

# The Thirteenth Judicial Circuit Court Annual Report 2004

And so it grows...



**1900**  
Capacity: 12



**1959**  
Capacity: 20



**Leelanau County Sheriff**  
**Michael Oltersdorf**



**2004**  
Capacity: 80

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## **INTRODUCTION: Jail Capacity**

This Report, the Court's eighth, is part of an ongoing effort to provide taxpayers, litigants, counsel and fellow government officials with current information regarding the Court's operation. Each year we try to highlight an issue of interest. This year's topic is jail capacity.

Rapid growth in the three-county area over recent years has had a dramatic impact upon the 13<sup>th</sup> Circuit Court. The Court has experienced a significant increase in the total number of new cases filed each year and a corresponding increase in the number of criminal defendants sentenced to spend time in the county jails. Jail population increases at roughly the same rate as the overall population and is influenced by such factors as the age composition of the population, the classification of inmates, the increase in the number of women in the jail population, changes in sentencing guidelines, number and capacity of state prisons and the use of diversion programs and other alternatives to incarceration. Over time, the county jails in the 13<sup>th</sup> Circuit have become inadequate to meet the law enforcement and growing incarceration needs of the counties. Each of the counties is grappling with the increasing problem of jail overcrowding.

### **Leelanau County**

The photographs on the cover of this year's annual report illustrate Leelanau County's response to the need for expanded jail facilities. In 2004, Leelanau County designed and built a management- and staff-friendly jail on a parcel of land just east of Lake Leelanau that is expected to meet the County's needs for the next 25 years. This new facility was designed to increase the Leelanau County jail capacity from 20 beds to 72 beds. As completed, the jail is rated by the state as an 80-bed facility.

Until Leelanau County's needs meet its new jail capacity, it will have the ability to assist other counties by boarding their inmates when needed. Leelanau County paid for its new jail through Act 34, which means the bond will be paid off through general fund revenues. The Leelanau County jail was built with the infrastructure in place to conduct video arraignments. This will reduce the need for and cost associated with transporting inmates to and from the courthouse in Leland.

### **Grand Traverse County**

Over the years, the Grand Traverse County jail has become overcrowded as well. The current jail, for example, was built in 1965 to house 57 inmates. In 1985, the jail was renovated and expanded to increase jail beds to 117. In 1991, the County purchased a building next to the jail to house 26 work release inmates and received permission to double-bunk these inmates, increasing the total number of beds to 171. In 2002, the County was forced to close 16 beds in the basement because they were considered unsafe and they were expensive to supervise, lowering the total number of useable beds to 155. Jail capacity can also be reduced depending on how inmates are classified; i.e., men must be separated from women, an inmate may not be eligible for work release or an assaultive history may require segregation.

Between 1990 and 2004, the Grand Traverse County jail capacity actually decreased by 9.4%. Over this same time period, the population of the County increased by 39% and the inmate population increased proportionately. The average length of stay in jail has fallen from 15.1 days in 1986 to 11.9 days in 2003. The average daily jail population reached 183 in 2004. For this reason, while no inmates were held outside of the County jail in 2002, an average of 16 inmates per day were boarded out in 2003 at a cost of \$206,796.50. In 2004, Grand Traverse County spent \$1,282 per day housing inmates out in other counties.

In January 2004, the Grand Traverse County Board of Commissioners established a Blue Ribbon Committee to evaluate, receive public input and make recommendations on jail facility needs. The Committee was comprised of leaders from various organizations and agencies within the community, including rural townships, education, human services, health care, government, clergy and neighborhood groups, and was designed to gain a wide perspective from the entire County. The Honorable Thomas G. Power served on the Committee. Throughout 2004, the Committee met with a variety of experts to specifically identify problems with the current facilities and systems. Based on the Committee's study and its identification of short-term options to meet the County's needs for the next five to six years, the County Board of Commissioners decided to renovate the 9,577 square feet of space that became available when the law enforcement administrative offices moved out of the jail into new quarters on Woodmere Avenue and to correct problems with the jail security system. Funds in the general fund are available to cover this short-term solution.

The Committee also identified long-term options that are more permanent solutions. The Committee projects these options will solve the jail overcrowding until 2025 or beyond. Option 1 involves building an additional "pod" (building addition) on the existing site with the option of a second pod in the future and expanding alternative programs. Option 2 involves building a new facility at a different location and abandoning the existing jail except for some limited use. These options require significant capital and demand new sources of funding.

The Blue Ribbon Committee's final recommendations to the Board of Commissions were to expand jail capacity to 250 beds, support the implementation of effective alternatives to jail sentencing, support firm punishment for those who commit crimes in Grand Traverse County, address future jail site issues with input from the public, and encourage the Community Corrections Advisory Board to continue to develop a comprehensive corrections plan.

### **Antrim County**

After a series of jail overcrowding experiences, the Antrim County jail was twice expanded in the 1990s. The Antrim County jail currently has the capacity to house 56 inmates. With the increased use of the Community Corrections Program, which diverts inmates into outside living situations with electronic tether and heavy supervision, Antrim County's jail population is not yet exceeding jail capacity. In order to be able to meet the

community's needs in the future, however, the Antrim County Board of Commissioners has formed an ad hoc committee to evaluate the community's anticipated future needs and make recommendations for meeting those needs.

## **JUDGES OF THE THIRTEENTH JUDICIAL CIRCUIT COURT**

The Thirteenth Judicial Circuit Court serves Antrim, Grand Traverse and Leelanau Counties. The Circuit Court is a trial court of general jurisdiction that hears civil cases involving damages or loss of \$25,000 or more, matters in equity including such things as requests for injunctive relief, domestic relations matters, appellate review of lower courts and tribunals, and criminal felony cases. There are two Circuit Court Judges who "ride the circuit" and preside over matters in all three counties.

The Family Division of the Circuit Court was established in 1998 and has jurisdiction over juvenile criminal cases, child abuse and neglect, guardianships of juveniles, and adoption proceedings, as well as domestic relations matters. The Probate Judge for each county is the Presiding Judge of the Family Division within his county of election. The Chief Judge of the Circuit is responsible for the supervision of all aspects of the Court.

Circuit Court Judges Philip E. Rodgers, Jr. and Thomas G. Power serve their constituents as Circuit Court Judges in all three counties and preside over all Grand Traverse County cases encompassed within the jurisdiction of the Family Division that do not involve minor children as well as half of those cases that do involve minor children. Judicial assignments are made by a random, alternating case selection process.

### **HON. PHILIP E. RODGERS, JR.**

Judge Rodgers was first elected to the bench in 1990, and was re-elected without opposition in 1996 and 2002. Judge Rodgers served as Chief Judge from 1992 through 1997 and from 2002 through 2003. Prior to assuming the bench, the Judge was a partner and trial attorney in the law firm of Menmuir, Zimmerman, Rollert and Kuhn.

Judge Rodgers graduated in 1978 from the University of Michigan Law School. He previously obtained his undergraduate degree from the University. He also received a Master of Public Policy Degree from the University in 1977. As a college student, the Judge was a Rotary International Graduate Fellow and spent a year in England studying public finance economics. Later, the Judge joined the Traverse City Rotary Club and served for six years on the Board of Directors of Rotary Charities.



**Honorable Philip E. Rodgers**



Judge Rodgers has served his community through participation on the City Commission for four years, and was Mayor of the City of Traverse City in 1989. The Judge is an active member of the Michigan Judge's Association, serving on both its legislative and executive committees. In 2004, he served as the organization's secretary.

The Judge is married and has four children.

