



86<sup>th</sup> District court  
Annual Report  
2013

Grand Traverse County  
280 Washington Street  
Traverse City MI 49684

Antrim County  
205 E. Cayuga  
Bellaire MI 49615

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

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## Foreward

By Judge Thomas J. Phillips, Chief Judge

Our Court has completed another year of service to our community. We continually attempt to improve how we serve the public through innovation and technology while not forgetting that it is the personal contact that is the most critical factor in serving our community.

On the technological front, Michigan State Police citations are now uploaded electronically which means greater efficiencies in our traffic division. Both Grand Traverse County Sheriff and Traverse City Police citations began electronic submission the previous year.

We continue to increase the number of video hearings in criminal cases. Not only do we use video hearings for arraignments from our local jails but we have the ability to use the technology to arraign our defendants who are in other jails and prisons. This saves transporting prisoners from other facilities and allows for cost savings, proper hearings and reduction in security issues.

Finally as to technology, the judges and magistrates have received tablets so they will be able to issue wireless search warrants and the judges will be able to issue wireless arrest warrants. This will speed up the process when time can be critical without affecting the rights of anyone.

This year we implemented an eviction diversion program in conjunction with the Department of Human Services (DHS), Northwest Michigan Community Action Agency, Father Fred Foundation, Salvation Army, Goodwill Industries, Northern Lakes Community Mental Health, Legal Services of Northern Michigan, Foundation for Mental Health, Women's Resource Center, HelpLink and LOVE, Inc. At our landlord/tenant hearing days, which are every Monday and Wednesday in Grand Traverse County, we have a representative from the DHS available to review cases and to discuss with tenants and landlords the prospect of keeping tenants in their homes. If not more than three months are past due and the tenant can show the ability to make future rent payments, DHS tries to obtain monies to pay the past due rent from itself and other agencies and charities. This is a win for both the landlord and tenant. The landlord receives payment and does not have an open rental unit and the family keeps their home and in some cases avoids becoming homeless. During this past year, of the 166 clients referred, the program was able to assist 104 .

This year an emphasis has been placed by the Michigan Supreme Court to assure that all non-English speaking people receive adequate assistance in Michigan courts. In the

past this has been a priority for our court and we have issued an administrative order to assure full compliance with the mandates of the Supreme Court. It is as simple as treating people the way you would want to be treated if you were in a foreign country.

The Court was successful again this year in obtaining supplemental funds through grants. Judge Stepka's mental health court received a \$100,000 grant. Judge Haley's sobriety court received a \$20,000 grant. The credit for these excellent programs and the grant awards go to Judges Haley and Stepka and to our Court Administrator Carol Stocking.

Tammi Rodgers was named Chief Magistrate with additional supervisory duties. Chief Magistrate Rodgers was also selected by the Michigan Judicial Institute to be on the editorial advisory committee for the updated Traffic Benchbook which is used by judges and magistrates throughout Michigan.

We are honored that our courthouse is named after Justice Robert Griffin. This year with the help of the Griffin family we were able to obtain a number of historical pictures that they permitted us to copy. The pictures are now a permanent display showing a brief glimpse of Justice Griffin's career. We were further honored when Justice Griffin and his wife stopped by to see our display on his 90<sup>th</sup> birthday, November 6.

This year was my last year as Chief Judge which is a title with little meaning to me because we have always done things by consensus. I am fortunate to have two wonderful bench mates in Judges Haley and Stepka. My bench mates are great judges and even better friends. I am a fortunate person in so many ways. I have a wonderful family and another wonderful family at work in my three counties.

My four years as Chief Judge have been easy for me because of the wonderful staff and because of the guidance and wisdom of our court administrator, Carol Stocking. I am looking forward to Judge Stepka's becoming chief judge next year.

## Judges

**Judge Thomas J. Phillips** was elected in 2000 and reelected in 2006 and 2012 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 Bachelor's 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 was 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.

**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 Michael S. Stepka** was elected to the 86<sup>th</sup> District Court in November 2010. He grew up in Traverse City and graduated from Traverse City Central High School, Northwestern Michigan College, Central Michigan University, Cum Laude, and the



University of Detroit School of Law. After graduating from law school, Judge Stepka returned to Traverse City to practice law until being elected to the bench. He also served as a Grand Traverse County Commissioner from 2009-2010, served on the Board of the Women's Resource Center, and the Third Level Legal Aid volunteer clinic for many years. He also served as the Grand Traverse, Leelanau and Antrim County Bar Association President, and was the Annual Law Day Chair

for many years. Judge Stepka currently presides over the 86<sup>th</sup> District Court Mental Health Court. His interests include road and mountain biking, running and downhill skiing. Judge Stepka has two children, Michael and Betsie.

## Court Administrator

By Carol Stocking

2013 was the year of “musical chairs”. We had a number of staff move from one position to another within the court. Staff changes are always difficult due to the extensive training time, but the beauty of much of this was that those with the institutional knowledge ended up only a desk or floor away.



Both Greg Somers and Ralph Schultz retired in May. While Greg will be missed as the Community Corrections Manager we were lucky enough to have him stay on two days a week as a Community Corrections Officer. Sherise Shively was promoted to replace Greg as the program manager. Todd Bredin, who came to us following a career in law enforcement in southern Michigan, filled the full time vacancy left by Sherise’s promotion in Community Corrections.

Ralph Schultz’s job was split between Community Corrections Officer and Probation Officer. As indicated above, Greg Somers took the part time Community Corrections Officer assignment while Trish Moore was promoted to Probation Officer to fill the other portion of Ralph’s vacancy.

Trish has been part-time in the Collections Department which allowed for the promotion of Dawn Rector to that vacancy.

