court judgeship to the 16th Circuit Court of Macomb County and converting one Macomb County probate judgeship to a circuit judgeship.

If these recommendations are enacted, the state would add 1 circuit judgeship, convert 1 probate judgeship to a circuit judgeship, and eliminate 15 trial court judgeships. The state would save approximately \$2.2 million each year and local funding units would save additional monies. The SCAO recommends that all reductions in judgeships be accomplished by attrition. Attrition occurs upon the death, resignation, or removal from office of the incumbent judge, or if the incumbent judge does not seek election or reelection.

The manner in which cases are processed in the COA is different from the way in which cases are decided in trial courts; therefore, a separate analysis was conducted and presented 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 of 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 spend approximately half of the savings to hire research attorneys. This would allow the COA to still decide as many cases as it receives. An analysis of the COA can be found in Part II of this report.

PART I Trial Court Judgeships

INTRODUCTION

Since 1988, the Legislature has added a net of 30 additional trial court judgeships and converted 13 part-time probate judgeships to full-time with district court jurisdiction.¹ In 1988, the state had 543 full-time and 13 part-time judgeships. Now the state has 585 full-time judgeships and 1 part-time judgeship. This represents an increase in judicial resources of 6.6 percent, or 36 full-time equivalent judgeships. Since 2003, new case filings have decreased by an average of 1 percent per year, for a total reduction of 5.5 percent. If the Legislature enacts the SCAO's recommendations, the net reduction in judgeships would be 14, or 2.4 percent of the trial court judgeships, and the state would save approximately \$2.2 million each year.

Part I of this report summarizes the review methods, cost savings, and judicial resources recommendations for trial court judgeships in Michigan.² The recommendations for trial courts are summarized on pages 8 and 9.

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 number of judges needed in each court. As a general rule, trial courts with a combined judicial excess greater than 1.25 are subject to the second stage, in which the SCAO reviews additional factors that affect workload of the particular court. This is the extended or secondary analysis. The SCAO uses the weighted caseload results and extended analysis to make the judicial resources recommendations.

Weighted Caseload Formula: The weighted caseload formula is the preliminary quantitative method to identify a potential need for a change in the number of judgeships in each court. Weighted caseload attributes a "weight" to different case types to account for varying amounts of judicial time required to handle an individual case.³ The case weights are applied to the average annual new case filings and the judicial share to generate an estimate of the total judicial time necessary to process the court's caseload. This is divided by the judicial year, which is the average amount of time available to an individual judge each year for case-related activity. The result is an estimate of the number of judgeships required to process the court's caseload.

$$\frac{\text{Average Annual New Case Filings} \times \text{Case Weight} \times \text{Judicial Share}}{\text{Judicial Year}}$$

¹ MCL 600.810a.

² As used in this report, the term "trial court" refers to circuit, probate, and district, but not municipal courts.

³ The case weight for capital felony cases, for example, is much greater than the case weight for a civil infraction. All case weights include postjudgment time.

The weighted caseload results for circuit, probate, 1st class district, and 2nd class district courts within each judicial circuit were combined for analysis purposes because courts within a circuit can take advantage of concurrent jurisdiction plans under MCL 600.401 *et seq.*⁴ 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. Third class district courts are funded by cities and townships and were analyzed independently of any circuit or probate court.

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 unweighted total case filings. The proportions of different caseload types may vary significantly from court type to court type,⁵ and from court to court.⁶ 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 other methods, including a simple population analysis or an unweighted case filings 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 included representatives from the COA, circuit courts, probate courts, district courts, State Bar Association, Michigan House of Representatives, Michigan Senate, and local governments. The TCAC conducted a time study for two months during 1997 to measure the actual time spent by judges in selected jurisdictions. The results were published in 1998.⁷ The TCAC contracted with the National Center for State Courts for assistance in developing the weighted caseload formula.⁸

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.⁹ 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

⁴ Because the 7th Probate Court District and the 90th District Court both encompass the 33rd and 57th Circuit Courts, for purposes of this report, the weighted caseloads for the 33rd and 57th Judicial Circuits were combined.

⁵ 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.

⁶ 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.

⁷ Michigan Trial Court Assessment Commission: Recommendations, 1998.

⁸ The National Center for State Courts, based in Williamsburg, Virginia, is a nonprofit organization dedicated to supporting the nation's state courts through research and technical assistance.

⁹ 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.*

another time study in September and October of 2006 to update the case weights.¹⁰ The average of the case weights from the 2000 and 2006 time studies were used to generate the recommendations in the Judicial Resources Recommendations report of 2007 and 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 (2006, 2007, and 2008) were used in the weighted caseload formula. 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. The weighted caseload results for all courts are provided on pages 46 through 55.

Extended Analysis: The estimation of judicial need is a complicated and multifaceted 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 and demographic trends. As a general rule, judicial circuits and 3rd class district courts statistically displaying an excess of at least 1.25 judges were selected for the extended analysis.

Because of the continued economic crisis facing the state of Michigan and many of the local funding units, some courts displaying a judicial need were not included in the extended analysis. The 6th, 16th, and 17th judicial circuits and the 36th district statistically display a need of at least 1.25 judges. The Legislature recently approved the addition of one judgeship for the 6th Circuit Court of Oakland County, but it was not approved by the county.

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. During the extended analysis, SCAO regional administrators met with each court to gather additional information. Courts were asked to answer questions about other case-related factors that affect judicial resources, issues about resources provided by the court, and environmental factors that are present in the court's jurisdiction. These questions are provided on pages 43 and 44. The extended analysis is not limited to these questions, as the court is able to present any issue or factor that may be relevant to determining judicial resources.

The SCAO analyzed additional factors for each court. Caseload trends since 2003 and population since 2000 were reviewed. The SCAO examined the current court structure and geography of the courts. This assisted in determining if it would be feasible to confer district court jurisdiction upon probate judges. It also assisted in determining if district court realignment would assist in improving the courts.

¹⁰ The 2006 time study involved 25 counties, 19 circuit courts, 25 probate courts, and 35 district courts. Participating in the study were 375 judges (well over half the state's trial judges), 98 magistrates, 158 referees, 74 probate registers, 190 law clerks and research attorneys, and other quasi-judicial officers. A total of 6,241,854 minutes were reported and analyzed by the SCAO.

Several courts exceeded the threshold and were included in the extended analysis. Only some of these courts are presented in this report with a recommendation for a change in judgeships. The courts for which the SCAO recommends a reduction in judgeships are described on pages 10 through 42.

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, on the other hand, pays the cost of judges' salaries.

State Costs: The state is responsible for the salary, a retirement contribution equal to seven percent, the employer portion of FICA taxes (OASI and Medicare), and, in certain circumstances, travel reimbursement. The salary for a circuit court or probate court judge is \$139,919.00. The salary for a district court judge is \$138,272.00.¹¹ The state is responsible for contributing seven percent of the salary towards retirement for judges in the defined contribution plan.¹² The state pays the employer's share of FICA taxes (OASI and Medicare). 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.¹³

The annual total state cost of a judgeship ranges from \$156,777.58 for a district judge to \$158,563.76 for a circuit or probate judge. The following table provides a breakdown of annual costs to the state per judge:

Court Type	Salary	Retirement Contribution	FICA	Travel Reimbursement	Total State Costs
Circuit	139,919.00	9,794.33	8,650.43	200.00	158,563.76
Probate	139,919.00	9,794.33	8,650.43	200.00	158,563.76
District	138,272.00	9,679.04	8,626.54	200.00	156,777.58

There are currently 585 full-time judgeships and 1 part-time trial court judgeship. Of these, 221 are circuit judgeships, 103 are probate judgeships, 258 are district judgeships, and 4 are municipal judgeships. If the Legislature enacts the SCAO's recommendations, the net reduction in judgeships would be 14 and the state would save approximately \$2.2 million each year.

Local Costs: Significant local costs are associated with a judgeship, such as judges' fringe benefits; salaries and fringe benefits of court personnel (i.e., clerk, court reporter, bailiff, legal assistants); computer hardware, software, and other equipment for court personnel; and courtrooms, jury rooms, and judges' chambers.

Local 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.

¹¹ A portion of the judicial salary, equal to \$45,724.00, is paid by the local funding unit and reimbursed by the state. MCL 600.555 (circuit judges); MCL 600.821 and MCL 600.822 (probate judges); and MCL 600.8202 (district judges).

¹² New judges are enrolled in the defined contribution plan. The estimate assumes the highest state contribution plan.

¹³ MCL 600.555(6) (circuit judges); MCL 600.828 (probate judges); and MCL 600.8202(6) (district judges).

SUMMARY OF 2009 TRIAL COURT JUDICIAL RESOURCES RECOMMENDATIONS

Courts	Net Judicial Need (+) or Excess (-)	Final Recommendation
3 rd Circuit Court and Wayne County Probate Court	-3.96	Eliminate two circuit judgeships through attrition.
41 st Circuit Court, Dickinson County Probate Court, Iron County Probate Court, Menominee County Probate Court, 95A District Court, and 95B District Court	-3.76	Eliminate one circuit judgeship and one district judgeship through attrition.
23 rd Circuit Court, Alcona County Probate Court, Arenac County Probate Court, Iosco County Probate Court, Oscoda County Probate Court, and 81 st District Court	-3.48	Eliminate one district judgeship and one probate judgeship through attrition.
32 nd Circuit Court, Gogebic County Probate Court, Ontonagon County Probate Court, and 98 th District Court	-2.71	Eliminate one district judgeship through attrition.
12 th Circuit Court, Baraga County Probate Court, Houghton County Probate Court, Keweenaw County Probate Court, and 97 th District Court	-2.48	Eliminate one district judgeship through attrition.
25 th Circuit Court, Marquette County Probate Court, and 96 th District Court	-2.33	Eliminate one circuit judgeship or one district judgeship through attrition.
9 th Circuit Court, Kalamazoo County Probate Court, and 8 th District Court	-2.16	Eliminate one district judgeship through attrition.
46 th Circuit Court, Crawford County Probate Court, Kalkaska County Probate Court, Otsego County Probate Court, 87A District Court, 87B District Court, and 87C District Court	-1.99	Eliminate one circuit judgeship through attrition.