### **HON. THOMAS G. POWER**

Judge Power is a native of Traverse City. He was elected to the bench in 1992. He was re-elected in 1999 and 2004, after running for re-election without opposition. He is currently serving his third term. Judge Power served as Chief Judge of the Circuit Court from 1998 through 2001 and is serving again as Chief Judge in 2004.



**Honorable Thomas G. Power**

Prior to his election, Judge Power represented Leelanau, Grand Traverse and Kalkaska Counties in the Michigan State Legislature for ten years. Among his committee assignments was the Judiciary Committee. Judge Power practiced law in Traverse City with the law firm of Elhart and Power.

Judge Power graduated from the University of Michigan Law School in 1974, having first obtained his undergraduate degree in Economics from Carleton College in Northfield, Minnesota. Judge Power later obtained a Master's Degree in taxation from New York University in 1978. He is a 1968 graduate of Traverse City Central High School.

Judge Power is a member of the Traverse City Rotary Club and the United States Coast Guard Air Auxiliary and is a past member of the Traverse City School Board and the Grand Traverse/Leelanau Community Mental Health Board.

The Judge is married and has two children.

## **HON. DAVID L. STOWE**

Judge Stowe was elected Grand Traverse County Probate Judge in November 2000 and has served in that capacity since January 1, 2001. The Probate Court has jurisdiction over cases pertaining to administration of wills, estates and trusts, guardianships, conservatorships and the treatment of the adult mentally ill and developmentally disabled. Judge Stowe also serves as a Family Division Circuit Court Judge and presides over one-half of all Grand Traverse County cases within the jurisdiction of the Family Division that involve minor children.

Before taking the bench, Judge Stowe practiced law in Traverse City. He is a past President of the Grand Traverse-Leelanau-Antrim Bar Association, and has served on numerous local and state boards involving children, families and seniors. Prior to beginning his legal career, Judge Stowe was a health department sanitarian, high school biology teacher and worked in Washington, D.C. as a lobbyist.



**Honorable David L. Stowe**

Judge Stowe received a Bachelor of Science degree in Zoology from Michigan State University and his law degree from Thomas M. Cooley Law School.

Judge Stowe has two sons and lives in Traverse City.

## **HON. NORMAN R. HAYES**



**Honorable Norman R. Hayes**

Since January 1, 2001 Probate Judge Norman Hayes has served the residents of Antrim County presiding over all litigation involving estates, guardianships, conservatorships, and mental health commitments. As the Presiding Judge of the Antrim County Family Division, he also supervises all divorce actions, personal protection requests, juvenile delinquency cases, neglected or abused children proceedings, and adoption events.

Prior to becoming Judge of Probate, Judge Hayes served 10 years as a District Court Judge in Antrim, Otsego and Kalkaska counties and 11 years as a Prosecutor. He has previously served as a Director of the Michigan District Judges Association and a Director of the Prosecuting Attorneys Association of Michigan.

Judge Hayes obtained his undergraduate degree from the University of Michigan and Mott College and earned his law degree from Thomas M. Cooley Law School in 1979.

Judge Hayes and his wife, Mary, have been married for sixteen years and have three children.

### **HON. JOSEPH E. DEEGAN**

Judge Deegan has served his constituents as Probate Judge presiding over all litigation involving estates, guardianships, conservatorships and mental health commitments since 1989. Effective January 1, 1998, Judge Deegan also serves the Family Division by presiding over all Leelanau County cases encompassed within the jurisdiction of the Family Division.

Judge Deegan was first elected Probate Judge for Leelanau County in 1988. He took office on January 1, 1989 and was re-elected without opposition to a second term in November of 1994 and a third term in November of 2000. Prior to taking the bench, Judge Deegan was Leelanau County Prosecuting Attorney for two terms from 1981 to 1988.

Judge Deegan earned his law degree from the University of Detroit Law School in 1963 after obtaining his undergraduate degree from Sacred Heart Seminary College in Detroit.

Judge Deegan and his wife, Jeanne, have seven children and four grandchildren.



**Honorable Joseph E. Deegan**



## **DOMESTIC RELATIONS AND JUVENILE REFEREES**



**Dennis Mikko**



**Cynthia Conlon**

Dennis Mikko and Cynthia Conlon are referees for domestic relations and juvenile matters in the Family Division. Both are attorneys licensed to practice law in Michigan and came to the Court with substantial trial experience. The Referees preside over child abuse/neglect cases, juvenile offender matters and all child-related issues in domestic relations cases in all three counties. Through its alternative dispute resolution program, specifically facilitative mediation and final settlement conferences, the Court encourages and enables parents to resolve their issues cooperatively and reach mutually agreeable solutions without the adversity and expense often associated with trial.

In 2004, the Referees conducted approximately 106 hearings in custody and parenting time disputes and 1,114 show cause hearings regarding support. The Referees reviewed 385 requests for personal protection orders. Objections to child care contributions and to medical reimbursement demands were heard by the Referees and they conducted approximately 669 hearings in various delinquency and abuse/neglect matters.

## **FRIEND OF THE COURT**

Dawn Rogers is the Friend of the Court. The Friend of the Court Office (“FOC”) is responsible for representing the best interests of the children in those cases which come before the Circuit Court Family Division because of divorce, custody, child support, visitation or paternity disputes. The FOC case managers conduct interviews, gather financial information, mediate with parties and prepare written proposals offering their recommendations for review by the Family Division Judges as to what would be the best resolution possible for the children. Whenever the Court enters an order regarding custody, child support, visitation or paternity issues, the FOC is responsible for enforcing that order.



**Back Row:** Fran Boyle, Julie Conway, Jayne Arnold, Angela Pelletier, Ellene Peters, Carol Ross, Jeremy Hogue  
**Middle Row:** Pete Walters, Tracie Ames, Gloria VanHoose, Alisa Gallo, Mary Ann Lyberg, Mary Anderson  
**Front Row:** Karen Sanchez, Nan Courson, Dawn Rogers, Al Crocker

Over the years, the FOC case load has continued to increase. In 2004, 604 new cases were added to the case load: 411 from Grand Traverse, 142 from Antrim and 51 from Leelanau. Of these new cases, 350 (58%) were divorces and 179 (29.6%) were filed under the Paternity Act and the Family Support Act by the Prosecuting Attorney's Office. The rest are interstate or in-state transfers. The total caseload for 2004 is 7,176.

