One Court of Justice

Michigan Supreme Court

FY 2010 Budget Request

Michigan Supreme Court
Lansing, Michigan 48909

MARILYN KELLY
CHIEF JUSTICE

March 5, 2009

The Honorable Alan L. Cropsey, Chairman
Room S-8, Capitol Building
Lansing, MI 48933

The Honorable Liz Brater
Room 510, Farnum Building
Lansing, MI 48933

The Honorable Robert Kahn, M.D.
Room 420, Farnum Building
Lansing, MI 48933

Dear Chairman Cropsey and Members of the Senate Appropriations Subcommittee on the Judiciary and Corrections:

The Michigan Supreme Court is pleased to submit its budget request for Fiscal Year 2010. Our budget proposal reports on our progress on several fronts.

Of the judicial branch appropriation, about two-thirds is established and controlled by statute: judicial salaries, payments to local governments, and indigent civil legal services. The remainder supports judicial branch operations. The Governor's recommended budget provides $941,900 of funding for anticipated increases in personnel costs (excluding judicial salaries), but this is more than offset by an overall 2 percent general fund reduction of $1,424,300 to judicial branch operations.

The judicial branch continues to expand its use of technology. For example, through the Judicial Network Project, over 95 percent of all felony and misdemeanor dispositions are reported electronically to the State Police, with accompanying benefits for law enforcement. Another project, the Judicial Data Warehouse, is well on its way to becoming a statewide repository for both pending and closed cases. As of the end of 2008, the warehouse contained over 34 million case records and was implemented in 219 courts. We are requesting $1,360,000 of federal stimulus funding to implement the remaining 25 courts. Other projects include online payment of traffic tickets, a statewide system for trial court case management, video conferencing for prisoners, and electronic filing of court documents. These projects hold great promise for improving public services, including ease of access to the justice system.

As in FY 2009, the Executive Recommendation calls for the state's drug treatment court programs to receive a total of $5.2 million. We are requesting $2.7 million of federal stimulus funding for drug treatment courts, including $2.3 million for FY 2010 grants to courts and

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$400,000 for additional training of personnel and evaluations. Michigan currently has 89 drug treatment courts.

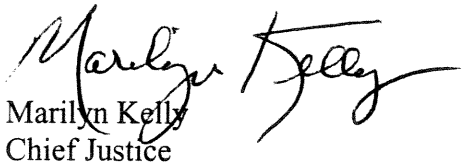
Last year we started a pilot project for mental health courts, a specialized court docket for certain mentally ill defendants, who are identified through specialized screening and assessments, and participate voluntarily. The goal is to prevent repeat offenses by treating the defendant's mental illness and to keep offenders with mental illness out of jail. Nine courts are participating in this pilot project, and most have already enrolled participants. The Executive Recommendation removes funding for this project, but we are optimistic that federal stimulus funds may be available to replace this $1.7 million of funding. It would be extremely unfortunate for the pilot project, which holds so much promise for public and participants both, to be shut down, particularly when Michigan and other states are seeking viable alternatives to incarceration.

The Detroit Police Crime Lab was closed in September 2008 following an audit by the Michigan State Police that showed an error rate of 10 percent in firearms evidence going back at least five years. This audit calls into question the results of many Wayne County criminal prosecutions. We are requesting $318,000 of federal stimulus funding so that the State Appellate Defender Office can create a unit to review its client records to determine whether there was tainted evidence that was outcome-determinative and whether an appeal should be pursued.

Lastly, the Executive Recommendation removes funding for the justices' offices in Detroit and Traverse City, consistent with the Court's vote in November 2008 to close these offices effective September 30, 2009. The judiciary is asking that this funding be restored to the FY 2010 appropriation as the Court voted on March 5, 2009, to keep these offices open. This would require adding an estimated $381,400 to the FY 2010 appropriation, $66,800 for rent for the Traverse City office and $314,600 for building occupancy for Cadillac Place (reallocating costs back to the judiciary that are currently being charged to other tenants). The Court should have, as with the other branches of state government, a presence outside the state capital.

We appreciate the opportunity to address your committee. Deputy State Court Administrator Dawn Monk (517-373-0128), Budget Officer Karen Ellis (517-373-5544), and Supreme Court Counsel Michael Gadola (517-373-0128) are available if you would like further information or have any questions.

Yours sincerely,



Marilyn Kelly
Chief Justice

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FY 2010 Budget Request - Michigan Supreme Court

Introduction

The Michigan Supreme Court recognizes that the state of Michigan continues to face challenging economic conditions in FY 2010. As in years past, we will work with the legislature and the executive branch to reduce costs and increase efficiency while providing for the prompt, orderly administration of justice.

Approximately two-thirds of the state-funded appropriations for the judicial branch are governed by statute: justices' and judges' salaries, payments to local units of government (court equity fund, juror compensation fund, drunk driving case-flow program, and drug case-flow program), and payments to indigent civil legal services providers.

