

## 86<sup>th</sup> District Court 2010 Annual Report



Photo by Tina Lehn

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280 Washington Street  
Traverse City MI 49684

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

Antrim County  
205 East Cayuga  
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## Foreward

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 5,993 cases during 2010. 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 disposed of 7,011 civil cases in 2010 consisting of General Civil, Landlord/Tenant and Small Claims cases and 13,677 Civil Infraction (traffic) 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 makes access to the court easier. We can be found at [www.grandtraverse.org](http://www.grandtraverse.org) where you can find court information, forms, case records and the judge's daily court calendar.

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

Our mission is to ensure justice for all those involved in cases that come before the court. That is and will continue to be our main focus. However, in this economic climate we spend a lot of time on fiscal responsibility, both scrutinizing expenditures and looking at ways to increase revenue.

Overall, court revenues continue to be pretty steady with not much fluctuation from one year to the next. We have worked hard on the outstanding receivables with hundreds of show cause hearings being scheduled. In some cases, the court gives the defendant three options: pay in full, community service work or jail. If the defendant fails to appear for the show cause hearing, a bench warrant is issued with a bond in the full amount due. Since we began this process, we have seen an increase in appearances and payments in full prior to the show cause hearing. It seems to be very effective.

Highlights from 2010 include:

- Eliminated the use of probation officers as part time magistrates. Probation Officers who set bonds on weekends, holidays and in the absence of the Magistrate would get paid time and a half. Instead, the three regular magistrates now cover these assignments on a rotational basis with bonds being set via video.
- The Antrim County courtroom had video recording/arraignment equipment installed which will allow video connection within our own district courts, county jails and state prisons.
- We successfully negotiated a two year contract with the Teamsters Union representing the district court employees.
- Together with the Grand Traverse County Finance Department, County Treasurer, Information Technology Department, County Clerk and Circuit Court, an RFP was let for a credit card vendor. In the end, 5/3d Bank was selected. This was the first step in our implementation of on-line payments.
- The Grand Traverse County Sheriff Office purchased a new software system for the jail that included an e-ticket component. **Tammi Rodgers** and I began working with them for design and implementation which is set for 2011.
- The Grand Traverse County Board of Commission approved the District Court to begin an Imaging Project in the civil division. **Tina Lehn, Ella Dreves** and I began working with IT and Imagesoft on this project.
- A Veteran's Court team was formed and plans for implementation set for early 2011. The Grand Traverse County Veteran's Affairs Office was helpful in this process.
- The Joint District Judicial Commission met several times to update the Intercounty Agreement. This agreement was written in 2000 when Antrim County became part of our district and had never been updated.

- Security continues to be a priority for both our employees and customers. Greg Brainard, Family Court Administrator, Jim Patrick, DK Security Supervisor and I meet monthly to discuss security incidents/issues in the Hall of Justice. We find that this team effort has been very beneficial to the security of our building.
- In October all judicial staff in all courts (judges, magistrates, law clerks, referees) were asked to participate in a statewide time study by SCAO. The results will be used by the Judicial Resource Committee in their review of numbers of judges in each jurisdiction. Results of this study will come out in late 2011.
- Wrote and received a grant in the amount of \$41,500 to continue the Mental Health Court pilot project. Funding came from the American Recovery and Reinvestment Act (ARRA) with no local match required.
- Finally, we continue to donate our Denim Friday donations to a local charity. In 2010, we donated \$538.00 to Women's Resource Center.

The year proved to be very busy with many major projects in the infancy stage. We expect to see many changes in 2011 with the implementation of on-line payments, e-tickets and imaging.

## 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 2010 included 35 full-time employees and four (4) 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  
Pam Blue - Chief Probation Officer

#### Criminal/Traffic Division/Cashiers

Dawn Rector  
Sue Schaub  
Kendra Wise  
Crystal Douglass

#### Civil Division

Ella Dreves  
Lin Loomis-Rutt  
Mary Wenger-Townsend  
Tammie McLain\*

#### Recorders

Angel Kaley  
Coleen Rocker  
Sheila Hale

#### Probation Clerks

Claudette Tarr  
Serena Lovendusky

#### Collections

Suzy Barsheff\*  
Trish Moore\*

#### Accounting

Marissa Switalski

#### Case Manager

Jill Platte\*

#### Community Corrections

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

#### Probation Officers

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

#### **Leelanau County Staff**

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

#### **Antrim County Staff**

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

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

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

|                   | <b>2007</b> | <b>2008</b> | <b>2009</b> | <b>2010</b> |
|-------------------|-------------|-------------|-------------|-------------|
| Arraignments      | 1231        | 985         | 1025        | 984         |
| Informal Hearings | 550         | 466         | 337         | 430         |
| Search Warrants   | 129         | 141         | 121         | 109         |
| Marriages         | 149         | 156         | 118         | 126         |