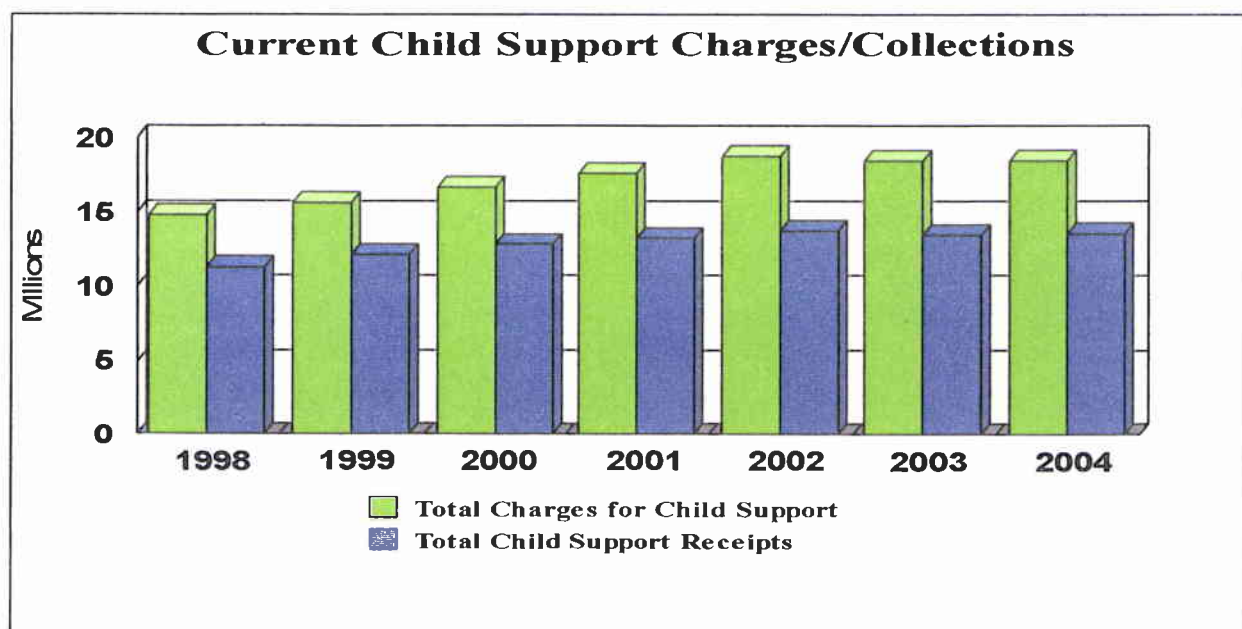


During 2004, the Case Management staff conducted investigations and made recommendations for temporary orders in 555 cases in an average of 21 days from receipt of the case at the Friend of the Court office to submission of a recommended order to the Judge. In each of these cases, the Friend of the Court schedules appointments with the parents, gathers and reviews financial information, and conducts investigations for the purpose of preparing a recommended order for the Court on child custody, parenting time, child support, health insurance and health care expenses.

Persons without legal assistance represented 23% of the new cases filed in 2004. Of the initial orders generated by the Friend of the Court office, 57% granted custody to the mother, 6% granted custody to the father, 30% provided for shared physical custody and the balance represents split care, third-party care and cases where custody was reserved initially, usually due to the fact that the parties were still residing in the same household. In 67% of the new cases, the parties agreed to custody at the initial conference; in 15% of the new cases, custody was determined by default (the defendant failed to appear or respond).

The FOC conducted 677 reviews in 2004; an average of 56 reviews per month. The average number of days for the completion of a review was 24 days. Seventy-two percent (72%) of the reviews involved a review of child support and 26% of the reviews involved an issue of parenting time. The FOC also prepared 231 stipulated orders for clients in 2004 in an average of 4 days. Of the four formal mediations conducted by the FOC, all 4 reached resolution.

The total current support charged in 2004 was \$18,447,311 and a total of \$13,599,941 was collected, resulting in a current charges to current collections ratio of 73.7%. When \$3,477,100 in collections for outstanding child support arrearage is added, a total of \$17,077,071 was collected in child support during the year, producing an overall charges to collections ratio of 92.6%.



FOC projects/events in 2004 included the following:

- Adaptation to MiCSES – the statewide child support computer system.
- For the sixth year, the FOC received an Access and Visitation grant from the State Court Administrative Office. This grant allows the FOC to continue its relationship with Child and Family Services of Northwest Michigan and refer families for supervised parenting time as needed.
- Felony referrals were made to local prosecutors and the progress of these cases is tracked. The expenses of extradition are now being paid by the FOC (as opposed to the Sheriff's Department) and the County is receiving Federal Cooperative Reimbursement Program funds for these expenses.
- Referrals were made to Michigan Works for those parents who are not paying their child support. Michigan Works sends a representative to referee show cause hearings in Grand Traverse County to meet with clients who need employment assistance.
- Friend of the Court handbook was revised and updated.

## **COURT FINANCES**

Pursuant to an Inter-County Operating Agreement, the Joint Judicial Commission was established to act as a liaison committee among the counties and Judges to coordinate financial and administrative responsibilities between the counties and the Court. The Joint Judicial Commission consists of the Judges, Court Administration, board chairperson, chairperson of the Finance/Ways and Means Committee, County Administrator/Coordinator and Chief Administrative Fiscal Officer from each county. The Commission has the authority to recommend modification of the Inter-County Operating Agreement. Each year during the budget preparation process, the Commission meets to review the proposed annual budgets.

On September 28, 2004, the Joint Judicial Commission met at the Courthouse. They learned about the Court's budget requests for 2005, reviewed court-related statistics and discussed pending legislation that will affect the fiscal operations of the Court and its constituent counties.



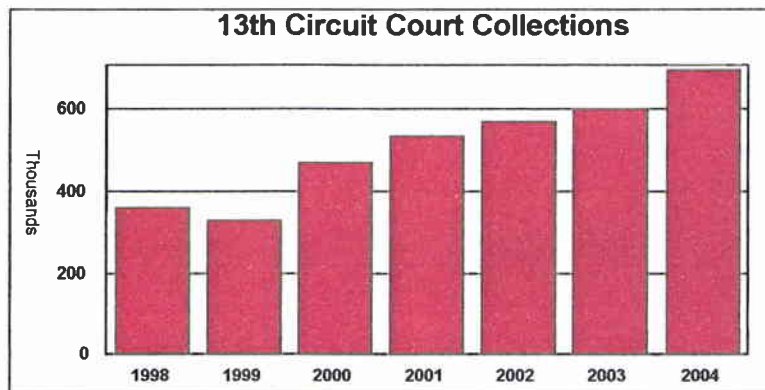
## **Revenue and Expenditures**

Grand Traverse County is the designated fiscal agent for the Thirteenth Circuit Court. Grand Traverse County is responsible for the processing, audit, verification, and payment of all operating expenses and for maintaining the Circuit Court Operating Fund. The expenses of operating the Court are divided into "cost-shared" and "cost-direct" expenses. Cost-shared expenses include such items as

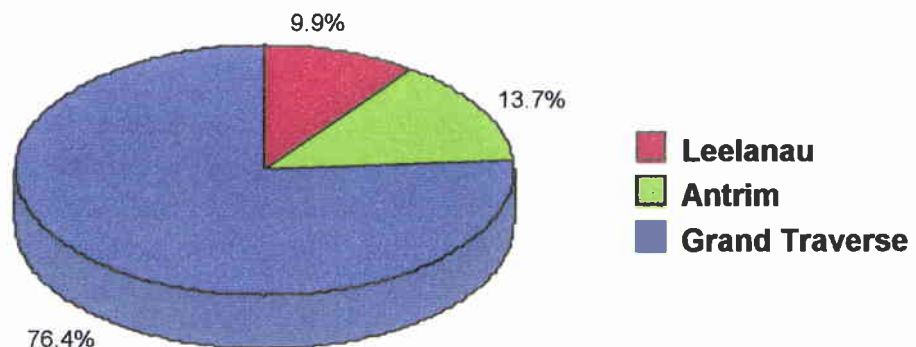


salaries and fringe benefits, office space, computer data processing, office supplies, and other capital expenditures. These expenses are paid for out of the Operating Fund. On a monthly basis, each county pays into the Fund its pro-rata share of actual expenses incurred. Cost-direct expenses such as Court appointed attorney fees, jury fees, witness fees, transcript fees and courthouse security costs are paid directly by each individual county.