	Gross	% of Total	GF/GP	% of Total
Total FY 2010 Executive Recommendation (000s)	$262,083.2		$158,785.9	
Justices' and Judges' Salaries	$95,535.8	36.45%	$88,445.6	55.70%
Payments to Local Government	$77,211.9	29.46%	$16,621.9	10.47%
Indigent Civil Legal Assistance	$7,937.0	3.03%	$0.0	0.00%
Portion of Total Recommendation	$180,684.7	68.94%	$105,067.5	66.17%

The remaining one-third is related to judicial branch operations.

	Gross	% of Total	GF/GP	% of Total
Total FY 2010 Executive Recommendation (000s)	$262,083.2		$158,785.9	
Supreme Court & State Court Administrative Office	$47,142.1	17.99%	$22,104.9	13.92%
Court of Appeals	$19,194.7	7.32%	$17,158.4	10.81%
Branchwide Appropriations	$8,039.4	3.07%	$8,039.4	5.06%
Judicial Tenure Commission	$1,008.1	0.39%	$1,008.1	0.63%
Indigent Defense - Criminal	$6,014.2	2.29%	$5,407.6	3.41%
Portion of Total Recommendation	$81,398.5	31.06%	$53,718.4	33.83%

The proposed FY 2010 executive budget for the judiciary reduces the total general fund by $534,700 million from the enacted FY 2009 appropriation. Executive budget changes from the FY 2009 appropriation include increases of $338,800 for judges' defined contribution and social security payroll tax costs; $158,900 for private rent, building occupancy, and worker's compensation; and $941,900 for employee economics, including projected increases in insurance and retirement costs. These increases were offset by an overall 2 percent general fund reduction of $1,424,300 and the elimination of $550,000 in funding for the pilot mental health court program.

The general fund portion of the proposed FY 2010 executive budget for judicial branch operations (excluding justices' and judges' compensation) represents almost a 22 percent reduction in general funds in the judicial branch budget since FY 2000.

	Original FY 2000 1999 PA 126	FY 2010 Exec. Rec.	Difference	% Difference
Justices' and judges' compensation GF	71,238,500	88,445,600	17,207,100	24.15%
Non-judges GF	89,744,400	70,340,300	(19,404,100)	-21.62%
Total GF	160,982,900	158,785,900	(2,197,000)	-1.36%

The number of judicial employees has decreased by almost 13 percent since FY 2000, with the number of full-time equated exempted positions dropping from 526 as of the September 30, 2000, pay date to 458 as of the February 19, 2009, pay date. In addition, judicial employees have not received several cost of living increases received by executive branch employees since the beginning of FY 2004. As shown in the table below, judicial branch employees have received 8 percent in cost-of-living adjustments over the last five years, less than half the 17 percent received by executive branch employees.

Effective Date	Executive	Judiciary	Difference	
10/1/2003	3.0%	0.0%	-3.0%	Employees received 3% lump sum FY 2004
10/1/2004	4.0%	4.0%	0.0%	
10/1/2005	1.0%	0.0%	-1.0%	
4/1/2006	1.0%	0.0%	-1.0%	Employees received 2% lump sum FY 2006
10/1/2006	2.0%	2.0%	0.0%	
4/1/2007	2.0%	2.0%	0.0%	
10/1/2007	2.0%	0.0%	-2.0%	
4/1/2008	2.0%	0.0%	-2.0%	Employees received 2% lump sum FY 2008
10/1/2008	0.0%	0.0%	0.0%	
	17.0%	8.0%	-9.0%	

Despite difficult financial times, the judicial branch has continued its efforts to improve operations and services. Court technology initiatives, Michigan trial court collections, drug treatment courts, and mental health courts are discussed in the following sections of this budget request.

Court Technology

Judicial Network Project

Law enforcement continues to benefit from the Judicial Network Project, an effort headed by Judicial Information Systems (JIS), the information technology division of the State Court Administrative Office (SCAO), with assistance from the Michigan State Police, Michigan Department of Information Technology, SCAO's Trial Court Services division, county and municipal governments, and private contractors. The project allows Michigan trial courts to report felony and misdemeanor dispositions electronically to a state law enforcement database.

As of December 2008, over 95 percent of all felony and misdemeanor dispositions were reported electronically from the courts to the Michigan State Police and Secretary of State. Electronic reporting allows courts to update criminal history information daily and often immediately, with resulting benefits to law enforcement. Updating such information often took a week or more in the past because many courts lacked the necessary technology and Michigan State Police staff had to enter the information manually.

In 2008, the project continued cleaning up criminal disposition records that were submitted before the project made electronic submission possible. This clean-up effort uses the Judicial Data Warehouse (described below) to electronically update the Criminal History System with data from dispositions that were previously submitted on paper.

