

The Thirteenth Judicial Circuit Court Annual Report 2006



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INTRODUCTION: SENTENCING IN THE 13TH CIRCUIT COURT

Legitimate questions can be asked regarding perceived sentence disparities between rural and urban counties. While the source of the disparity, like sentencing itself, is complex, the issue can be broadly discussed in financial and philosophical terms. Financially, the State seeks to shift the cost of confining felons to the individual counties where they commit crimes. Since the vast majority of Michigan's prison population is generated by its urban counties, rural counties are simply being used as a stalking horse for a financial issue upon which they have never had any meaningful impact.

While the Department of Corrections may object to housing certain inmates, it has not criticized their confinement as unlawful. Were that the case, relief would be provided by Michigan's appellate courts. The financial issue, then, is whether lawful prison sentences should be transformed into local jail sentences at the expense of local taxpayers. Since most urban and rural jails are at capacity, the new construction to house such offenders and the associated labor to operate larger jails would be a local expense. Some prisons would be closed and State workers laid off. The State gains and local government loses.

Philosophically, one could ask why anyone living in a rural county would want their criminal justice system to mirror what they see in Michigan's urban counties. Not only does crime occur more frequently in urban counties, it also occurs with more violence. The State's past refusal to provide adequate numbers of judges and courtrooms in urban counties has made the trial of all criminal cases impossible. The result has been case management by sentence bargaining. The prosecutor and the defense attorney agree upon a sentence and so long as it is acceptable to the judge, the case is resolved. Judges who reject sentence bargains find themselves in the unenviable position of having too many cases to resolve, with too little time to do so, while faced with Supreme Court time standards imposed for the disposition of all cases.

Locally, so-called straddle-cell-offenders are sent to prison, but not often as original sentences. Many prison sentences followed multiple probation violations and others were mandatory consecutive sentences for a new crime that was committed while on parole. Still others were sent to prison concurrent with another felony for which a prison term had been imposed. Some individuals who were sent to prison were scored on guidelines for lesser offenses to which they pleaded guilty. The guidelines score for their actual criminal behavior was greater and proportionate sentencing necessitated a more serious response.

The Court also has to be aware of anomalies in the sentencing guidelines. Such anomalies include the failure to consider other crimes committed by the defendant, which he acknowledges but to which he has not pleaded guilty. The anomaly occurs because other crimes are not scored unless they were committed within 24 hours of the crime to which the defendant has pleaded guilty. Financial crimes involving theft or fraud stop counting for scoring purposes at \$20,000. Most people believe an individual should be sentenced more harshly if he or she committed ten breaking and enterings as opposed to one, or if he or she stole \$200,000 as opposed to \$20,000. The guidelines would suggest the same sentence for both individuals.

Where the justice system is broken or damaged, sentences that diminish the distinction between crimes and criminals are bargained for and imposed. Such has not been the case in this circuit. The community, victims and this court have never felt compelled to negotiate with criminals over a sentence. Should that day ever come, we too will be forced to recognize that our “rural” justice system does not fairly distinguish between individuals based upon their prior record and actual criminal behavior and cannot provide complete justice to either defendants or victims. On that day, we will no longer get the justice we deserve - - only the justice we can afford.

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.

The Chief Judge of the Circuit is responsible for the supervision of all aspects of the Court.

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 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 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. 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

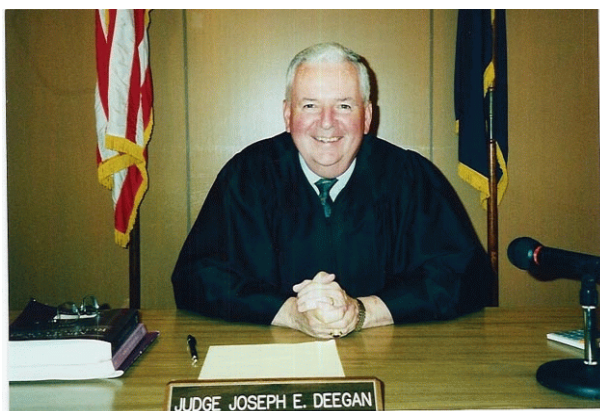
England studying public finance economics. Later, the Judge joined the Traverse City Rotary Club and served for six years on the Board of Directors of Rotary Charities.

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 2006, he served as the organization's president-elect.