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Courts	Net Judicial Need (+) or Excess (-)	Final Recommendation
50 th District Court – City of Pontiac	-1.85	Eliminate one district judgeship through attrition.
19 th Circuit Court, Benzie County Probate Court, Manistee County Probate Court, and 85 th District Court	-1.84	Eliminate one district judgeship through attrition.
26 th Circuit Court, Alpena County Probate Court, Montmorency County Probate Court, and 88 th District Court	-1.84	Eliminate one district judgeship through attrition.
51 st Circuit Court, Lake County Probate Court, Mason County Probate Court, and 79 th District Court	-1.72	Eliminate one district judgeship through attrition.
16 th Circuit Court, Macomb County Probate Court, and 42 nd District Court	+4.00	Add one circuit court judgeship. Convert one probate court judgeship to a circuit court judgeship.

TOTAL RECOMMENDED CHANGES:

**Add 1 Circuit Judgeship
 Convert 1 Probate Judgeship to Circuit Judgeship
 Eliminate 15 Trial Court Judgeships by Attrition**

EXTENDED ANALYSES

**3rd Circuit Court – Wayne County
Wayne County Probate Court**

SUMMARY AND RECOMMENDATIONS:

The SCAO recommends the 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. Pursuant to long-standing practice, as required by the courts' family court plan, two probate judges serve full-time in the family division of circuit court handling solely juvenile matters. As a result, while this report indicates that the 3rd Circuit Court has 61 judges and the Wayne County Probate Court has 8 judges, in practice there are 63 judges serving the circuit court and 6 judges serving the probate court. Any change in these long-standing assignments would require an amendment of the family court plan approved jointly by both courts and the SCAO.

In 2005, the SCAO recommended elimination of one probate judgeship through attrition. In 2007, the SCAO recommended elimination of two circuit judgeships through attrition. In 2007, the Michigan Supreme Court recommended elimination of two circuit judgeships and one probate judgeship through attrition. The Legislature did not enact these recommendations.

The weighted caseload results indicate a combined excess of 3.96 judges for both courts.

Judicial Workload Estimates

Courts	Three Year Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
C03 and Wayne County Probate Court	65.04	69.00	-3.96

Totals and differences were calculated before rounding.

CASE-RELATED FACTORS:

Between 2003 and 2008, case filings in the circuit court remained stable, while case filings in the probate court decreased by an average of 2.2 percent per year, from 17,058 to 15,285. Total caseload decreased by an average of 0.4 percent per year, from 107,474 to 105,147.

Case Filings

Year	Circuit				Circuit Subtotal	Probate	Total
	Appeals	Criminal	Civil	Family			
2003	921	16,082	17,610	55,803	90,416	17,058	107,474
2004	782	15,553	16,003	60,166	92,504	16,530	109,034
2005	891	15,459	15,141	58,106	89,597	16,036	105,633
2006	852	17,451	14,578	63,221	96,102	16,164	112,266
2007	996	18,067	14,511	61,748	95,322	15,608	110,930
2008	1,132	17,002	14,705	57,023	89,862	15,285	105,147

This table includes case filings in 3rd Circuit Court and Wayne County Probate Court. There are no 1st or 2nd class district courts in Wayne County. Case groups are described on page 45.

POPULATION TRENDS:

Between 2000 and 2008, the population of Wayne County decreased by an average of 0.7 percent per year, from 2,058,734 to an estimated 1,949,929.

Wayne County Population

Type of Count	Year	Population
Annual Estimates	2000	2,058,734
	2001	2,058,087
	2002	2,052,396
	2003	2,044,832
	2004	2,035,701
	2005	2,024,183
	2006	2,009,204
	2007	1,981,654
	2008	1,949,929

Source: <http://www.census.gov/>.

CONCLUSION:

The weighted caseload results indicate a combined excess of 3.96 judges for both courts.

The weighted caseload results consistently indicate a combined excess of judgeships for these two courts. If case filings and population continue to decrease, the judicial excess will be exacerbated. In both 2005 and 2007, the SCAO recommended reducing the number of judgeships in these courts. In 2007, the Michigan Supreme Court recommended eliminating two circuit judgeships and one probate judgeship. Reducing the combined number of judgeships from 69 to 67 represents only a 2.9 percent reduction in the number of judges and would still leave an excess of 1.96 judges.

The SCAO recommends the reduction through attrition of two circuit judgeships.

41st 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 one circuit judgeship and one district judgeship. The SCAO also recommends that the 95A District Court be reconstituted to include Dickinson and Menominee counties and that the 95B District Court be reconstituted to include only Iron County. Because the Iron County probate judge already has district court jurisdiction, the SCAO recommends that the reconstituted 95B District Court not have an elected district judge.

As an alternative to eliminating a circuit judgeship, the counties could create a probate court district of Dickinson and Menominee counties, which would result in the reduction through attrition of one probate judgeship.¹⁴

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 with district court jurisdiction.

In 2003, the SCAO recommended that the part-time probate judgeship in Iron County be converted to full-time with district court jurisdiction, and a circuit judgeship be eliminated through attrition. 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. In 2007, the SCAO and the Michigan Supreme Court recommended the elimination of two district judgeships through attrition and that the probate judges in Dickinson and Menominee counties be given district court jurisdiction. The Legislature did not enact any of these recommendations.

The weighted caseload results indicate a combined excess of 3.76 judges for all six courts.

¹⁴ MCL 600.808.

Judicial Workload Estimates

Courts	Three Year Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
C41, Dickinson County Probate Court, Iron County Probate Court, and Menominee County Probate Court	2.26		
95A District Court and 95B District Court	0.98		
Totals	3.24	7.00	-3.76

Totals and differences were calculated before rounding.

CASE-RELATED FACTORS:

Between 2003 and 2008, total case filings in Dickinson, Iron, and Menominee counties decreased by an average of 5.1 percent per year, from 17,004 to 13,024. This represents a reduction in case filings of nearly one-quarter.

Case Filings

Year	Circuit				Probate	District	Total
	Appeals	Criminal	Civil	Family			
2003	30	321	234	1,556	374	14,489	17,004
2004	37	345	182	1,541	384	13,552	16,041
2005	30	403	181	1,548	392	12,091	14,645
2006	22	390	129	1,464	448	12,351	14,804
2007	19	383	159	1,476	410	12,382	14,829
2008	19	414	144	1,353	367	10,727	13,024

This table includes case filings in all courts in Dickinson, Iron, and Menominee counties. Case groups are described on page 45.

POPULATION TRENDS:

Between 2000 and 2008, the population of Dickinson, Iron, and Menominee counties decreased by an average of 0.6 percent per year, from 65,936 to an estimated 63,015.

Dickinson, Iron, and Menominee Counties Population

Type of Count	Year	Population
Census	2000	65,936
	2001	65,224
Annual Estimates	2002	64,767
	2003	64,512
	2004	64,564
	2005	64,028
	2006	63,520
	2007	63,237
	2008	63,015

Source: <http://www.census.gov/>.

CONCLUSION:

The weighted caseload results indicate a combined excess of 3.76 judges for all courts.

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 exacerbated the preexisting judicial excess. The decrease in case filings and population has also exacerbated the judicial excess. The SCAO has recommended reductions in the number of judges for these courts in 2003, 2005, and 2007. Reducing the combined number of judgeships from seven to five would still leave an excess of 1.76 judges.

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

23rd Circuit Court – Alcona, Arenac, Iosco, and Oscoda Counties
Alcona County Probate Court
Arenac County Probate Court
Iosco County Probate Court
Oscoda County Probate Court
81st District Court – Alcona, Arenac, Iosco, and Oscoda Counties

SUMMARY AND RECOMMENDATIONS:

The SCAO recommends the reduction through attrition of one district judgeship and that the probate judge in Iosco County be given district court jurisdiction. Additionally, the SCAO recommends the counties create a probate court district of Alcona and Oscoda counties, which would result in the reduction through attrition of one probate judgeship.¹⁵ The SCAO also recommends that separate district courts be created for each county or probate court district.

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

In 2007, the SCAO recommended the elimination of one district judgeship through attrition and that the probate judge in Iosco County be given district court jurisdiction. In 2007, the Michigan Supreme Court recommended the elimination of one circuit judgeship and one district judgeship through attrition and that the probate judge in Iosco County be given district court jurisdiction. The Legislature did not enact any of these recommendations.

The weighted caseload results indicate a combined excess of 3.48 judges for all six courts.

Judicial Workload Estimates

Courts	Three Year Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
C23, Alcona County Probate Court, Arenac County Probate Court, Iosco County Probate Court, and Oscoda County Probate Court	2.40		
81 st District Court	1.13		
Totals	3.52	7.00	-3.48

Totals and differences were calculated before rounding.

¹⁵ MCL 600.808.

CASE-RELATED FACTORS:

Between 2003 and 2008, total case filings in Alcona, Arenac, Iosco, and Oscoda counties decreased by an average of 5.7 percent per year, from 22,311 to 16,446. This represents a reduction in case filings of one-quarter.

Case Filings

Year	Circuit				Probate	District	Total
	Appeals	Criminal	Civil	Family			
2003	25	359	207	1,460	606	19,654	22,311
2004	28	416	219	1,511	619	15,855	18,648
2005	23	388	207	1,303	535	15,094	17,550
2006	15	349	217	1,331	490	14,617	17,019
2007	22	380	217	1,164	502	14,480	16,765
2008	27	404	216	1,190	479	14,130	16,446

This table includes case filings in all courts in Alcona, Arenac, Iosco, and Oscoda counties. Case groups are described on page 45.