Judicial Data Warehouse

The Judicial Data Warehouse allows the judiciary to collect information on pending and closed cases throughout Michigan. The warehouse gives trial court judges and staff access to a statewide name index with associated detail data to identify pending and closed cases in other courts. SCAO will also use the Judicial Data Warehouse to generate statistical and trend information.

At the 2008 Digital Summit, sponsored by the Michigan Department of Information Technology and Government Technology, the Judicial Data Warehouse was recognized with the "Visionary Award" for creating one statewide repository of court data, coupled with the ability to share this information with executive branch agencies. Some benefits of this data sharing include:

- To date, Michigan State Police Criminal History Section has updated over 50,000 missing criminal records automatically with data matching reports in the Judicial Data Warehouse, resulting in more accurate and complete data. The Michigan State Police could otherwise have had to make as many as 50,000 phone calls to courts to collect the missing record data.

- The Judicial Data Warehouse assists probation officers in preparing presentencing reports by expediting criminal background checks and identifying items that need to be investigated to determine appropriate sentences.

- In cooperation with the Department of Human Services (DHS), SCAO's Child Welfare Services division is using the Judicial Data Warehouse to analyze Michigan juvenile court and DHS data from child welfare cases. This data will be compared against 62 performance measures based on national standards to improve child safety and welfare.

As of December 31, 2008, the Judicial Data Warehouse was implemented in 219 courts in 81 counties and contained approximately 34 million case records. There are 25 courts that remain to be implemented in Berrien, Delta, Kent, Macomb, Oakland, and Wayne counties; these courts use a variety of county and third-party case management systems. The judiciary has requested $1,360,000 of federal stimulus funds to implement these remaining 25 courts.

Trial Court Case Management System

The backbone of every Michigan trial court is its case management system. In the past, each trial court selected a system that best met that court's needs within its financial limits. As a result, the state's 251 trial court locations are supported by many different case management

systems, which are deployed on different and decentralized servers. Approximately 75 percent of the trial courts use one of four case management systems developed and maintained by JIS. Many of the remaining courts are also seeking alternatives to their existing case management systems, spurred by a number of factors: the need to upgrade applications, an increase in mandated electronic reporting requirements, costly conversion failures, cutbacks in local funding, and termination of vendor support services.

Current JIS applications were originally developed 25 years ago using COBOL programming language and operate in a distributive environment, with court information maintained locally on IBM AS/400s. COBOL talent is getting more difficult to find in the job market, and the distributive environment means that courts cannot share data or functionality. The JIS applications need to be converted to a more modern centrally-hosted technology platform. As the primary provider of case management applications in the state, the JIS system must not only serve trial courts now, but also well into the future.

In FY 2007, a team of trial court judges, court administrators, and technical staff thoroughly evaluated various trial court system options. As a result, Unisys, a technology consulting firm, was awarded the contract to develop a new case management system.

In 2008, Unisys worked with SCAO, JIS, and court representatives, including two pilot counties, Berrien and Washtenaw, to document the functions required to manage the current system and to identify necessary future enhancements. This planning and assessment effort resulted in a project strategy, now being implemented. The initial phase of the project will develop the core systems functions inherent in all case types and those specific to civil case processing. The anticipated implementation date for civil cases in the pilot counties is December 2009. Phases II, III, and IV of the project will develop criminal, juvenile, and probate case management systems respectively. The project plan calls for the criminal development phase to begin in June 2009 and for all phases to be implemented by January 2012.

Funding for this project comes from increased JIS user fees, the Judicial Technology Improvement Fund (JTIF), and contributions from the two pilot counties in exchange for credit against future user fees. By state statute, 11.10 percent of amounts deposited in the Civil Filing Fee Fund go to JTIF for judicial technology projects, including the development and ongoing support of a statewide judicial information system. The JTIF received $4.9 million of revenue in FY 2008. It is estimated that $1 to $2 million in JTIF funding will be available each year to finance this project. In addition to the trial court case management system, projects funded by JTIF include the judicial network project, the judicial data warehouse, and internet ticket payment.

Internet Payment of Traffic Tickets

Thanks to another JIS project, thousands of Michigan citizens can now pay their traffic tickets online. Four courts -- 62A District Court in Wyoming, 38th District Court in Eastpointe, 36th District Court in Detroit, and 15th District Court in Ann Arbor – offer this service, with over 1,300 online ticket payments each month. In addition to being a convenience for ticket payers,

the online payment system automatically posts transactions without involving court staff, a time savings that frees court employees for other duties.

In December 2008, the Internet payment application was installed on a kiosk in the Secretary of State Ann Arbor branch office, offering another method of payment for those who may not have internet access.

The ticket payment application is being updated to provide better connectivity to the trial courts, allowing more courts to offer this service. These changes are expected to be completed in spring 2009.

