

## 86<sup>th</sup> District Court 2009 Annual Report



Grand Traverse County  
280 Washington Street  
Traverse City MI 49684

Leelanau County  
8527 E. Government Center Dr.  
Suttons Bay MI 49682

[www.grandtraverse.org](http://www.grandtraverse.org)

Antrim County  
205 East Cayuga  
Bellaire MI 49615

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## Foreward

by Judge John D. Foresman

The 86<sup>th</sup> District Court's mission is to ensure that the civil litigants in Grand Traverse, Leelanau and Antrim Counties are accountable to each other and that criminal defendants are accountable to the State of Michigan and to the victims of crime.

The court's criminal docket demands most of the court's attention, with the court having disposed of nearly 6,445 cases during 2009. These included Operating While Intoxicated (OWI), Possession/Use of Controlled Drug Substances, Domestic Violence, Retail Fraud, Embezzlement and Traffic matters. The District Court also conducts the arraignments, preliminary examinations and pleas for Circuit Court in felony cases. The court also disposed of 7,660 civil cases in 2009 consisting of General Civil, Landlord/Tenant and Small Claims cases.

The court currently has three active specialty courts.

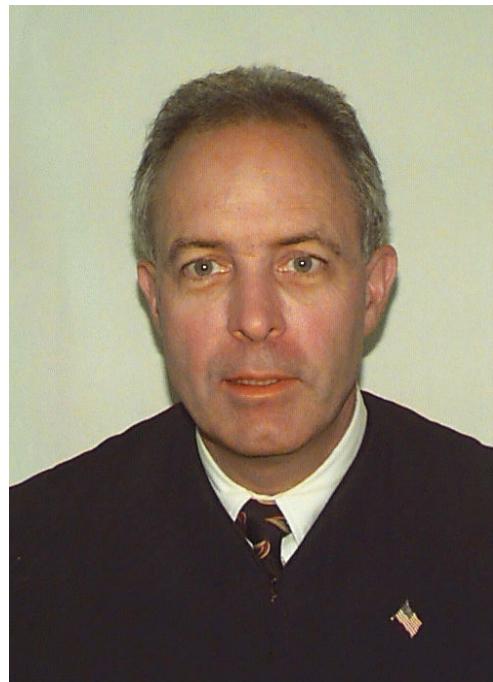
- Sobriety Court, whose goal is to reduce the incidence of drunk driving in the long term by engaging the individual in treatment, random drug testing and 12-step program supporting sobriety with positive reinforcement and yet holding the individual accountable for relapses and program violations.
- The Domestic Violence Court which maintains a fast track for these types of cases and offers programs oriented toward healing relationships and supporting nonviolence rather than emphasizing the sheer imposition of punishment without dealing with the underlying causes of violent behavior.
- In 2009, we started a Mental Health Court to provide programs as alternatives to jail to mentally ill persons who come into the criminal court system.

The Court website has been created at [www.grandtraverse.org](http://www.grandtraverse.org) with the goal of making access to court information, forms, and records easier. This is a work in progress with several court staff members contributing time and expertise.

The Court maintains an extraordinary staff in each of the three counties of the 86<sup>th</sup> District who consistently provide efficient, discreet and friendly service to the users of the court, including members of the public, attorneys and their staff and the law enforcement community.

## Judges

**Judge Michael J. Haley** was first elected to the District Court in 1996. Judge Haley graduated from the University of Detroit High School and then Wayne State University before completing his law degree requirements at Loyola University School of Law in Chicago in 1974. He served as a law clerk for the Michigan Court of Appeals, assistant public defender in Kent County, and assistant Grand Traverse County prosecutor before maintaining a private law practice from 1980 until his election to the bench. Judge Haley and his wife, Mary, a retired schoolteacher, have three children: Michael, Kathleen and Colleen.



**Judge John D. Foresman** was elected to the 86th District Court bench in 2004. He previously served as Grand Traverse County Prosecuting Attorney, Tribal Prosecutor for the Grand Traverse Band of Ottawa and Chippewa Indians and Grand Traverse County Probate Judge. He is married to Lindalee, who is an artist, and they have three adult children.

**Judge Thomas J. Phillips** was elected in 2000 and reelected in 2006 to serve Antrim, Leelanau and Grand Traverse. Prior to election, Judge Phillips was the managing partner for Running, Wise, Ford and Phillips. He joined the firm in 1975 and became a partner in 1977. Judge Phillips grew up in the Detroit area and graduated from the University of Detroit High School. After graduating cum laude from the University of Notre Dame with a Bachelors in Business Administration, he went on to complete his law degree at the University of Michigan Law School. After law school, Judge Phillips served in the Naval Judge Advocate's General Corps as a lieutenant during the Vietnam War. While a Navy Jag, he was awarded the Freedom Award from the NAACP for his work with black sailors. Judge Phillips is married to Judith Grier Phillips who is a high school teacher. They have four children: Ann, Meghan, Katie and Tom. Their children have undergraduate degrees from University of Michigan and Notre Dame and graduate degrees from Wayne State, DePaul, Western Michigan and University of Michigan.



## Court Administrator

By Carol Stocking

Change, growth and generosity continue to describe the District Court and its employees in 2009. Highlights from the year include:

- **Lorraine Venzuch**, Chief Recorder and **Jill Wellman**, Small Claims Clerk both left in late summer. We voluntarily chose to leave both positions vacant in an effort to reduce expenditures. This resulted in most of the Chief Recorder's tasks being distributed among the Recorders and the Office Coordinator. To fill the Small Claims position, we consolidated Traffic and Criminal into one division, reduced the staff by one and moved **Crystal Douglass** to Small Claims.
- With a Probation Officer on maternity leave, instead of hiring a temporary employee, we used an intern, **Alexis Kompier**, a Ferris State University student along with **Bob Brown** and **Ralph Schultz** to manage the caseload.
- With the promotion of **Greg Somers** to Community Corrections Manager, we filled his vacancy with **Margaret Drury** who came to us from the Grand Traverse County Corrections Department.
- With the growth of the Mental Health Court, the program added a grant funded .5 fte Case Manager. Fortunately, we were able to hire **Jill Platte** who is also employed part-time by Northern Lakes Community Mental Health. Her expertise has added tremendously to the growth and success of the program.
- Sobriety Court expanded the program to OUIL 3<sup>rd</sup> offense defendants. These defendants, in year one, are on a delayed felony sentence. If they are successful in year one, they get sentenced to a 2<sup>nd</sup> offense and have two additional years of intense probation. Failure results in an immediate felony conviction.
- The staff continued its generosity through Denim Friday donations. The \$843.50 collected was donated to Hoti's education. Hoti is a 7-year old African boy who won the heart of **Jean Broad**'s niece who served in the Peace Corps. The money collected will get Hoti two years of education at a private school in Africa.
- The court started an MIP class with curriculum designed by **Pam Blue**, Chief Probation Officer. The class is taught by Probation Officers, **Becky Richards**, **Jeff Boyce**, **Jenny Elmlbad-Boyce**, **Bob Brown** and **Sherise Shively**, **Pam Blue**, **Margaret Drury**, on a rotational basis. First offense Minor in Possession defendants are eligible to take the class as part of their deferred sentence.
- Court cases and court calendars are now available through our website. On-line payments are not yet possible, but will be in 2010.
- Imaging is still a major project that is being planned for 2010-2011. The plan is to begin with the Civil Division and move to the other divisions as time and finances permit.

We have a terrific group of employees who work in this court. They are not only dedicated, but they are innovative, cooperative and demonstrate their responsibility as civil servants in all aspects of their work.

## General Overview

The 86<sup>th</sup> District Court is part of the judicial branch of government as provided for by the Michigan Constitution in 1963 and created by the Michigan Legislature in Public Act 154 of 1968. The purpose of the District Court is to provide a system of justice for the citizens of Grand Traverse, Antrim and Leelanau Counties. The District Court has jurisdiction over all civil cases where the amount in controversy is \$25,000 or less, all criminal misdemeanors and arraignments and preliminary examinations in felony matters.

Judges hold court in Traverse City five days per week. Court is held in Antrim County every Tuesday and Thursday and every Friday in Leelanau County. Judges travel to Antrim and Leelanau on a rotating schedule.

Our Court office is divided into three divisions: criminal/traffic, civil and probation. The criminal/traffic division handles violations of the States Criminal Code and local ordinance violations. It is responsible for scheduling all matters, opening and closing cases, communicating with the jail regarding sentenced inmates and notifying the Department of State Police Records Division of case dispositions. In addition, they are responsible for entering traffic tickets into the computer system, taking payments for both traffic and criminal cases, receiving and disbursing bonds and notifying the Secretary of State of case dispositions. This division also handles weddings that are performed by the court.

The civil division processes all general civil, small claims and summary proceeding (landlord-tenant) cases. It schedules civil hearings and trials, processes civil writs, garnishments and receives money for cases filings.

The probation department performs two functions: (1) meeting with criminal defendants and preparing pre-sentence reports for the judges and (2) supervising probationers.

Our staffing level in 2009 included 38 full-time employees and three part-time employees.

## **86<sup>th</sup> District Court Staff**

Court Administrator - Carol Stocking

### **Grand Traverse County Staff**

Tammi Rodgers - Magistrate  
Tina Lehn - Office Coordinator  
Lorraine Venzuch - Chief Recorder  
Pam Blue - Chief Probation Officer

### **Case Manager**

Jill Platte  
  
**Accounting**  
Jean Broad

### **Traffic Division/Cashiers**

Dawn Rector  
Sue Schaub  
Kendra Wise

### **Community Corrections**

Greg Somers - Manager  
Margaret Drury  
Sherise Shively  
Ralph Schultz \*\*

### **Criminal Division**

Marissa Switalski  
Crystal Douglass

### **Probation Officers**

Tom Willson  
Jenny Elmlad-Boyce  
Becky Richards  
Heidi Gilde  
Bob Brown  
Ralph Schultz\*\*  
Jeff Boyce

### **Civil Division**

Ella Dreves  
Gale Demarco  
Jill Wellman  
Tammie McLain \*

### **Recorders**

Angel Kaley  
Coleen Rocker  
Sheila Hale

### **Leelanau County Staff**

Norene Kastys - Magistrate/Office Coordinator  
Cindy Schaub - Traffic/Civil Clerk  
Mike Cochran - Probation Officer

### **Probation Clerks**

Claudette Tarr  
Serena Lovendusky

### **Antrim County Staff**

Shirley Dewitt - Magistrate/Office Coordinator  
Jerri White - Traffic Clerk  
Carol Austin - Civil Clerk  
Elizabeth Stanichuk - Probation Officer  
Shannon Smith - Probation Clerk

### **Collections**

Suzy Barsheff\*  
Trish Moore\*

\* Part-time Staff

\*\* Split position

## **Magistrate Activity**

The 86<sup>th</sup> District Court employs one full-time magistrate in Grand Traverse County and one half time magistrate in each of the other two counties. Magistrates conduct informal hearings on traffic tickets, perform weddings, issue arrest warrants, conduct arraignments, set bonds and accept pleas for misdemeanors that have a maximum penalty of 93 days in jail. Three probation officers in Traverse City also have limited magistrate authority to assist on a rotational basis with bond setting on weekends in Traverse City. All magistrates are appointed by the Chief Judge.

