

# The Thirteenth Judicial Circuit Court Annual Report 2005



*“The law makes a promise -- neutrality. If the promise gets broken, the law as we know it ceases to exist. All that’s left is the dictate of a tyrant, or perhaps a mob.”*

- Supreme Court Justice Anthony M. Kennedy

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## INTRODUCTION: *An Independent Judiciary*

*“. . . the greatest scourge an angry Heaven ever inflicted upon an ungrateful and sinning people, was an ignorant, a corrupt, or a dependent Judiciary.”<sup>1</sup>*

The idea of an independent judiciary dates back to the beginning of our government – our “more perfect Union.” One grievance against the King of England listed in the American Declaration of Independence was: *“He made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.”* Thus, our judiciary was created to be a separate, coequal branch of government. Each branch was given limited powers and each was intended to check and limit the power of the others. Judicial independence is a fundamental principle of our democratic republic, described by Chief Justice Rehnquist as “one of the crown jewels of our system of government today.”

Judicial independence is the freedom “we the people” afford judges to consider the facts and the law of each case with an open mind and unbiased judgment. Judicial independence is what protects judges from political pressure, special interest pressure, media pressure, public pressure, financial pressure, or even personal pressure. Impartial judges serve as neutral arbiters and do not act as politicians. Judicial independence lends integrity and credibility to the judiciary. People must believe in the judicial system or it cannot dispense that valuable commodity we know to be “justice.”

Independent courts play a pivotal role in preserving freedom through justice administered without favor or partisanship. Ours is a government of laws, not of men. It is the rule of law – and its impartial administration by the courts – that allows the rich and the poor, the educated and the uneducated, the strong and the weak to stand without distinction in the leveling light of the Constitution and our body of law. When impartiality or the perception of it is compromised, freedom and democracy are compromised, because individuals no longer come before the law as equals.

When constitutional freedoms and liberties are endangered, when expediency threatens justice, when fad menaces principle, and when whim diverts consistency, it is an independent judiciary that strikes the balance and sets all things right. The Judiciary must be free to “decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.”<sup>2</sup>

A judge can be truly independent only if he or she can make a decision that he or she thinks is right even if it is unpopular and detrimental to a bid for re-election. Decisional independence must arise out of the judge’s training, oath of office, and social and cultural conditioning. Judicial independence is a matter of character – the character of the individual judge to uphold his oath of office and the law.

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<sup>1</sup>John Marshall, address to the Virginia State Convention of 1829-30. *Proceedings and Debates of the Virginia State Convention of 1929-30* at 616 (1830).

<sup>2</sup>Excerpt from: United Nations Office of the High Commissioner for Human Rights: *Basic Principles on the Independence of the Judiciary*.

## **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. Circuit Court Judges Philip E. Rodgers, Jr. and Thomas G. Power are the Circuit Court Judges who “ride the circuit” and preside over matters in all three counties. Judicial assignments are made by a random, alternating case selection process.

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 Circuit Court Judges 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.

### **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 in economics and political science 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.



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 2005, he served as the organization’s vice-president.

Judge Rodgers 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 1998 and 2004, after running for re-election without opposition. He is currently serving his third term. Judge Power serves as Chief Judge of the Circuit Court. Prior to his election, Judge Power represented Leelanau, Grand Traverse and Kalkaska Counties in the Michigan State Legislature for 10 years. Among his committee assignments was the Judiciary Committee. Before that, 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 is a pilot for the United States Coast Guard Air Auxiliary. He 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. 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.



## **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.

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**

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.

The Judge and his wife, Mary, have been married for 17 years and have 3 children.

## DOMESTIC RELATIONS AND JUVENILE REFEREES



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.

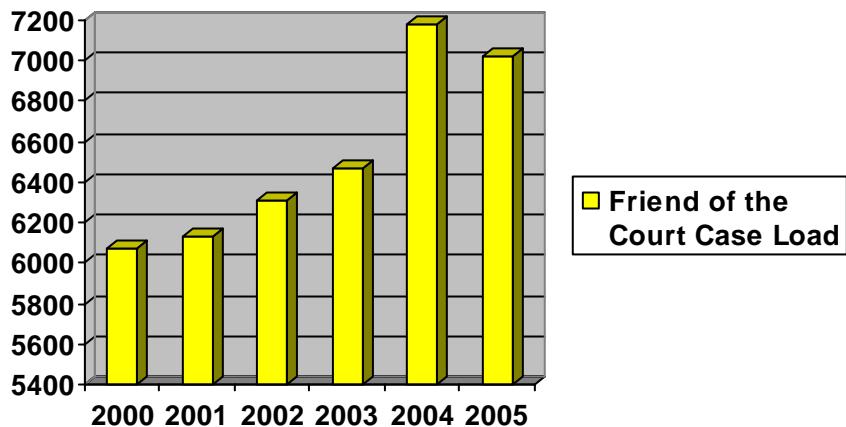
In 2005, the Referees conducted approximately 106 hearings in custody and parenting time disputes and 1,114 show cause hearings regarding support. The Referees reviewed 385 requests for personal protection orders. Objections to child care contributions and to medical reimbursement demands were heard 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 ("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.

Over the years, the FOC case load has continued to increase. In 2005, 544 new cases were opened: 346 (64%) from Grand Traverse, 138 (25%) from Antrim and 60 (11%) from Leelanau. Of these new cases, 308 (57%) were divorces and 145 (27%) were filed under the Paternity Act and the Family Support Act. The rest are custody cases and interstate or intrastate transfers. The total case load for 2005 is 7,023.



During 2005, the case management staff conducted investigations and made recommendations for temporary orders in 480 cases in an average of 21 days from receipt of the case at the FOC office to submission of a recommended order to the Judge. In each of these cases, the FOC 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.