Video Conferencing with the Michigan Department of Corrections

Video conferencing allows prisoners to participate in court hearings without the cost and public safety risk of transporting the prisoner to court. The Michigan Department of Corrections (MDOC) has upgraded its video conferencing equipment in all facilities, to eliminate prisoner transfers as provided by MCR 3.904, MCR 5.738a, and MCR 6.006. MDOC also simplified the connectivity process by using an outbound Internet connection from the court to a video conferencing bridge located in Lansing; the connection is then routed from the bridge to the MDOC facility where the prisoner is being held. Recent hearings in Gogebic and Oakland counties have significantly reduced both the cost of prisoner transfers and the risk to public safety.

Electronic Filing (eFiling)

Pilot courts continued to use vendor-provided solutions for eFiling in 2008. SCAO will evaluate these pilot courts in 2009 and consider possible court rule changes to accommodate eFiling. To date, eFiling has been successful to the degree that courts make eFiling mandatory for certain case types. Pilots that have implemented a permissive eFiling system have not seen increased use.

Document Imaging

Document management systems use imaging to enhance access to information in court files. Document content supplements the court's case management system by providing detailed information contained on orders and forms. A committee formed by SCAO is developing standards, guidelines, and best practices for imaging. The committee will take into consideration the interests of trial courts, appellate courts, and the Department of History, Arts and Libraries, and will evaluate imaging as it pertains to active case file management, filing systems and storage, file retention and destruction, and records media.

Trial Court Collections

Collecting court-ordered financial sanctions is a top priority for the Michigan judiciary. Enforcing court orders, including financial sanctions, enhances courts' integrity and credibility. In addition, the judiciary is responsible by statute for collecting court fines, fees, and costs. These funds support law enforcement, libraries, the Crime Victims Rights Fund, and state and local governments.

Under a Supreme Court-approved collections plan, all state trial courts will have a collections program in place by the end of 2009. The strategy includes communication, education, training, data collection, identification of best practices, and pilot programs.

In 2008, SCAO took steps to improve court collections:

- Provided user-requested software enhancements and related training. The software manages payment plans and generates mailings to defendants with outstanding balances.

- Continued development of noticing software for the JIS juvenile case management system. The software will generate monthly account statements or delinquency notices to litigants with outstanding balances.

- Provided collections training videos, which included demonstrations of successful practices as well as practices to avoid.

- Facilitated regional collections training, provided by experienced court staff, with practical and tested collections techniques.

- Analyzed trial courts' standard receivables and collections reports to monitor court collections, develop best practices, and identify courts needing technical assistance.

In 2009, the Collections Advisory Committee will finalize a plan to implement best practices and pilot programs statewide. A best practices manual, along with a method to measure courts' success with enforcing collections, will be included in the implementation plan.

Drug Treatment Courts

Criminal offenders who are addicted to alcohol or drugs frequently cycle in and out of the justice system. Drug treatment courts seek to break that cycle by treating the offender's addiction. This approach, often described as "therapeutic jurisprudence," focuses on treatment. Drug treatment court features include graduated sanctions, random mandatory drug testing, judicially supervised treatment, and aftercare programs. In addition to addressing the offender's addiction, drug treatment courts work with community agencies to provide education, employment, and other services for drug court participants.

Variations on the drug court model include family dependency courts, which target parents or legal guardians who suffer from substance abuse, long acknowledged as a significant factor in child abuse and neglect. These courts help protect children by coordinating the efforts of child welfare services, the court system, and community treatment providers.

Another variation, sobriety (DWI) courts work with offenders who have been charged with driving while under the influence of drugs or alcohol. Each DWI treatment court contains key program components recommended by the federal Bureau of Justice Assistance. Recent evaluations conducted on three Michigan DWI courts found that DWI treatment court participants were 5 to 19 percent less likely to be rearrested for another driving infraction related to alcohol within two years of entering the DWI program, compared to offenders who did not participate.

Michigan's 89 drug treatment courts include 35 adult, 12 family dependency, 23 sobriety, 16 juvenile, and 3 tribal programs. The judiciary's $5.2 million FY 2009 appropriation for drug treatment courts includes $1.8 million from the federal Edward Byrne Memorial Justice Assistance Grant Program, $500,000 of federal funding from the Office of Highway Safety Planning for new and enhanced DWI courts, $1.9 million from the Justice System Fund, and $658,300 from the general fund. SCAO's Michigan Drug Court Grant Program administers state and federal sources of drug court funding. With this combined funding, 61 drug treatment court programs have, to date, been awarded grants totaling $4 million for FY 2009, as shown in the table on the next two pages. The Governor's recommended judiciary budget for FY 2010 also includes $5.2 million for drug treatment courts.