In 2004, Antrim County transferred \$182,818, Leelanau County transferred \$132,035, and Grand Traverse County transferred \$1,019,718 into the Operating Fund. Additional revenue comes from the state, from filing fees and court costs assessed by the County Clerks' Offices. The Court also operates a highly successful collection program that allows the Court to collect fines, costs, appointed attorney fees, restitution and crime victim fund payments from convicted felons. In 2004, a total of \$689,017.53 was collected. Of this total, \$133,017.30 was collected in Antrim County, \$91,854.69 in Leelanau County and \$464,145.54 in Grand Traverse County.



**Total revenue for 2004 was \$1,334,571.**

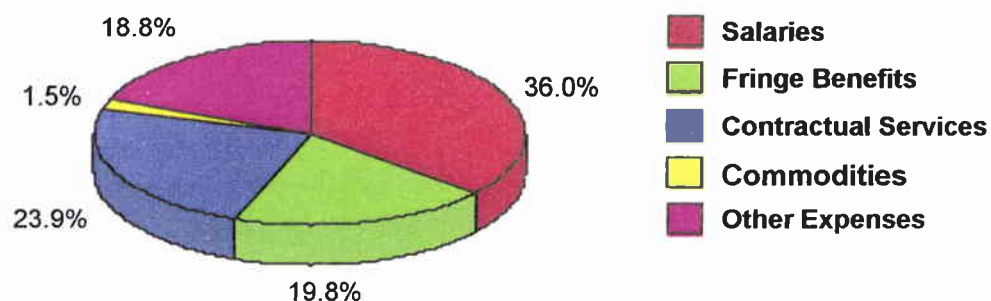




Expenditures for 2004 included:

\$ 480,649	Salaries for judicial and administrative staff.
\$ 263,820	Fringe benefits for judicial and administrative staff (incl. FICA of \$30,964).
\$ 318,944	Contractual Services for payments for defense counsel, transcripts, juror payments and mileage, interpreters, professional services and other items central to administration and operation of the Court.
\$ 20,425	Commodities, primarily for postage and office supplies.
\$ 250,733	Other expenses for costs including such items as equipment rental, printing, utilities, law books, continuing education and liability insurance.

**Total expenditures for 2004 were \$1,334,571.**



## **COURT ADMINISTRATION OFFICE**

The Court Administration Office is staffed by well-trained, highly-skilled and personable members of the administrative team who continually strive to improve the Court's delivery of services. Each member of the staff has specific responsibilities and is cross-trained to assist during any other member's absence.

**Teri Quinn** was appointed Office Manager in 2004. She supervises the daily operation of Court Administration including conducting Pre-trial and Final Conferences for the three counties.



**Terri Lynn Andresen** is the Court's front desk person. She answers the telephones, greets litigants and their counsel, prepares and posts daily dockets, and reviews and distributes incoming mail. Terri Lynn also docket attorney-noticed motions and expedites personal protection orders, keeps the Judges' calendars updated, follows up on judgments and dismissals when due, and manages courtroom and court reporter assignments.

**Kathleen Alandt** is responsible for managing all domestic relations and personal protection order matters. She supervises facilitative mediations involving child-related issues and cases in which there are related bankruptcy proceedings pending. She creates civil and domestic relations scheduling conference orders. Kathy also prepares all of Judge Power's correspondence, judicial decisions and orders.



**Julie Arends** is primarily responsible for administering the Court's Alternative Dispute Resolution Plan. In conjunction with the Judges and the local Bar Association, Julie creates the rosters of attorneys who serve as case evaluators and Court-approved mediators and she monitors every case that is ordered into case evaluation or facilitative mediation. Julie is also the Court's detail person. She creates all final judicial decisions, orders and correspondence.





**Carol Dee** is primarily responsible for the enormous task of scheduling and case management. She makes sure that the Court complies with the time lines established by the Michigan Supreme Court for processing cases. As a result of her hard work and dedication, the Court has not had a case that is more than 18 months old in several years.



**Jacque Cardinal** is instrumental in managing the Court's collection program. She is responsible for financial supervision of approximately 2,500 felony cases. She works closely with the probation officers as well as the defendant clients to facilitate their payment schedules. She initiates show cause hearings when necessary for failure to pay. The Court recognizes that the payment of costs, fines and restitution is instrumental in the rehabilitation process. Jacque also facilitates victim restitution payments, disbursing monthly checks to victims when restitution is collected.

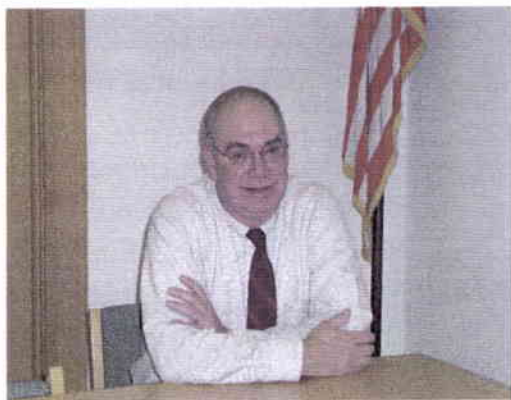
### **Court Reporter**

**Karen Carmody** is the Court's official court reporter. Karen, like the judges, "rides the circuit," reporting in each of the three counties as needed.



### **Judicial Assistants**

Each of the Circuit Court Judges employs a full time Judicial Assistant who conducts legal research, drafts judicial opinions and orders and serves as a liaison between the Court and the jury during jury trials. The Assistants also facilitate the movement of the cases by preparing civil scheduling



**Mike Rader** is Judge Power's Judicial Assistant. Prior to working for the Court, Mike worked for a local private law firm. Mike has been with the Court for 18 years.

**Barbara Budros** is a Judicial Staff Attorney to Judge Rodgers. Barbara is an attorney licensed to

practice law in Texas and Michigan. She has a background in criminal prosecution and civil litigation. Barbara is a trained facilitative mediator. She authored the Court's ADR Plan and serves on the local bar association's ADR Committee. Barbara also authored the Court's Plan for Appointment of Counsel to Represent Indigent Parties and the Court's Case Management Plan. Barbara has been the writer, editor and photographer of the Court's Annual Report since 1998.