With the departure of another full time probation officer, Angel Kaley-Wolfe was promoted to Probation Officer and Mary Wenger-Townsend was promoted to Court Recorder, serving Judge Phillips.

Other lateral moves included Serena Lovendusky from Small Claims Clerk to Landlord/Tenant Clerk, Claudette Tarr moved from Probation Clerk to Small Claims Clerk. Two new hires were Tammy Odom as a Probation Clerk and Lindsay Hoxie as a Traffic/Criminal Clerk.

A change in Mental Health Court was to bring the Mental Health Court Liaison position back as a court employee from Community Mental Health. Richard Cooper was hired to fill this position after his summer internship with the Probation Department.

Over the summer we had two other interns. Mallory Donick, a law student at Michigan State University, who served the judges as a law intern. And, Peter Keene, a Criminal Justice student with Ferris State University spent his summer working in Probation under the tutelage of Dawn Wagoner.

## 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 State's 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 2012 included 31 full-time employees and eight (8) part-time employees.

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

### Court Administrator - Carol Stocking

#### **Grand Traverse County Staff**

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

#### **Case Manager**

Richard Cooper

#### **Criminal/Traffic Division/Cashiers**

Lindsay Hoxie  
Sue Schaub  
Kendra Wise  
Andrea Cooper

#### **Community Corrections**

Sherise Shively - Manager  
Margaret Drury  
Todd Bredin  
Greg Somers\*

#### **Civil Division**

Ella Dreves  
Serena Lovendusky  
Claudette Tarr  
Tammie McLain\*

#### **Probation Officers**

Dawn Wagoner  
Becky Morris  
Heidi Gilde\*  
Bob Brown  
Angel Kaley-Wolfe  
Trish Moore\*

#### **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**

Tammy Odom  
Beth Lajko\*  
Suzy Barsheff\*\*

#### **Antrim County Staff**

Shirley Dewitt - Magistrate/Office Coordinator  
Jerri White - Traffic Clerk  
Cindy Visnaw - Civil Clerk  
Shannon Johnson - Probation Clerk  
Elizabeth Stanichuk - Probation Officer

#### **Collections**

Suzy Barsheff\*/\*\*  
Dawn Rector\*

#### **Accounting**

Marissa Switalski

\* Part-time employee

\*\* 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. All magistrates are appointed by the Chief Judge.



Shirely Dewitt, Tammi Rodgers, Norene Kastys

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

	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Arraignments	984	1098	1056	1261
Informal Hearings	430	374	310	341
Search Warrants	109	94	77	121
Marriages	126	108	102	121

### **Antrim County Magistrate Activity**

	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Arraignments	76	117	88	68
Informal Hearings	128	154	140	86
Search Warrants	34	27	21	25
Marriages	49	32	33	25

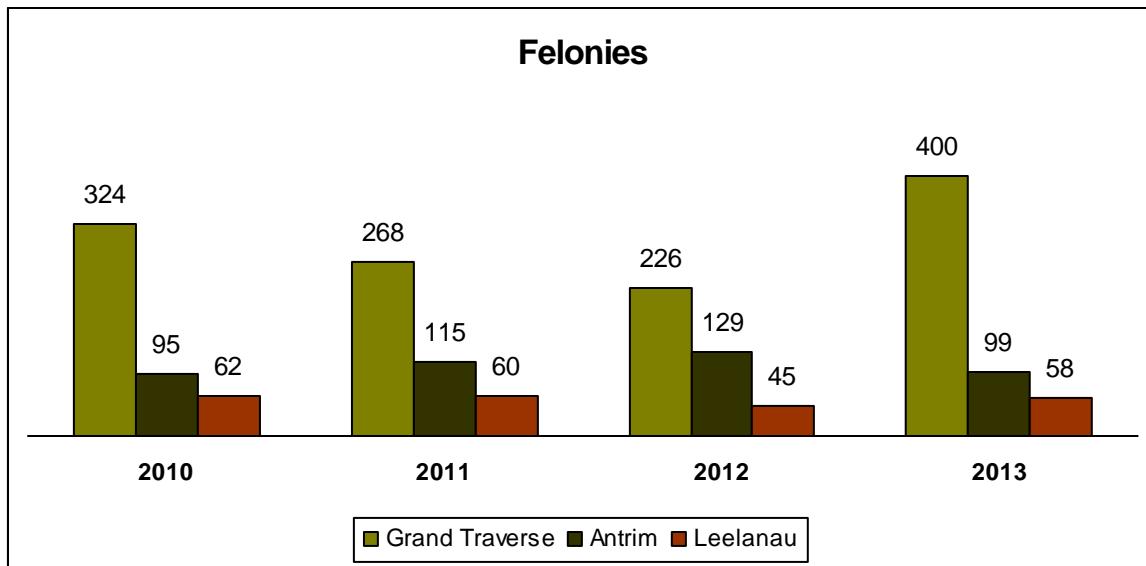
### **Leelanau County Magistrate Activity**

	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Arraignments	93	109	115	130
Informal Hearings	24	46	39	33
Search Warrants	28	32	41	12
Marriages	18	16	19	9