### **Antrim County Magistrate Activity**

|                   | <b>2007</b> | <b>2008</b> | <b>2009</b> | <b>2010</b> |
|-------------------|-------------|-------------|-------------|-------------|
| Arraignments      | 58          | 41          | 40          | 76          |
| Informal Hearings | 41          | 77          | 75          | 128         |
| Search Warrants   | 27          | 45          | 43          | 34          |
| Marriages         | 35          | 22          | 32          | 49          |

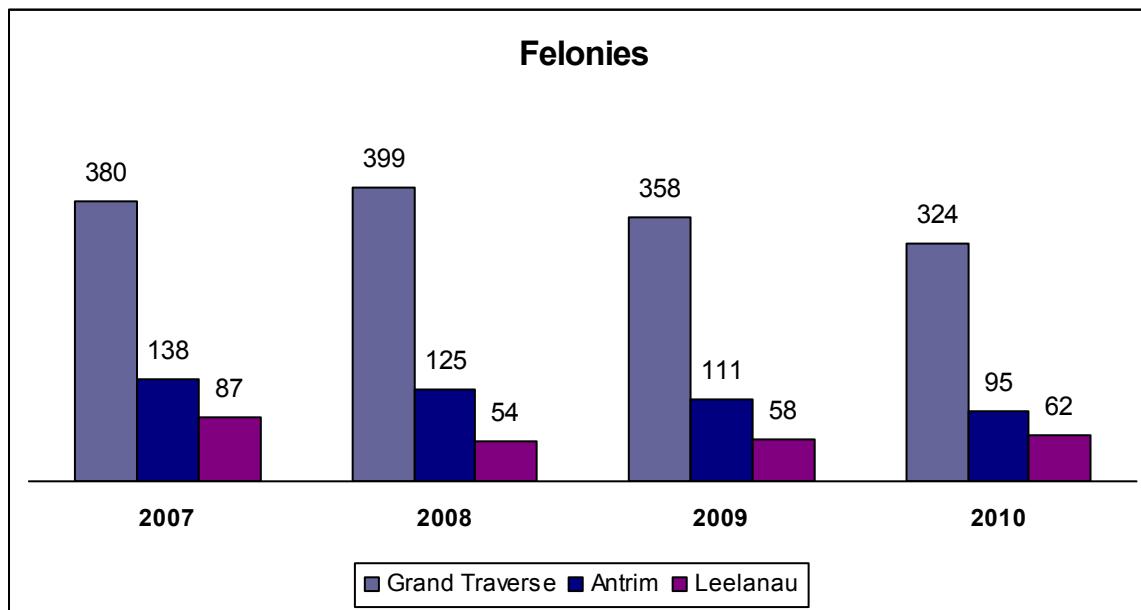
### **Leelanau County Magistrate Activity**

|                   | <b>2007</b> | <b>2008</b> | <b>2009</b> | <b>2010</b> |
|-------------------|-------------|-------------|-------------|-------------|
| Arraignments      | 97          | 139         | 62          | 93          |
| Informal Hearings | 44          | 50          | 32          | 24          |
| Search Warrants   | 72          | 98          | 27          | 28          |
| Marriages         | 10          | 11          | 11          | 18          |

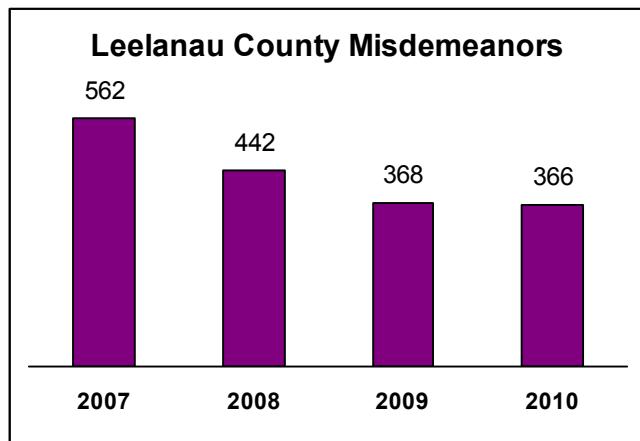
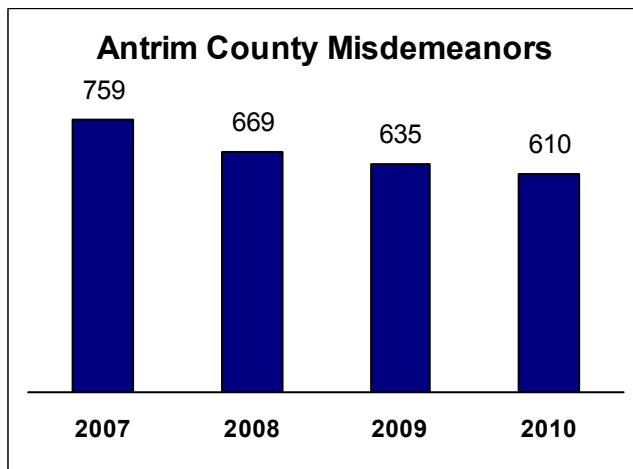
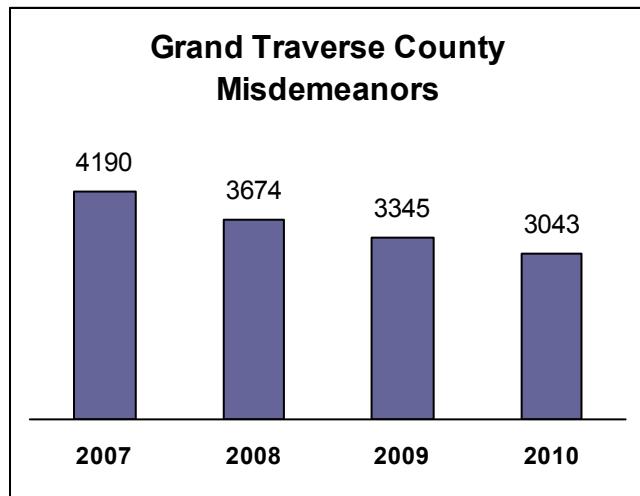
## Criminal Division