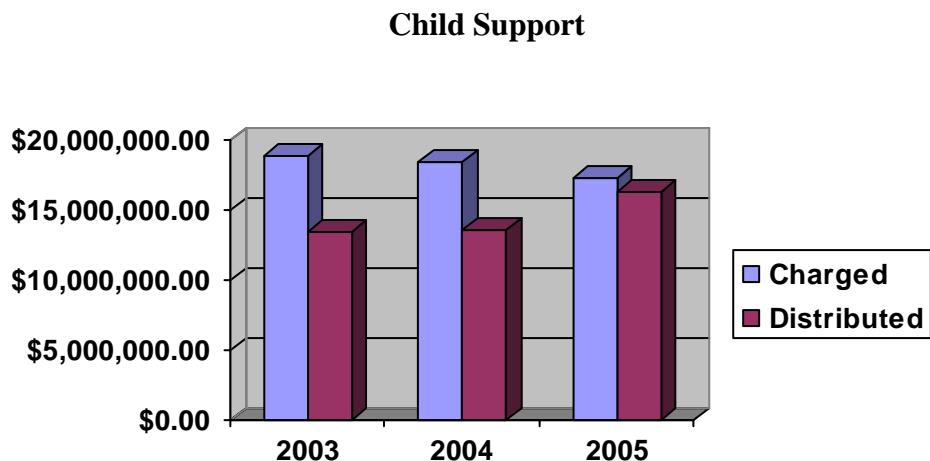
**Back Row:** Fran Boyle, Julie Conway, Jayne Arnold, Angela Pelletier, Ellene Peters, Carol Ross, Jeremy Hogue  
**Middle Row:** Pete Walters, Tracie Ames, Gloria VanHoose, Alisa Gallo, Mary Ann Lyberg, Mary Anderson

**Front Row:** Karen Sanchez, Nan Krueger, Dawn Rogers, Al Crocker

Persons without legal assistance represented 26% of the new cases filed in 2005. Of the initial orders generated by the FOC office, 59% granted custody to the mother, 6% granted custody to the father, 29% 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 70% of the new cases, the parties agreed to custody at the initial conference. In 12% of the new cases, custody was determined by default (the defendant failed to respond or appear).

The FOC conducted 550 reviews in 2005; an average of 46 reviews per month. The average number of days for the completion of a review was 19 days. Seventy-eight percent (78%) of the reviews involved a review of child support and 20% of the reviews involved an issue of parenting time. The FOC also prepared 222 stipulated orders for clients in 2005 in an average of 3 days.

Beginning in 2003, the FOC has used MiCSES, a state-mandated computer system for collecting and distributing child support dollars. In 2005, the total current child support charged was \$17,321,762. A total of \$16,302,014 was distributed in the three counties. The total current charged to current distributed support was 74.3%. The ratio of total current charged to total support collected was 94.1%. For accurate comparison, the following bar graph has been revised from prior years to show only the years during which the FOC has used MiCSES.



## FAMILY DIVISION

The Family Division of the Circuit Court has jurisdiction over criminal cases involving minors, child abuse and neglect, guardianships of juveniles, adoption proceedings, and domestic relations matters. In Leelanau County, 117 new domestic relations cases were filed and 126 domestic relations cases were disposed of in 2005. In Antrim County, 193 new domestic relations cases were filed and the Court disposed of 208 cases. In Grand Traverse County, 636 new domestic relations cases were filed - 386 involving minor children and 250 not involving minor children. A total of 674 domestic relations cases were completed in 2005. In addition, the Family Division of the 13<sup>th</sup> Circuit Court handled 843 juvenile delinquencies, 93 abuse and neglect cases, 104 miscellaneous family matters, 90 adoptions and 501 requests for adult and juvenile personal protection orders.

Each county maintains a local office of the Family Division. Family Division records are maintained in the County Clerk's Office for each respective County.



**Leelanau County Family and Probate Court**

**Back Row:** Tom Mayhew, Joseph Povolo, Therese Schaub, Susan Richards, Judge Joseph E. Deegan  
**Front Row:** Julie Orr, Josephine Lingaur, Betsy Fisher, Ryan Douglass

The Leelanau County Family Division has an active Volunteer Program that coordinates the Community Service Work Garden, among other programs. All of the members of the juvenile staff are heavily involved in the Leelanau County Family Coordinating Council. Betsy Fisher and Therese Schaub are trained coaches for the Girls on the Run Program which is designed to help girls between the ages of 8 and 11 celebrate being girls and develop strong self-esteem through physical fitness. Tom Mayhew is a Diversion Program counselor who emphasizes prevention. Leelanau County also has a strong substance abuse program. Ryan Douglass provides the Court's drug testing service.



#### **Grand Traverse County Family Court**

**Back Row:** Jonathan Timmers, Barb Donaldson, Kellie Robinson, Janet Kronk, Roger LeLonde, Michael Stein, Gaye Matta  
**Front Row:** Cindy Edmonson, Joan Layton, Cheryl Church, Sue Bennett, Chad Bousamra

In Grand Traverse County the Family Division of Circuit Court is divided between Circuit Court Judges Rodgers and Power and Probate Judge David Stowe. Judge Stowe presides over one-half of all domestic relations cases involving minors and all personal protection orders involving minors.

The Family Division under the direction of Judge Stowe is also vested with the authority to preside over all juvenile delinquency and parental abuse/neglect cases. In 2005, the number of juvenile felony filings continued to decrease. As recently as 2001, there were 130 juvenile felony cases filed. In 2005, there were only 66. The Court attributes this reduction to its strength-based philosophy, coupled with increased probation contacts and higher accountability. The Court prides itself on the number of random drug tests for the youth on probation. In 2005, the Court averaged over 150 random drug tests per month. Higher accountability and the Court's strength-based philosophy help to reduce crime and recidivism and increase school attendance, which ultimately results in a reduction in the adult crime rate and jail population.

The Court is witnessing an increase in the number of abuse/neglect cases. As recently as 2001, there were only 42 children in out-of-home placements. In 2005, there were 105 children in out-of-home placement due to abuse/neglect.