### **Grand Traverse County Magistrate Activity**

	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Arraignments	709	1231	985	1025
Informal Hearings	642	550	466	337
Search Warrants	132	129	141	121
Marriages	154	149	156	118

### **Antrim County Magistrate Activity**

	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Arraignments	94	58	41	40
Informal Hearings	107	41	77	75
Search Warrants	52	27	45	43
Marriages	44	35	22	32

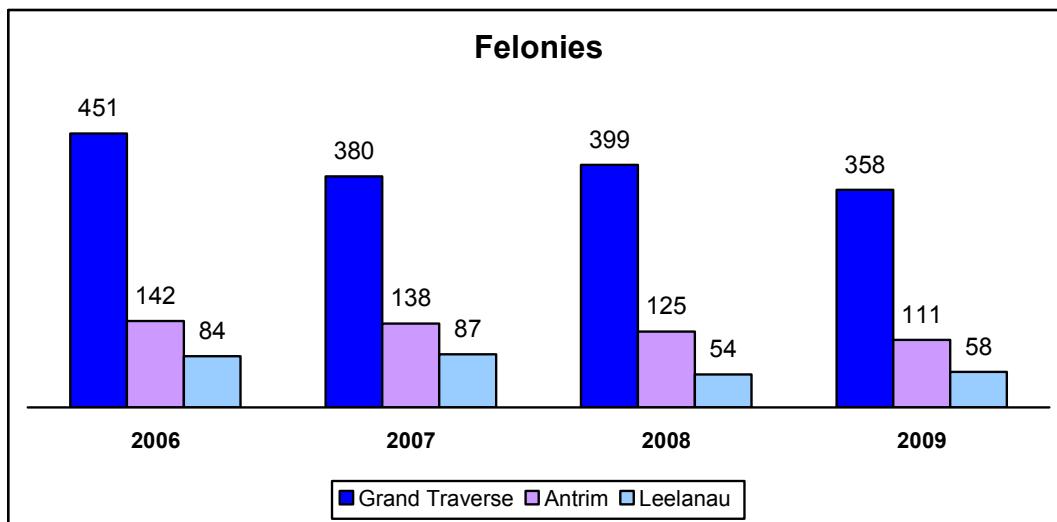
### **Leelanau County Magistrate Activity**

	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Arraignments	90	97	139	62
Informal Hearings	60	44	50	32
Search Warrants	79	72	98	27
Marriages	26	10	11	11

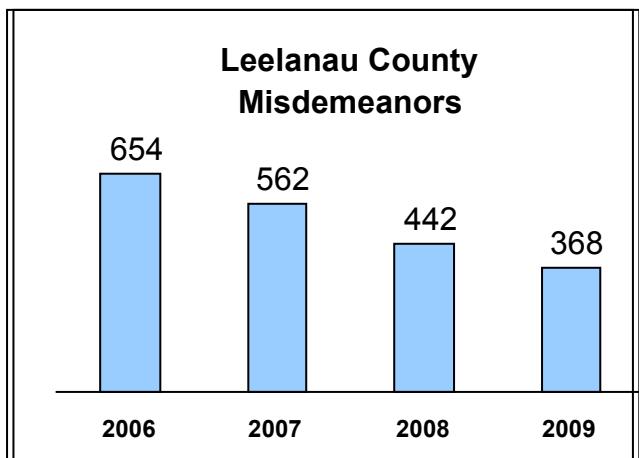
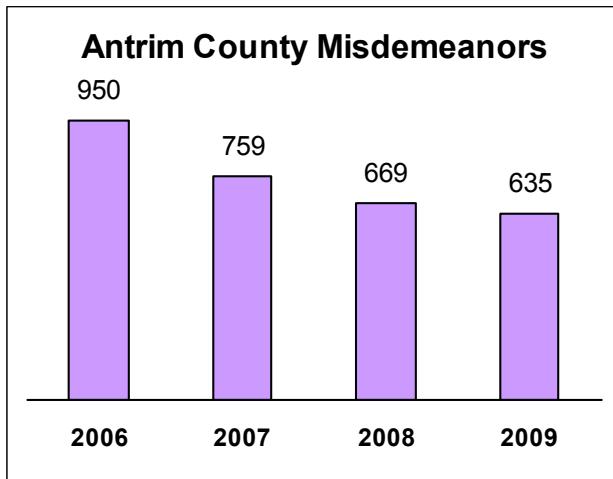
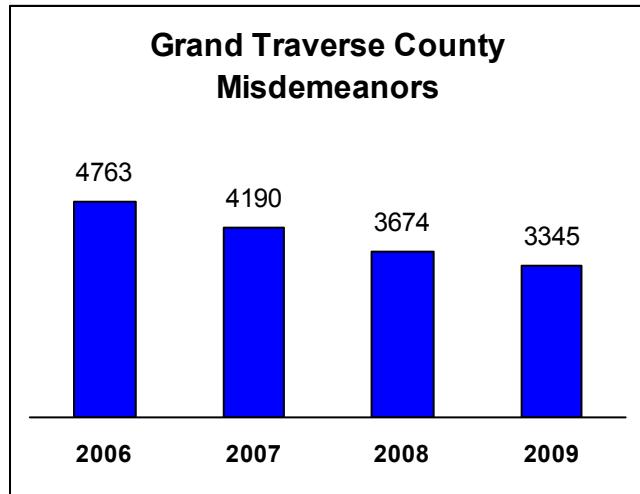
## Criminal Division

The criminal division in Grand Traverse County is comprised of two full time court clerks and the office coordinator. In Antrim and Leelanau the criminal case load is processed mainly by the half time office coordinator. Their tasks involve tracking from beginning to end, every criminal case filed in the District Court. This job requires a thorough understanding of the court system, knowledge of hundreds of codes, and requires data entry, accuracy and attention to detail. Customer service is a big part of these positions as they have constant interaction with defendants, attorneys, law enforcement and the public, both face-to-face and on the telephone. Our court is proud of the fact that we consistently meet the required time guidelines for case disposition.

**Felonies** - The first court appearance for each defendant charged with a felony is the District Court arraignment. The preliminary exam that follows must be held within 14 days after the arraignment. If probable cause is established then the defendant is bound over for further proceedings in the Circuit Court.



**Misdemeanors** - The District Court has jurisdiction over all crimes that are punishable by not more than one year in jail. The following statistics include all misdemeanor offenses; traffic and criminal including Operating While Intoxicated. Indigent defendants are entitled to a court appointed attorney if their crime could result in a jail sentence. The following graphs demonstrate the trend in each county as it pertains to these assignments.