The federal Justice Assistance Grant funding supports a joint effort by the courts, MDOC, and the Office of Drug Control Policy to avoid prison for nonviolent offenders. The long-term goal is to reduce drug use and recidivism among this offender population.

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Court	Byrne JAG Award	MDCGP Award	OHSP Award	Total 2009 Awards
Alcona County				
23rd Circuit/81st District – Adult		$20,000		$20,000
Barry County				
Barry County Trial – Adult	$85,000	$30,000		$115,000
Barry County Trial – Juvenile		$40,000		$40,000
Bay County				
18th Circuit – Family Dependency		$20,000		$20,000
74th District – DWI	$155,000			$155,000
Benzie County				
19th Circuit – Family Dependency		$15,000		$15,000
19th Circuit – Juvenile		$15,000		$15,000
85th District – Adult		$20,000		$20,000
Cass County				
43rd Circuit – Family Dependency		$40,000		$40,000
Charlevoix County				
33rd Circuit – Juvenile		$45,000		$45,000
Eaton County				
56th Circuit – DWI	$100,000			$100,000
Emmet County				
57th Circuit – Juvenile		$25,000		$25,000
Genesee County				
7th Circuit – Adult	$260,000			$260,000
7th Circuit – Family Dependency		$50,000		$50,000
Grand Traverse County				
13th Circuit – Family Dependency		$20,000		$20,000
13th Circuit – Juvenile		$20,000		$20,000
Hillsdale County				
1st Circuit – Family Dependency		$25,000		$25,000
1st Circuit – Juvenile		$30,000		$30,000
Ingham County				
54A District – DWI		$11,000	$27,000	$38,000
55th District – DWI			$65,000	$65,000
Ionia County				
64A District – DWI		$45,000		$45,000
Iron County				
41st Circuit – Adult/DWI/Family Dependency		$55,000		$55,000
Isabella County				
21st Circuit – Adult		$35,000		$35,000
21st Circuit – Juvenile		$15,000		$15,000
Jackson County				
4th Circuit – Adult	$175,000	$30,000		$205,000
4th Circuit – Family Dependency		$15,000		$15,000
Kalamazoo County				
8th District – DWI		$30,000		$30,000
9th Circuit – Adult	$40,000	$128,000		$168,000
9th Circuit – Family Dependency		$70,000		$70,000
Kent County				
61st District, Grand Rapids – Adult	$235,000			$235,000
Livingston County				
44th Circuit – Adult	$90,000			$90,000
53th District – DWI		$35,000		$35,000

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Court	Byrne JAG Award	MDCGP Award	OHSP Award	Total 2009 Awards
Macomb County				
16th Circuit – Adult		$60,000		$60,000
37th District, Warren – Adult	$200,000			$200,000
39th District, Roseville – DWI		$25,000	$75,000	$100,000
41B District, Clinton Township – Adult		$5,000		$5,000
Manistee County				
19th Circuit – Juvenile		$10,000		$10,000
Marquette County				
96th District – DWI			$105,000	$105,000
Monroe County				
38th Circuit – Juvenile		$90,000		$90,000
Muskegon County				
60th District – DWI		$40,000	$80,000	$120,000
Oakland County				
6th Circuit –Adult		$85,000		$85,000
6th Circuit – Juvenile		$45,000		$45,000
43rd District, Ferndale – DWI		$10,000		$10,000
47th District, Farmington Hills – DWI		$10,000		$10,000
51st District, Waterford – DWI		$15,000		$15,000
52-1 District, Novi – DWI		$5,000		$5,000
52-2 District, Clarkston – DWI		$25,000		$25,000
Ogemaw County				
34th Circuit – Family Dependency		$6,000		$6,000
Otsego County				
87th District – DWI			$65,000	$65,000
Ottawa County				
20th Circuit – Adult	$190,000			$190,000
20th Circuit – Juvenile		$45,000		$45,000
58th District – DWI		$65,000		$65,000
Van Buren County				
36th Circuit – Adult/DWI		$50,000	$110,000	$160,000
Washtenaw County				
15th District – DWI		$45,000		$45,000
Wayne County				
3rd Circuit – Adult	$195,000	$40,000		$235,000
3rd Circuit – Juvenile		$50,000		$50,000
16th District, Livonia – Adult		$30,000		$30,000
19th District, Dearborn – Adult		$15,000		$15,000
23rd District, Taylor – Adult		$40,000		$40,000
28th District, Southgate – Adult		$18,000		$18,000
36th District, Detroit – Adult		$35,000		$35,000
TOTAL	$1,725,000	$1,748,000	$527,000	$4,000,000

Mental Health Courts

"Mental health court" denotes a specialized court docket for certain mentally ill defendants, identified through specialized screening and assessments, who participate voluntarily. These courts aim to prevent repeat offenses by treating the defendant's mental illness. Each participant follows a treatment plan, which is developed by a team of court staff and mental health professionals and supervised by a judge. Participants have incentives for following the treatment plan and other court conditions, and can be sanctioned for violations. A participant's success or graduation is defined according to specific criteria.