The Court continues to utilize an aggressive prevention model in dealing with both delinquency and abuse/neglect cases. Many programs now exist to meet the needs of our children and families, including Adolescent and Family Drug Court, Learning Partners, Truancy Intervention, Court Appointed Special Advocate (CASA). A CASA is a volunteer who has had

extensive training and is assigned to and helps speak for the best interest of a child or children in a family-involved abuse/neglect proceeding.

The Court also has a Volunteer Services Division that develops specific juvenile programs and oversees and manages a large cadre of dedicated volunteers who work with youth in the area of prevention and probation. Many volunteers work one-to-one in mentoring roles, as well as tutor-friend, probation monitor, and Drug Court mentor.



**Antrim County Family and Probate Court**  
**Left to right:** Bill Hefferan, Amanda Flower, Sandy Davids, Judge Norman R. Hayes,  
Christine Watrous, Theresa Ankney, Pat Theobald

In Antrim County, 2005 brought with it maintenance of necessary services, advancement in technology, staff changes and fuller integration of domestic relations cases. The Court utilizes proven local programs such as Therapeutic Services and Flexible Funding, in conjunction with services in adjoining jurisdictions to provide every young person within the Court's jurisdiction with an efficient and effective individual rehabilitative plan. The Court appreciates the assistance of the State Court Administrative Office which, through the Judicial Technology Fund, provided the needed structural updates to meet the electronic reporting requirements that will become mandatory in 2006. Amanda Flower, who previously worked in education and child protection fields, recently joined our staff. And, Court Reporter/Judicial Secretary Sandra Davids now coordinates domestic relations scheduling. The Court remains committed to improving public access to the Court and is grateful for the continued support of Antrim County Clerk Laura Sexton and members of the County Commission.

## 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.

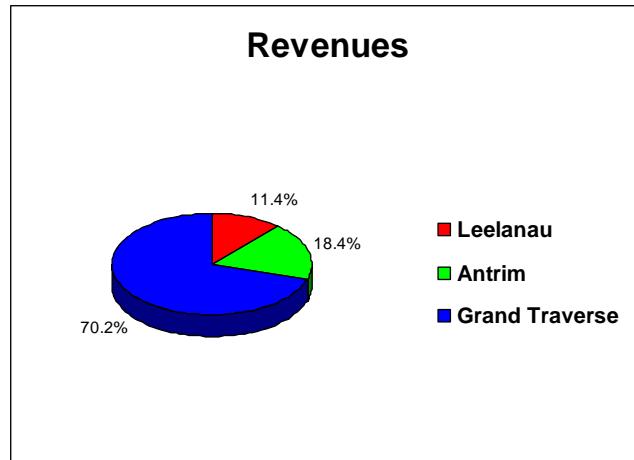


On October 25, 2005, the Joint Judicial Commission met at the Courthouse. They learned about the Court's budget requests for 2006, reviewed court-related statistics and discussed pending legislation that will affect the fiscal operations of the Court and its constituent counties.

### Revenue and Expenditures

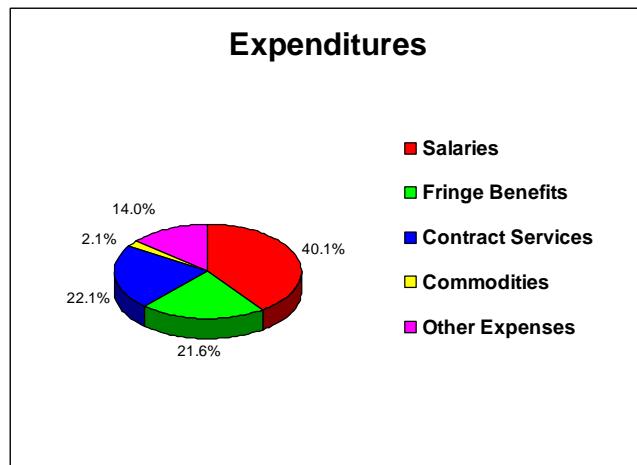
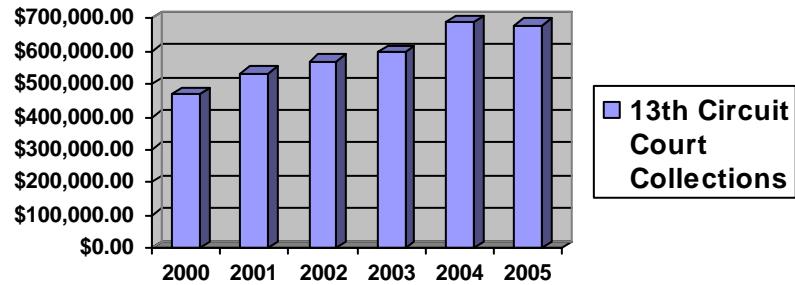
Grand Traverse County is the designated fiscal agent for the Thirteenth Circuit Court. Grand Traverse County is responsible for the processing, audit, verification, and payment of all operating expenses and for maintaining the Circuit Court Operating Fund. The expenses of operating the Court are divided 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 appointed attorney fees, jury fees, witness fees, transcript fees and courthouse security costs are paid directly by each individual county.

In 2005, Antrim County transferred \$132,879, Leelanau County transferred \$83,924, and Grand Traverse County transferred \$660,739 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 2005, a total of \$678,989.25 was collected. Of this total, \$124,754.92 was collected in Antrim County, \$77,562.98 in Leelanau County and \$476,671.35 in Grand Traverse County.



Expenditures for 2005 included:

\$527,417	Salaries for judicial and administrative staff.
\$284,626	Fringe benefits for judicial and administrative staff (incl. FICA of \$30,964).
\$290,965	Contract services for defense counsel, transcripts, juror payments and mileage, interpreters, professional services and other items central to administration and operation of the Court.
\$ 27,682	Commodities, primarily for postage and office supplies.
\$184,113	Other expenses for costs such as equipment rental, printing, utilities, law books, continuing education and liability insurance.