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.



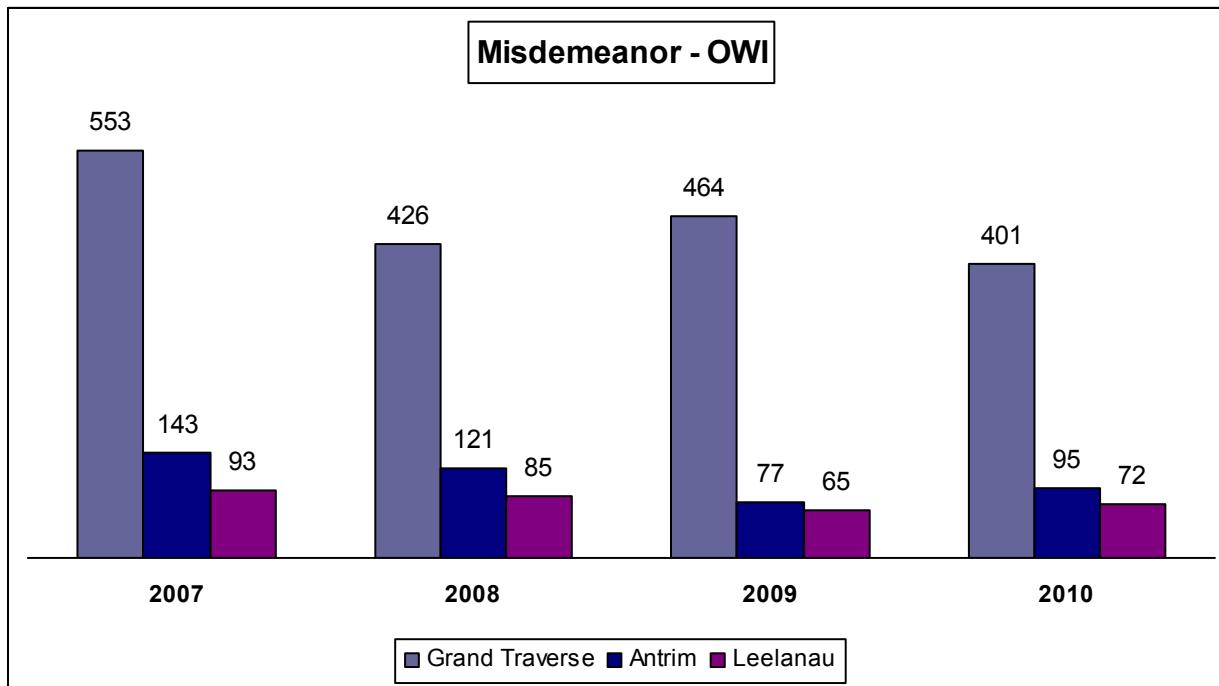
**Operating While Intoxicated (OWI)** - In 2003 the state legislature reduced the level of

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.