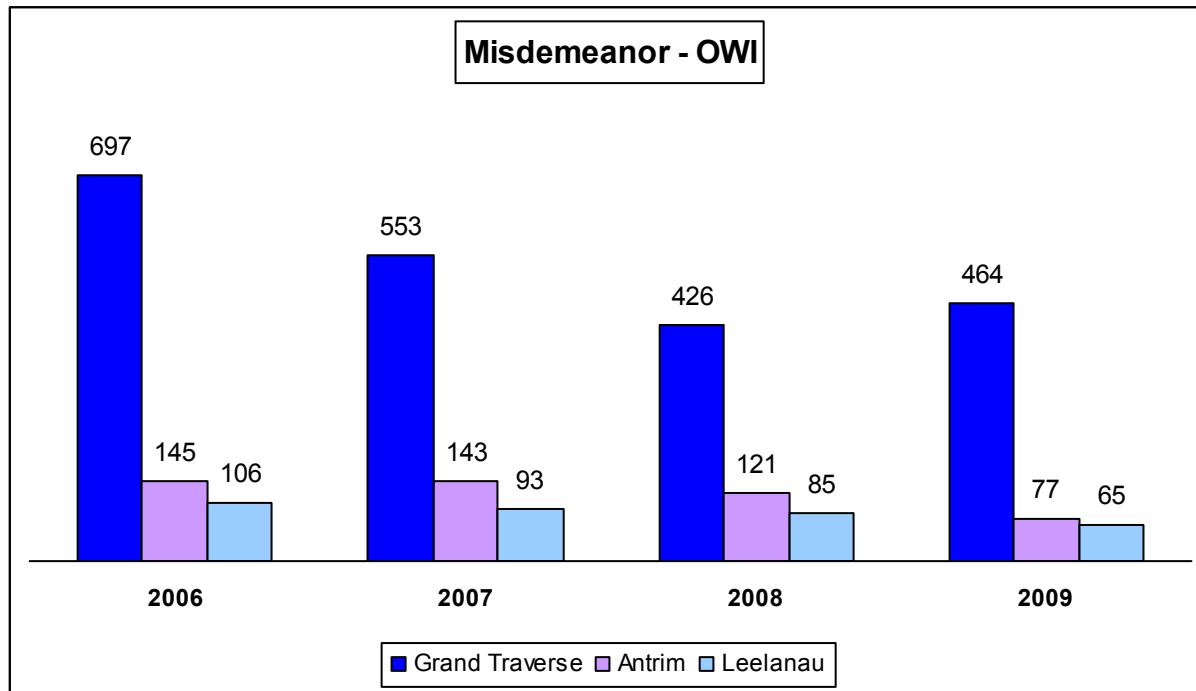


**Operating While Intoxicated (OWI)** - In 2003 the state legislature reduced the level of intoxication from .10% to .08%. It was in response to the threat to public safety posed by the repeat OWI offender that Judge Haley created the Sobriety Court in December 2001. This special docket follows a nationally developed model of Drug Treatment Courts and is designed to provide treatment alternatives to repeat drunk drivers in order to promote rehabilitation and recovery in lieu of jail. With intensive supervision by a case manager and judicial monitoring throughout probation, these chemically dependent offenders may avoid incarceration by pleading guilty and successfully completing an intensive 2-year probation period, with regular court appearances and case manager meetings throughout.

The program was expanded in 2009 to include OUIL 3<sup>rd</sup> offense defendants. These defendants, in year one, are on a delayed felony sentence. If they are successful in year one, they get sentenced to a 2<sup>nd</sup> offense and have two additional years of intense probation. Failure results in an immediate felony conviction.

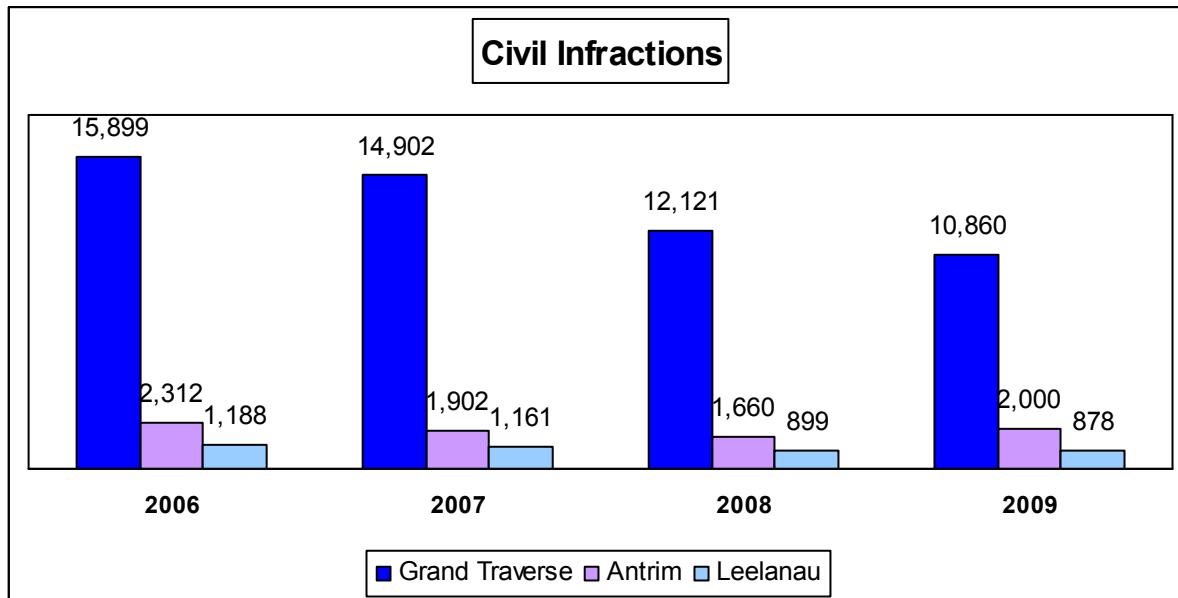
Since its inception, 688 individual defendants have participated in this voluntary program, with 352 actually successfully completing and graduating. The ultimate goal of this program is to reduce the repeat offender rate for drunk driving. In 2005 there were nearly 1000 drunk driving arrests in the three counties of the 86<sup>th</sup> District. In 2009, there were just over 600 arrests.