The expanding mental health court movement is spurred by several factors: crises in community mental health care, the drug epidemic, homelessness, and widespread jail overcrowding. Prisons and jails have, in effect, become the place of last resort for those suffering from mental illness; studies have found higher incidences of serious mental illness among jail inmates compared to the general population. Substance abuse is often involved, either as an attempt at self-medication or as a cause of mental illness. Jails in particular find themselves unable to deal with inmates' mental health needs. Mental health courts respond both to mental health issues and to the relatively common co-occurrence of substance abuse in the inmate population.

Because the targeted populations are nonviolent offenders, local jails are the primary beneficiaries of mental health courts. According to a 2007 RAND Corporation study, an Allegheny County, Pennsylvania mental health court showed an increase in the demand for mental health services among participants with a corresponding decrease in the use of jail time. Over time, the decrease in jail costs more than offset the increased costs of mental health services. Not unlike drug courts, mental health courts could become a valuable component of an overall community-based effort, complementing current jail diversion programs and prisoner re-entry activities aimed at reducing recidivism.

The FY 2009 appropriations for the judiciary and the Department of Community Health (DCH) included $1.7 million of general fund for pilot mental health courts. The judiciary and DCH, with input from many local stakeholders, have established the Michigan Mental Health Court Grant Program, which provides funding for nine pilot mental health courts for FY 2009, as shown on the chart on the next page. To receive this funding, local courts and community mental health services programs are required to collaborate on planning and implementing their pilot courts. In addition to treatment and other services, the grant program funds approximately 10 positions.

Court	SCAO Award	DCH Award	Total 2009 Awards
Berrien County 53rd Circuit	$21,378	$90,000	$111,378
Genesee County Genesee County Probate	$60,221	$71,453	$131,674
Grand Traverse County 86th District	$54,388	$52,742	$107,130
Jackson County 4th Circuit and 12th District	$64,458	$187,379	$251,837
Livingston County 53rd District	$12,500	$25,000	$37,500
Oakland County 6th Circuit	$8,000	$87,900	$95,900
Otsego County 87th District	$21,520	$147,776	$169,296
St. Clair County 72nd District	$60,702	$106,440	$167,142
Wayne County 3rd Circuit	$132,496	$150,000	$282,496
TOTAL	$435,663	$918,690	$1,354,353

The FY 2010 Executive Recommendation removes funding for all new and pilot programs, including mental health courts. The judiciary has requested that federal stimulus funding be used to continue this pilot program.

Justices' and Judges' Salaries

The Governor's recommended budget includes an increase of $338,800 in justices' and judges' salaries to provide for increases in judges' defined contribution and social security payroll tax costs.

Economic Adjustments

The Governor's recommended budget includes general fund increases of $941,900 ($1,007,700 gross) for employee economics (salary, insurances, and retirement). The recommended budget also includes a general fund increase of $14,500 for building occupancy ($12,600 gross), a general fund decrease of $18,400 for private rent, and a general fund increase of $162,800 for worker's compensation. It also includes an overall 2 percent general fund reduction of $1,424,300 that offsets these increases.

The Governor's recommended budget removed funding for the justices' offices in Detroit and Traverse City, consistent with the Court's vote in November 2008 to close these offices effective September 30, 2009. The judiciary is asking that this funding be restored to the FY 2010 appropriation as the Court voted on March 5, 2009, to keep these offices open. This

would require adding an estimated $381,400 to the FY 2010 appropriation, $66,800 for rent for the Traverse City office and $314,600 for building occupancy for Cadillac Place (reallocating costs back to the judiciary that are currently being charged to other tenants).

Federal Stimulus Funding

The judiciary has requested that the federal stimulus funding be used for the following projects:

- For FY 2009, Michigan drug treatment courts have been awarded $4.0 million of grants from the state, which includes a combination of state and federal funding. More than half is federal funding. In addition to treatment and other services, these federal grants fund approximately 30 positions. We are requesting $2.7 million for drug treatment courts - $2.3 million for FY 2010 grants to courts and $400,000 for additional training of drug treatment court personnel and evaluations of drug treatment courts.

- The FY 2009 appropriations for the judiciary and DCH included $1.7 million of general fund for pilot mental health courts. The executive recommendation does not include funding for this program in FY 2010. With the potential for significant benefits for public safety, for participants, and for state and local governments, it would be extremely unfortunate if all of the efforts already expended to develop this pilot program are brought to a halt; it should be noted that most of these programs have already enrolled participants. We therefore request that stimulus funding be used to allow these programs to continue in FY 2010 and beyond. In addition to treatment and other services for offenders, the funding covers approximately 10 positions.