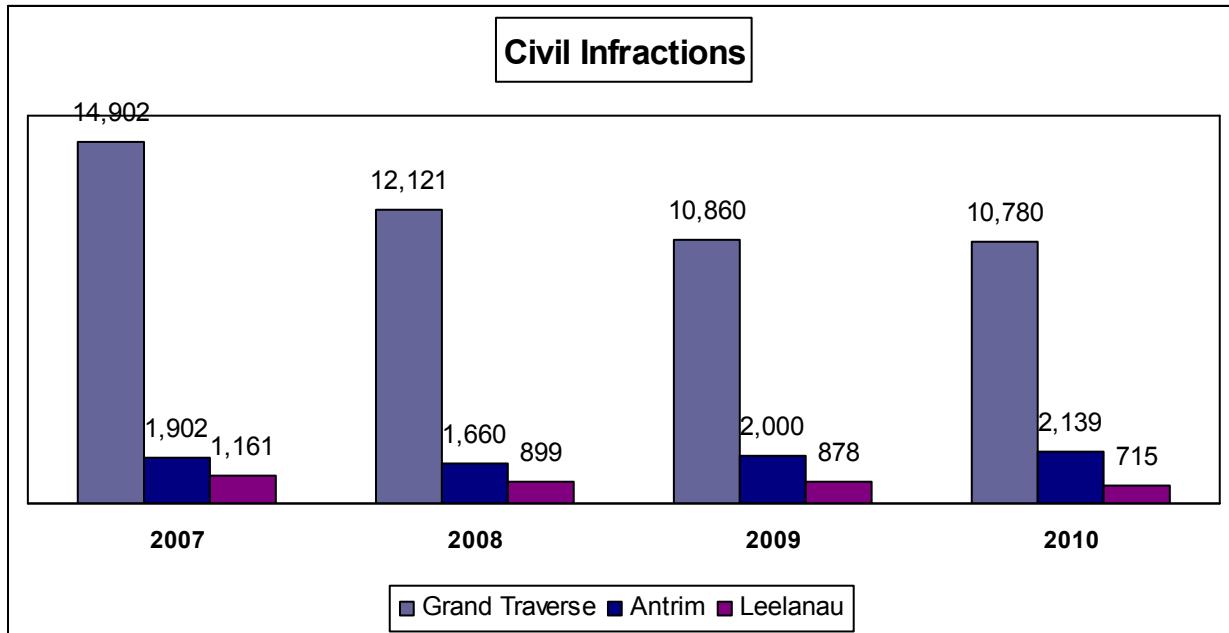
The program was expanded in 2009 to include OUIL 3<sup>rd</sup> offense defendants. These defendants, in year one, are on a delayed felony sentence. If they are successful in year one, they get sentenced to a 2<sup>nd</sup> offense and have two additional years of intense probation. Failure results in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

Since its inception, 706 individual defendants have participated in this voluntary program, with 379 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 2010, there were 568 arrests.

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



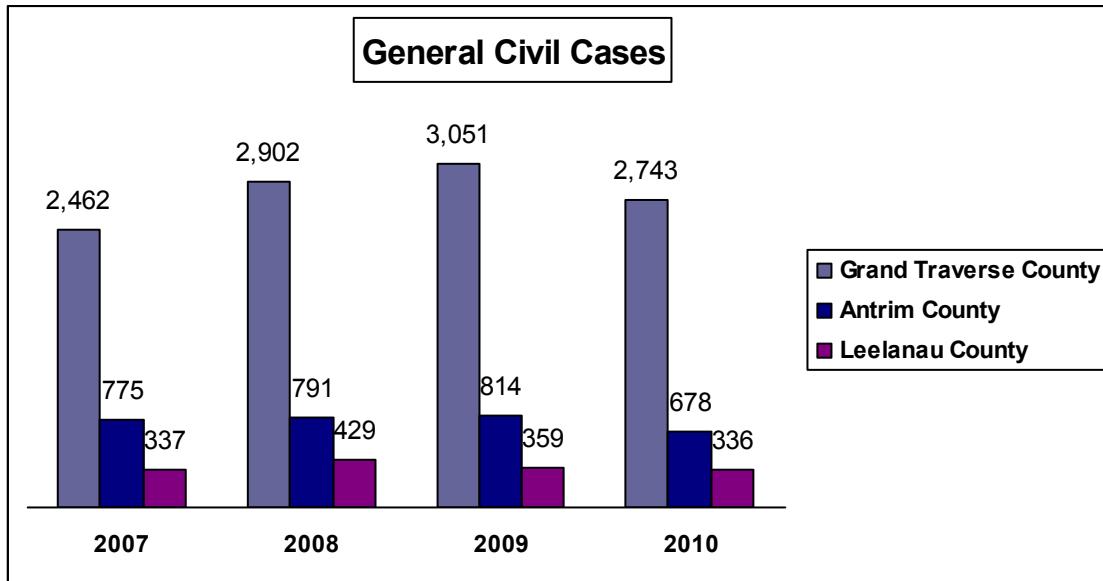
**Traffic - Civil Infractions** - Most violations of the Michigan Vehicle Code are civil infractions. Probably the most common civil infraction is the speeding ticket. An informal hearing before a magistrate is scheduled if a person denies responsibility for a civil infraction. The decision of the magistrate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