## CASE MANAGEMENT

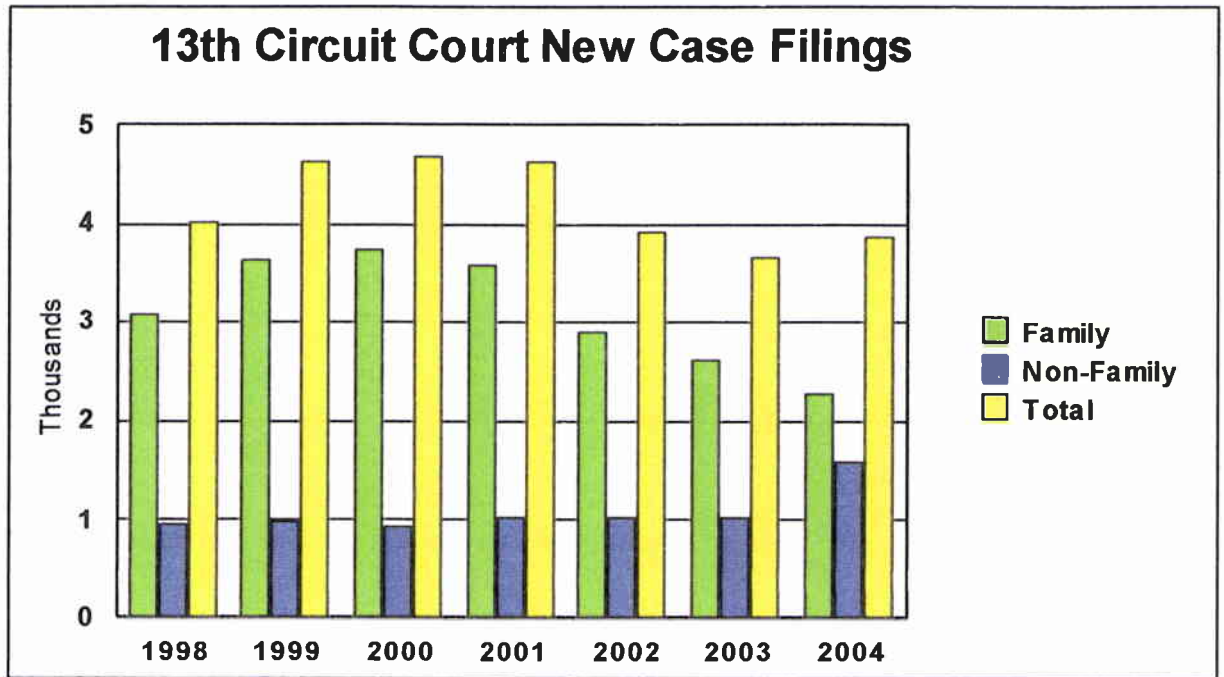
The Thirteenth Circuit strictly adheres to the Michigan Court Rules time lines and Administrative Orders regarding case flow management. In every case, the Court's Scheduling Order sets forth the time line for the disposition of the case consistent with the time lines set by the State Court Administrative Office ("SCAO"). The Court's administrative staff provides intensive case management to "move the docket" and to avoid the aging of the Court's cases. Throughout Michigan, this Court has developed a reputation as a "well-oiled machine" that resolves cases in a short time frame. The Court's case management system requires constant monitoring and follow-up with the result that a litigated civil dispute can realistically be resolved within a calendar year and a criminal case within a few months.

A total of 3,665 cases were disposed of during 2004. There were only 885 cases still pending at the end of 2004. Only 1 general civil case and 7 domestic relations cases were more than 18 months old.

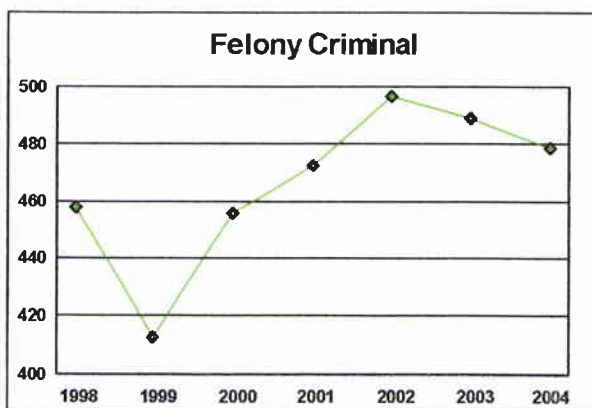


## Case Load

The Thirteenth Circuit Court is one of the busiest in the state. In 2004, there were 3,863 new cases filed. Of these, 1,583 were Non-Family Circuit Court cases and 2,280 were Family Division cases. Of the 2,280 Family Division Cases, 1,299 were juvenile matters, adoptions and miscellaneous family matters that were not within the jurisdiction of the Circuit Court prior to the creation of the Family Division. The bar graph below illustrates the overall trend in new case filings for the Circuit.

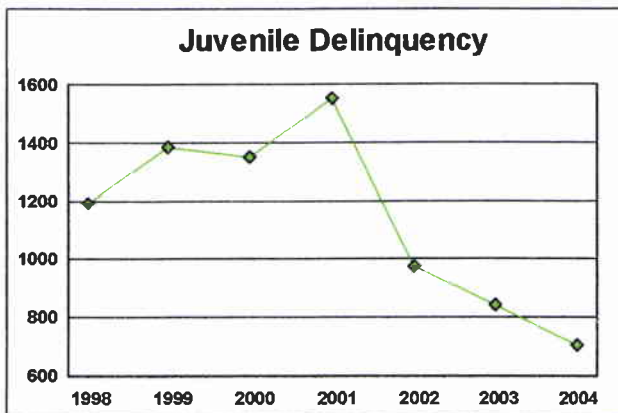


These graphs show some of the recent trends in new case filings.

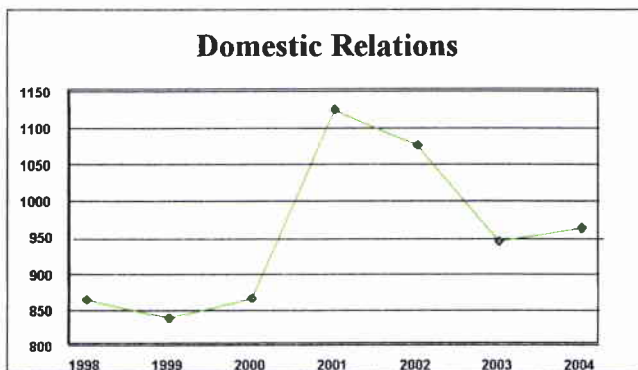


The number of felony criminal cases filed in the Circuit has remained fairly level over the past three years, after a big upward surge in 1999. Theft offenses, particularly embezzlements, continue to account for a significant number of cases. The Court has not noticed a significant increase in assaultive crimes. Felony drunk driving continues to be a significant portion of the case load. However, many cases formerly prosecuted as felony drunk driving are being handled in Drug Court as second offense misdemeanors.

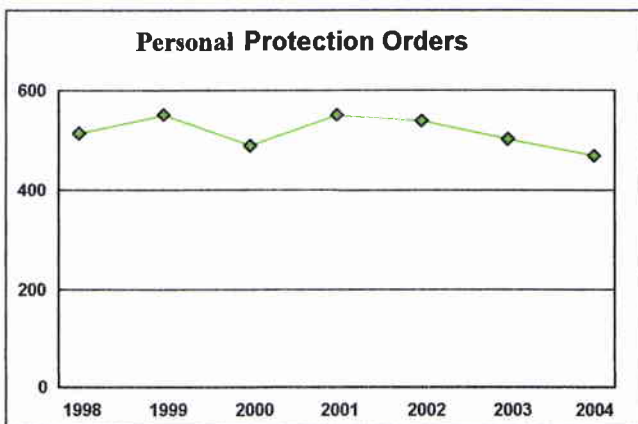




There appears to be a sharp decline in juvenile crime in 2002 which continued through 2004. This decrease results from misdemeanors no longer being handled by petitions, but instead being handled as tickets and from an increasing number of cases being referred to diversion programs. None of the tickets or referrals to diversion programs are counted here.



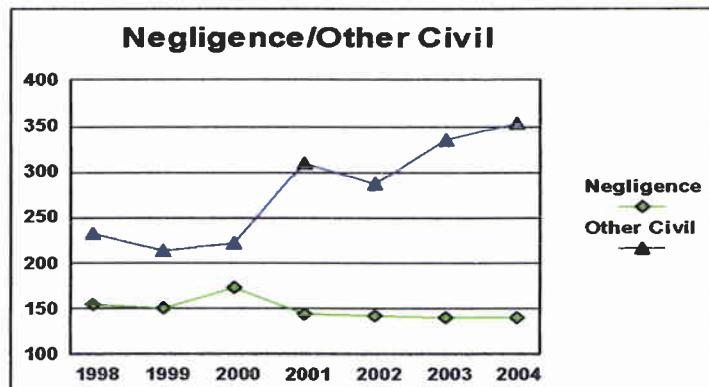
The number of Domestic Relations cases, including divorces and paternity cases, reached a record high in 2001. Divorce filings peaked in 1993 and then declined, while paternity filings steadily increased. The total number of new divorce and paternity cases dropped in 2002 and leveled off in 2003 and 2004.