## 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.



**Terri Quinn** was appointed Office Manager in 2004. She supervises the daily operations of the Court, including conducting Criminal Pre-trial and Final Conferences for the three counties.

**Terri Lynn Andresen** came to Circuit Court Administration from the Friend of the Court's office where she had worked as an enforcement specialist since 1990. She comes to us with a background in finance and a wealth of knowledge regarding Friend of the Court matters. Terri Lynn is our front desk person and the frontrunner of all the paperwork that is received by the Judges.



**Kathleen Alandt** has been with the Court since February 2001. She has over 10 years experience working in private law firms and is a graduate of the legal assistant program at Northwestern Michigan College. Kathleen's duties include scheduling all Referee matters and supervising domestic relations mediations for the three-county circuit. Kathleen was appointed by the Court to serve as a member of the Grand Traverse-Leelanau-Antrim Bar Association Alternative Dispute Resolution Committee.

**Julie Arends** is a graduate of Ferris State University. After 10 years with a private law firm, she joined Circuit Court Administration in 1995 as a Judicial Secretary. In 2003, Julie became the Alternative Dispute Resolution (ADR) Clerk while continuing some of the duties associated with a Judicial Secretary. Julie supervises all aspects of the Court's ADR Program, monitoring the cases ordered into domestic relations mediation or general civil case evaluation or mediation. In 2005, Julie implemented monthly transmission of the Court's case evaluation conflict letters via e-mail to its panel of case evaluators to conserve judicial resources. She also serves as a member of the Grand Traverse-Leelanau-Antrim Bar Association Alternative Dispute Resolution Committee.



**Carol Dee** has been with the court system for over 30 years. She began her career in 1971 as a secretary in Alpena. In 1985 she came to Grand Traverse County and began working in Circuit Court Records as a Deputy Clerk. She worked there until 1994 when she was recruited to work in Circuit Court Administration where she helped to create and develop the seamless scheduling program that is now in place. Carol is meticulous about tracking and auditing data. It is due to her dedication and close working relationship with the Judges that this Court disposes of cases in a timely manner. Carol is cross-trained with all other staff in Circuit Court Administration. However, her primary duties include scheduling all criminal and civil cases while complying with the time lines established by the Michigan Supreme Court.



**Jacque Cardinal** has been with the Circuit Court since 2001. She started with the Court working at the front desk in Circuit Court Administration. In 2004, Jacque took over the collections department, managing over 2,500 clients in the three counties. She sets up payment plans with felons who have been ordered to pay fines, costs or restitution or who have been ordered to reimburse the counties for Court-appointed attorney fees. She also initiates show cause hearings when there is a failure to pay. Jacque distributes victim restitution payments on a monthly basis to victims. In 2005, she collected over \$678,000. The Court recognizes that the payment of costs, fines and restitution is instrumental in the rehabilitation process.

**Andrea Humphrey** began her work with the Court as an employee for the Commission on Aging in 1994. Six months later she took a position as clerk for the Probate Court in Volunteer Services. She was with the Probate Court as the Family Division evolved and was instrumental in making a smooth transition. In January 2005, we were pleased to have Andrea join our staff as a Circuit Court Specialist.

Andrea's responsibilities focus on the collection of Court-appointed attorney fees for felony cases that are resolved in District Court. Her follow up includes outstanding accounts for the past 10 years. Her meticulous recordkeeping is what keeps the program moving.



## Court Reporters

**Karen Carmody** and **Jessica Jaynes** are the Court's official Court Reporters. Like the Judges, the Court Reporters "ride 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 conference orders, reviewing pleadings, communicating with counsel, and working with litigants and their counsel during the final settlement conferences.



**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 20 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

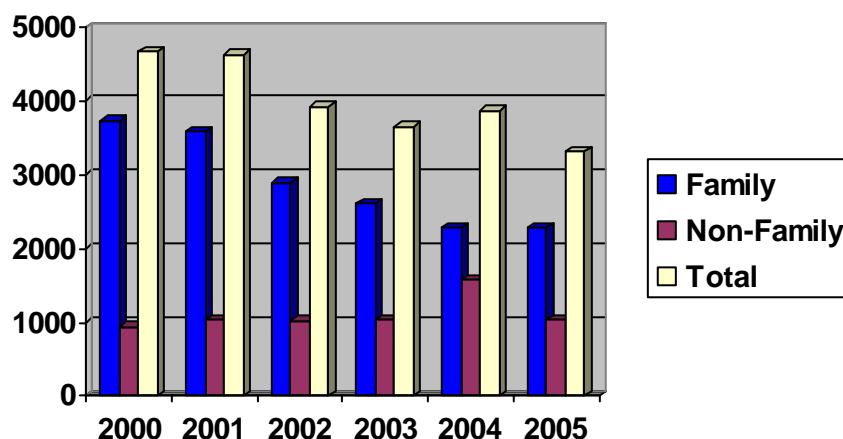
The Thirteenth Circuit strictly adheres to the Michigan Court Rules time lines and Administrative Orders regarding case flow management. In every case, the Court's Scheduling Order sets forth the time line for the disposition of the case consistent with the time lines set by the State Court Administrative 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.

## Case Load

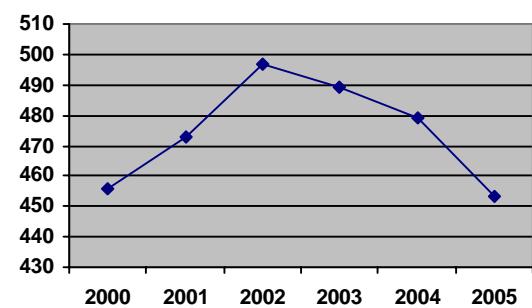
There were 880 cases pending at the beginning of 2005. A total of 3,319 new cases were filed during the year. Of these, 1,038 were Non-Family Circuit Court cases and 2,281 were Family Division cases. The Judges disposed of a total of 3,683 cases during the year and only 813 cases were still pending at the end of 2005. These numbers reflect a decrease in the Court’s case load of 1355 cases since 2000. This decrease is due in large part to the decrease in the number of juvenile cases (-829), domestic relations cases (-196) and general civil cases (-118). Fluctuations in the other categories were negligible. This bar graph below illustrates the trend in new case filings.