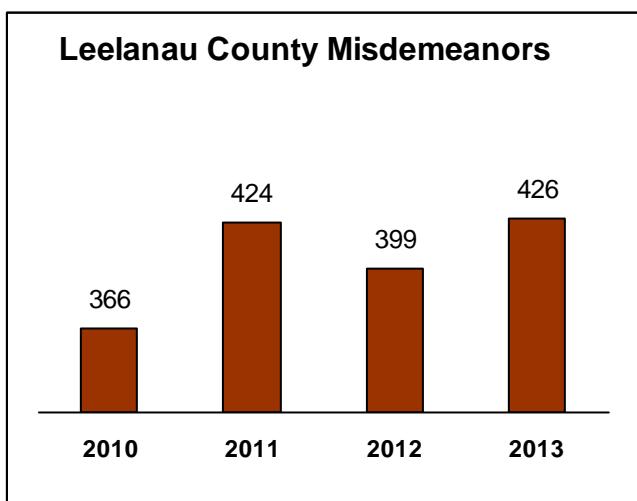
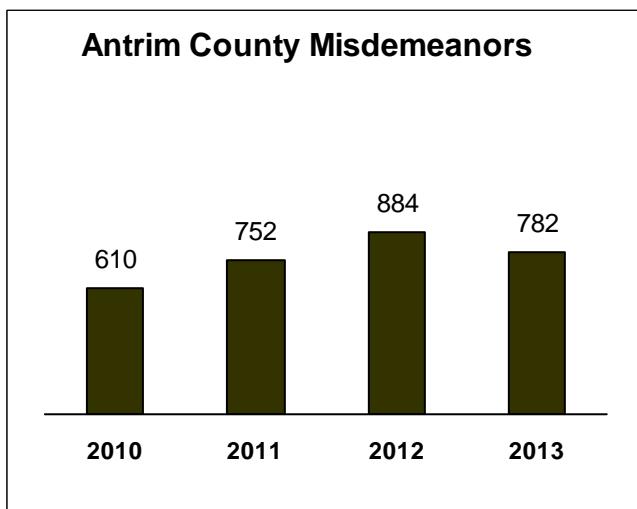
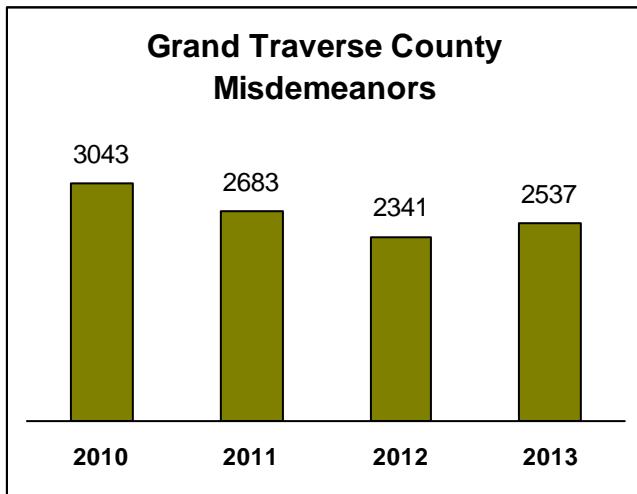
## Criminal Division

In Grand Traverse County four full time court clerks and the office coordinator share the work in the criminal and traffic divisions. 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.

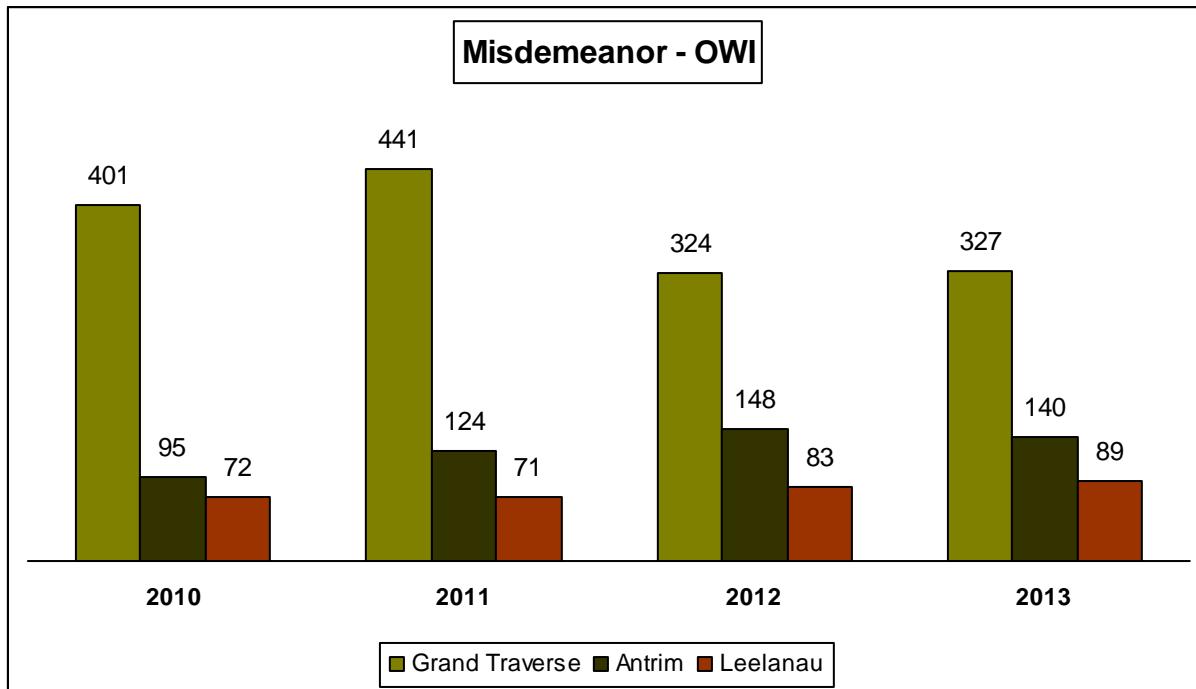


**Operating While Intoxicated (OWI)** - In 2003 the state legislature reduced the level of intoxication from .10% to .08%. It was in response to the threat to public safety posed by the repeat OWI offender that Judge Haley created the Sobriety Court in December 2001. This special docket follows a nationally 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> felony 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 up to two additional years of intense probation. Failure results in an immediate felony conviction.