Judge Rodgers is married and has four 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 fourth term in 2006. 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 is married and has three children.

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, 127 new domestic relations cases were filed and 124 domestic relations cases were disposed of in 2006. In Antrim County, 223 new domestic relations cases were filed and the Court disposed of 228 cases. In Grand Traverse County, 685 new domestic relations cases were filed and the Court disposed on 715 cases. In addition, the Family Division of the 13th Circuit Court for all three counties handled 714 juvenile delinquencies, 88 abuse and neglect cases, 38 miscellaneous family matters, 85 adoptions and 475 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.



COURT OFFICERS

Greg Brainard, Janet McGee, Judge David Stowe, Referee
Dennis Mikko, Referee Cynthia Conlon

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. In Grand Traverse County, 685 new domestic cases were filed in 2006 – 455 involving minor children and 230 not involving minor children.

The Family Division under the direction of Judge Stowe is also vested with the authority to preside over all juvenile delinquency and parental abuse and neglect cases. There were 509 new juvenile delinquency petitions, 55 new neglect and abuse petitions involving 105 children, 63 new adoptions and 365 new

requests for adult and juvenile personal protection orders filed in Grand Traverse County in 2006.

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. In 2006, however, 509 new juvenile delinquency petitions were filed. This represents a significant increase over 2005 and the continuation of a trend that began in 2004.



JUVENILE PROBATION

Eric Salani, Cheryl Goodwin, Jeff Burdick, Barb Donaldson, Roger
LaLonde, Kate Esckilsen

The Court has also witnessed an increase in the number of abuse and neglect cases filed in recent years. For example, in 2001, there were only 42 children in out-of home placements. In 2006, there were 55 new abuse and neglect cases involving 105 children.



ADMINISTRATIVE STAFF

Cindy Edmonson, Sue Bennett, Janet Kronk,
Joanie Layton, Cheyrl Church

The Court continues to utilize an aggressive prevention model in dealing with both delinquency and abuse and 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 and 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.



VOLUNTEER SERVICES

Linda Fawcett, Kelly Majszak, Judy Sanders,
Laura Shumate, Cheri Haines

In Antrim County, 2006 began with a concern and ended with a realization of a significant statewide economic downturn and its direct impact on local units of government. Recognizing this, the Court immediately prioritized its mission as that of maintaining mandatory services, with a focus on the conservation of current resources. Made easier after six years of transitioning new programming within the juvenile section of the Court, the past year allowed for the consistent exercise of child-centered services. Every young person subject to the court's jurisdiction is serviced through a virtual individual rehabilitative plan which enables the evaluator to tailor programming to the child. Proven local programs such as Therapeutic Services, Family Support, and Flexible Funding, in conjunction with utilizing the services of adjoining jurisdictions, has created a most efficient and effective delivery of rehabilitative

measures to children and families. This renewed focus realized a 35% decrease in net Child Care Fund expenditures compared to 2005, and the smallest child and family welfare contribution by the funding unit since the early 1990s.



ANTRIM COUNTY FAMILY AND PROBATE COURT

Standing left to right: Amanda Flower, Sandy Davids, Theresa Ankney, Pat Theobald, Bill Heffren, Christine Watrous
Seated: Honorable Norman R. Hayes

In 2007, this Division looks forward to continuing its history of building positive partnerships within Antrim County and all of Northwest Lower Michigan while working through difficult economic times. With the continued support of the Antrim County Clerk Laura Sexton and all nine members of the Antrim County Commission, Judge Hayes and his staff look forward to the challenge of 2007 and beyond.

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.