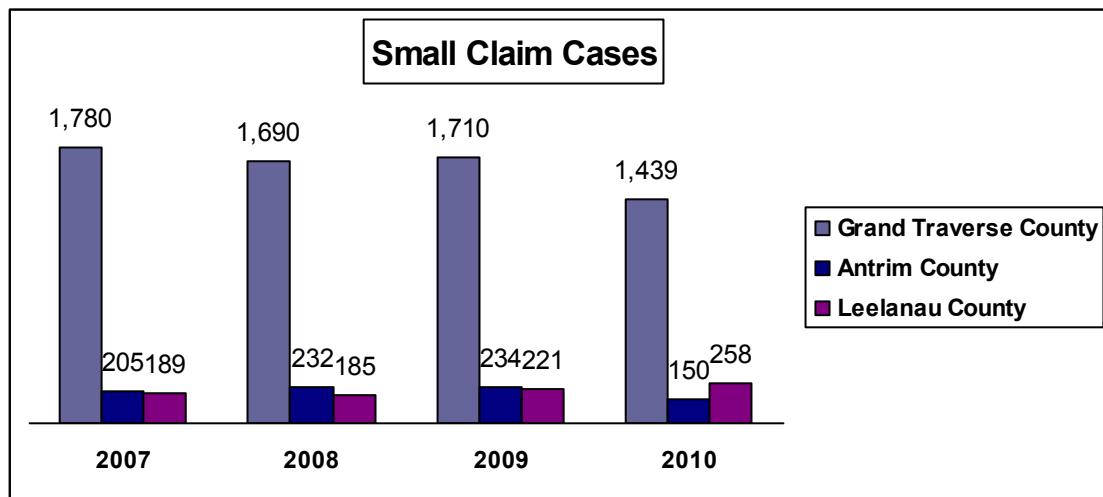
## Civil Division

**General Civil** - The District Court has jurisdiction over disputes involving individuals

and businesses where the amount in controversy is \$25,000 or less.

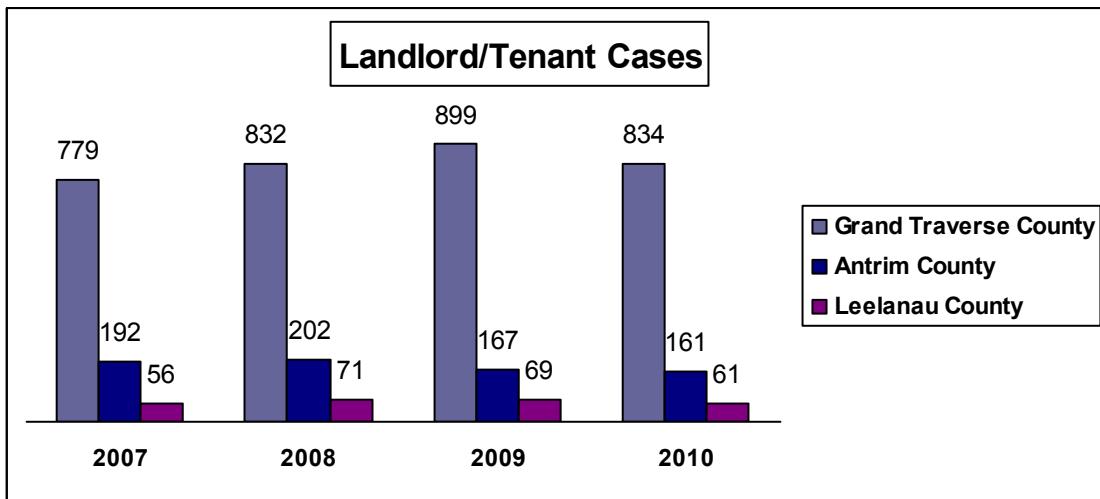


**Small Claims** - The plaintiff in a case that has an amount in controversy of not more than \$3,000 can elect to file in small claims. Lawyers cannot represent either party in a small claims case and the rules of evidence during a small claims trial are much less formal than in a general civil case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

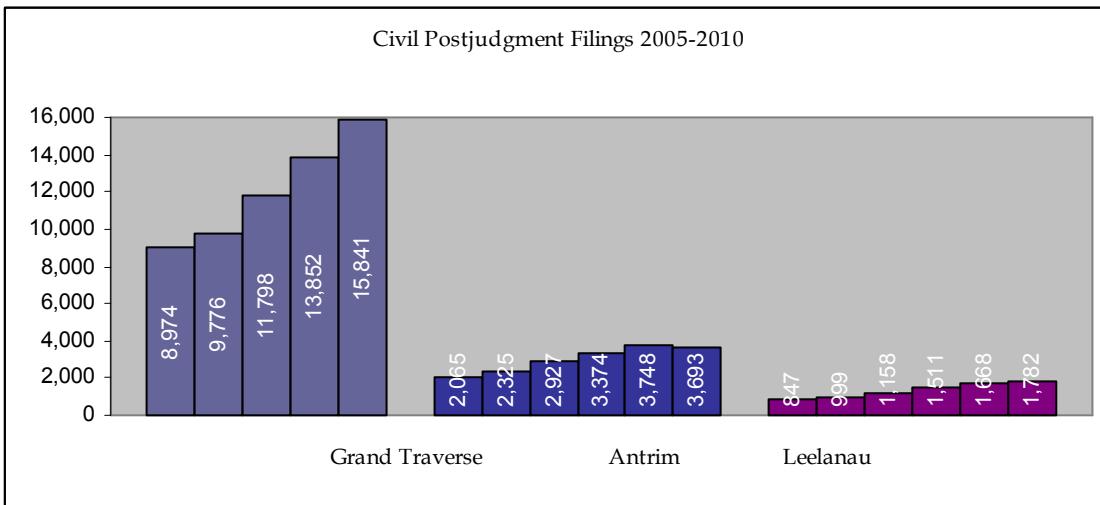


**Landlord/Tenant** (Summary Proceedings) - Landlord/Tenant cases were created to provide real property owners a quick method to recover their property from a tenant or land contract vendee that is not complying with the terms of the lease or contract. These cases are usually originated by apartment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