**13<sup>th</sup> Circuit Court New Case Filings**



## Recent Trends

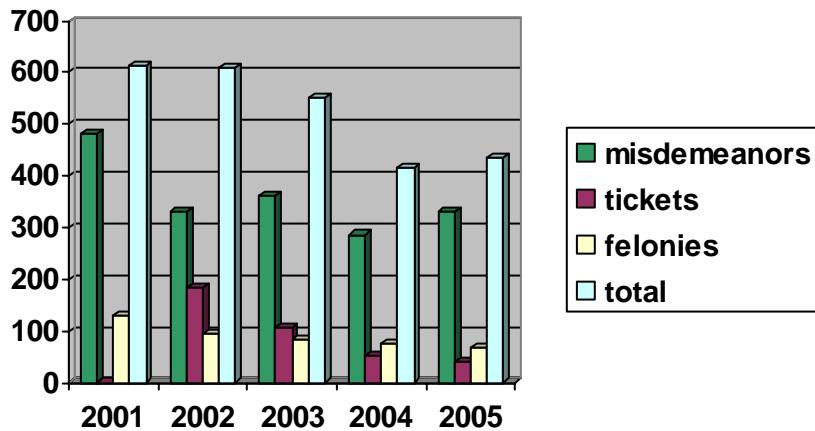
### Felony Criminal



The number of felony criminal cases filed in the Circuit has slightly declined over the past three years, after a big upward surge between 1999 and 2002. Theft offenses, particularly embezzlements, 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 even though many cases formerly prosecuted as felonies are being handled in the District Court’s Sobriety Court as second offense misdemeanors.

### Juvenile Delinquency (Grand Traverse County only)

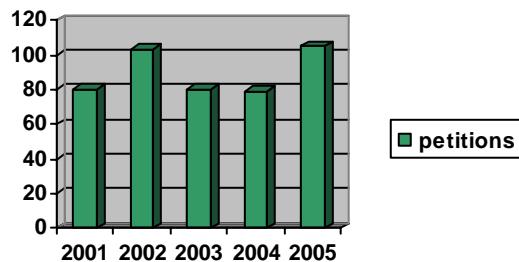


The number of juvenile delinquency petitions filed in the Grand Traverse County Family Division has decreased since 2001 when there were 612 petitions authorized, 482 misdemeanors and 130 felonies. In 2002, there were 610 petitions authorized: 332 were misdemeanors, 183 proceeded on tickets and 95 were felonies. In 2003, 551 petitions were authorized: 362 were misdemeanors, 105 proceeded on tickets and 84 were felonies. In 2004, there were 415 petitions authorized: 286 were misdemeanors, 53 proceeded on tickets and 76 were felonies. In 2005, 434 petitions were authorized: 329 were misdemeanors, 39 proceeded on tickets and only 66 were felonies.

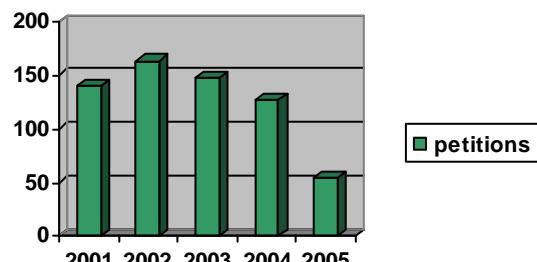
Many factors account for the reduction in juvenile crime - a change in charging philosophy (juveniles are no longer charged with multiple counts for the same behavior on the same occasion), a reduction in the recidivism rate, increased intensive supervision with more face-to-face meetings between juveniles and their supervising probation officers, frequent random drug testing, and the extensive volunteer programs that engage juveniles in worthwhile and meaningful way.

In Antrim County, the number of petitions filed fell and then rose again between 2001 and 2005. In Leelanau County, there was a dramatic drop in the number of juvenile petitions filed in 2005.

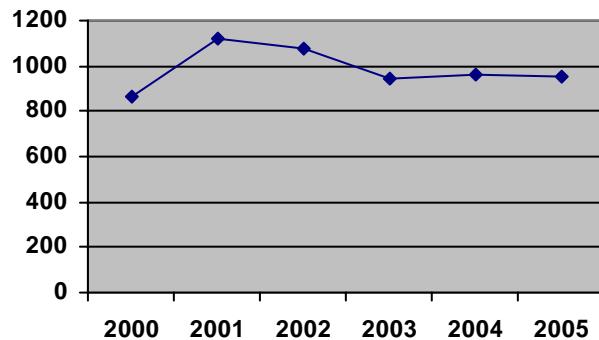
### Juvenile Delinquency (Antrim County)



### Juvenile Delinquency (Leelanau County)

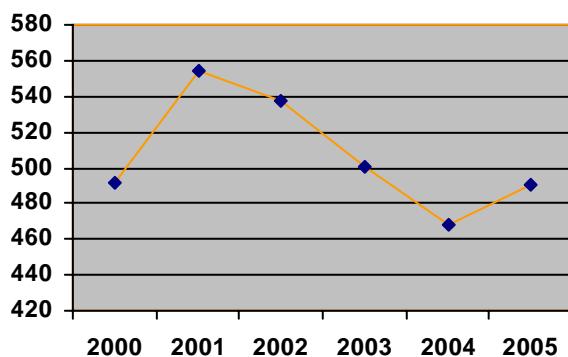


## Domestic Relations



The number of Domestic Relations cases, including divorces and paternity cases, reached a record high in 2001, but have since declined and leveled off.