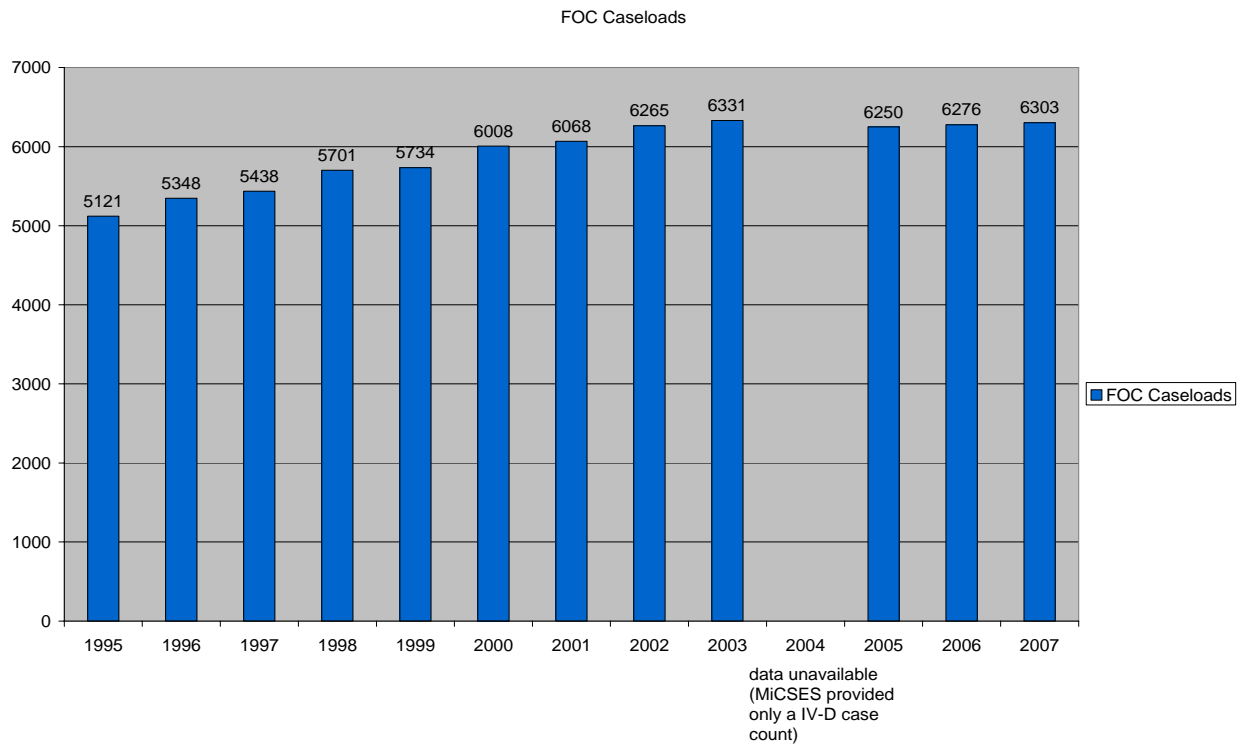
In 2006, the Referees conducted approximately 267 hearings in custody, parenting time and child support disputes and 1,109 show cause hearings regarding support payment, medical expense reimbursement and parenting time denial. The Referees reviewed 355 requests for personal protection orders and conducted approximately 1589 hearings in various delinquency and abuse and neglect matters.

FRIEND OF THE COURT

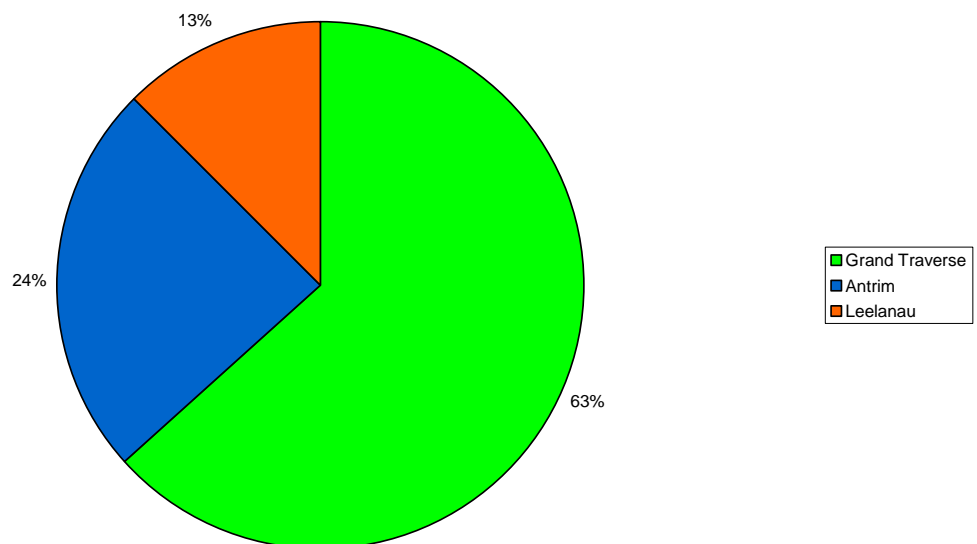
Dawn Rogers is the Friend of the Court. The Friend of the Court Office (“FOC”) is responsible for representing the best interests of the children in those cases which come before the Circuit Court Family Division because of divorce, custody, child support, visitation or paternity disputes. The FOC case 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.