POPULATION TRENDS:

Between 2000 and 2008, the population of Alcona, Arenac, Iosco, and Oscoda counties decreased by an average of 0.6 percent per year, from 65,745 to an estimated 62,685.

Alcona, Arenac, Iosco, and Oscoda Counties Population

Type of Count	Year	Population
Census	2000	65,745
	2001	65,441
	2002	64,931
	2003	64,676
Annual Estimates	2004	64,352
	2005	64,039
	2006	63,728
	2007	63,225
	2008	62,685

Source: <http://www.census.gov/>.

CONCLUSION:

The weighted caseload results indicate a combined excess of 3.48 judges for all six courts.

The conversion of three probate judgeships from part-time to full-time without a corresponding reduction in the total number of judgeships exacerbated the preexisting judicial excess. The decrease in case filings and population has also exacerbated the judicial excess. The SCAO and

the Michigan Supreme Court recommended reductions in 2007. Reducing the combined number of judgeships from seven to five would still leave an excess of 1.48 judges.

By eliminating the district judgeship and giving the probate judge in Iosco County district court jurisdiction, each of the probate judges would serve both the probate court and district court in his or her own county. Travel between counties would be minimal, if any, for these judges. If a probate court district is created, the probate judge serving in that district would travel between the two counties. Additionally, the remaining two circuit judges travel among all four counties.

The SCAO recommends the reduction through attrition of one district judgeship and that the probate judge in Iosco County be given district court jurisdiction. Additionally, the SCAO recommends the counties create a probate court district of Alcona and Oscoda counties, which would result in the reduction through attrition of one probate judgeship. The SCAO also recommends that separate district courts be created for each county or probate court district.

32nd Circuit Court – Gogebic and Ontonagon Counties
Gogebic County Probate Court
Ontonagon County Probate Court
98th 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. Additionally, the SCAO recommends that two district courts be created, one for Gogebic County and one for Ontonagon County.

As an alternative to eliminating a district judgeship and creating two separate district courts, the counties could create a probate court district of Gogebic and Ontonagon counties, which would result in the reduction through attrition of one probate judgeship.¹⁶

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

In 2003, the SCAO recommended that the part-time probate judgeship in Ontonagon County be converted to full-time with district court jurisdiction upon elimination of the district judgeship by attrition, if Gogebic and Ontonagon counties did not form a probate court district. The counties did not form a probate court district and the Legislature converted the Ontonagon County probate judgeship to full-time with district court jurisdiction. However, the Legislature did not eliminate the district judgeship.

In 2007, the SCAO and the Michigan Supreme Court recommended the elimination of one district judgeship through attrition and that the probate judge in Gogebic County be given district court jurisdiction. The Legislature did not enact any of these recommendations.

The weighted caseload results indicate a combined excess of 2.71 judges for all four courts.

Judicial Workload Estimates

Courts	Three Year Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
C32, Gogebic County Probate Court, and Ontonagon County Probate Court	0.88		
98 th District Court	0.42		
Totals	1.29	4.00	-2.71

Totals and differences were calculated before rounding.

¹⁶ MCL 600.808.

CASE-RELATED FACTORS:

Between 2003 and 2008, total case filings in Gogebic and Ontonagon counties decreased by an average of 7.5 percent per year, from 7,023 to 4,664. This represents a reduction in case filings of approximately one-third.

Case Filings

Year	Circuit				Probate	District	Total
	Appeals	Criminal	Civil	Family			
2003	18	117	77	629	175	6,007	7,023
2004	14	121	69	570	211	5,615	6,600
2005	8	93	65	660	157	5,121	6,104
2006	12	119	67	511	184	5,346	6,239
2007	15	116	58	569	202	4,970	5,930
2008	22	119	62	459	204	3,798	4,664

This table includes case filings in all courts in Gogebic and Ontonagon counties. Case groups are described on page 45.

POPULATION TRENDS:

Between 2000 and 2008, the population of Gogebic and Ontonagon counties decreased by an average of 1.2 percent per year, from 25,188 to an estimated 22,862.

Gogebic and Ontonagon Counties Population

Type of Count	Year	Population
Census	2000	25,188
	2001	25,297
	2002	24,962
	2003	24,588
Annual Estimates	2004	24,175
	2005	23,793
	2006	23,393
	2007	23,130
	2008	22,862

Source: <http://www.census.gov/>.

CONCLUSION:

The weighted caseload results indicate a combined excess of 2.71 judges for all four courts.

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. The decrease in case filings by approximately one-third and decrease in population has also exacerbated the judicial excess. The SCAO

recommended eliminating the district judgeship in both 2003 and 2007. Reducing the combined number of judgeships from four to three would still leave an excess of 1.71 judges.

By eliminating the 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 his or her own county. Travel between counties would be minimal, if any, for these judges. One circuit judge would remain and continue to serve both counties.

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. Additionally, the SCAO recommends that two district courts be created, one for Gogebic County and one for Ontonagon County. As an alternative to eliminating a district judgeship and creating two separate district courts, the counties could create a probate court district of Gogebic and Ontonagon counties, which would result in the reduction through attrition of one probate judgeship.

12th Circuit Court – Baraga, Houghton, and Keweenaw Counties
Baraga County Probate Court
Houghton County Probate Court
Keweenaw County Probate Court
97th 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 and that two district courts be created, one for Baraga County and one for Houghton and Keweenaw counties.

As an alternative to eliminating the district judgeship and creating separate district courts, the counties could create a probate court district of Houghton and Keweenaw counties, which would result in the reduction through attrition of one part-time probate judgeship.¹⁷

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 (Keweenaw County), and one district judge. In January 2007, the part-time probate judgeship in Baraga County converted to a full-time judgeship with district court jurisdiction.

In 2003, the SCAO recommended that the part-time probate judgeships in Baraga and Keweenaw counties be converted to full-time with district court jurisdiction upon elimination of the district judgeship 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 with district court jurisdiction. However, the Legislature did not eliminate the district judgeship.

In August 2007, the SCAO and the Michigan Supreme Court recommended the elimination of one district judgeship through attrition and that the probate judges in Houghton and Keweenaw counties be given district court jurisdiction. The Legislature did not enact these recommendations.

The weighted caseload results indicate a combined excess of 2.48 judges for all five courts.

¹⁷ MCL 600.808.

Judicial Workload Estimates

Courts	Three Year Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
C12, Baraga County Probate Court, Houghton County Probate Court, and Keweenaw County Probate Court	1.05		
97 th District Court	0.48		
Totals	1.53	4.01¹⁸	-2.48

Totals and differences were calculated before rounding.

CASE-RELATED FACTORS:

Between 2003 and 2008, total case filings in Baraga, Houghton, and Keweenaw counties decreased by an average of 5.5 percent per year, from 8,139 to 6,097. This represents a reduction in case filings of one-quarter.

Case Filings

Year	Circuit				Probate	District	Total
	Appeals	Criminal	Civil	Family			
2003	25	90	86	666	303	6,969	8,139
2004	15	131	83	688	294	6,191	7,402
2005	15	176	75	602	319	6,122	7,309
2006	23	149	75	613	268	5,689	6,817
2007	18	128	87	623	264	5,751	6,871
2008	13	137	79	537	259	5,072	6,097

This table includes case filings in all courts in Baraga, Houghton, and Keweenaw counties. Case groups are described on page 45.

POPULATION TRENDS:

Between 2000 and 2008, the population of Baraga, Houghton, and Keweenaw counties decreased by an average of 0.3 percent per year, from 47,063 to an estimated 45,904.

¹⁸ 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.

Baraga, Houghton, and Keweenaw Counties Population

Type of Count	Year	Population
Census	2000	47,063
	2001	46,722
	2002	46,718
	2003	46,371
Annual Estimates	2004	46,548
	2005	46,318
	2006	45,931
	2007	45,791
	2008	45,904

Source: <http://www.census.gov/>.

CONCLUSION:

The weighted caseload results indicate a combined excess of 2.48 judges for all five courts.

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. The decrease in case filings and population has also exacerbated the judicial excess. The SCAO and the Michigan Supreme Court recommended eliminating the district judgeship in 2007.

The SCAO recommends the reduction through attrition of one district judgeship and that the probate judges in Houghton and Keweenaw counties be given district court jurisdiction. The probate judge in Baraga County already has district court jurisdiction. The workload of the Keweenaw County probate judgeship 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 1.51 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 his or her own county. Travel between counties would be minimal, if any, for these judges. One circuit judge would remain and continue to serve all three counties. The SCAO also recommends that two district courts be created, one for Baraga County and one for Houghton and Keweenaw counties.

As an alternative to eliminating the district judgeship and creating separate district courts, the counties could create a probate court district of Houghton and Keweenaw counties, which would result in the reduction through attrition of one part-time probate judgeship.

25th Circuit Court – Marquette County
Marquette County Probate Court
96th District Court – Marquette County

SUMMARY AND RECOMMENDATIONS:

The SCAO recommends the reduction through attrition of one circuit judgeship or one district 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. In 2006, the SCAO reviewed the court categories and Marquette County was appropriately reclassified. In 2007, the SCAO and the Michigan Supreme Court recommended the elimination of one circuit judgeship through attrition. The Legislature did not enact this recommendation.

The weighted caseload results indicate a combined excess of 2.33 judges for all three courts.

Judicial Workload Estimates

Courts	Three Year Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
C25 and Marquette County Probate Court	1.76		
96 th District Court	0.91		
Totals	2.67	5.00	-2.33

Totals and differences were calculated before rounding.