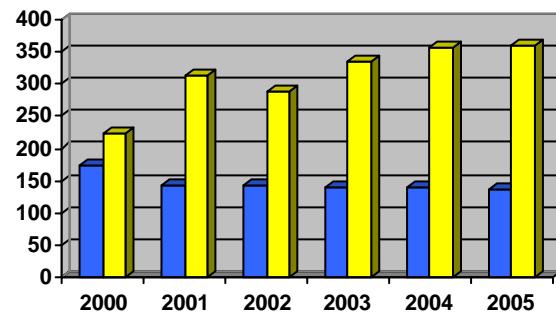
## Personal Protection Orders



The number of requests for personal protection orders increased slightly in 2005. There were a total of 491 requests filed. Of those, 333 were requested in domestic situations, 148 were requested in stalking situations and 10 were requested against juveniles. A total of 269 orders were actually issued - 207 domestic, 62 stalking and 9 juvenile.

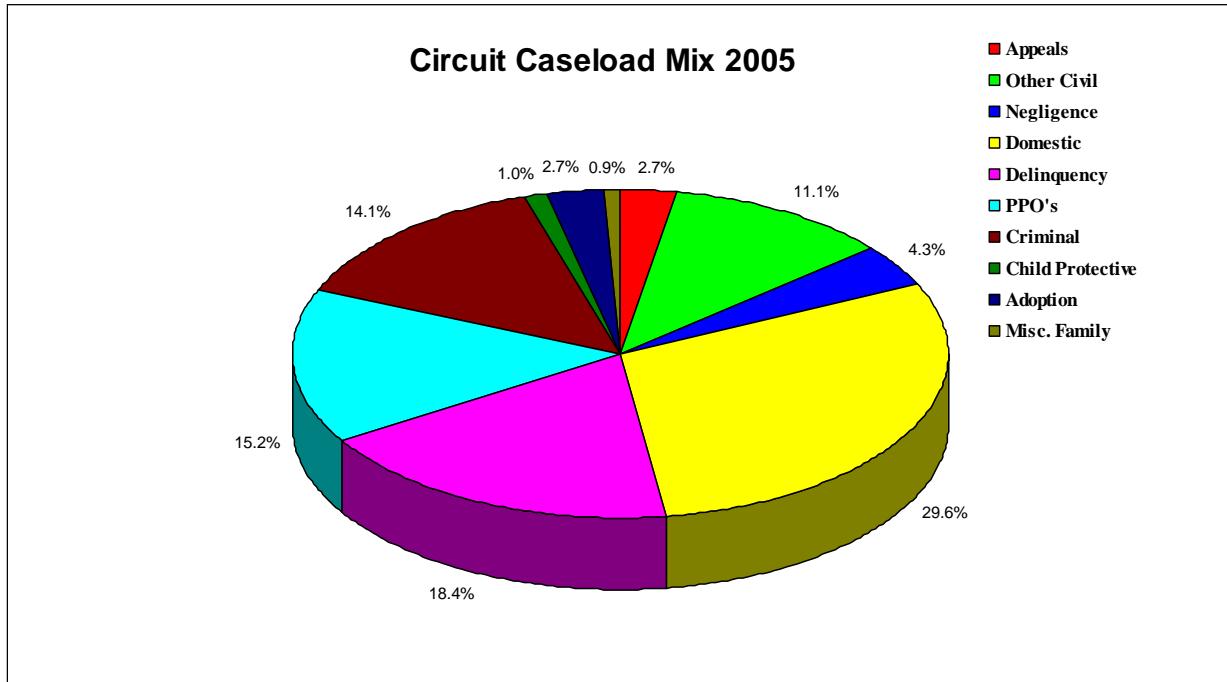
## Negligence/Other Civil

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 2005, the 138 new negligence case filings represented only 4.16% of the total new case filings.



General and other civil matters constituted 12% of the new case filings at the beginning of the decade. In 2005, 361 (10.88%) of the new case filings were general and other civil matters.

This pie chart shows the make up of all of the new case filings in 2005.



## 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 2005, 281 cases (272 from Circuit Court and 9 from District Court) were ordered to case evaluation. Of those cases, 180 were resolved prior to the case evaluation and 101 cases were evaluated. In 12 cases, the parties accepted the case evaluation and 3 cases were resolved before the evaluation response was due. The remaining 79 cases (78%) were not resolved through case evaluation.

#### Final Settlement Conference

There were 33 cases set for a final settlement conference. Of those, 30 were settled before or at the final settlement conference, 2 were dismissed before trial and 1 proceeded through a trial. A total of 34 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.

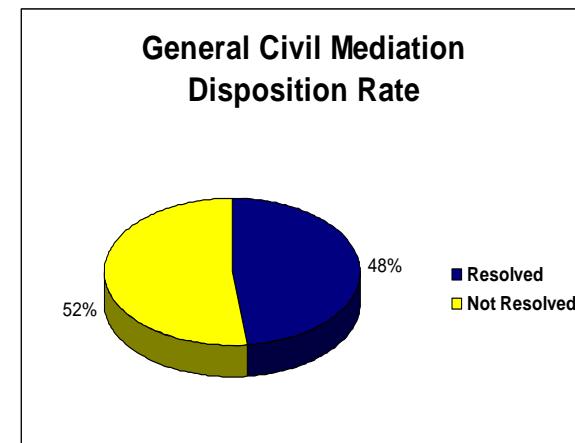
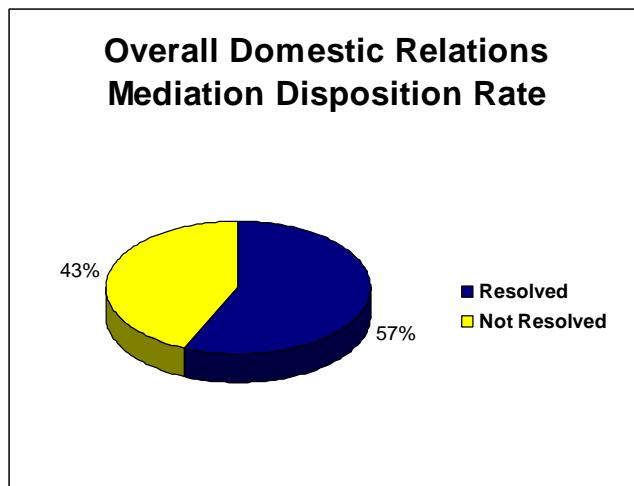
In 2005, 167 pre-judgment domestic relations cases were ordered into facilitative mediation for property-related issues. Of those, 80 cases (48%) were settled or otherwise resolved before the mediation hearing. Two cases were removed from the mediation schedule by the assigned Judge. Of the 87 cases that were mediated, 54 (62%) were resolved during the mediation hearing and 33 (38%) were not. Two cases are still pending.