Over the years, the FOC case load has continued to increase. In 2006, 620 new cases were opened: 393 (63%) from Grand Traverse, 149 (24%) from Antrim and 78 (13%) from Leelanau. Of these new cases, 352 (57%) were divorces and 184 (30%) were filed under the Paternity Act and the Family Support Act. The rest are custody cases and interstate or in-state

transfers. There were 17 divorce cases without minor children referred to the Friend of the Court for an investigation and recommendation on temporary spousal support; 14 divorces with minor children required an investigation and recommendation on temporary spousal support. The total case load for 2006 is 6,303.



Percentage of New Case Filings 2006



During 2006, the Case Management staff conducted investigations and made recommendations for temporary orders in 543 cases in an average of 22 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. The staff also conducted 571 reviews; an average of 48 monthly. The average number of days for the completion of a review was 21. 79% of the reviews addressed child support; 16.5% addressed parenting time issues. The FOC also prepared 200 stipulated orders for clients in an average of 5 days.

Persons without legal assistance represented 29% of the new cases filed. Of the initial orders generated, 60% granted custody to the mother, 5% granted custody to the father, 28% 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 16% of the new cases, custody was determined by default (the defendant failed to respond or appear).



Back Row: Fran Boyle, Julie Conway, Jayne Arnold, Angela Pelletier, Ellene Peters, Carol Rose, 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

The only source of information concerning child support charges and collections is a report from the State's Data Warehouse. Information for 2003 - 2006 was obtained from this source. In each instance the report is reflective of the fiscal year (Oct 1 - Sept 30). Please note also that the data is for *distributions*, not *collections*.

| Antrim County | 2003 | 2004 | 2005 | 2006 |
|--|--------------|--------------|--------------|--------------|
| Current support due for the fiscal year | \$ 2,944,856 | \$ 2,877,516 | \$ 2,861,468 | \$ 2,702,484 |
| Support distributed as Current support | \$ 1,965,406 | \$ 2,031,864 | \$ 1,985,528 | \$ 1,884,829 |
| Support distributed as Arrearage support | \$ 891,971 | \$ 658,415 | \$ 722,065 | \$ 692,557 |
| Ratio of Total Current Charged to Current Collected: | 66.7% | 70% | 69.4% | 69.7% |
| Ratio of Total Current Charged to Total Support Collected: | 97% | 93% | 94.6% | 95.4% |