This program was selected in 2008 as an academy court by the National Association of Drug Court Professionals.



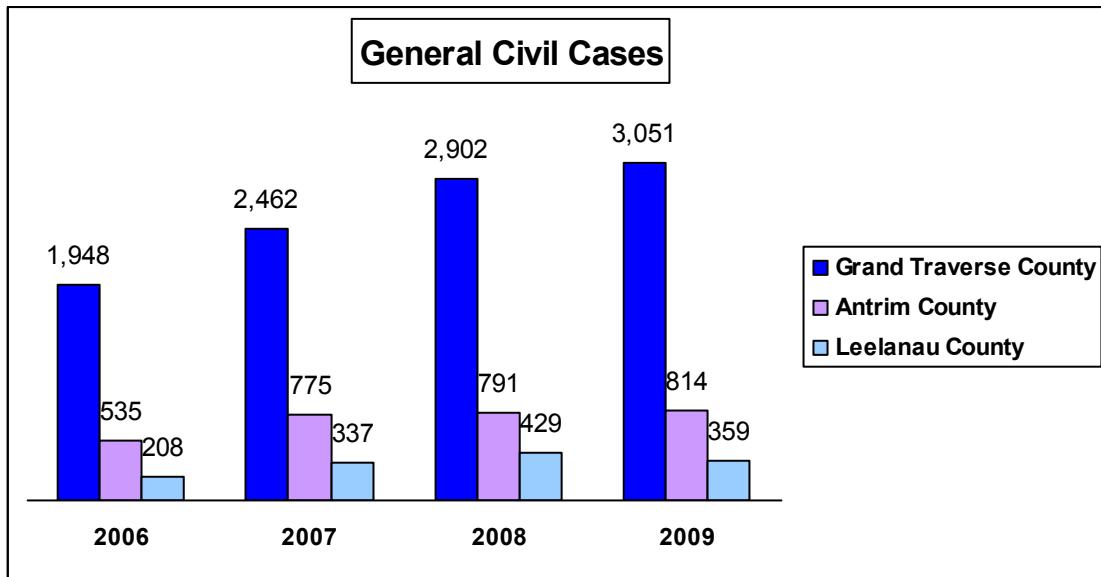
## Traffic Division

**Traffic - Civil Infractions** - Most violations of the Michigan Vehicle Code are civil infractions. Probably the most common civil infraction is the speeding ticket. An informal hearing before a magistrate is scheduled if a person denies responsibility for a civil infraction. The decision of the magistrate may be appealed to the District Judge.

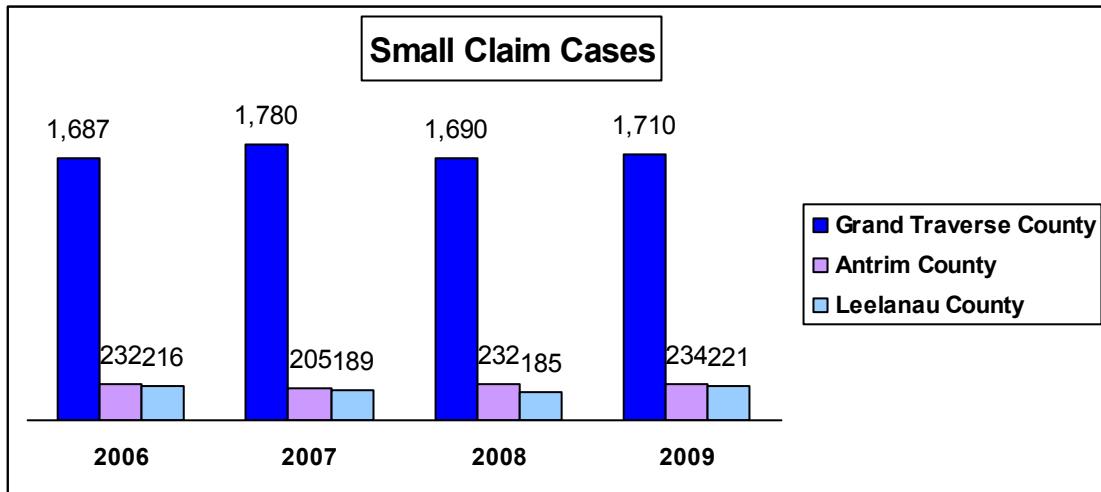


## Civil Division

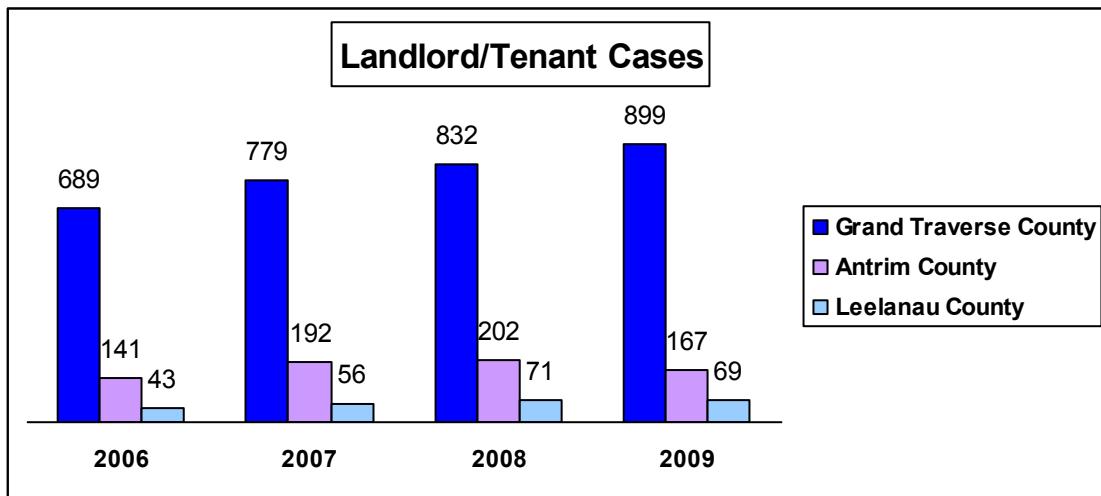
**General Civil** - The District Court has jurisdiction over disputes involving individuals and businesses where the amount in controversy is \$25,000 or less.