CASE-RELATED FACTORS:

Between 2003 and 2008, total case filings in Marquette County decreased by an average of 2.1 percent per year, from 17,368 to 15,487. The majority of this decrease is due to a sharp decline in district court filings between 2003 and 2004.

Marquette County Case Filings

Year	Circuit				Probate	District	Total
	Appeals	Criminal	Civil	Family			
2003	27	160	216	1,191	344	15,430	17,368
2004	34	218	156	1,069	305	13,468	15,250
2005	41	193	176	1,160	357	13,195	15,122
2006	33	212	150	1,143	336	13,512	15,386
2007	37	217	179	1,146	280	13,520	15,379
2008	40	204	168	1,077	280	13,718	15,487

This table includes case filings in all courts in Marquette County. Case groups are described on page 45.

POPULATION TRENDS:

Between 2000 and 2008, the population of Marquette County increased by an average of 0.2 percent per year, from 64,634 to an estimated 65,492.

Marquette County Population

Type of Count	Year	Population
Census	2000	64,634
	2001	64,624
	2002	64,762
	2003	64,640
Annual Estimates	2004	65,091
	2005	65,065
	2006	65,240
	2007	65,317
	2008	65,492

Source: <http://www.census.gov/>.

CONCLUSION:

The weighted caseload results indicate a combined excess of 2.33 judges for all three courts. If case filings and population continue to decrease, the judicial excess will be exacerbated. The SCAO and the Michigan Supreme Court recommended eliminating a circuit judgeship in 2007. Reducing the combined number of judgeships from five to four would still leave an excess of 1.33 judges.

The judicial excess is evenly distributed between the courts; therefore, the SCAO recommends the reduction through attrition of one circuit judgeship or one district judgeship.

**9th Circuit Court – Kalamazoo County
 Kalamazoo County Probate Court
 8th District Court – Kalamazoo County**

SUMMARY AND RECOMMENDATIONS:

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

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

In 2003, the SCAO recommended the elimination of one district judgeship through attrition. In 2007, the Michigan Supreme Court recommended the elimination of one district judgeship through attrition. The Legislature did not enact these recommendations.

The weighted caseload results indicate a combined excess of 2.16 judges for all three courts.

Judicial Workload Estimates			
Courts	Three Year Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
C09 and Kalamazoo County Probate Court	7.18		
8 th District Court	5.66		
Totals	12.84	15.00	-2.16

Totals and differences were calculated before rounding.

CASE-RELATED FACTORS:

Between 2003 and 2008, total case filings in the 9th Circuit Court, Kalamazoo County Probate Court, and 8th District Court decreased by an average of 1.3 percent per year, from 88,605 to 82,831.

Year	Circuit				Probate	District	Total
	Appeals	Criminal	Civil	Family			
2003	73	1,591	620	6,049	976	79,296	88,605
2004	84	1,914	621	6,277	1,024	80,608	90,528
2005	58	2,131	547	5,490	994	82,326	91,546
2006	55	2,051	638	5,894	940	79,257	88,835
2007	77	1,782	609	5,426	965	80,670	89,529
2008	56	1,827	691	6,074	973	73,210	82,831

This table includes case filings in all courts in Kalamazoo County. Case groups are described on page 45.

POPULATION TRENDS:

Between 2000 and 2008, the population of Kalamazoo County increased by an average of 0.4 percent per year, from 238,603 to an estimated 245,912.

Kalamazoo County Population

Type of Count	Year	Population
Census	2000	238,603
	2001	239,993
Annual Estimates	2002	241,709
	2003	243,382
	2004	241,948
	2005	242,533
	2006	243,442
	2007	244,559
	2008	245,912

Source: <http://www.census.gov/>.

CONCLUSION:

The weighted caseload results indicate a combined excess of 2.16 judges for all three courts.

While case filings have decreased, the county population has increased. In 2007, the Michigan Supreme Court recommended eliminating a district judgeship. Reducing the combined number of judgeships from 15 to 14 would still leave an excess of 1.16 judges.

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

46th Circuit Court – Crawford, Kalkaska, and Otsego Counties
Crawford County Probate Court
Kalkaska County Probate Court
Otsego County Probate Court
87A District Court – Otsego County
87B District Court – Kalkaska County
87C District Court – Crawford County

SUMMARY AND RECOMMENDATIONS:

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

There are six judges in Crawford, Kalkaska, and Otsego counties made up of two circuit judges, three probate judges, and one district judge. In 2003, the part-time probate judgeships in Crawford and Kalkaska counties converted to full-time judgeships with district court jurisdiction. In 2009, the district court was separated into three one-county courts.

In 2007, the Michigan Supreme Court recommended the elimination of one district judgeship through attrition and that the probate judge in Otsego County be given district court jurisdiction. The Legislature did not enact any of these recommendations.

The weighted caseload results indicate a combined excess of 1.99 judges for all seven courts.

Judicial Workload Estimates

Courts	Three Year Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
C46, Crawford County Probate Court, Kalkaska County Probate Court, and Otsego County Probate Court	2.80		
87A District Court, 87B District Court, and 87C District Court	1.21		
Totals	4.01	6.00	-1.99

Totals and differences were calculated before rounding.

CASE-RELATED FACTORS:

Between 2003 and 2008, total case filings in Crawford, Kalkaska, and Otsego counties decreased by an average of 5.3 percent per year, from 23,539 to 17,632. This represents a reduction in case filings of one-quarter.

Case Filings

Year	Circuit				Probate	District	Total
	Appeals	Criminal	Civil	Family			
2003	18	371	265	1,579	458	20,848	23,539
2004	14	391	252	1,416	439	19,564	22,076
2005	20	434	231	1,413	413	19,631	22,142
2006	14	522	239	1,431	439	20,934	23,579
2007	22	503	226	1,461	383	17,524	20,119
2008	21	389	188	1,367	497	15,170	17,632

This table includes case filings in all courts in Crawford, Kalkaska, and Otsego counties. Case groups are described on page 45.

POPULATION TRENDS:

Between 2000 and 2008, the population of Crawford, Kalkaska, and Otsego counties increased by an average of 0.3 percent per year, from 54,145 to an estimated 55,337.

Crawford, Kalkaska, and Otsego Counties Population

Type of Count	Year	Population
Census	2000	54,145
	2001	54,968
	2002	55,468
	2003	55,912
Annual Estimates	2004	55,946
	2005	56,167
	2006	56,208
	2007	55,812
	2008	55,337

Source: <http://www.census.gov/>.

CONCLUSION:

The weighted caseload results indicate a combined excess of 1.99 judges for all courts.

The conversion in 2003 of the Crawford County probate judgeship and the Kalkaska County probate judgeship from part-time to full-time without a corresponding reduction in the total number of judgeships exacerbated the judicial excess. The decrease in case filings since 2003 also exacerbated the judicial excess. In 2007, the Michigan Supreme Court recommended the elimination of one district judgeship through attrition and that the probate judge in Otsego County be given district court jurisdiction. Reducing the combined number of judgeships from six to five would still leave an excess of 0.99 judges.

The SCAO recommends reduction through attrition of one circuit judgeship.

50th District Court – City of Pontiac

SUMMARY AND RECOMMENDATIONS:

The SCAO recommends the reduction through attrition of one judgeship.

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

In 2007, the Michigan Supreme Court recommended the elimination of one district judgeship through attrition. The Legislature did not enact this recommendation.

The weighted caseload results indicate an excess of 1.85 judges for this court.

Judicial Workload Estimates

Courts	Three Year Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
50 th District Court – City of Pontiac	2.15	4.00	-1.85

Totals and differences were calculated before rounding.

CASE-RELATED FACTORS:

Between 2003 and 2008, case filings in the 50th District Court decreased by an average of 4.8 percent per year, from 28,725 to 21,529. This represents a reduction in case filings of one-quarter.

Case Filings

Year	District
2003	28,725
2004	29,581
2005	21,961
2006	22,358
2007	20,330
2008	21,529

Case groups are described on page 45.

POPULATION TRENDS:

Between 2000 and 2008, the population of the city of Pontiac remained stable at around 66,000.

City of Pontiac Population

Type of Count	Year	Population
Census	2000	66,337
	2001	67,772
Annual Estimates	2002	67,265
	2003	66,912
	2004	67,102
	2005	66,829
	2006	66,528
	2007	66,205
	2008	66,095

Source: <http://www.census.gov/>.

CONCLUSION:

The weighted caseload results indicate an excess of 1.85 judges.

Case filings have decreased in recent years. In 2007, the Michigan Supreme Court recommended the reduction through attrition of one judgeship. Reducing the number of judgeships from four to three would still leave an excess of 0.85 judges.

The SCAO recommends the reduction through attrition of one judgeship.

19th Circuit Court – Benzie and Manistee Counties
Benzie County Probate Court
Manistee County Probate Court
85th District Court – Benzie and Manistee Counties

SUMMARY AND RECOMMENDATIONS:

The SCAO recommends the reduction through attrition of one district judgeship. The SCAO also recommends that the probate judge in Manistee County be given district court jurisdiction. Additionally, the SCAO recommends that two district courts be created, one for Benzie County and one for Manistee County.

As an alternative to eliminating a district judgeship and creating two separate district courts, the counties could create a probate court district of Benzie and Manistee counties, which would result in the reduction through attrition of one probate judgeship.¹⁹

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

In 2007, the Michigan Supreme Court recommended the elimination of one district judgeship through attrition and that the probate judge in Manistee County be given district court jurisdiction. The Legislature did not enact these recommendations.

The weighted caseload results indicate a combined excess of 1.84 judges for all four courts.

Judicial Workload Estimates

Courts	Three Year Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
C19, Benzie County Probate Court, and Manistee County Probate Court	1.36		
85 th District Court	0.80		
Totals	2.16	4.00	-1.84

Totals and differences were calculated before rounding.