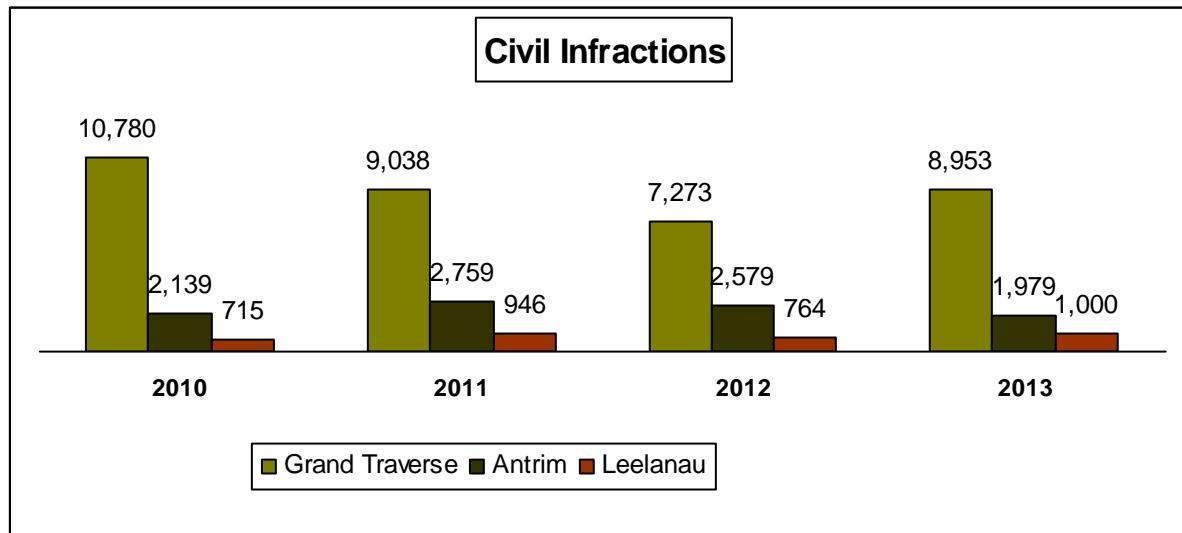
The ultimate goal of this program is to reduce the repeat offender rate for drunk driving. In 2005 there were nearly 1000 drunk driving arrests in the three counties of the 86<sup>th</sup> District. In 2013, there were 664 misdemeanor and felony drunk driving convictions.

This program was an academy court used by the National Association of Drug Court Professionals in training other Sobriety Courts nationwide between 2008-2010.