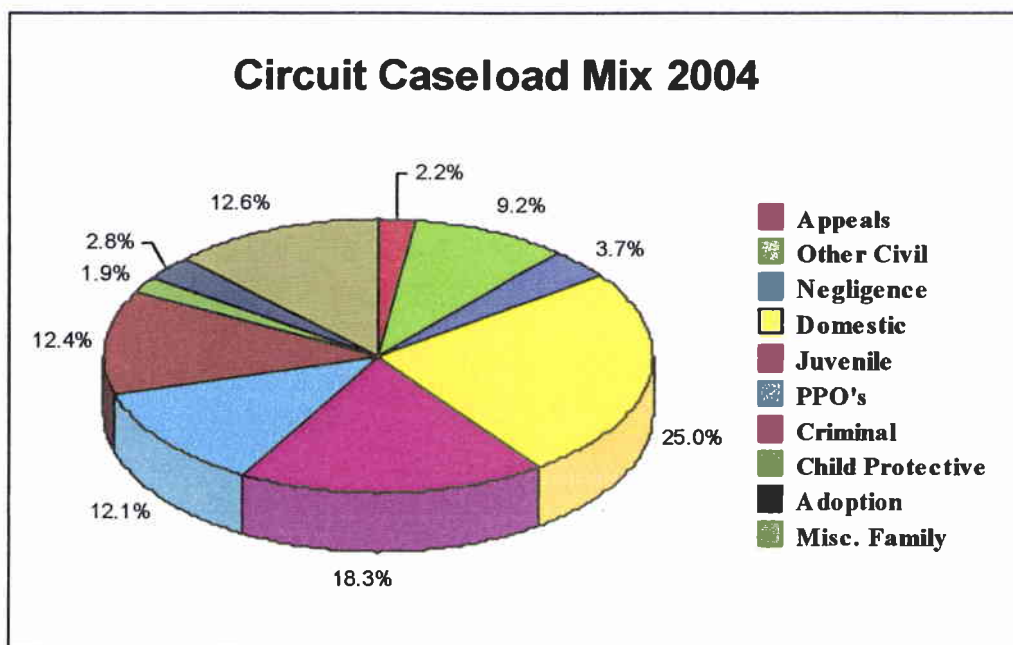
The number of requests for personal protection orders declined slightly again in 2004. There were a total of 468 requests filed. Of those, 331 were requested in domestic situations, 130 were requested in stalking situations and 7 were requested against juveniles. A total of 275 orders were actually issued - 214 domestic, 55 stalking and 6 juvenile.

Negligence cases represent a relatively small fraction of the total annual case filings, but they are among the most complex and challenging cases. Typical negligence cases include automobile trauma, medical negligence, premises liability and disputes regarding insurance coverage or benefits. The attention paid to these cases resulted in significant court reforms that were made effective for cases filed after the spring of 1996. In 1996, negligence case filings constituted 12% of the Court's total filings. In 2004, negligence case filings continued to decrease to a record low of only 3.65% of the total new case filings.

General and other civil matters constituted 12% of the new case filings at the beginning of the decade. That proportion has gradually declined. In 2004, despite a significant increase in the number of such cases that were filed, general and other civil matters make up only 9% of the total new case filings.



This pie chart shows the make up of all of the new case filings in 2004.



## **Civil Case Management**

### **Alternative Dispute Resolution**

Case evaluation, facilitative mediation and final settlement conference result in the resolution of a large number of cases, thereby reducing taxpayer cost by reducing the overall need for jurors, compensation for lay and expert witnesses in criminal cases and delaying the need for additional judges and courtrooms.

#### **Case Evaluation**

Case evaluation is a non-binding, alternative dispute resolution process in which a panel of experienced attorneys, based on written summaries and oral presentations, evaluates the case. In 2004, 299 cases were ordered to case evaluation. Of those cases, 185 were resolved prior to the case evaluation and 114 cases were evaluated. In 22 cases, the parties accepted the case evaluation and 6 cases were resolved before the evaluation response was due. The remaining 86 cases (75%) were not resolved through case evaluation. Of those, 47 were settled before or at the final settlement conference, 1 was settled after the final settlement conference but before the date of trial, 1 settled before jury deliberation, and 8 proceeded to trial. A total of 28 cases that were referred to case evaluation are still pending.

#### **Facilitative Mediation**

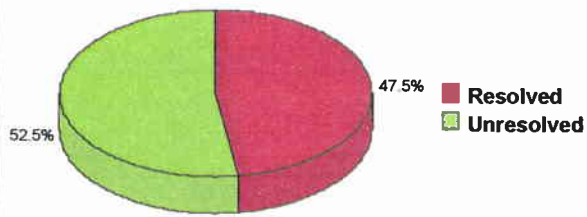
Facilitative mediation is an alternative dispute resolution process in which a neutral third party facilitates confidential communication between the parties in an attempt to help them reach a mutually agreeable resolution.

In 2004, 155 pre-judgment domestic relations cases were ordered into facilitative mediation for property-related issues. Of those, 60 cases (39%) were settled or otherwise resolved before the mediation hearing. Another 6 cases were removed from the mediation schedule by the assigned Judge. Of the 87 cases that were mediated, 40 (46%) were resolved during the mediation hearing and 47 (54%) were not. Two cases are still pending.

Another 64 pre-judgment domestic relations cases were ordered into mediation for child-related issues. Of those cases, 18 were resolved by other dispositions before the mediation hearing and 2 cases were removed from mediation by the assigned Judge. Of the 29 cases that were mediated, 18 cases (62%) were resolved at the hearing with the mediator's assistance and 11 (38%) were not.

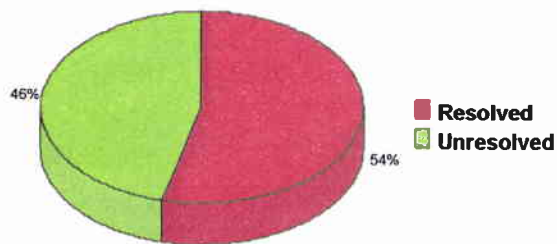
The Referees also ordered 145 domestic relations cases to mediation for child-related issues in pre- and post-judgment matters. Of these cases, 60 were resolved by other dispositions before the mediation hearing and 12 cases were removed from mediation by the assigned Judge. In one of the cases scheduled for mediation, the parties did not appear and the case was not re-scheduled. Of the 84 cases that were mediated, 37 cases (44%) were resolved at the hearing with the mediator's assistance and 47 (56%) were not.

### Domestic Relations Mediation Disposition Rate



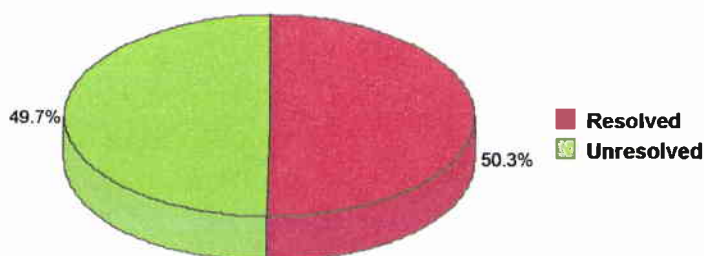
A total of 200 domestic relations cases were ordered to mediation. Of those, 95 (47.5%) were resolved through mediation and 105 (52.5%) were not.