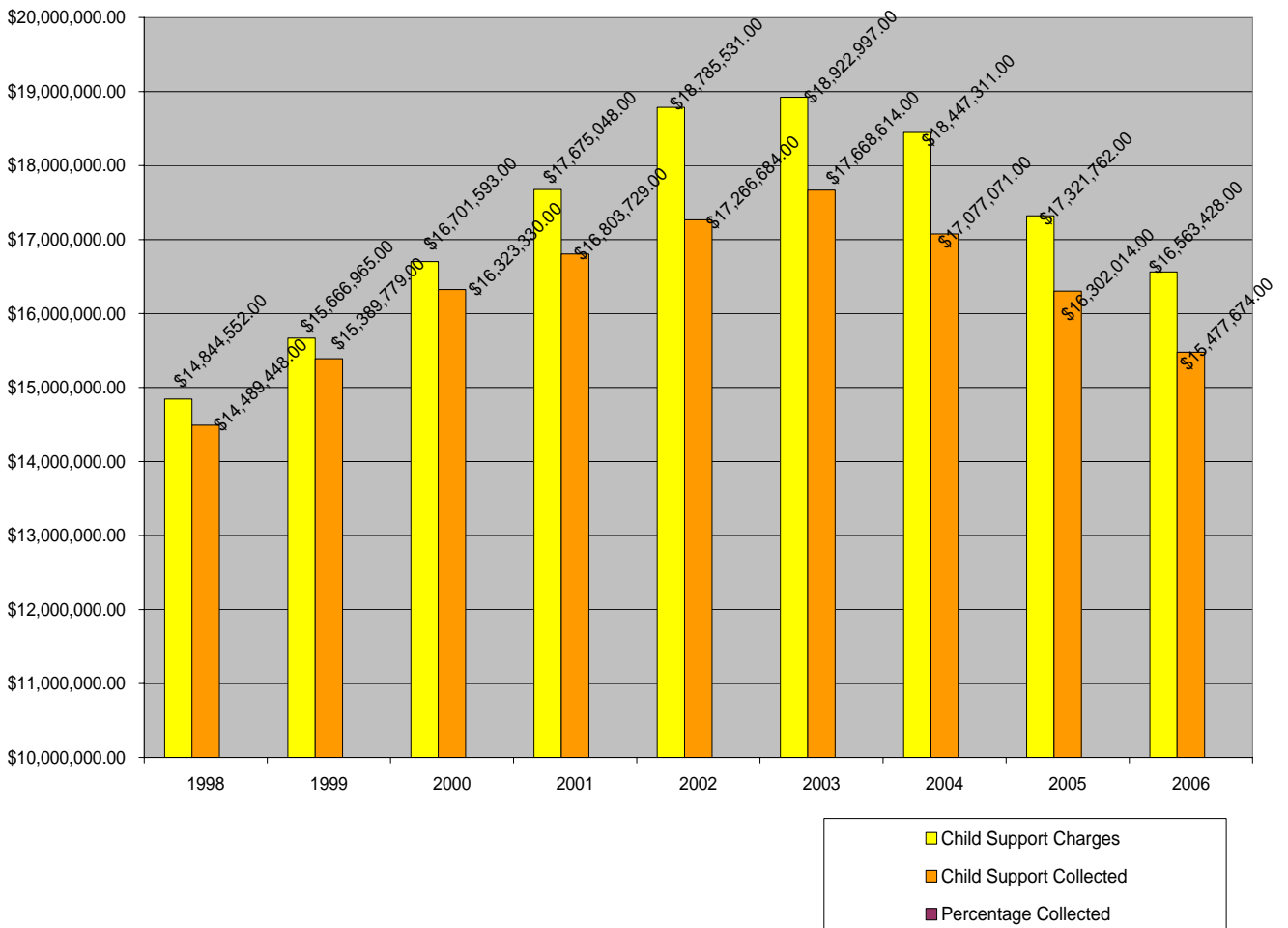
| Grand Traverse County | 2003 | 2004 | 2005 | 2006 |
|--|--------------|--------------|--------------|--------------|
| Current support due for the fiscal year | \$13,289,470 | \$12,863,901 | \$11,904,460 | \$11,398,374 |
| Support distributed as Current support | \$ 9,558,549 | \$ 9,567,209 | \$ 8,936,840 | \$ 8,398,173 |
| Support distributed as Arrearage support | \$ 2,801,329 | \$ 2,309,863 | \$ 2,159,765 | \$ 2,080,250 |
| Ratio of Total Current Charged to Current Collected: | 71.9% | 74% | 75.1% | 73.7% |
| Ratio of Total Current Charged to Total Support Collected: | 93% | 92% | 93.2% | 91.9% |

| Leelanau County | 2003 | 2004 | 2005 | 2006 |
|--|--------------|-------------|-------------|-------------|
| Current support due for the fiscal year | \$ 2,688,671 | \$2,705,894 | \$2,555,834 | \$2,462,597 |
| Support distributed as Current support | \$ 1,899,545 | \$2,000,898 | \$1,945,334 | \$1,899,639 |
| Support distributed as Arrearage support | \$ 551,817 | \$ 508,822 | \$ 552,482 | \$ 522,226 |
| Ratio of Total Current Charged to Current Collected: | 70.6% | 74% | 76.1% | 77.1% |
| Ratio of Total Current Charged to Total Support Collected: | 91.2% | 93% | 97.7% | 98.3% |

| Combined | 2003 | 2004 | 2005 | 2006 |
|--|--------------|--------------|--------------|--------------|
| Total Current Support Charged - all counties | \$18,922,997 | \$18,447,311 | \$17,321,762 | \$16,563,428 |
| Current Support Distributed - all counties | \$13,423,500 | \$13,599,971 | \$12,867,702 | \$12,182,641 |
| Support distributed as Arrearage - all counties | \$ 4,245,117 | \$ 3,477,100 | \$ 3,434,312 | \$ 3,295,033 |
| Ratio of Total Current Charged to Current Collected: | 71% | 73.7% | 74.3% | 73.6% |
| Ratio of Total Current Charged to Total Support Collected: | 93.4% | 92.6% | 94.1% | 93.4% |