CASE-RELATED FACTORS:

Between 2003 and 2008, total case filings in Benzie and Manistee counties decreased by an average of 2.2 percent per year, from 10,806 to 9,364.

¹⁹ MCL 600.808.

Case Filings

Year	Circuit				Probate	District	Total
	Appeals	Criminal	Civil	Family			
2003	27	125	128	945	327	9,254	10,806
2004	37	159	116	848	287	9,601	11,048
2005	29	164	116	852	311	9,401	10,873
2006	34	130	120	926	309	9,066	10,585
2007	19	141	118	816	285	10,511	11,890
2008	30	104	131	762	300	8,037	9,364

This table includes case filings in all courts in Benzie and Manistee counties. Case groups are described on page 45.

POPULATION TRENDS:

Between 2000 and 2008, the population of Benzie and Manistee counties increased by an average of 1.1 percent, from 40,525 to an estimated 44,036.

Benzie and Manistee Counties Population

Type of Count	Year	Population
Census	2000	40,525
	2001	41,173
	2002	41,599
	2003	42,197
Annual Estimates	2004	42,103
	2005	42,431
	2006	42,528
	2007	42,229
	2008	44,036

Source: <http://www.census.gov/>.

CONCLUSION:

The weighted caseload results indicate a combined excess of 1.84 judges for all four courts.

The conversion of the Benzie County probate judgeship from part-time to full-time without a corresponding reduction in the total number of judgeships exacerbated the preexisting judicial excess. The decrease in case filings since 2003 has also exacerbated the judicial excess. The Michigan Supreme Court recommended eliminating the district judgeship in 2007. Reducing the combined number of judgeships from four to three would still leave an excess of 0.84 judges.

By eliminating the district judgeship and giving the probate judge in Manistee County district court jurisdiction, each probate judge would serve both the probate and district court in his or her own county. Travel between counties would be minimal, if any, for these judges. One circuit judge would remain and continue to serve both counties.

The SCAO recommends the reduction through attrition of one district judgeship. The SCAO also recommends that the probate judge in Manistee County be given district court jurisdiction. Additionally, the SCAO recommends that two district courts be created, one for Benzie County and one for Manistee County.

As an alternative to eliminating a district judgeship and creating two separate district courts, the counties could create a probate court district of Benzie and Manistee counties, which would result in the reduction through attrition of one probate judgeship.

26th Circuit Court – Alpena and Montmorency Counties
Alpena County Probate Court
Montmorency County Probate Court
88th District Court – Alpena and Montmorency Counties

SUMMARY AND RECOMMENDATIONS:

The SCAO recommends the reduction through attrition of one district judgeship. The SCAO also recommends that the probate judge in Alpena County be given district court jurisdiction. Additionally, the SCAO recommends that two district courts be created, one for Alpena County and one for Montmorency County.

As an alternative to eliminating a district judgeship and creating two separate district courts, the counties could create a probate court district of Alpena and Montmorency counties, which would result in the reduction through attrition of one probate judgeship.²⁰

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

In 2007, the Michigan Supreme Court recommended the elimination of one district judgeship through attrition and that the probate judge in Alpena County be given district court jurisdiction. The Legislature did not enact these recommendations.

The weighted caseload results indicate a combined excess of 1.84 judges for all four courts.

Judicial Workload Estimates

Courts	Three Year Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
C26, Alpena County Probate Court, and Montmorency County Probate Court	1.47		
88 th District Court	0.69		
Totals	2.16	4.00	-1.84

Totals and differences were calculated before rounding.

CASE-RELATED FACTORS:

Between 2003 and 2008, total case filings in Alpena and Montmorency counties decreased by an average of 6.7 percent per year, from 12,377 to 8,544. This represents a reduction in case filings of nearly one-third.

²⁰ MCL 600.808.

Case Filings

Year	Circuit				Probate	District	Total
	Appeals	Criminal	Civil	Family			
2003	15	313	151	1,066	406	10,426	12,377
2004	11	247	96	918	403	7,824	9,499
2005	24	300	128	856	393	8,246	9,947
2006	14	256	89	752	352	7,659	9,122
2007	19	212	113	784	316	7,381	8,825
2008	25	255	99	764	336	7,065	8,544

This table includes case filings in all courts in Alpena and Montmorency counties. Case groups are described on page 45.

POPULATION TRENDS:

Between 2000 and 2008, the population of Alpena and Montmorency counties decreased by an average of 0.5 percent per year, from 41,629 to an estimated 39,855.

Alpena and Montmorency Counties Population

Type of Count	Year	Population
Census	2000	41,629
	2001	41,561
Annual Estimates	2002	41,321
	2003	41,124
	2004	40,941
	2005	40,554
	2006	40,166
	2007	40,027
	2008	39,855

Source: <http://www.census.gov/>.

CONCLUSION:

The weighted caseload results indicate a combined excess of 1.84 judges for all four courts.

The conversion of the Montmorency County probate judgeship from part-time to full-time without a corresponding reduction in the total number of judgeships exacerbated the preexisting judicial excess. The decrease in case filings since 2003 has also exacerbated the judicial excess. The Michigan Supreme Court recommended eliminating the district judgeship in 2007. Reducing the combined number of judgeships from four to three would still leave an excess of 0.84 judges.

By eliminating the district judgeship and giving the probate judge in Alpena County district court jurisdiction, each probate judge would serve both the probate and district court in his or her own county. Travel between counties would be minimal, if any, for these judges. One circuit judge would remain and continue to serve both counties.

The SCAO recommends the reduction through attrition of one district judgeship. The SCAO also recommends that the probate judge in Alpena County be given district court jurisdiction. Additionally, the SCAO recommends that two district courts be created, one for Alpena County and one for Montmorency County.

As an alternative to eliminating a district judgeship and creating two separate district courts, the counties could create a probate court district of Alpena and Montmorency counties, which would result in the reduction through attrition of one probate judgeship.

51st Circuit Court – Lake and Mason Counties
Lake County Probate Court
Mason County Probate Court
79th District Court – Lake and Mason Counties

SUMMARY AND RECOMMENDATIONS:

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

There are four judges in Lake and Mason counties made up of one circuit judge, two probate judges, and one district judge. In March 2003, the part-time probate judgeship in Lake County converted to a full-time judgeship with district court jurisdiction.

In 2007, the Michigan Supreme Court recommended the elimination of one district judgeship through attrition and that the probate judge in Mason County be given district court jurisdiction. The Legislature did not enact these recommendations.

The weighted caseload results indicate a combined excess of 1.72 judges for all four courts.

Judicial Workload Estimates

Courts	Three Year Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
C51, Lake County Probate Court, and Mason County Probate Court	1.54		
79 th District Court	0.74		
Totals	2.28	4.00	-1.72

Totals and differences were calculated before rounding.

CASE-RELATED FACTORS:

Between 2003 and 2008, total case filings in Lake and Mason counties decreased by an average of 4.1 percent per year, from 12,250 to 9,853.

Case Filings

Year	Circuit				Probate	District	Total
	Appeals	Criminal	Civil	Family			
2003	22	314	126	919	289	10,580	12,250
2004	8	285	130	936	265	9,302	10,926
2005	9	280	116	1,037	275	8,459	10,176
2006	12	257	105	934	289	7,873	9,470
2007	10	274	135	1,039	319	7,964	9,741
2008	12	279	105	899	286	8,272	9,853

This table includes case filings in all courts in Lake and Mason counties. Case groups are described on page 45.

POPULATION TRENDS:

Between 2000 and 2008, the population of Lake and Mason counties remained stable at around 40,000.

Lake and Mason Counties Population

Type of Count	Year	Population
Census	2000	39,607
	2001	40,041
	2002	40,094
	2003	40,395
Annual Estimates	2004	40,604
	2005	40,461
	2006	40,029
	2007	39,859
	2008	39,796

Source: <http://www.census.gov/>.

CONCLUSION:

The weighted caseload results indicate a combined excess of 1.72 judges for all four courts.

The conversion of the Lake County probate judgeship from part-time to full-time without a corresponding reduction in the total number of judgeships exacerbated the preexisting judicial excess. The decrease in case filings by nearly 20 percent has also exacerbated the judicial excess. The Michigan Supreme Court recommended eliminating the district judgeship in 2007. Reducing the combined number of judgeships from four to three would still leave an excess of 0.72 judges.

By eliminating the district judgeship and giving the probate judge in Mason County district court jurisdiction, each probate judge would serve both the probate and district court in his or her own county. Travel between counties would be minimal, if any, for these judges. One circuit judge would remain and continue to serve both counties.

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

16th Circuit Court – Macomb County
Macomb County Probate Court
42nd District Court – Macomb County

SUMMARY AND RECOMMENDATIONS:

The SCAO recommends adding one circuit judgeship and converting one probate judgeship to a circuit judgeship.

There are seventeen judges in Macomb County made up of thirteen circuit judges, two probate judges, and two district judges. The 42nd District Court is a 2nd class district court comprised of two election divisions in the out-county areas of Macomb County. The first division serves Romeo and the second division serves New Baltimore. The six 3rd class district courts in Macomb County serve Shelby Township, Sterling Heights, Mt. Clemens, Clinton Township, Warren, Center Line, Fraser, Roseville, St. Clair Shores, and Eastpointe, and were analyzed separately.

Since 1991, the 16th Circuit Court has increased by five judgeships and the probate court has decreased by one judgeship. In 1991, one circuit judgeship was added. In 2003, two circuit judgeships were added. In 2005, one circuit judgeship was added and one probate judgeship was eliminated. In 2007, one circuit judgeship was added.

The weighted caseload results indicate a combined need of four judges for all three courts.