### General Civil Mediation Disposition Rate

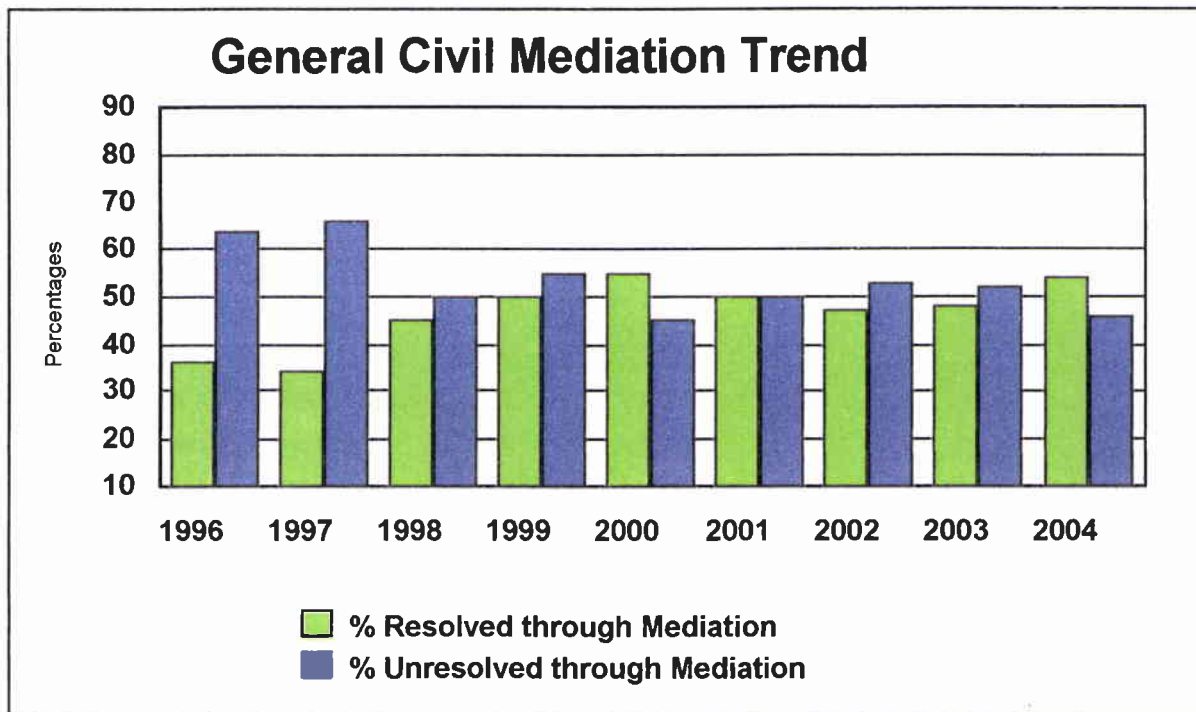


A total of 256 general civil cases were ordered into facilitative mediation. Of those, 82 cases were settled or otherwise resolved prior to mediation, 10 cases were removed from mediation by the assigned Judge. A total of 158 cases were mediated. Of those, 85 cases (54%) were resolved and 73 cases (46%) were not resolved.

### Overall Mediation Disposition Rate



The historical success of facilitative mediation is illustrated in the bar graph. It is important to keep in mind that the numbers and types of cases referred to facilitative mediation have increased and changed over time. In 2001, for example, the Court began referring personal injury cases to facilitative mediation. These cases are not as amenable to mediation as are other types of cases. Thus, the overall resolution rate understandably declined slightly. Yet, in 2004 the number of general civil cases resolved through mediation is again exceeding the number of cases not resolved through mediation.



## Criminal Case Management

### Case Load

In 2004, the Thirteenth Circuit Court Judges sentenced 412 felons. Of those, 165 were sentenced to prison; 50 were sentenced to jail; 190 were sentenced to probation with jail time; and 7 were sentenced to probation without any jail time. While the Thirteenth Circuit accounts for a very small percentage of the total prison commitments in the state, it historically exceeds the overall state prison commitment rate. In 2004, the prison commitment rate in Leelanau County was 38.25%; in Antrim County the prison commitment rate was 35.7%; and in Grand Traverse County the prison commitment rate was 45.1%, for an overall prison commitment rate of 39.68%. By comparison, the state prison commitment rate was 20.3%. This Court's sentencing practices reflect the community's belief that crime must receive a proportionate and serious response.



The following is a list of crimes for which individuals were sentenced in 2004.

CRIME TYPE	NUMBER SENTENCED
<b>CRIMES AGAINST A PERSON</b>	
OUIL Causing Serious Injury	1
OUIL Occupant Under 16	2
Aggravated/Felonious Assault	4
Home Invasion	11
Illegal Entry/Cut Telephone Lines	1
Assaulting a Police Officer During Escape	1
Domestic Violence	5
Criminal Sexual Conduct	31
Gross Indecency	4
Child Pornography	2
Accosting Child for Immoral Purposes	1
Larceny from a Person	2
<b>CRIMES AGAINST PROPERTY</b>	
Breaking and Entering with Intent	39
Breaking and Entering Coin-Operated Device	1
Breaking and Entering a Motor Vehicle	6
Larceny in a Building	28
Larceny from a Motor Vehicle	4
Larceny from a Person	4
Armed Robbery	1
Unarmed Robbery	3
Receiving and Concealing Stolen Property	2
Steal/Use/Possess Unauth. Financial Transaction Device	11
Uttering and Publishing	8
Embezzlement	10
Forgery	6
NSF Checks	3
No Account Checks	7
UUMV; UDAA; UUA	17
Arson	3
Malicious Destruction of Property	3
Safe Breaking	2
<b>CRIMES INVOLVING A CONTROLLED SUBSTANCE</b>	
Possess/Manufacture/Deliver Controlled Substance	49
Obtain by Fraud	2
Aiding and Abetting Controlled Substance Offense	12
Maintaining a Drug House	12
<b>CRIMES AGAINST PUBLIC ORDER</b>	
Desertion and Abandonment/Fail to Pay Child Support	23
Sex Offender Failure to Register	2
Abscond Bond	1
Possession of Counterfeiting Tool	1
Failure to Stop at the Scene of a Collision	1
Driving with a Suspended/Revoked License	1
<b>CRIMES AGAINST PUBLIC SAFETY</b>	
OUIL 3 <sup>rd</sup>	55*
OUIL 2 <sup>nd</sup>	7

Felon in Possession of a Firearm	2
Carrying a Concealed Weapon	3
Fleeing/Eluding Police Officer	11
Fleeing a Police Officer in a Vehicle	1
Driving with an Open Container	1

#### CRIMES AGAINST PUBLIC TRUST

Use of Computer to Commit Crime	1
Obtaining Identity Information without Authorization	1

#### MISCELLANEOUS

OUIL 1 <sup>st</sup>	1
OUIL 2 <sup>nd</sup>	2

#### CIRCUIT TOTAL

**412\*\***

\*Of the 55 OUIL 3<sup>rd</sup> defendants, none were placed on straight probation. Thirty of them were placed on probation with substantial jail time, 6 were sentenced to jail time and 22 were sentenced to prison. In addition, the Court sentenced one defendant for OUIL 1<sup>st</sup> and two defendants for OUIL 2<sup>nd</sup> to jail time.

\*\*This total does not include all of the felonies charged in the Circuit. Multiple offenders are only counted once for their most serious crime.