While collection ratios have improved since the conversion to MiCSES in 2003, a trend remains that each year, since MiCSES, the actual charges for support have declined (as have the *overall* distributions). Every year that records were kept prior to MiCSES - from 1997 to 2003 - there was an *increase* in the amount of child support *charges* and *collections*. Some forces that may be contributing to this are: fewer new case filings; increasing number of shared physical custody cases - 28% in 2006 compared to 16-17% in 1999-2002; and case closures, i.e., 49 opt outs in 2006.

Child Support Charges & Collections



Grant funds from the State Court Administrative Office (“SCAO”) continue to enable the FOC to refer families to Child and Family Services for supervised parenting time and neutral, safe exchanges. A partnership with Michigan Works places a representative in the courtroom during show cause hearings to assist non-custodial parents who need employment assistance. Bench warrant enforcement policies and procedures were revised and a bench warrant enforcement fund was established to assist local law enforcement financially for arrests on non-support warrants. The FOC also used bench warrant enforcement funds to acquire a new locate tool and now has access to Secretary of State records for locating non-paying parents. The FOC was given special access to MiCSES which enabled it to close duplicate OCS support specialist cases. Over 900 of these cases were closed which will result in an increase in incentive funds. Working with Conflict Resolution Services, Inc. (“CRS”), a new SCAO grant pilot project was implemented which allows the FOC to refer families to CRS for post-judgment mediation of custody and parenting time disputes.

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.

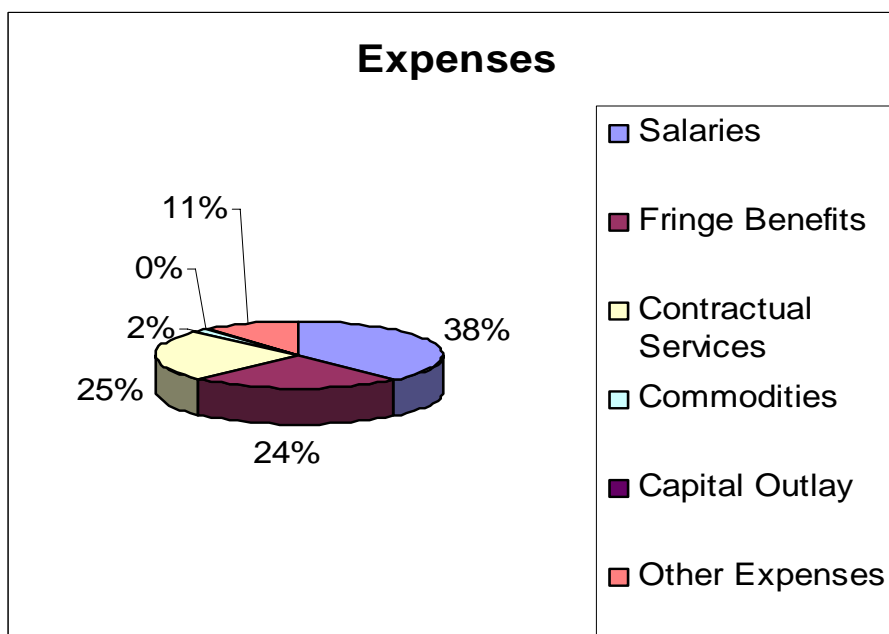
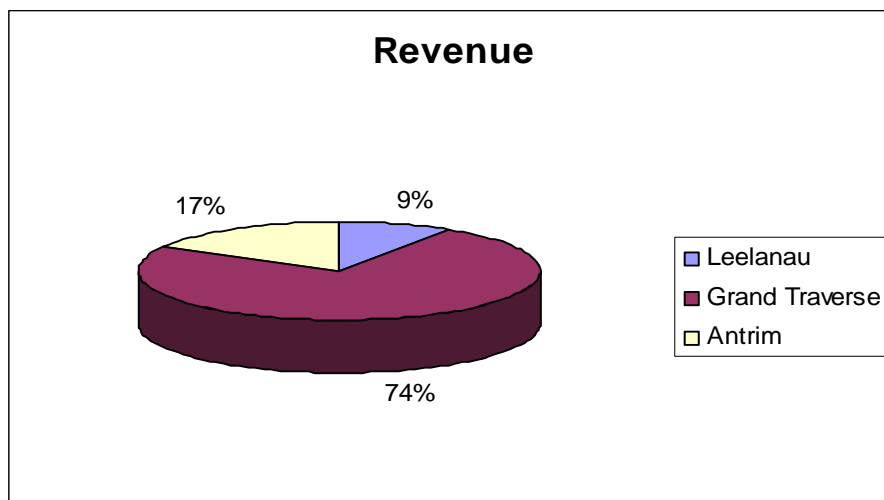
On September 29, 2006, the Joint Judicial Commission met at the Courthouse. They learned about the Court's budget requests for 2007, reviewed court-related statistics and discussed pending legislation that will affect the fiscal operations of the Court and its constituent counties.