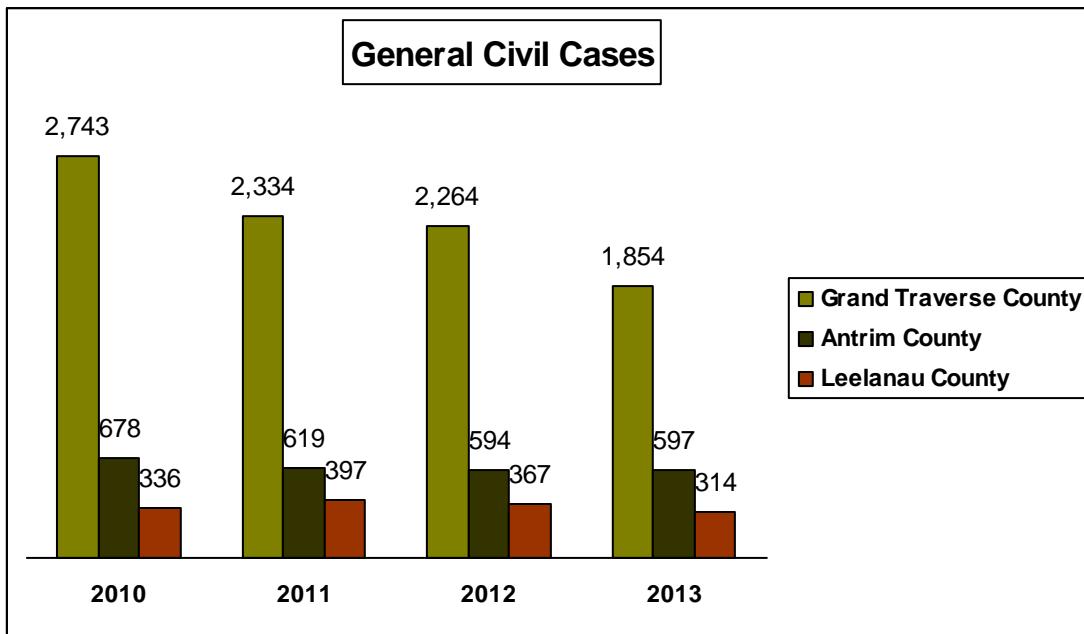
## Traffic Division

**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.

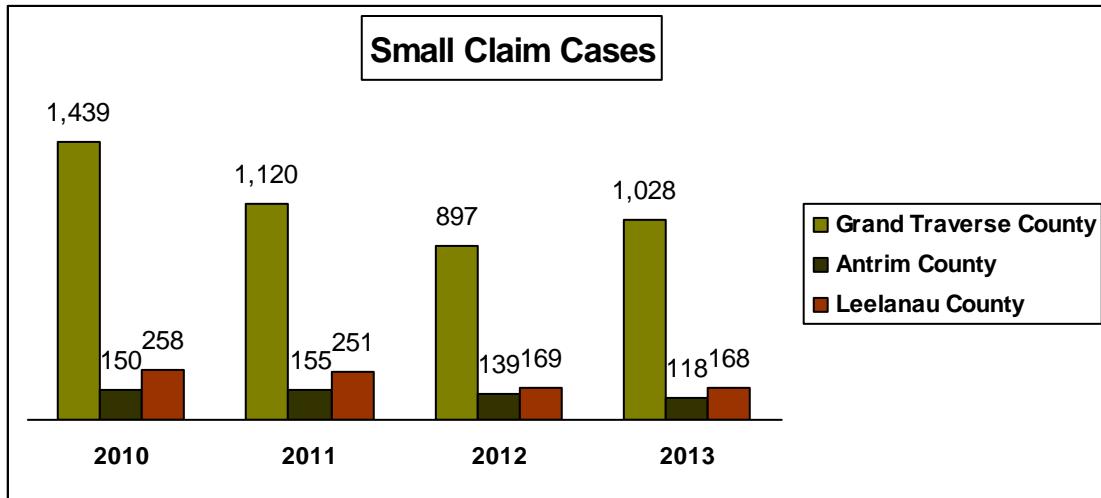


## Civil Division

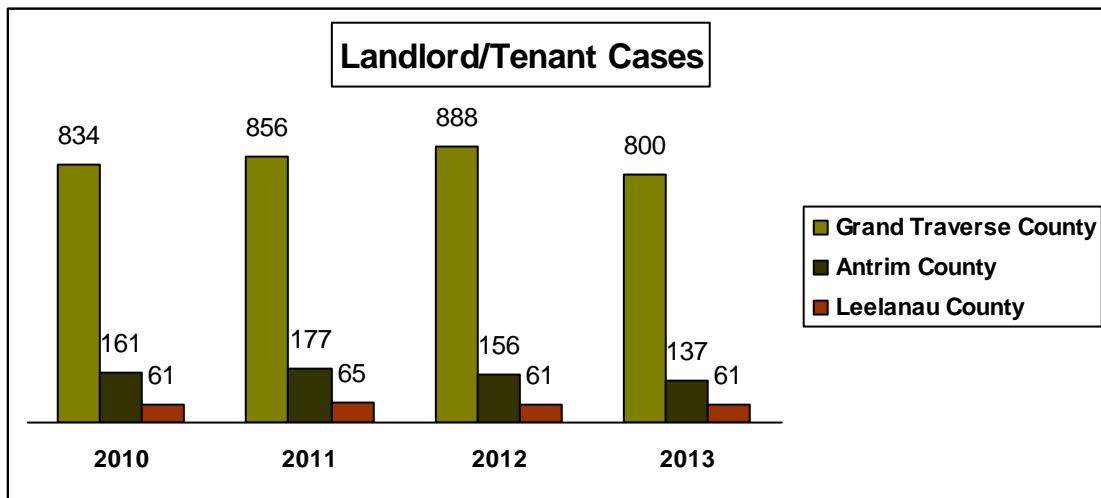
**General Civil** - The District Court has jurisdiction over disputes involving individuals and businesses where the amount in controversy is \$25,000 or less.



**Small Claims** - The plaintiff in a case that has an amount in controversy of not more than \$5,000 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.

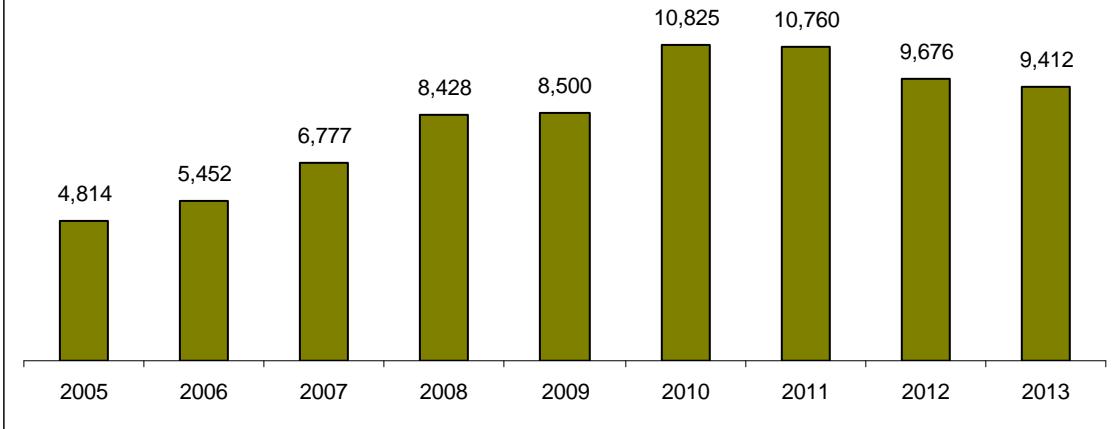


**Landlord/Tenant** (Summary Proceedings) - Landlord/Tenant cases were created to provide real property owners a quick method to recover their property from a tenant or land contract vendee that is not complying with the terms of the lease or contract. These cases are usually originated by apartment owners, land contract holders, mobile home park operators and even boat slip owners.