Another 79 pre-judgment domestic relations cases were ordered into mediation for child-related issues. Of those cases, 50 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, 19 cases (66%) were resolved at the hearing with the mediator's assistance and 10 (34%) were not.

The Referees also ordered 111 domestic relations cases to mediation for child-related issues in pre- and post-judgment matters. Of those, 42 cases were resolved before the mediation hearing, 3 were removed from mediation by the assigned Judge; 1 resulted in a no show and was not rescheduled; and 12 cases remain pending. Of the 53 cases actually mediated, 23 (43%) were resolved through mediation and 30 (57%) were not.

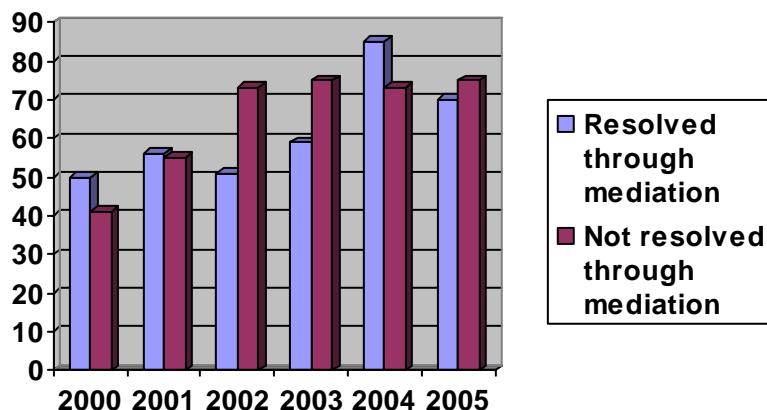
A total of 257 general civil cases were ordered into facilitative mediation. Of those, 96 cases (38%) were settled or otherwise resolved prior to mediation, 3 cases were removed from mediation by the assigned Judge. A total of 145 cases were mediated. Of those, 70 cases (48%) were resolved and 75 cases (52%) were not resolved. Thirteen cases are still pending.

The historical success of facilitative mediation in general civil cases is illustrated in the following 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.

### General Civil Mediation Trend



### Criminal Case Management

#### Case Load

In 2005, the Thirteenth Circuit Court Judges sentenced 390 felons. Of those, 154 were sentenced to prison; 40 were sentenced to jail; 187 were sentenced to probation with jail time; and 9 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, consistent with community expectations, it historically exceeds the overall state prison commitment rate. In 2005, the prison commitment rate in Leelanau County was 17%; in Antrim County the prison commitment rate was 25%; and in Grand Traverse County the prison commitment rate was 35%, for an overall prison commitment rate of 25.66%. By comparison, the state prison commitment rate was 22%. However, the Court's commitment rate is elevated to some degree by the number of felony drunk drivers who are referred to the District Court and processed as misdemeanors, rather than being sentenced as felons.

The following is a list of crimes for which individuals were sentenced in 2005.

CRIME TYPE	NUMBER SENTENCED
<b>CRIMES AGAINST A PERSON</b>	
Aggravated/Felonious Assault	11
Assault and Battery	9
Child Abuse	4
Child Sexually Abusive Activity	3
Criminal Sexual Conduct	32
Domestic Violence	7
Home Invasion	7
Larceny from a Person	1
Kidnapping/Custodial Interference	2
Murder	1
Negligent Homicide	1
OUIL Occupant Under 16	2

**CRIMES AGAINST PROPERTY**

Armed Robbery	2
Arson	1
Breaking and Entering with Intent	13
Counterfeit Lottery Ticket	1
Embezzlement	4
Entering without Breaking	1
False Pretenses	2
Forgery	5
Forgery of License Plate	1
Larceny in a Building	29
Larceny from a Motor Vehicle	2
Malicious Destruction of Property	3
No Account Checks	8
NSF Checks	2
Receiving and Concealing Stolen Property	1
Retail Fraud	1
Steal/Possess/Unauth. Use Financial Transaction Device	11
Unarmed Robbery	1
Uttering and Publishing	11
UUMV; UDAA; UUA	15

**CRIMES INVOLVING A CONTROLLED SUBSTANCE**

Possess/Manufacture/Deliver Marijuana	14
Possess/Manufacture/Deliver Cocaine	29
Possess/Manufacture/Deliver Meth/Ecstasy	11
Obtain by Fraud	3
Maintaining a Drug House	22

**CRIMES AGAINST PUBLIC ORDER**

Abscond Bond	1
Allow Person Under Influence of Intoxicant to Drive	2
Desertion/Abandonment/Fail to Pay Child Support	24
Gross Indecency	7
Sex Offender Failure to Register	1

**CRIMES AGAINST PUBLIC SAFETY**

Bringing Contraband into Jail/Prison	3
Carrying a Concealed Weapon	5
Escape	1
Felon in Possession of a Firearm	2
Fleeing/Eluding/Resisting/Obstructing Police Officer	9
OUIL 3 <sup>rd</sup>	51*
Possession of a Weapon with Intent to Commit Larceny	1
Throwing Object at Train/Car Causing Injury	1

**CRIMES AGAINST PUBLIC TRUST**

Buying Alcohol for Minor	1
False Report of Felony	2
Obstruction of Justice/Perjury	1

**MISCELLANEOUS**

Accessory After the Fact	2
Violation of Construction Code	1
<b>CIRCUIT TOTAL</b>	<b>390**</b>

\*Of the 51 OUIL 3<sup>rd</sup> defendants, only one was placed on straight probation. Twenty-six of them were placed on probation with substantial jail time, 3 were sentenced to jail time and 21 were sentenced to prison.