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 2006, Antrim County transferred \$235,207.72, Leelanau County transferred \$136,172.91, and Grand Traverse County transferred \$1,172,219.16 into the Operating Fund.

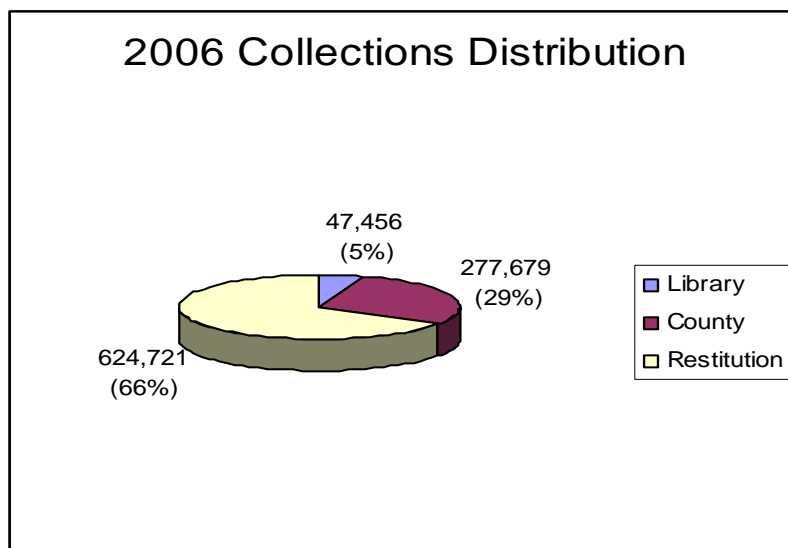
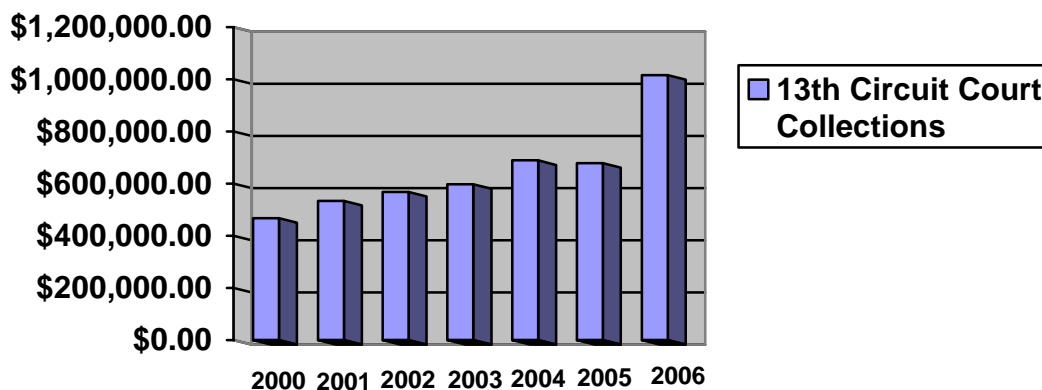
Additional revenue comes from the state, from filing fees and court costs assessed by the County Clerks' Offices.