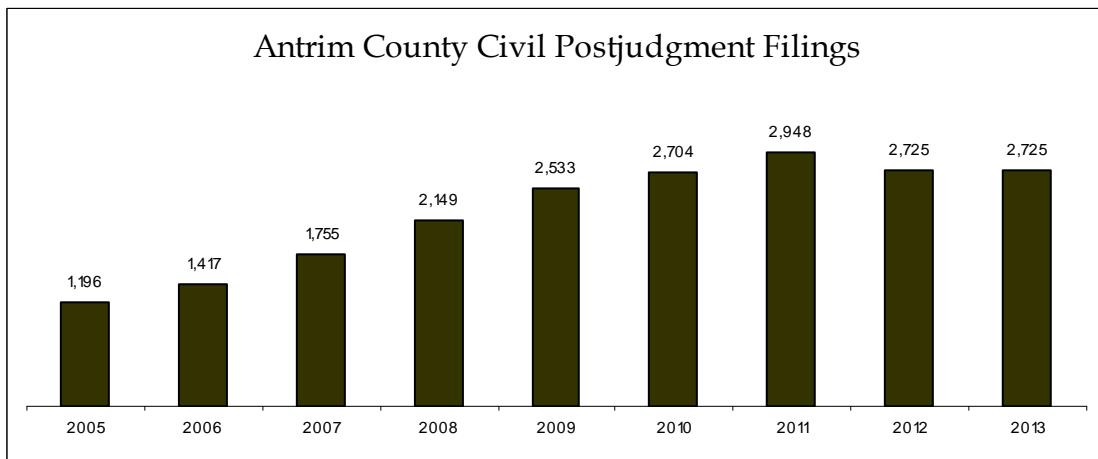


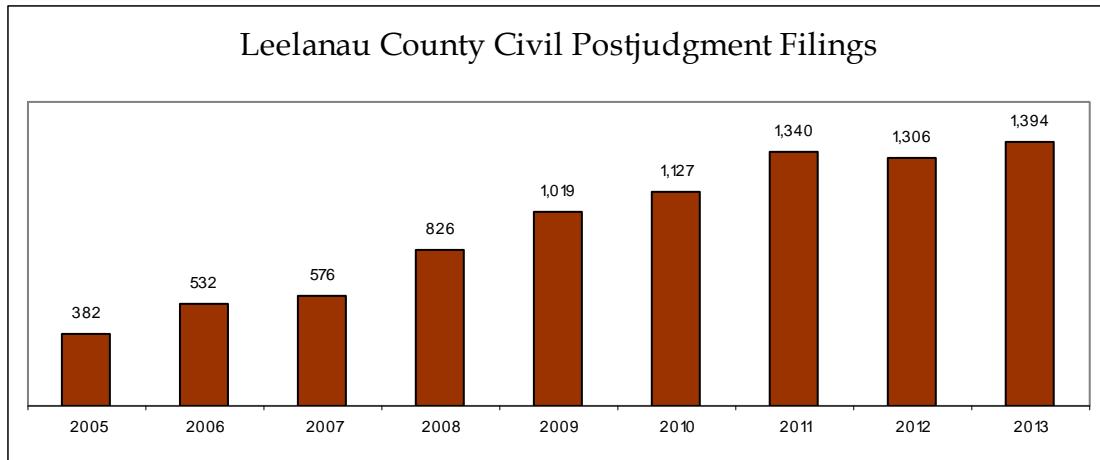
**Post Judgment Filings** - These filings mean that plaintiffs are filing garnishments, motions, writs of execution or writs of restitution in cases after obtaining a judgment in an effort to collect what is due to them. All of these filings require a fee be paid, a portion which stays local and a portion that goes to the state.

### Grand Traverse County Civil Postjudgment Filings



### Antrim County Civil Postjudgment Filings





\*\* Post judgment data in the 2011 Annual Report was inaccurate. The graph numbers included new case filings and post judgment filings in error.

## 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>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>Grand Traverse</b>	1220	1006	847	889
<b>Antrim</b>	177	266	264	262
<b>Leelanau</b>	167	156	196	211

<b>PSI Totals</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>All Three Counties</b>	800	826	Not Available	1251



Back row: Angel Kaley-Wolfe, Becky Morris, Heidi Gilde, Pam Blue, Beth Lajko, Dawn Wagoner

Front row: Mike Cochran, Bob Brown, Tammy Odom, Suzy Barsheff

## Community Corrections



Sherise Shively, Margaret Drury, Todd Bredin

Not pictured: Greg Somers

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>2012-2013</b>	<b>Grand Traverse</b>	<b>Antrim</b>	<b>Leelanau</b>
Assessed	170	49	37
Approved & Enrolled	144	42	35
Positive Completions	103	41	19
Failed the Program	36	6	1
Successful Completions %	72.97	83.67	99.07
Average Daily Jail Beds Saved	30.81	15.68	5.95
Jail Bed Days Saved Yearly	7,821	3,604	1,740
<b>Community Service Work</b>			
Enrolled	914	346	101
Successful	851	288	80
Failures	52	6	5
Jail Bed Days Saved	6,012	2,395	556

## 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.

With the installation of video recording equipment in Antrim County in 2010, all three counties are now 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.



Sheila Hale, Mary Wenger-Townsend, Coleen Rocker

## Collections

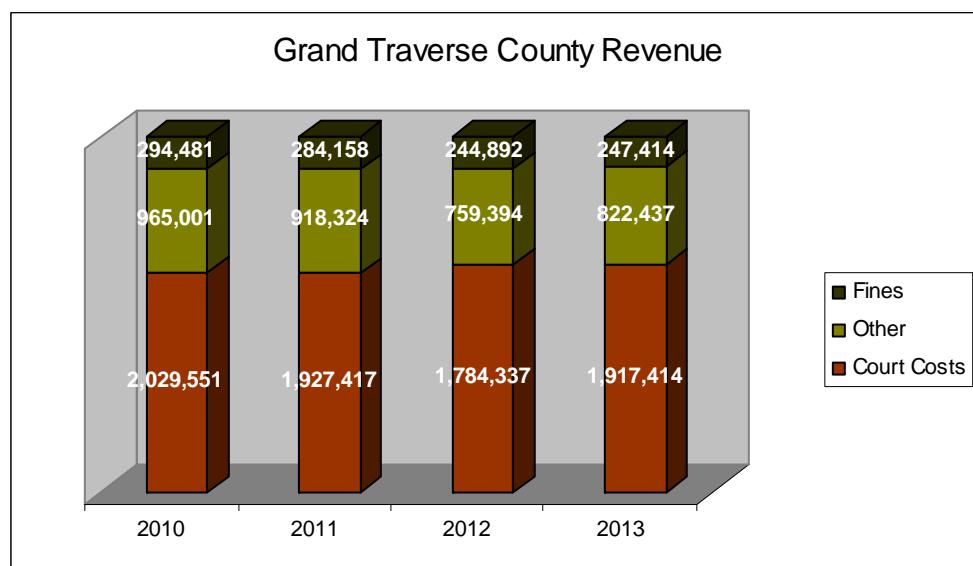
The court has a formal Collections Policy and collection efforts have been implemented in every county. Staff members actively work to set up payment agreements, time is spent working delinquent cases and probation officers have a more active role in collecting with active probationers.