- As of December 31, 2008, the Judicial Data Warehouse was implemented in 219 courts in 81 counties and contained approximately 34 million case records. There are 25 courts that remain to be implemented in Berrien, Delta, Kent, Macomb, Oakland, and Wayne counties that use a variety of county and third party case management systems. We request $1,360,000 to implement these remaining 25 courts.

- The Detroit Police Crime Lab was closed in September 2008 following an audit by the Michigan State Police Forensic Science Division; the audit showed an error rate of 10 percent in firearms evidence going back at least five years. This audit calls into question the results of many Wayne County criminal prosecutions and suggests that a significant number of innocent defendants may currently be serving prison terms. Wrongful convictions could be costly for the county, as two recent wrongful conviction lawsuits led to verdicts of $4 million and $2.5 million against the counties in which the cases arose. Wayne County Prosecutor Kym Worthy has estimated that it will cost her office up to $800,000 a year to perform appellate review of all cases during the last five years in which firearms evidence was processed by the lab.

The State Appellate Defender Office (SADO) has reviewed its client records for the last six years and determined that 1,167 cases need to be reviewed to determine whether there was tainted evidence that was outcome-determinative; if so, SADO would consider, after consultation with the defendant, whether an appeal should be pursued. We are requesting $318,000 to create a crime lab unit consisting of two attorneys, a paralegal investigator, and an administrative support person. This request also includes $33,000 for expert witness fees on a contract basis.

Michigan Supreme Court FY 2010 Budget Request

	ENACTED 2008-2009	EXECUTIVE FY 2010	JUDICIARY FY 2010
APPROPRIATION SUMMARY:			
Full-time equated exempted positions 491.0			
GROSS APPROPRIATION	261,904,000	262,083,200	266,242,600
Total interdepartmental grants	2,573,500	2,573,500	6,351,500
ADJUSTED GROSS APPROPRIATION	259,330,500	259,509,700	259,891,100
Total federal revenues	5,126,400	5,126,400	5,126,400
Special revenue funds:			
Total local revenues	6,093,100	6,149,300	6,149,300
Total private revenues	842,500	842,500	842,500
Total other restricted revenues	87,947,900	88,605,600	88,605,600
State general fund/general purpose	159,320,600	158,785,900	159,167,300
SUPREME COURT			
Full-time equated exempted positions 243.0			
Supreme court administration, 97.0 FTE positions	11,049,700	11,024,900	11,024,900
Judicial institute, 13.0 FTE positions	2,671,700	2,650,300	2,650,300
State court administrative office, 60.0 FTE positions	10,321,900	10,291,500	10,291,500
Judicial information systems, 22.0 FTE positions	3,230,700	3,204,900	4,564,900
Direct trial court automation support, 36.0 FTE positions	6,093,100	6,149,300	6,149,300
Foster care review board, 12.0 FTE positions	1,267,100	1,268,000	1,268,000
Community dispute resolution program, 3.0 FTE positions	2,292,700	2,300,400	2,300,400
Other federal grants	275,000	275,000	275,000
Drug treatment courts	5,178,800	5,162,800	5,562,800
Pilot mental health courts	550,000		1,700,000
GROSS APPROPRIATION	42,930,700	42,327,100	45,787,100
Appropriated from:			
Interdepartmental grant revenues:			
IDG from department of community health	1,800,000	1,800,000	5,260,000
IDG from department of corrections	50,000	50,000	50,000
IDG from state police—Michigan justice training fund	300,000	300,000	300,000
Federal revenues:			
DOJ—victims assistance program	50,000	50,000	50,000
DOJ—drug court training and evaluation	300,000	300,000	300,000
DOT—national highway safety traffic administration	1,300,000	1,300,000	1,300,000
HHS—access and visitation grant	387,000	387,000	387,000
HHS—court improvement project	1,160,000	1,160,000	1,160,000
HHS—children's justice grant	206,300	206,300	206,300
HHS—title IV-D child support program	907,700	907,700	907,700
HHS—title IV-E foster care program	540,400	540,400	540,400
Other federal grants	275,000	275,000	275,000
Special revenue funds:			
Local—user fees	6,093,100	6,149,300	6,149,300
Private	169,000	169,000	169,000
Private—interest on lawyers trust accounts	232,700	232,700	232,700
Private—state justice institute	370,800	370,800	370,800
Community dispute resolution fees	2,292,700	2,300,400	2,300,400
Law exam fees	536,200	536,200	536,200
Drug court fund	1,920,500	1,920,500	1,920,500
Miscellaneous revenue	227,900	227,900	227,900
Justice system fund	700,000	700,000	700,000
State court fund	339,000	339,000	339,000
State general fund/general purpose	22,772,400	22,104,900	22,104,900