**Small Claims** - The plaintiff in a case that has an amount in controversy of not more than \$3,000 can elect to file in small claims. Lawyers cannot represent either party in a small claims case and the rules of evidence during a small claims trial are much less formal than in a general civil case trial.



**Landlord/Tenant** (Summary Proceedings) - Landlord/Tenant cases were created to provide real property owners a quick method to recover their property from a tenant or land contract vendee that is not complying with the terms of the lease or contract. These cases are usually originated by apartment owners, land contract holders, mobile home park operators and even boat slip owners. The number of cases filed in the District Court will probably continue to rise as the population in our region increases.



## **Probation Department**

The mission of the 86<sup>th</sup> District Court Probation Department is to provide quality services to judges, victims, probationers and the communities of Grand Traverse, Antrim and Leelanau counties. These services include pretrial release programs, pre-sentence investigations, probationer supervision and therapeutic programs. These services are necessary to restore victims and communities, protect the public, promote probationer accountability and create a climate for probationer behavioral change.

<b>Probation Caseload</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
<b>Grand Traverse</b>	1109	1037	1032
<b>Antrim</b>	261	246	199
<b>Leelanau</b>	201	166	169

<b>PSI Totals</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
<b>All Three Counties</b>	1268	1200	1137

## Community Corrections

The Community Corrections program has served both the 13<sup>th</sup> Circuit Court and 86<sup>th</sup> District Courts in Antrim, Leelanau and Grand Traverse Counties since 1991. The program offers alternatives to jail and/or prison for offenders in our communities. District Court offenders must be sentenced to a jail term of at least 30 days to possibly receive services from the program. The offender must agree to address the reason(s) s/he is incarcerated to be eligible (i.e. substance abuse issues, domestic violence, theft, etc.) The services include community based case management, jail based case management, transitional house living, probation residential services and day reporting, to name a few. Amended orders of probation and/or sentencing are formed through an in-depth assessment and given to jail staff, probation and ultimately the sentencing judge for approval.

The Community Corrections Program is funded by a state grant, tether revenues and appropriations from each county, Grand Traverse, Antrim and Leelanau.

<b>2008-2009</b>	<b>Grand Traverse</b>	<b>Antrim</b>	<b>Leelanau</b>
<b>Assessed</b>	311	59	35
<b>Approved &amp; Enrolled</b>	274	46	34
<b>Positive Completions</b>	200	40	23
<b>Failed the Program</b>	68	9	9
<b>Successful Completions %</b>	74.63%	81.63%	71.88%
<b>Average Daily Jail Beds Saved</b>	38.95	9.20	4.05

Total jail beds saved for the FY, 19,052.

## **Court Recorders**

Court Recorders have the responsibility of making a permanent record of court proceedings and providing a transcript of these proceedings upon request. Along with the efforts of other clerical staff and a court officer, they assist the judge in providing efficient docket movement. They are also responsible for filling out court disposition sheets as each case is heard, which indicates what transpires during a case from time of arraignment to final conclusion.

The Traverse City and Leelanau County courtrooms are equipped with advanced technology allowing for all court proceedings to be captured on video. In addition, each courtroom can do video arraignments, which means that defendants do not have to be physically transported from the jail to the courthouse making this process more efficient and safe.

Each judge has a recorder that is certified by the State of Michigan. The recorders also act as judicial secretary to the judge they serve.

In 2009, with the retirement of the Chief Recorder the decision was made to leave the position vacant in an effort to reduce expenditures. The Chief Recorder's responsibilities were divided among other staff members.