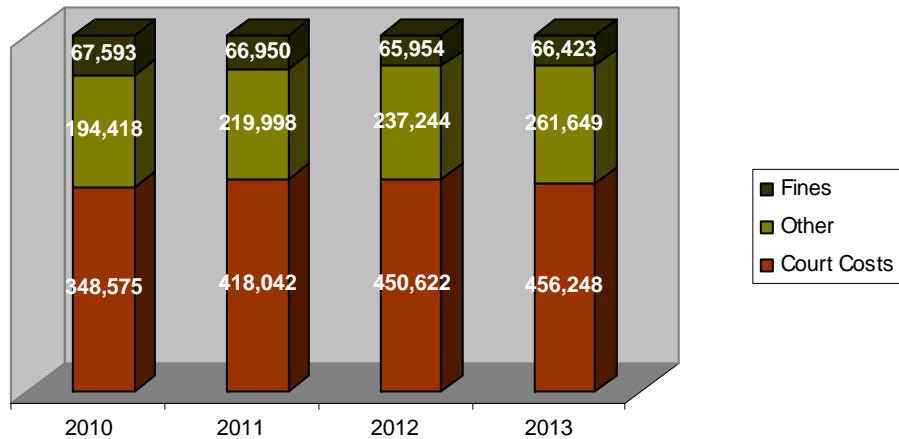
Between 100-150 show cause hearings are set each month on cases with money past due. Additionally, Grand Traverse County alone issued approximately 400 State Income Tax Garnishments. These methods have proven to be very effective.

Dawn Rector and Suzy Barsheff  
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.

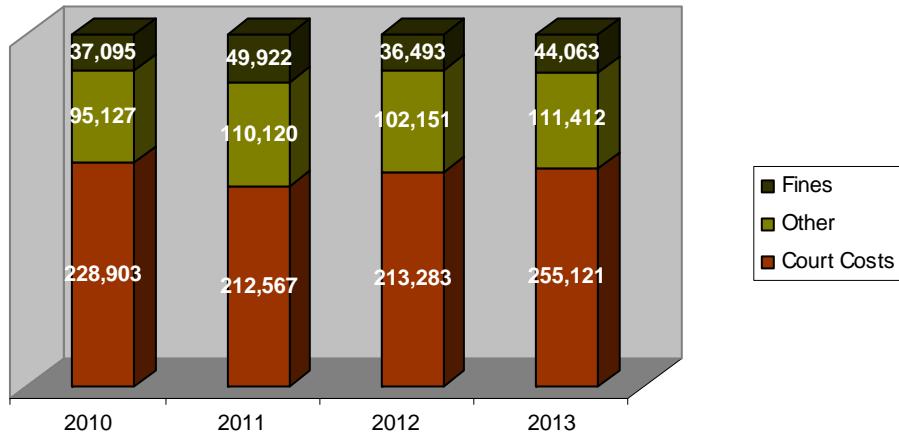
Revenues have remained steady in all three counties, even in this poor economy.