**Post Judgment Filings** – The civil division has seen a large increase in post judgment filings from 2005 through 2010. This indicates that plaintiffs in cases are filing garnishments, motions, writ of execution or writ 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.



## **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>2010</b> |
|---------------------------|-------------|-------------|-------------|-------------|
| <b>Grand Traverse</b>     | 1109        | 1037        | 1032        | 1220        |
| <b>Antrim</b>             | 261         | 246         | 199         | 177         |
| <b>Leelanau</b>           | 201         | 166         | 169         | 167         |
| <br>                      |             |             |             |             |
| <b>PSI Totals</b>         | <b>2007</b> | <b>2008</b> | <b>2009</b> | <b>2010</b> |
| <b>All Three Counties</b> | 1268        | 1200        | 1137        | 800         |

## 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>2009-2010</b>                     | <b>Grand<br/>Traverse</b> | <b>Antrim</b> | <b>Leelanau</b> |
|--------------------------------------|---------------------------|---------------|-----------------|
| <b>Assessed</b>                      | 251                       | 45            | 15              |
| <b>Approved &amp; Enrolled</b>       | 218                       | 38            | 15              |
| <b>Positive Completions</b>          | 160                       | 32            | 16              |
| <b>Failed the Program</b>            | 52                        | 3             | 6               |
| <b>Successful Completions %</b>      | 75.47%                    | 94.43%        | 72.73%          |
| <b>Average Daily Jail Beds Saved</b> | 35.30                     | 8.15          | 3.12            |

Total jail beds saved for the FY, 18,114.

## **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.

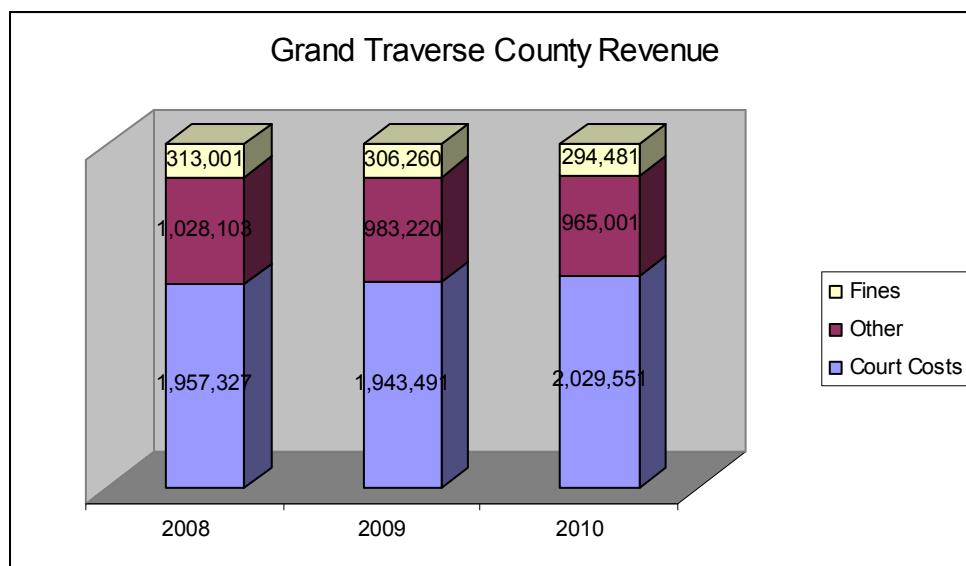
## Collections

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.

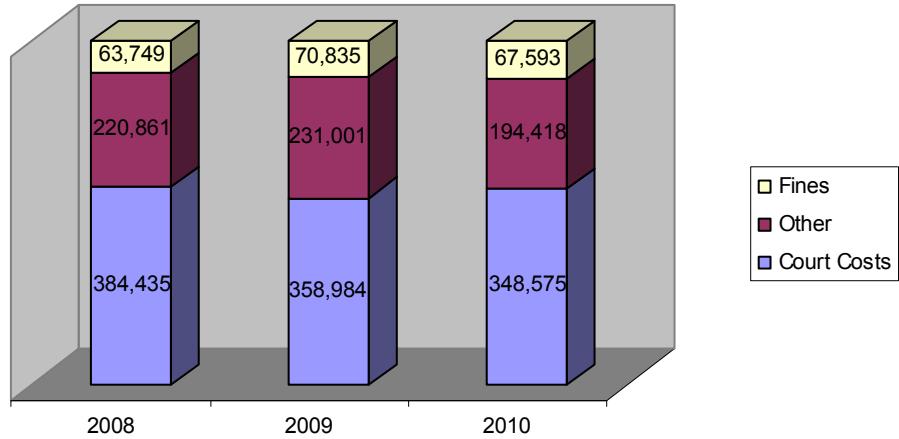
Since then, the court has implemented a formal Collections Policy and collection efforts have been implemented in every county. Along with staff members who actively work to set up payment agreements, time is spent working delinquent cases and probation officers have a more active role in collecting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