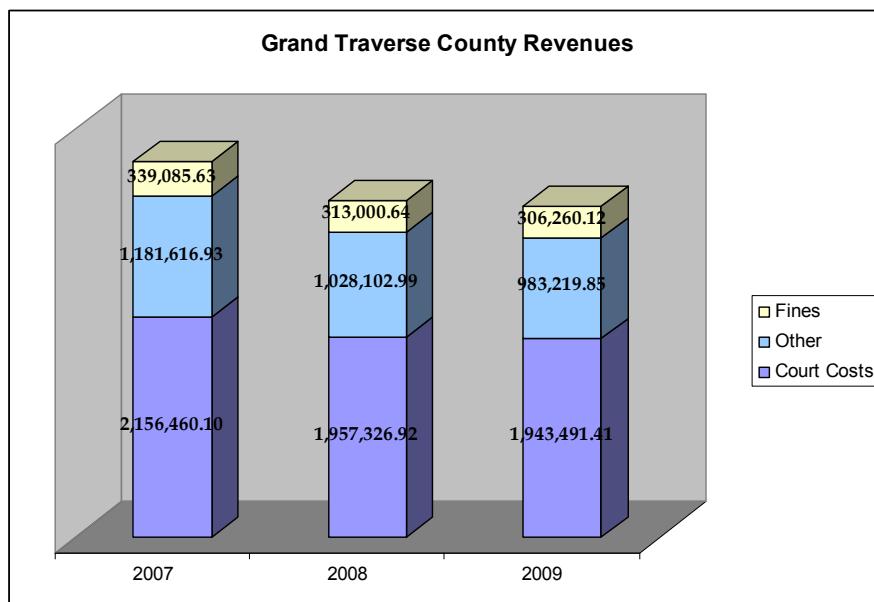
## Collections

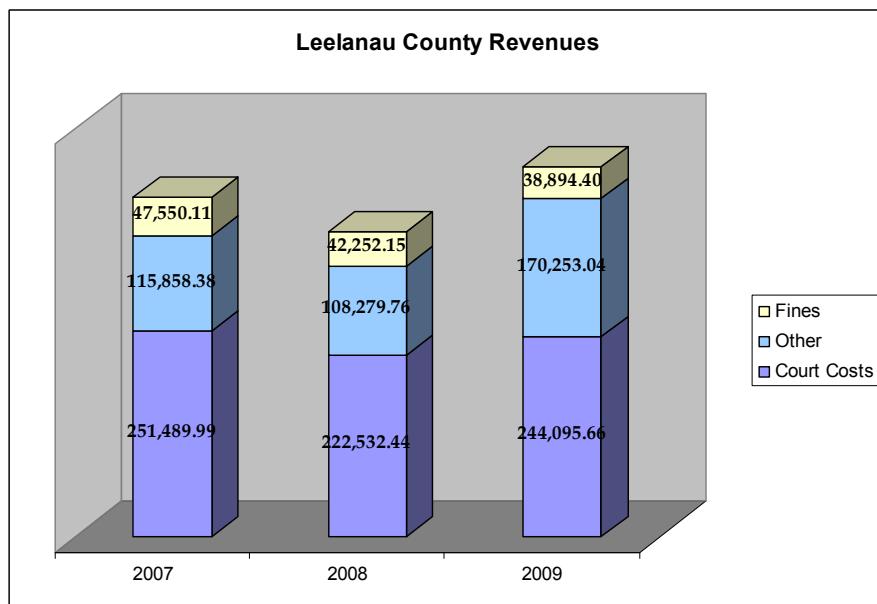
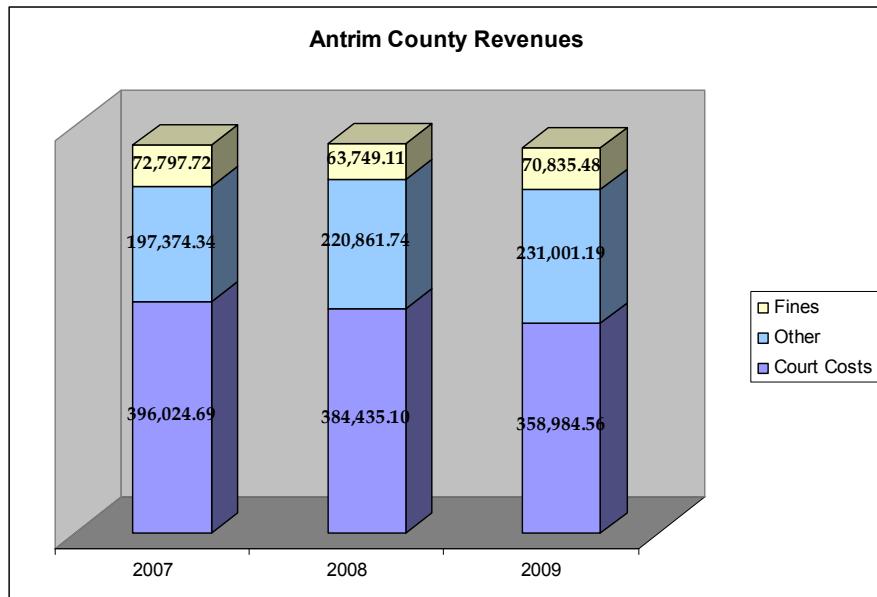
A formal collections department was formed in Grand Traverse County in 2002 with the hiring of a full-time employee whose job was to solely focus on outstanding receivables and set up payment agreements with defendants who could not pay in full the day of sentencing. This effort was very successful with overall monies collected increasing by nearly \$500,000 that year.

Since then, the court has implemented a formal Collections Policy and collection efforts have been implemented in every county. Along with staff members who actively work to set up payment agreements, time is spent working delinquent cases and probation officers have a more active role in collecting with active probationers.

The money collected is deposited with the County Treasurer and dispersed monthly according to state guidelines. Some money stays with the local county, fines collected go to the local libraries, and other monies are distributed to the State of Michigan, local townships, and victims.

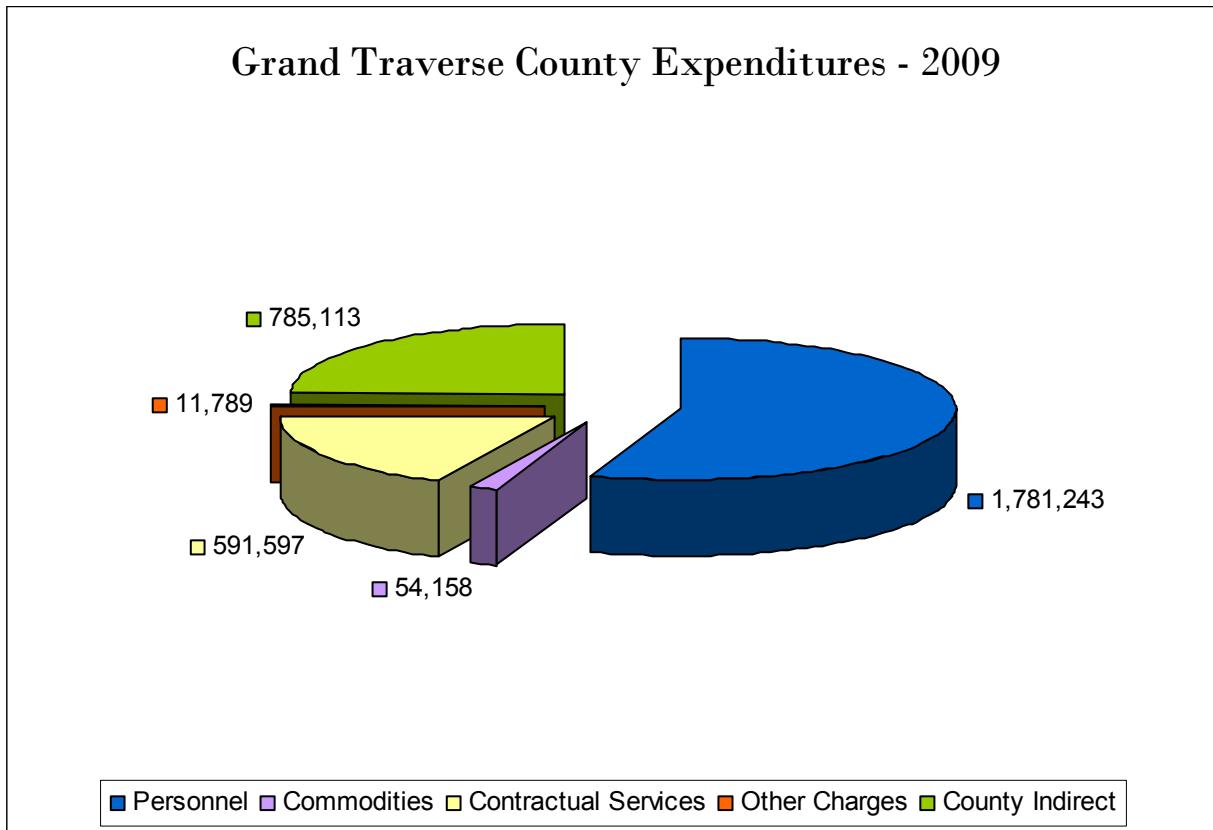
Even in these economic times, the court has been successful in maintaining a pretty steady level of revenue.