### Antrim County Revenue

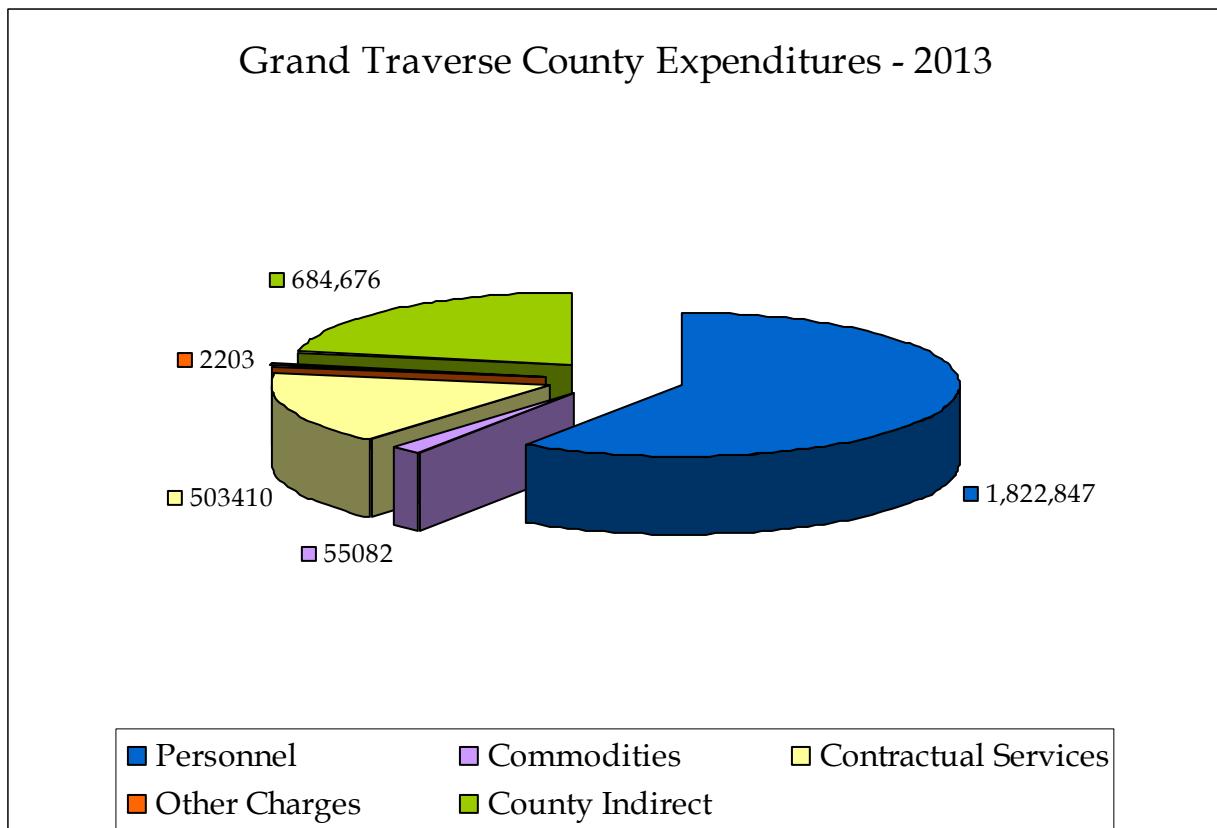


### Leelanau County Revenue



## 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.



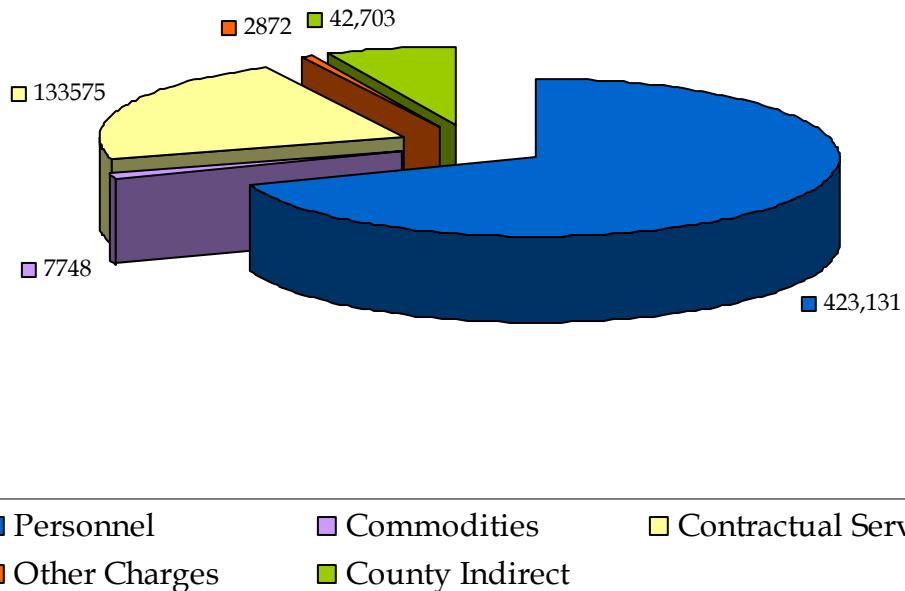
Commodities include office supplies, printing, postage and similar expenses

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

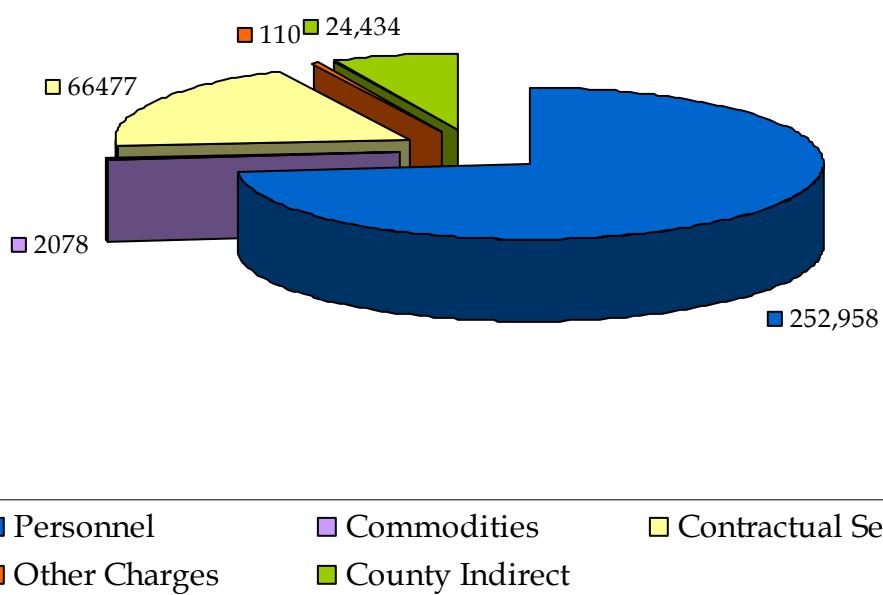
Other Charges include office equipment repair and maintenance, books, tuition reimbursement and employee training

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

## Antrim County Expenditures - 2013



## Leelanau County Expenditures - 2013



## Staff Photos



Grand Traverse Civil Division

Tammie McLain, Ella Dreves, Serena Lovendusky  
Not pictured: Claudette Tarr



Grand Traverse Criminal/Traffic Division  
Kendra Wise, Sue Schaub, Andrea Cooper, Lindsay Hoxie



Leelanau Staff

Norene Katsys and Cindy Schaub



Marissa Switalski, Accounting Technician



Antrim Staff

Shannon Johnson, Jerri White, Cindy Visnaw,  
Elizabeth Stanichuk and Shirley Dewitt



Tina Lehn, Office Coordinator