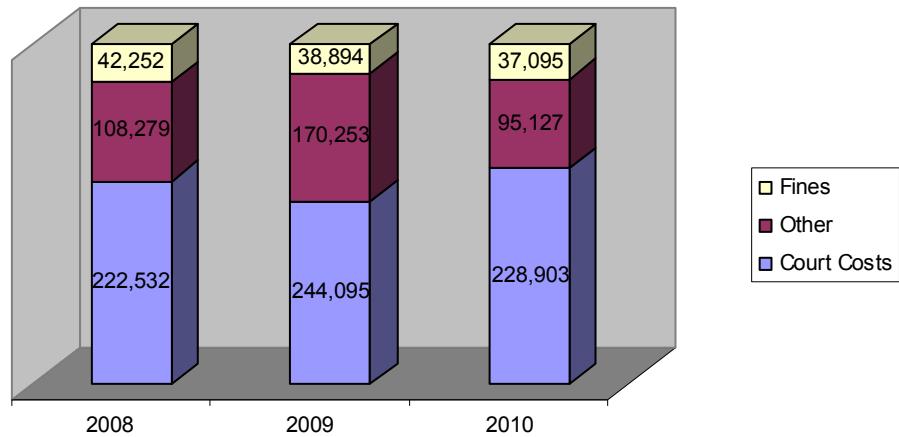
Revenues have remained steady in all three counties, even in this poor economy.