## Finances

Grand Traverse County is the fiscal agent for the 86<sup>th</sup> District Court. Grand Traverse County is responsible for the processing, audit, verification, and payment of all operating expenses. The District Court maintains three separate budgets for each of the counties and one “shared-cost” budget. Separate budgets are also created for the Mental Health Court and Community Corrections.



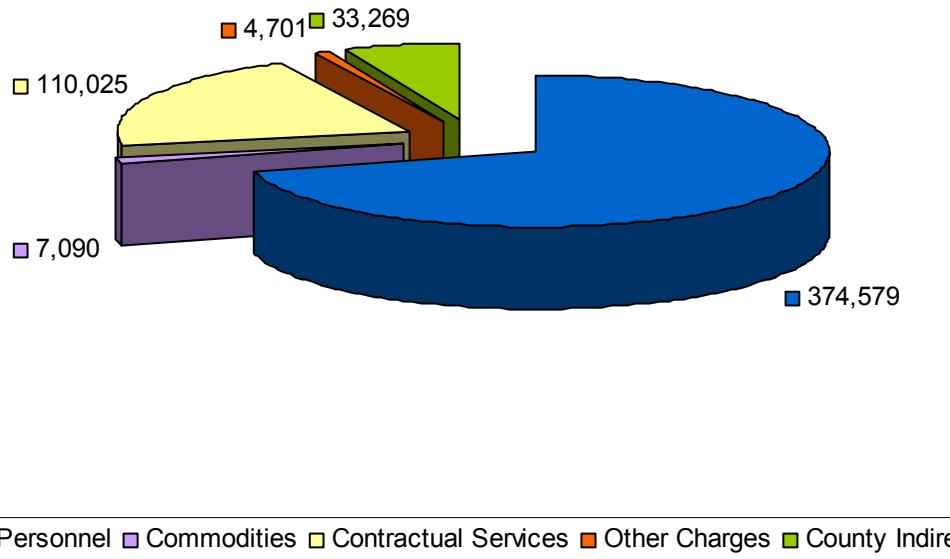
Commodities include office supplies, printing, postage and similar expenses

Contract Services include transcript fees, jury and witness fees, court appointed attorney, interpreter, MIS expenses

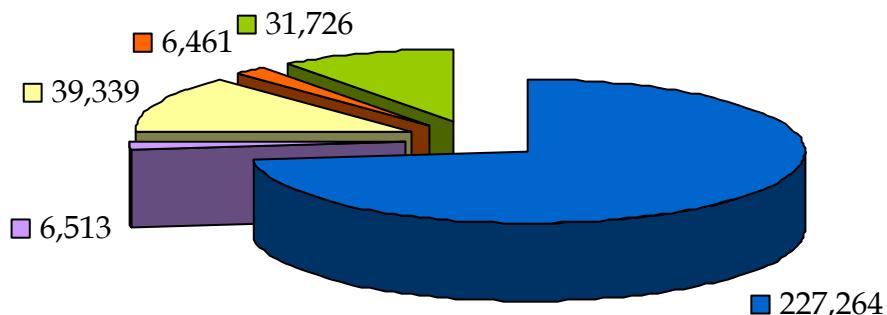
Other Charges include office equipment repair and maintenance, books, tuition reimbursement and employee training

County Indirect is the amount charged by Grand Traverse County for indirect costs such as space, heat, electric, facilities maintenance, etc.

## Antrim County Expenditures - 2009



## Leelanau County Expenditures - 2009



Category	Value
Personnel	227,264
Commodities	6,513
Contractual Services	39,339
County Indirect	31,726
Other Charges	6,461
Unlabeled	Small Sliver

## Dedication

**Lorraine Venzuch** retired from the 86<sup>th</sup> District Court on August 28, 2009 just short of 20 years of service. She started as the Small Claims Clerk in December 1989 and became Recorder/Judicial Secretary for Judge James McCormick in 1990. She continued in that position when Judge Thomas J. Phillips was elected in 2000. In 2005, Lorraine was promoted to Chief Recorder. Lorraine was very proud of her work in the Court and was diligent about detail, professionalism and protocol. When Lorraine was given an assignment, you could trust that it would be done properly and accurately.

Lorraine had a great deal of friends in the court and other county departments with whom she still communicates. Her lack of love for Northern Michigan winters prompted her move to Scottsdale, Arizona where she currently resides.



**Jill Wellman**, after 15 years of service to the 86<sup>th</sup> District Court, left the Court for warmer winters. She too moved to Scottsdale, Arizona. Jill started in Leelanau County before moving to the Traverse City office as the Small Claims Clerk. Jill was very organized and efficient in her work with the court. Her customer service skills were outstanding and oftentimes resulted in praise from those she served.

Jill is an avid sports fan who would oftentimes go to Lions and Redwings games with her husband and nephews. She also could be found chatting with co-workers about their Fantasy Football league.



Both Lorraine and Jill were valuable employees and treasured friends who are missed. We wish both of them luck in Arizona.