Judicial Workload Estimates

Courts	Three Year Weighted Caseload	Current Judgeships	Net Judicial Need (+) or Excess (-)
C16 and Macomb County Probate Court	19.09		
42 nd District Court	1.90		
Totals	21.00	17.00	+4.00

Totals and differences were calculated before rounding.

CASE-RELATED FACTORS:

Between 2003 and 2008, total case filings in Macomb County decreased by an average of 3.5 percent per year, from 59,066 to 49,370.

Case Filings

Year	Circuit				Probate	District	Total
	Appeals	Criminal	Civil	Family			
2003	594	4,148	4,415	12,340	4,788	32,781	59,066
2004	676	4,453	3,898	12,712	4,851	29,325	55,915
2005	703	5,607	3,754	12,996	4,685	29,419	57,164
2006	627	5,632	3,974	13,731	4,152	24,574	52,690
2007	586	6,048	4,249	13,081	4,051	23,181	51,196
2008	527	6,210	4,444	12,841	4,132	21,216	49,370

This table includes case filings in the 16th Circuit Court, Macomb County Probate Court, and 42nd District Court. Case groups are described on page 45.

POPULATION TRENDS:

Between 2000 and 2008, the population of Macomb County increased by an average of 0.7 percent, from 788,149 to an estimated 830,663.

Macomb County Population

Type of Count	Year	Population
Census	2000	788,149
	2001	800,000
	2002	807,173
	2003	813,733
Annual Estimates	2004	820,633
	2005	825,228
	2006	828,282
	2007	829,364
	2008	830,663

Source: <http://www.census.gov/>.

CONCLUSION:

The weighted caseload results indicate a combined need of four additional judges for all three courts.

The SCAO recommends adding one circuit judgeship and converting one probate judgeship to a circuit judgeship.

EXTENDED ANALYSIS QUESTIONS

A. Case-Related Factors

A.1 Is the court reporting accurate new case filings to the SCAO? If not, is the court under-counting or over-counting? Provide substantiating facts.

A.2 Are there any types of dispositions that are abnormally high or low relative to similar courts? If so, are these due to counting procedures, preference of the bench, or external influences such as the preference of the litigants? What are these preferences and how does the court respond to these preferences?

A.3 Could judicial resource needs be reduced by changing the manner in which cases are disposed?

A.4 Is there currently an abnormal backlog of cases? If so, identify the areas where the backlog is large. Is the backlog due to lack of judicial resources, case processing preferences, staff shortages or other reasons?

A.5 In general, is the docket actively managed by the court or is it largely managed by attorney prerogative?

A.6 Does your court operate a drug court? If so, how many judges participate in this program and how many participants are currently enrolled?

A.7 Are there other case-related factors related to judicial need in this court?

B. Resource Factors

B.1 Is there an adequate number of staff for the successful operation of the court?

B.2 Would the court function more efficiently with the same resource level if staff were reorganized? If so, how?

B.3 How many support staff directly related to judicial activity are available (law clerks, referees, legal assistants)? Would the addition of judicial activity support staff relieve the need for judicial resources?

B.4 What degree of automation is available in the court? Does equipment need to be updated? Could automation be used to reduce judicial resource need?

B.5 Are there problems or issues with the court's facilities? How many locations are operated by the court? Could the court operate more efficiently with fewer locations?

B.6 Are there other resource factors related to judicial need in this court?

C. Environmental Factors

C.1 Do you anticipate growth or decline in infrastructure, industry, business activity, or social institutions that may affect judicial workload?

C.2 Do the practices of retained attorneys, appointed attorneys, and prosecutors increase the judicial need? (For example, charging and plea practices, unwillingness to stipulate, etc.)

C.3 What is the level of support for changing the size of the bench locally? Identify the parties that support and oppose the change and their reasons for their positions.

C.4 Describe any local financial issues affecting a change in the size of the bench.

C.5 Are there other environmental factors related to judicial need in this court?

CASE GROUPS

The following case groups were used in this report to create the case filings tables. The case types included in each case group are provided below.

Circuit Appeals – This case group includes appeals, administrative review, superintending control, and extraordinary writ cases filed in circuit court. This group is comprised of AA, AE, AH, AL, AP, AR, AS, AV, and AW case types.

Circuit Criminal – This case group includes extradition/detainer, capital felonies, and noncapital felonies filed in circuit court. It also includes juvenile felonies waived to criminal court. This group is comprised of AX, FC, FH, and FJ case types.

Circuit Civil – This case group includes civil damage suits and other civil matters filed in circuit court. Court of claims cases are included in this case group for the 30th Circuit Court of Ingham County. This group is comprised of CB, CC, CD, CE, CF, CH, CK, CL, CP, CR, CZ, MD, MH, MK, MM, MP, MT, MZ, ND, NF, NH, NI, NM, NO, NP, NS, NZ, PC, PD, PR, PS, and PZ case types.

Circuit Family – This case group includes domestic relations, proceedings under the juvenile code, proceedings under the adoption code, miscellaneous family proceedings, and ancillary proceedings to family division cases that can also be filed in probate court. This group is comprised of AB, AC, AD, AF, AG, AM, AN, AO, AY, CA, CY, DC, DD, DJ, DL, DM, DO, DP, DS, DZ, EM, GA, GL, GM, ID, JA, LG, MI, NA, NB, NC, PH, PJ, PO, PP, TC, TI, TL, TM, TO, TP, TS, TU, TZ, UC, UD, UE, UF, UI, UM, UN, UO, UT, UW, and VP case types. Parental waivers are excluded from these tables, but are included in the weighted caseload analyses.

Probate – This case group includes all cases filed in probate court (except trust registration, which are not part of the weighted caseload analyses). This group is comprised of BR, CA, CY, CZ, DA, DD, DE, DH, GA, GL, GM, JA, LG, MI, ML, PE, PO, TT, and TV case types.

District – This case group includes all cases filed in district court (except parking, which are not part of the weighted caseload analyses). This group is comprised of EX, FT, FY, OM, SM, ON, SN, FD, OD, SD, OT, ST, OI, SI, GC, GZ, LT, SC, and SP case types.

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 ²¹	District	Total	Circuit/Probate	District	Total	
3 rd Circuit Court, and Wayne County Probate Court	61	8			69	65.04		65.04	-3.96
41 st 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	2.26	0.98	3.24	-3.76
23 rd Circuit Court, Alcona County Probate Court, Arenac County Probate Court, Iosco County Probate Court, Oscoda County Probate Court, and 81 st District Court	2	1	3	1	7	2.40	1.13	3.52	-3.48
11 th Circuit Court, Probate District 5 – Alger and Schoolcraft Counties, Probate District 6 – Luce and Mackinac Counties, 92 nd District Court, and 93 rd District Court	1	2		2	5	1.31	0.68	1.99	-3.01

²¹ Probate/District judges are full-time probate judges with “the jurisdiction, powers, duties, and title of a district judge within their respective counties, in addition to the powers, duties, and title of a probate judge” (MCL 600.810a).

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
32 nd Circuit Court, Gogebic County Probate Court, Ontonagon County Probate Court, and 98 th District Court	1	1	1	1	4	0.88	0.42	1.29	-2.71
12 th Circuit Court, Baraga County Probate Court, Houghton County Probate Court, Keweenaw County Probate Court, and 97 th District Court	1	1.01 ²²	1	1	4.01	1.05	0.48	1.53	-2.48
25 th Circuit Court, Marquette County Probate Court, and 96 th District Court	2	1		2	5	1.76	0.91	2.67	-2.33
9 th Circuit Court, Kalamazoo County Probate Court, and 8 th District Court	5	3		7	15	7.18	5.66	12.84	-2.16
46 th Circuit Court, Crawford County Probate Court, Kalkaska County Probate Court, Otsego County Probate Court, 87A District Court, 87B District Court, and 87C District Court	2	1	2	1	6	2.80	1.21	4.01	-1.99
50 th District Court – City of Pontiac				4	4		2.15	2.15	-1.85

²² The probate judgeship in Keweenaw County is part-time. For purposes of weighted caseload analyses, the number of probate judgeships in this county is counted the same as the judicial need in the Keweenaw County Probate Court.

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
19 th Circuit Court, Benzie County Probate Court, Manistee County Probate Court, and 85 th District Court	1	1	1	1	4	1.36	0.80	2.16	-1.84
26 th Circuit Court, Alpena County Probate Court, Montmorency County Probate Court, and 88 th District Court	1	1	1	1	4	1.47	0.69	2.16	-1.84
29 th Circuit Court, Clinton County Probate Court, Gratiot County Probate Court, 65A District Court, and 65B District Court	2	2		2	6	2.67	1.60	4.27	-1.73
10 th Circuit Court, Saginaw County Probate Court, and 70 th District Court	5	2		6	13	6.69	4.58	11.27	-1.73
51 st Circuit Court, Lake County Probate Court, Mason County Probate Court, and 79 th District Court	1	1	1	1	4	1.54	0.74	2.28	-1.72
13 th Circuit Court, Antrim County Probate Court, Grand Traverse County Probate Court, Leelanau County Probate Court, and 86 th District Court	2	3		3	8	4.40	1.99	6.39	-1.61
52 nd Circuit Court, Huron County Probate Court, and 73B District Court	1	1		1	3	0.93	0.47	1.40	-1.60

