

# Michigan District Judges Association



Michigan Supreme Court  
925 W. Ottawa Street  
Lansing, MI 48915

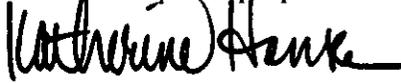
Dear Chief Justice Young and Justices of the Michigan Supreme Court,

The proposed court rules concerning ability to pay will provide crucial guidance and support for district court judges who have a significant responsibility to impose and collect fines and costs for civil infractions and misdemeanors. The district court has historically borne a primary role in providing necessary funds for local government units. The new court rules will counterbalance that role with the need to be sensitive to causing "manifest hardship" to the defendants and their families by collecting fees. Jailing people for failing to pay when they do not have the ability to pay can often be the cause of loss of a job. That job may be a minimum wage job, but it may still be vital in allowing defendants to support themselves and their families. A jail sentence can cause a downward spiral for people who are already living in and on the edge of poverty.

Consistency would be a desirable goal in the treatment of people living in or near the poverty line. These court rules would give specific guidance to the bench in analyzing each individual defendant's financial situation. Proposed MCR 6.425 (E)(3) gives judges easy access to a summary of the law adopted by the U.S. and Michigan Supreme Courts related to ability to pay. Many judges would use this rule frequently as they analyze the circumstances of the citizens appearing before them.

In order to implement the proposed rules fully, Michigan statutes would need to be changed to allow us to waive the crime victim fee and state minimum fee.

The Michigan District Judges Association therefore urges the Michigan Supreme Court to adopt the proposed court rules in ADM File No. 2015-12.

  
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36<sup>th</sup> District Court  
President, MDJA

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