### Antrim County Revenue

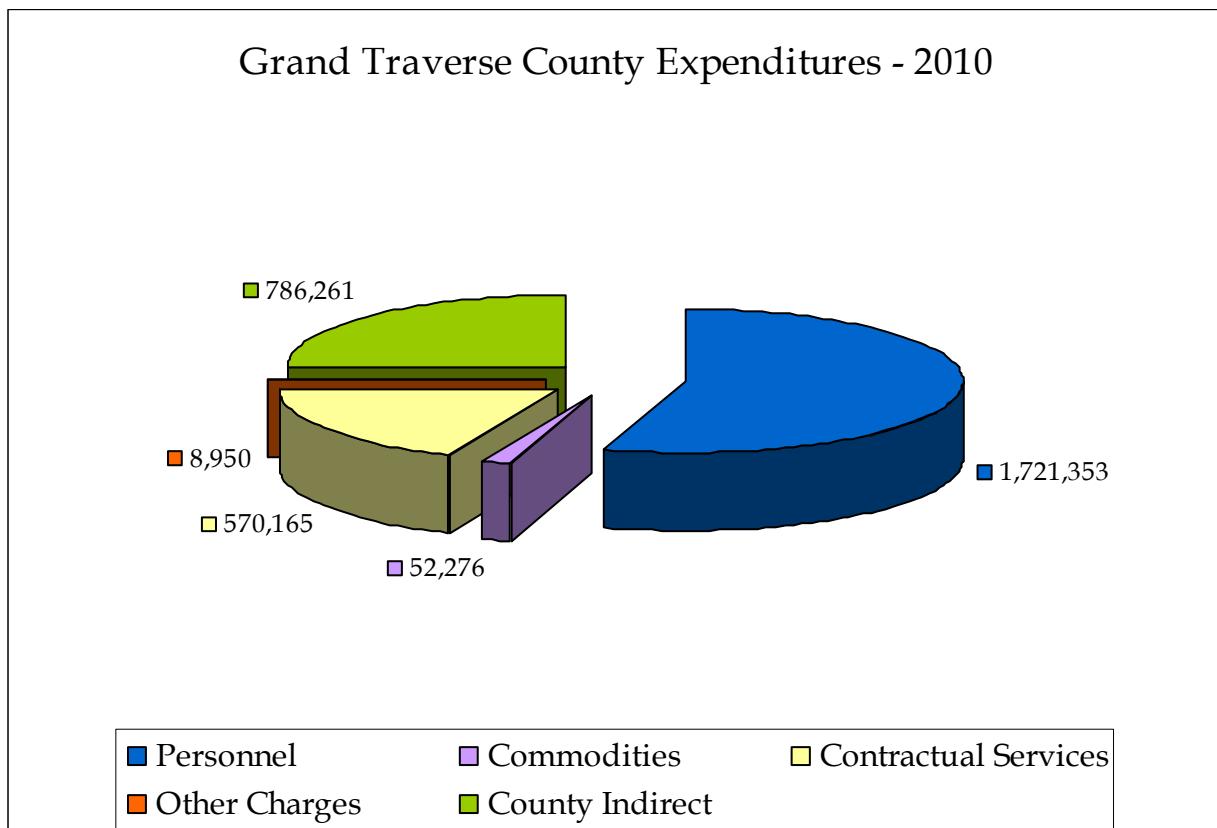


### Leelanau County Revenue



## 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.



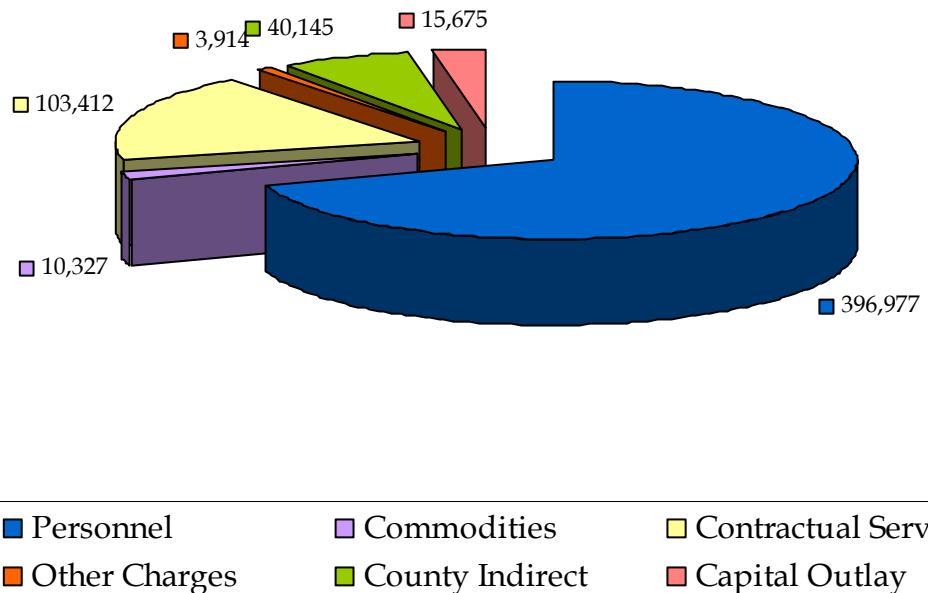
Commodities include office supplies, printing, postage and similar expenses

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

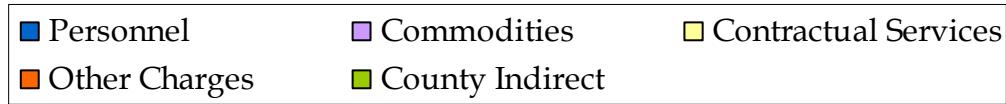
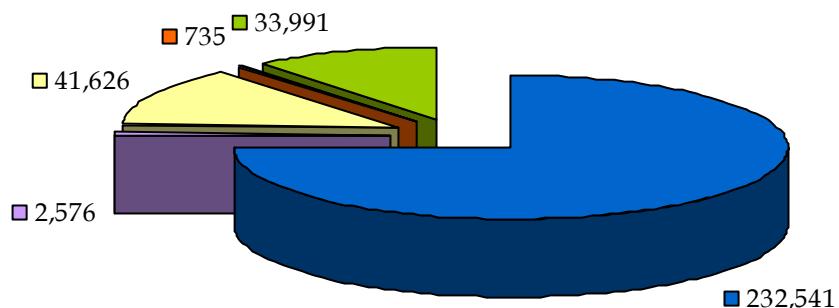
Other Charges include office equipment repair and maintenance, books, tuition reimbursement and employee training

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

### Antrim County Expenditures - 2010



### Leelanau County Expenditures - 2010



## **2010 Highlights**

**Judge John D. Foresman** retired after more than 30 years in the legal profession. Judge Foresman worked as an assistant prosecutor in Wayne County for three years before joining the Grand Traverse County prosecutor's office as an assistant in 1973. He was elected Grand Traverse County prosecutor and served from 1977-1988. He then ran for probate judge and held that post from 1989-2001. He also served as tribal prosecutor for the Grand Traverse Band of Ottawa and Chippewa Indians before being elected to serve his six years as a District Court judge.

**Jean Broad** retired in June 2011 after working 19 years for the District Court. Jean worked in the traffic division, probation department and the accounting office over her years with the court. Jean's pleasant personality is missed by all her coworkers.

**Gale Demarco** retired after 17 years service to Grand Traverse County. Gale was hired to work in the Grand Traverse Sheriff Central Records department before transferring to the District Court. Gale worked in the traffic division and probation department before transferring to the civil division, from which she retired.

**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 Bar Association President, and was the Annual Law Day Chair for many years. Judge Stepka's wife, Cathy, teaches at Traverse City West High School, and they have two children, Michael and Betsie.