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
53 rd Circuit Court, Cheboygan County Probate Court, Presque Isle County Probate Court, and 89 th District Court	1	1	1	1	4	1.71	0.72	2.43	-1.57
42 nd Circuit Court, Midland County Probate Court, and 75 th District Court	2	1		2	5	2.51	1.01	3.52	-1.48
15 th District Court – City of Ann Arbor				3	3		1.57	1.57	-1.43
34 th Circuit Court, Ogemaw County Probate Court, Roscommon County Probate Court, 82 nd District Court, and 83 rd District Court	1	2		2	5	2.33	1.25	3.58	-1.42
27 th Circuit Court, Newaygo County Probate Court, Oceana County Probate Court, and 78 th District Court	2	2		1	5	2.55	1.14	3.69	-1.31
47 th Circuit Court, Delta County Probate Court, and 94 th District Court	1	1		1	3	1.20	0.57	1.77	-1.23
2 nd Circuit Court, Berrien County Probate Court, and 5 th District Court	4	2		5	11	5.15	4.63	9.78	-1.22
68 th District Court – City of Flint				5	5		3.79	3.79	-1.21
18 th Circuit Court, Bay County Probate Court, and 74 th District Court	3	1		3	7	3.96	1.83	5.80	-1.20
33 rd District Court –City of Woodhaven				3	3		1.82	1.82	-1.18

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
28 th Circuit Court, Missaukee County Probate Court, Wexford County Probate Court, and 84 th District Court	1	1	1	1	4	1.87	0.95	2.82	-1.18
50 th Circuit Court, Chippewa County Probate Court, and 91 st District Court	1	1		1	3	1.28	0.56	1.84	-1.16
24 th Circuit Court, Sanilac County Probate Court, and 73A District Court	1	1		1	3	1.28	0.59	1.87	-1.13
54A District Court – City of Lansing				5	5		3.90	3.90	-1.10
26 th District Court – Cities of River Rouge and Ecorse				2	2		0.95	0.95	-1.05
40 th Circuit Court, Lapeer County Probate Court, and 71A District Court	2	1		2	5	2.62	1.34	3.97	-1.03
39 th District Court – Cities of Fraser and Roseville				3	3		2.02	2.02	-0.98
1 st Circuit Court, Hillsdale County Probate Court, and 2B District Court	1	1		1	3	1.36	0.77	2.13	-0.87
37 th Circuit Court, Calhoun County Probate Court, and 10 th District Court	4	2		4	10	4.95	4.26	9.21	-0.79
25 th District Court – City of Lincoln Park				2	2		1.23	1.23	-0.77
33 rd Circuit Court, 57 th Circuit Court, Probate District 7 – Charlevoix and Emmet Counties, and 90 th District Court	2	1		1	4	2.04	1.19	3.24	-0.76

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
49 th Circuit Court, Probate District 18 – Mecosta and Osceola Counties, and 77 th District Court	2	1		1	4	2.13	1.16	3.29	-0.71
48 th District Court – City of Bloomfield Hills				3	3		2.29	2.29	-0.71
43 rd District Court – Cities of Ferndale, Hazel Park, and Madison Heights				3	3		2.29	2.29	-0.71
45A District Court – City of Berkley				1	1		0.33	0.33	-0.67
17 th District Court – Redford Township				2	2		1.33	1.33	-0.67
40 th District Court – City of St. Clair Shores				2	2		1.36	1.36	-0.64
61 st District Court – City of Grand Rapids				6	6		5.38	5.38	-0.62
36 th Circuit Court, Van Buren County Probate Court, and 7 th District Court	2	1		2	5	2.89	1.51	4.40	-0.60
56 th Circuit Court, Eaton County Probate Court, and 56A District Court	2	1		2	5	3.10	1.30	4.40	-0.60
24 th District Court – Cities of Allen Park and Melvindale				2	2		1.41	1.41	-0.59
51 st District Court – City of Waterford				2	2		1.42	1.42	-0.58
35 th Circuit Court, Shiawassee County Probate Court, and 66 th District Court	1	1		2	4	2.41	1.03	3.43	-0.57
35 th District Court – City of Plymouth				3	3		2.44	2.44	-0.56
44 th District Court – City of Royal Oak				2	2		1.45	1.45	-0.55
45B District Court – City of Oak Park				2	2		1.47	1.47	-0.53
31 st Circuit Court, St. Clair County Probate Court, and 72 nd District Court	3	2		3	8	4.47	3.07	7.54	-0.46

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
38 th Circuit Court, Monroe County Probate Court, and 1 st District Court	3	2		3	8	3.90	3.66	7.55	-0.45
21 st District Court – City of Garden City				1	1		0.56	0.56	-0.44
32A District Court – City of Harper Woods				1	1		0.59	0.59	-0.41
21 st Circuit Court, Isabella County Probate Court, and 76 th District Court	2	1		1	4	2.32	1.28	3.60	-0.40
62A District Court – City of Wyoming				2	2		1.60	1.60	-0.40
5 th Circuit Court, Barry County Probate Court, and 56B District Court	1	1		1	3	1.84	0.78	2.63	-0.37
54 th Circuit Court, Tuscola County Probate Court, and 71B District Court	1	1		1	3	1.88	0.76	2.64	-0.36
31 st District Court – City of Hamtramck				1	1		0.64	0.64	-0.36
15 th Circuit Court, Branch County Probate Court, and 3A District Court	1	1		1	3	1.67	0.99	2.67	-0.33
19 th District Court – City of Dearborn				3	3		2.67	2.67	-0.33
28 th District Court – City of Southgate				1	1		0.69	0.69	-0.31
29 th District Court – City of Wayne				1	1		0.72	0.72	-0.28
59 th District Court – Cities of Grandville and Walker				1	1		0.74	0.74	-0.26
43 rd Circuit Court, Cass County Probate Court, and 4 th District Court	1	1		1	3	1.96	0.78	2.74	-0.26
20 th District Court – City of Dearborn Heights				2	2		1.76	1.76	-0.24

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
30 th District Court – City of Highland Park				1	1		0.78	0.78	-0.22
16 th District Court – City of Livonia				2	2		1.81	1.81	-0.19
48 th Circuit Court, Allegan County Probate Court, and 57 th District Court	2	1		2	5	3.24	1.66	4.90	-0.10
47 th District Court – Cities of Farmington and Farmington Hills				2	2		1.92	1.92	-0.08
62-B District Court – City of Kentwood				1	1		0.94	0.94	-0.06
46 th District Court – City of Southfield				3	3		2.99	2.99	-0.01
54B District Court – City of East Lansing				2	2		1.99	1.99	-0.01
30 th Circuit Court, Ingham County Probate Court, and 55 th District Court	7	2		2	11	9.04	1.95	10.99	-0.01
45 th Circuit Court, St. Joseph County Probate Court, and 3B District Court	1	1		2	4	2.62	1.38	4.00	0.00
55 th Circuit Court, Probate District 17 – Clare and Gladwin Counties, and 80 th District Court	2	1		1	4	2.72	1.30	4.02	+0.02
34 th District Court – City of Romulus				3	3		3.03	3.03	+0.03
27 th District Court – Cities of Wyandotte/Riverview				1	1		1.05	1.05	+0.05
41A District Court – Shelby Township and City of Sterling Heights				4	4		4.11	4.11	+0.11
37 th District Court – Cities of Warren and Center Line				4	4		4.12	4.12	+0.12
44 th Circuit Court, Livingston County Probate Court, and 53 rd District Court	2	1		3	6	3.80	2.33	6.13	+0.13

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
38 th District Court – City of Eastpointe				1	1		1.14	1.14	+0.14
22 nd District Court – City of Inkster				1	1		1.18	1.18	+0.18
4 th Circuit Court, Jackson County Probate Court, and 12 th District Court	4	1		4	9	4.91	4.28	9.19	+0.19
41B District Court – City of Mt. Clemens and Clinton Township				3	3		3.23	3.23	+0.23
8 th Circuit Court, Ionia County Probate Court, Montcalm County Probate Court, 64A District Court, and 64B District Court	2	2		2	6	4.29	1.94	6.23	+0.23
14 th Circuit Court, Muskegon County Probate Court, and 60 th District Court	4	2		4	10	6.03	4.22	10.25	+0.25
14B District Court – Ypsilanti Township				1	1		1.31	1.31	+0.31
20 th Circuit Court, Ottawa County Probate Court, and 58 th District Court	4	1		4	9	5.23	4.31	9.54	+0.54
39 th Circuit Court, Lenawee County Probate Court, 2A District Court	2	1		2	5	3.82	1.84	5.66	+0.66
7 th Circuit Court, Genesee County Probate Court, and 67 th District Court	9	2		6	17	12.11	5.58	17.69	+0.69
23 rd District Court – City of Taylor				2	2		2.70	2.70	+0.70
18 th District Court – City of Westland				2	2		2.89	2.89	+0.89

Courts	Current Judgeships					Weighted Caseload			Net Judicial Need (+) or Excess (-)
	Circuit	Probate	Probate/ District	District	Total	Circuit/ Probate	District	Total	
22 nd Circuit Court, Washtenaw County Probate Court, and 14A District Court	5	2		3	10	7.98	2.95	10.93	+0.93
6 th Circuit Court, Oakland County Probate Court, 52 nd District Court	19	4		11	34	26.70	9.26	35.96	+1.96
36 th District Court – City of Detroit				31	31		33.31	33.31	+2.31
17 th Circuit Court, Kent County Probate Court, and 63 rd District Court	10	4		2	16	16.99	2.81	19.79	+3.79
16 th Circuit Court, Macomb County Probate Court, and 42 nd District Court	13	2		2	17	19.09	1.90	21.00	+4.00

Part II **Court of Appeals Judgeships**

INTRODUCTION

The State Court Administrative Office (SCAO) reviewed judicial need at the Court of Appeals (COA) 2 years ago after a 13-year hiatus. That review was prompted in part by the dire fiscal circumstances that enveloped Michigan state government and the reductions to the COA's budget, as well as the continued decline in new case filings with the COA. In its 2007 Judicial Resources Recommendations (JRR) report, the SCAO recommended reducing the number of judges on the COA from 28 to 24. No action was taken on that recommendation.