## Probation Department

Probation officers, who are employees of the Michigan Department of Corrections, assist the Circuit Court in each county. There are 9 probation officers who each supervise an average of 80 clients per month. In addition, they are responsible



**Antrim County:** Doug McCann, Christa Gaugler, Jim Ribby

for preparing a pre-sentence investigation report regarding each defendant. The report includes an interview and statement from the defendant and information regarding the defendant's background, family, education, physical characteristics, and previous criminal history. The Court utilizes the report when determining an appropriate sentence.

In 2004, the Probation Department completed 52 pre-sentence investigation reports in Leelanau County, 78 in Antrim County and 244 in Grand Traverse County for a total of 374 or an average of 31 pre-sentence investigation reports per month. These figures include new conviction and delayed sentence updates, but not probation violation updates. There were 161 probation violations initiated in 2004 - 14 in Antrim County, 26 in Leelanau County and 121 in Grand Traverse County - approximately 14 per month.

In addition to their other responsibilities, the members of the Probation Department assist with collection efforts to recover costs and restitution and work closely with the Office of Community Corrections to begin the rehabilitative process by setting up and supervising clients on early release programs, including tether, or substance abuse treatment. Community Corrections saved 25,479 county jail bed days (almost 70 daily) during the 2003-2004 fiscal year. Eighty-eight percent (88%) of the individuals served successfully complete Community Corrections programs.



**Leelanau County:** Steve Brett



**Grand Traverse County:**

**Back Row:** William Flemming, Jim Monette, Bill Catinella, Chuck Welch

**Front Row:** Kellie LaVictor, Tom Chapman, Sally Miklos, Sandra Blake, Linda Lautner

## **JURY BOARDS**

Each of the three counties has a three-member jury board. The members of the jury boards are appointed by the County Boards of Commissioners for six-year terms. The members of the Grand Traverse County jury board are Nancy Muha, Amanda Pouzar and Mary Orth. The members of the Leelanau jury board are Al Porter, Theresa Morio and Joyce Stackable. The members of the Antrim County jury board are Cathleen Beal, Jan Olack and Patricia Colvin.

Each jury board obtains the names of prospective jurors from the Secretary of State list of licensed drivers and issued state identifications and is responsible for sending out the original juror questionnaires for their respective county. After the original questionnaire is returned, the jury boards pull the names of the jurors for their Circuit Court, District Court and Probate/Family Court.

The County Clerk's Office in each county is responsible for actually summoning the jurors for a particular Court panel. The County Clerk's Office is also responsible for following up with any juror who fails to return the initial questionnaire or appear when summoned. The County Clerk's Office pays the jurors for their service. In Grand Traverse and Leelanau Counties the per diem is \$35 for a half day and \$55 for a full day of service. In Antrim County, the per diem is \$25 for a half day and \$50 for a full day.

To qualify as a juror, a person must be a citizen of the United States, at least 18 years of age and a resident of the county for which selected. A prospective juror must also be conversant with the English language, be physically and mentally able to carry out the functions of a juror (temporary inability is not considered a disqualification), not have served as a petit juror in a court of record during the preceding 12 months and not be under sentence of a felony at the time of jury selection. Effective October 1, 2003, to qualify as a juror a person must not have been convicted of a felony.

In 2004, 748 people were summoned for jury service in Leelanau County. Of those prospective jurors, 299 were required to report for duty and 80 actually served in the 7 criminal and 1 civil cases that went to trial. The total cost to Leelanau County for jury service was \$15,406.12. In Antrim County, 872 jurors were summoned in 2004, 415 reported for duty and 110 actually served in the 15 criminal and 2 civil cases that went to trial. The total cost to Antrim County was \$27,465.42. In Grand Traverse County, 2,138 prospective jurors were summoned; 727 reported for duty; and 197 actually served in the 32 criminal and 16 civil cases that went to trial. The total cost of jury service in Grand Traverse County was \$45,965.

## **COUNTY LAW LIBRARIES**

In each of the three counties, the Judges and their staff have access to the respective County Law Library. The Grand Traverse County Law Library is located on the fourth floor of the Grand Traverse County Courthouse in Traverse City and is the largest of the county libraries. Grand Traverse County, the Grand Traverse-Leelanau-Antrim Bar Association and the Traverse Area District Library operate in partnership to house, fund and staff the library. Until her retirement at the end of 2004, Grace Rudd was for many years the Law Librarian and the Executive Director of the Bar Association.

The library maintains current Michigan and Federal law collections and offers computer-assisted research capabilities. The Law Library is open to the public from 8:30 a.m. to 5 p.m. weekdays. The

Grand Traverse-Leelanau-Antrim Bar Association, including the Traverse Area Referral Service, operates out of the library. Additionally, the Northwestern Michigan College Paralegal Program conducts a legal research class in the library each fall. Judge Rodgers, Staff Attorney Barbara Budros and Librarian Grace Rudd served on the Advisory Board for the Paralegal Program.

## **SPECIAL EVENTS, AWARDS AND RECOGNITIONS**

### **AWARDS**

#### **Liberty Bell Award**

Every year on Law Day, the Grand Traverse-Leelanau-Antrim Bar Association organizes various activities which help to introduce members of the general public to the legal system and legal profession. The Bar offers tours of the Grand Traverse County Courthouse and County Law Library. The Bar staffs "Ask the Lawyer" forums throughout the community to answer law-related questions.

The Liberty Bell Award is presented annually to a non-lawyer member of the community who has made a significant contribution to the justice system. The Bar Association selected Traverse City Area Public School teacher Judith Ann Phillips to receive the 2004 Liberty Bell Award. Judy was honored during the Law Day 2004 celebration on April 30, 2004 at the Elks Club in Traverse City. As a teacher, Judy has fostered community appreciation and awareness of individual rights under the constitution, and provided outstanding community service by promoting awareness of our laws and access to the American justice system. Over the years, Judy has involved her students in mock trial experiences and invited many notable guest speakers into her classroom, including those with varying perspectives on the Constitution and Bill of Rights, local politicians and judges, and political candidates. In addition, Judy has been instrumental in facilitating the Law Day student essay contest.

### **RECOGNITIONS**

#### **Nan Courson**

In 2004, Deputy Friend of the Court Nan Courson celebrated 25 years of service to the Court. A special recognition reception was held in her honor.





## **RETIREMENTS**

### **J. Paul Lezon**

J. Paul Lezon, Financial Operations Director, retired from the Friend of the Court in January 2004. Paul was responsible for many improvements and efficiencies in FOC operations during his tenure, including electronic distribution of child support, computer programming that allowed workers to initiate enforcement activity in minimal time and management reports that insured accountability. His dedication and innovation will be greatly missed.



### **Grace A. Rudd**

For 13 years, Grace Rudd faithfully served the Grand Traverse County Probate Court. She retired from the Probate Court in January 1989 as its Court Administrator. During those years of extraordinary public service, she worked for Judge Kenneth G. Mackness and Judge William C. Bowron. Upon retirement from the Probate Court, she was retained by the Grand Traverse-Leelanau-Antrim Bar Association as its Executive Director. She was so employed for 15 years and oversaw the Bar Association's development into one of Michigan's finest. In 1987, she won the Bar Association's Liberty Bell Award in recognition of her long public service. Additionally, she worked with the Traverse Area District Library and the Bar Association managing the public access to and acquisition of materials for the 13<sup>th</sup> Circuit Court law library. As the Court's librarian, she oversaw the transformation of a traditional resource into a state-of-the-art computerized facility of great benefit to attorneys and citizens alike. Grace gave a lifetime of dedicated professional service of the highest caliber to the Courts for which this community will always be grateful.