FY 2010 Budget Request - Michigan Supreme Court

	ENACTED 2008-2009	EXECUTIVE FY 2010	JUDICIARY FY 2010
COURT OF APPEALS			
Full-time equated exempted positions 190.0			
Operations, 190.0 FTE positions	19,207,900	19,194,700	19,194,700
GROSS APPROPRIATION	19,207,900	19,194,700	19,194,700
Appropriated from:			
Special revenue funds:			
Court filing/motion fees	1,958,500	1,958,500	1,958,500
Miscellaneous revenue	77,800	77,800	77,800
State general fund/general purpose	17,171,600	17,158,400	17,158,400
BRANCHWIDE APPROPRIATIONS			
Full-time equated exempted positions 4.0			
Branchwide appropriations, 4.0 FTE positions	7,882,800	8,039,400	8,420,800
GROSS APPROPRIATION	7,882,800	8,039,400	8,420,800
Appropriated from:			
State general fund/general purpose	7,882,800	8,039,400	8,420,800
JUSTICES' AND JUDGES' COMPENSATION			
Full-time judges' positions 617.0			
Supreme court justices' salaries, 7.0 justices	1,152,300	1,152,300	1,152,300
Court of appeals judges' salaries, 28.0 judges	4,240,300	4,240,300	4,240,300
District court judges' state base salaries, 258.0 judges	23,877,200	23,877,200	23,877,200
District court judicial salary standardization	11,796,800	11,796,800	11,796,800
Probate court judges' state base salaries, 103.0 judges	9,627,900	9,627,900	9,627,900
Probate court judicial salary standardization	4,669,700	4,669,700	4,669,700
Circuit court judges' state base salaries, 221.0 judges	20,817,200	20,817,200	20,817,200
Circuit court judicial salary standardization	10,105,000	10,105,000	10,105,000
Judges' retirement system defined contributions	3,556,700	3,781,000	3,781,000
OASI, social security	5,353,900	5,468,400	5,468,400
GROSS APPROPRIATION	95,197,000	95,535,800	95,535,800
Appropriated from:			
Special revenue funds:			
Court fee fund	7,090,200	7,090,200	7,090,200
State general fund/general purpose	88,106,800	88,445,600	88,445,600
JUDICIAL AGENCIES			
Full-time equated exempted positions 7.0			
Judicial tenure commission, 7.0 FTE positions	1,013,100	1,008,100	1,008,100
GROSS APPROPRIATION	1,013,100	1,008,100	1,008,100
Appropriated from:			
State general fund/general purpose	1,013,100	1,008,100	1,008,100

FY 2010 Budget Request - Michigan Supreme Court

	ENACTED 2008-2009	EXECUTIVE FY 2010	JUDICIARY FY 2010
INDIGENT DEFENSE—CRIMINAL			
Full-time equated exempted positions 47.0			
Appellate public defender program, 39.0 FTE positions	5,075,100	5,074,200	5,392,200
Detroit crime lab case review			
Appellate assigned counsel administration, 8.0 FTE positions	941,500	940,000	940,000
GROSS APPROPRIATION	6,016,600	6,014,200	6,332,200
Appropriated from:			
Interdepartmental grant revenues:			
IDG from state police—Michigan justice training fund	423,500	423,500	423,500
IDG from department of community health			318,000
Special revenue funds:			
Private—interest on lawyers trust accounts	70,000	70,000	70,000
Miscellaneous revenue	113,100	113,100	113,100
State general fund/general purpose	5,410,000	5,407,600	5,407,600
INDIGENT LEGAL ASSISTANCE—CIVIL			
Indigent legal civil assistance	7,937,000	7,937,000	7,937,000
GROSS APPROPRIATION	7,937,000	7,937,000	7,937,000
Appropriated from:			
Special revenue funds:			
State court fund	7,937,000	7,937,000	7,937,000
State general fund/general purpose	0	0	0
TRIAL COURT OPERATIONS			
Court equity fund reimbursements	67,403,900	67,061,900	67,061,900
Judicial technology improvement fund	4,465,000	4,815,000	4,815,000
GROSS APPROPRIATION	71,868,900	71,876,900	71,876,900
Appropriated from:			
Special revenue funds:			
Court equity fund	50,440,000	50,440,000	50,440,000
Judicial technology improvement fund	4,465,000	4,815,000	4,815,000
State general fund/general purpose	16,963,900	16,621,900	16,621,900
GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT			
Drunk driving case-flow program	3,000,000	3,300,000	3,300,000
Drug case-flow program	250,000	250,000	250,000
Juror compensation reimbursement	6,600,000	6,600,000	6,600,000
GROSS APPROPRIATION	9,850,000	10,150,000	10,150,000
Appropriated from:			
Special revenue funds:			
Drunk driving fund	3,000,000	3,300,000	3,300,000
Drug fund	250,000	250,000	250,000
Juror compensation fund	6,600,000	6,600,000	6,600,000
State general fund/general purpose	0	0	0