Since the 2007 JRR was issued, Michigan government's fiscal circumstances have worsened, the COA's budget has been strained, and five judges have left the COA; i.e., one judge each from Districts I, II, and IV, and two judges from District III. All have since been replaced either through appointment or by general election.

The SCAO again recommends reducing the number of judges on the COA from 28 to 24.

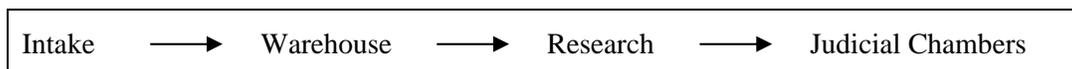
WORKLOAD

From 2006 through 2008, the workload of the Court in terms of both filings and dispositions has declined. Filings in the COA declined from 7,951 in 2006, to 7,590 in 2007, and to 6,936 in 2008. In regard to dispositions, the Court disposes of filings in one of two ways: by order or by opinion. Dispositions by order are typically short statements granting or denying the requests of the litigants with little or no explanation of the reasons for the decision. In contrast, dispositions by opinion generally receive full written explanations of the reasons for the rulings that are based on or assisted in some measure by analytical reports prepared by central research attorneys. Opinion cases consume the vast majority of the COA's resources and, therefore, are a good barometer of workload and staffing needs. Of the cases decided by the COA, 3,494 were opinion cases in 2006; 3,007 were opinion cases in 2007; and 2,903 were opinion cases in 2008.

OPINION CASES

What follows is a condensed explanation of how opinion cases are processed in the COA. For a more detailed explanation, see the Preliminary Report and Recommendations of the Delay Reduction Work Group, March 1, 2002, at: http://www.coa.courts.mi.gov/pdf/Delay_Reduction_Report_030102.pdf.

Process for Opinion Cases



Intake – When the initiating documents (e.g., a claim of appeal or an application for leave to appeal) are filed with the clerk's office, a file is opened and a docket number is assigned. The documents are reviewed for conformance with the court rules and for jurisdiction. Certain actions, including the preparation of the transcripts, the filing of the parties' briefs, and the

production of the lower court record, take place in accordance with specific time frames set forth in the court rules. Following the filing of transcripts, briefs, and the lower court record, the case is “warehoused” in the clerk’s office until the research division is ready to prepare an analytical report in the case or until it can be assigned, in certain limited circumstances, directly to a judge on a case call panel.

Warehouse – After the intake stage, the case is “warehoused” until a request comes from the research division to begin preparing a report and, in over 90 percent of these cases, a proposed opinion. The research division requests the cases based first on priority status and then on case age, with the oldest cases being worked on before newer cases. Before leaving the warehouse, the case is evaluated by the case screener who reviews the briefs, transcripts, and records. The screener considers a number of factors, including the issues raised on appeal, the number of transcript pages, and the size of the lower court record, 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. A supervising attorney reviews the report and then assigns a “degree of difficulty level” to the case. This difficulty level represents the complexity of the case and is used to balance the workload among the three judges on the case call panel; i.e., each judge receives the same aggregate amount of difficulty points even though the number of case assignments might vary.

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 currently assigned 24 to 27 cases accompanied by research reports and proposed opinions. Primary writing responsibilities for the cases are divided among the judges based on an aggregate number of difficulty points, not on an equal division of the total cases. Each judge on a regular panel is also assigned one case without a research report or proposed opinion. The assigned judge and his or her law clerk are responsible for preparing a report or opinion in these cases for the review and consideration of the other two judges. Although the types of cases assigned without reports have varied over the years, the judges are currently assigned appeals from summary disposition orders that have day evaluations of three or four days. Regular panels typically sit for oral argument two days each month. Following oral argument, each chamber (judge, law clerk, and judicial assistant) circulates opinions in its assigned cases for approval by the other two judges.

Complex panels are assigned cases without accompanying research reports according to the day evaluations, with each judge receiving a total of 28 evaluation days regardless of whether the judge is given 1, 2, or 3 cases.

Summary panels are assigned 45 routine cases 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.

THE LAST 20 YEARS

In 1989, 6 judges were added to the COA, bringing the total to 24. It also marked the first time that filings reached 5 figures, as 10,951 cases were filed with the COA. There were 70 central research attorneys and the COA disposed of 4,976 opinion cases. In 1995, the COA was expanded by another 4 judges for a total of 28, the research staff numbered 85 attorneys, and 5,968 opinion cases were decided. The following table illustrates the workload and productivity of the COA between 1989 and 2008.

Michigan Court of Appeals 1989 - 2008								
Year	Filings	Total Dispositions	Clearance Rate¹	Opinions	COA Judges	Annual Equivalent Visiting Judges	Central Research Attorneys	Average Day Evaluation of Cases
1989 ²	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 ³	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 ⁴	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
2007	7,590	7,543	99.0%	3,007	28	0.00	48	4.15
2008	6,936	7,232	104.3%	2,903	28	0.00	47	4.06

¹ Clearance rates are calculated by dividing the number of dispositions by the number of filings.
² In 1989, 6 judges were added to bring the total to 24 judges.
³ In 1995, 4 judges were added to bring the total to 28 judges.
⁴ 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.

From 1989 through 1998, the COA saw an average of 10,889 filings per year and worked to eliminate a growing backlog of undecided cases. The Court averaged 66 central research

attorneys and 30 judges (4.6 visiting judges based on numbers for 1991 – 1998) during this period. The visiting judges only had writing responsibility approximately 20 percent of the time but they allowed the COA to seat a greater number of panels each month (one visiting judge per panel). In 10 years, the Court disposed of 109,733 cases (an average of 10,973 per year). Of those decisions, 50,377 were opinion cases (an average of 5,038 per year) and, based on numbers for 1992 – 1998, had an average day evaluation of 3.55 days.

Over the next 10 years (1999 – 2008), the COA averaged 7,406 filings per year, 57 central research attorneys, and 28 judges (0.2 visiting judges). It disposed of 76,672 cases (an average of 7,667 per year) of which 32,608 were opinion cases (an average of 3,261 per year) that had an average day evaluation of 4.22 days.

A comparison of statistics from 1989 – 1998 and 1999 – 2008 shows that average annual filings decreased by 32 percent, total dispositions decreased by 30 percent, and total opinion cases decreased by 35 percent, while the average case day evaluation increased by 16 percent, for a net decrease of 4,124 case evaluation days per year.²³ The number of central research attorneys decreased by 14 percent (9 research attorneys) and the number of judges decreased by 7 percent (2 judges).

Even if the high-volume years (1989 – 1998) are removed from the analysis and 2006 (the last JRR) is compared to 2008, filings in the COA are down 13 percent ($7,951 - 6,936 = 1,015$; $1,015 / 7,951 = .128$) and opinion cases, which are the primary determiner of workload, are down 17 percent ($3,494 - 2,903 = 591$; $591 / 3,494 = .169$). Reducing the number of COA judges by 13 percent (to reflect decreased filings) or 17 percent (to reflect decreased opinion cases) results in a reduction of 3.6 to 4.7 judges, from the current level of 28 ($28 \times .128 = 3.58$ or $28 \times .169 = 4.73$).

STAFFING

Given that the number of COA judges has not changed since 2001, it is important to determine why the number of opinion dispositions has decreased substantially in the past two years. The answer lies in the marked decrease in the number of central research attorneys due to recent budget reductions.

Between 2001 and 2006, the COA employed an average of 58.8 central research attorneys; however, during 2007 and 2008, the number dropped to 47.5 attorneys. The average day evaluation of cases between 2001 and 2006 was 4.24 days and during 2007 and 2008, the average was 4.11 days. Thus, even though the length of time to produce each report decreased slightly because of the lower average day evaluations, the COA produced fewer reports for case call—and consequently disposed of fewer cases by opinion—due to the reduced number of central research attorneys during the past two years. Furthermore, as a result of a mid-year budget cut in fiscal year 2007, the COA was forced to suspend its contract attorney program for a five-month period. The contract attorneys prepare reports in most of the routine termination of parental rights appeals. During the time the program was suspended, those appeals were assigned directly to the judges or shifted onto the central research attorneys at a higher per-case cost to the COA. This resulted in fewer reports being produced in other nonpriority appeals.

²³ 1989 – 1998: 5,038 opinion cases x 3.55 case evaluation days = 17,885 work days
1999 – 2008: 3,261 opinion cases x 4.22 case evaluation days = 13,761 work days
4,124 work days

In response to having fewer central research attorneys, the COA has been forced to assign more cases directly to the judges without the benefit of research reports and to reduce the number of cases placed on case calls. Historically, the average number of cases with research reports assigned to regular panels has been 30 and the number assigned to summary panels has been 60. In the past 2 years, those numbers have dropped to an average of 24 to 27 cases per regular panel and to 45 cases per summary panel. Additionally, where the COA had scheduled a single complex panel each month, it now schedules two such panels. These actions have resulted in far fewer cases being placed on case calls than in years past.

The annual cost of an entry-level prehearing attorney is approximately \$70,000 (salary, insurances, and retirement expenses). The estimated savings of eliminating four COA judgeships, including their staffs (judicial assistants and law clerks), is \$1,455,704 per year. Appropriating just one-half of that savings back to the COA would enable it to hire ten entry-level prehearing attorneys. This would result in 400–450 more cases with research reports being available for assignment to case calls every year.

The purpose of this recommendation is not to suggest to the COA how it should utilize its central research attorneys or allocate its workload. The COA can, and will, make that decision on its own. But clearly the COA has struggled in the past two years to maintain a high disposition rate as a direct result of having fewer central research attorneys to assist the judges. In these times of severe economic strain, the COA and the public would be better served by having more central research attorneys producing more research reports for slightly fewer judges than to continue on the path of having fewer central research attorneys assisting the same number of judges.