\*\*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 are employees of the Michigan Department of Corrections. There are nine probation officers for the three counties who each supervise an average of 80 clients per month. In addition, they are responsible for preparing a pre-sentence investigation report regarding each defendant that 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.



### 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

In 2005, the Probation Department completed 38 pre-sentence investigation reports in Leelanau County, 58 in Antrim County and 241 in Grand Traverse County for a total of 337 or an average of almost 29 pre-sentence investigation reports per month. These figures include new conviction and delayed sentence updates, but not probation violation updates. There were 170 probation violations initiated in 2005 - 31 in Antrim County, 20 in Leelanau County and 119 in Grand Traverse County - approximately 14 per month.





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

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 2004-2005 fiscal year. Eighty-eight percent (88%) of the felons successfully complete the Community Corrections program.

## 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 County Jury Board are Al Porter, Teresa 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. The per diem is \$25 for a half day and \$50 for a full day of service.

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 must not have been convicted of a felony.

In 2005, 771 people were summoned for jury service in Leelanau County. Of those prospective jurors, 112 were required to report for duty and 33 actually served in the 2 criminal and 2 civil cases that went to trial. The total cost to Leelanau County for jury service, including the per diem pay, mileage reimbursement, meals and miscellaneous expenses, was \$24,586.60. In Antrim County, 1,017 jurors were summoned in 2005, 378 reported for duty and 85 actually served in the 9 criminal cases that went to trial. The total cost to Antrim County was \$22,397.12. In Grand Traverse County, 2,215 prospective jurors were summoned, 744 reported for duty and 200 actually served in the 17 criminal and 4 civil cases that went to trial. The total cost of jury service in Grand Traverse County was \$48,324.91.

## **COUNTY LAW LIBRARIES**

The Thirteenth Circuit Court maintains a law library in each of its Counties, access to which is provided to the public and lawyers, as well as the Judges. The law library, located on the fourth floor of the Grand Traverse County Courthouse in Traverse City, is the largest of the Court's libraries and is also open to the public.

The Court's law library in Grand Traverse County maintains current Michigan and Federal law collections and offers computer-assisted research. The Grand Traverse-Leelanau-Antrim Bar Association and Traverse Attorney Referral Service are operated out of the Grand Traverse County law library and the Northwestern Michigan College Paralegal Program conducts a legal research class in the library each fall.

Grand Traverse County, the Grand Traverse-Leelanau-Antrim Bar Association and the Traverse Area District Library operate in partnership to fund, house and staff the Grand Traverse County law library. The library is open to the public on weekdays from 8:30 a.m. to 5 p.m.

Upon Grace Rudd's retirement at the end of 2004, Lori Luckett was selected as the new Bar Association Manager and Law Librarian. Lori is a licensed attorney who practiced for several years in the Genesee County area. Her wealth of experience will allow the library to continue many of the services Grace began and to expand into different areas as needs are identified. We are pleased to have Lori working with us.

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

### **AWARDS**

#### **Humanitarian Award**

Probate and 13<sup>th</sup> Circuit Court Family Division Judge, **Honorable David L. Stowe**, received the 2005 Humanitarian Award from Child and Family Services of Northwestern Michigan, Inc. at the organization's annual dinner on November 14, 2005. This award is presented annually to an individual who makes the welfare of children their number one priority, whose dedication extends beyond



the expectations of their position, and whose style and approach help facilitate the work of their professional staff.

### **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 law library. The Bar staffs “Ask the Lawyer” forums throughout the community to answer law-related questions.

The Liberty Bell Award is presented to a non-lawyer member of the community who contributes a great deal of time to help foster community appreciation and awareness of our rights under the Constitution, and who provides outstanding community service while promoting awareness of our laws and access to America’s justice system.

**Kathi J. Polk**, Grand Traverse Probate Administrator/Probate Register, was nominated to receive this year’s award by Judge David L. Stowe. Kathi was appointed the Probate Court’s Administrative Assistant on September 2, 1975, by the late Probate Judge Kenneth G. Mackness. She was subsequently appointed Deputy Probate Register on June 25, 1984 and was thereafter appointed Probate Register on January 3, 1989. Kathi retired after 30 years of dedicated service to the community. Kathi touched thousands of families in the Grand Traverse area while with the Probate Court. She treated each individual with kindness, compassion, special attention and professionalism. Kathi was honored during the Law Day 2005 celebration on April 29, 2005 at the Elks Club in Traverse City.

### **RECOGNITION**

On June 16, 2005, **Michigan Court of Appeals Judge Richard Griffin** was appointed to the United States Court of Appeals for the 6<sup>th</sup> Circuit after the Senate voted 95 to 0 to support his nomination. Judge Griffin, 53, is the son of former Senator Robert Griffin, who served Michigan in Congress from 1957 to 1966 and the Senate from 1966 to 1979.

Griffin attended law school at the University of Michigan. After his graduation in 1977, he was hired by the Traverse City law firm of Williams, Coulter, Cunningham, Davison & Read, where he became a partner and worked until 1985. From 1985 until he was elected to the Michigan Court of Appeals in 1989, he practiced law in partnership with local attorney Douglas Read, specializing in trial work primarily defending insurance companies in liability cases.

Judge Griffin and his wife, Chris, raised three daughters in Traverse City and have been actively involved for many years in the preservation and upgrading of the Clinch Park Zoo.

Judge Griffin is the first lawyer from northern Michigan to become a federal appellate judge.