Expenses for 2006 included:

| | |
|------------|---|
| \$ 602,340 | Salaries for judicial and administrative staff. |
| \$ 375,059 | Fringe benefits for judicial and administrative staff (incl. FICA of \$40,539). |
| \$ 384,342 | 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. |
| \$ 30,394 | Commodities, primarily for postage and office supplies. |
| \$ 167,850 | Other expenses for costs including such items as equipment rental, printing, utilities, law books, continuing education and liability insurance. |
| \$ 3,907 | Capital Outlays (including law books, office equipment and furniture) |

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 2006, a total of \$1,016,736.70 was collected. Of this total, \$172,424.70 was collected in Antrim County, \$92,934.11 in Leelanau County and \$751,377.94 in Grand Traverse County. These funds go to each of the three Counties. Fines help support the public libraries in each County. Costs and attorney fees go to the Counties to defray the cost of providing court-appointed counsel for indigent litigants. Most of the remainder of these funds go to the Counties to reimburse the victims of crimes for their losses.



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 Circuit Court Administrator in 2006 after serving as Office



Manager for the two years that the Court had no Court Administrator. She has been involved in the planning for the remodel of the Historic Courthouse in Grand Traverse County. Teri has worked with the State Court Administrative Office in the development of the Judicial Data Network Project and is a member of the Circuit Court Administrator's Association. Teri's duties include the day-to-day supervision of the employees within Circuit Court Administration. She travels the Circuit with the Judges conducting Show Cause hearings as well as pre-trials and Final Conferences.

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 2006, she collected over \$702,000. 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 and her meticulous recordkeeping 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 more than 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.

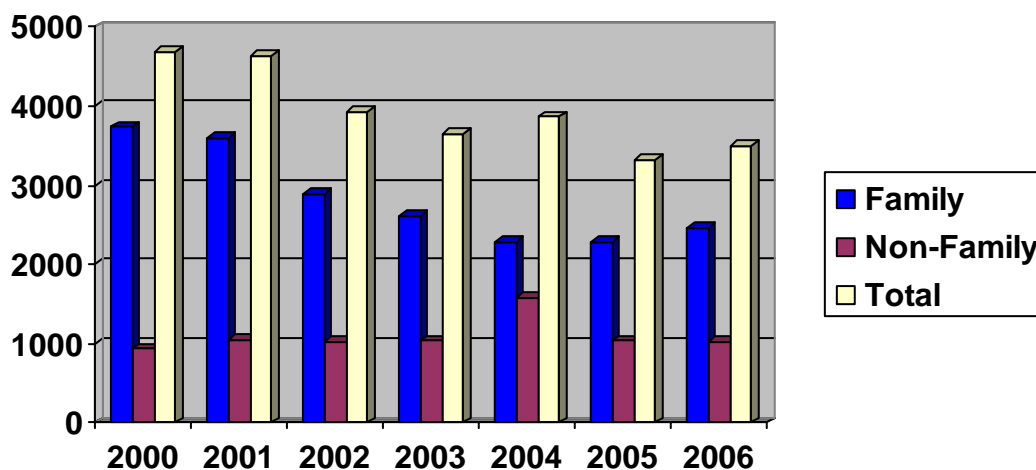
CASE MANAGEMENT

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 797 cases pending at the beginning of 2006. A total of 3,488 new cases were filed during the year. Of these, 1,031 were Non-Family Circuit Court cases and 2,457 were Family Division cases. The Judges disposed of a total of 3,663 cases during the year and only 829 cases were still pending at the end of the year.

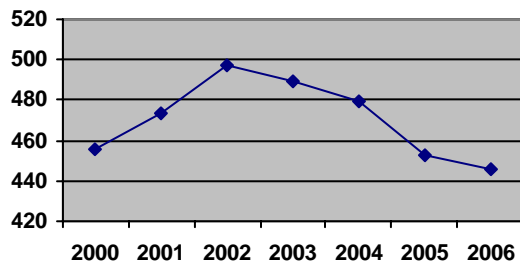
13th Circuit Court New Case Filings



Recent Trends

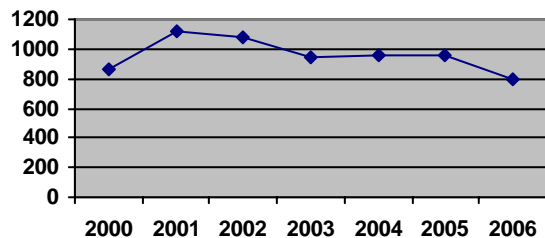
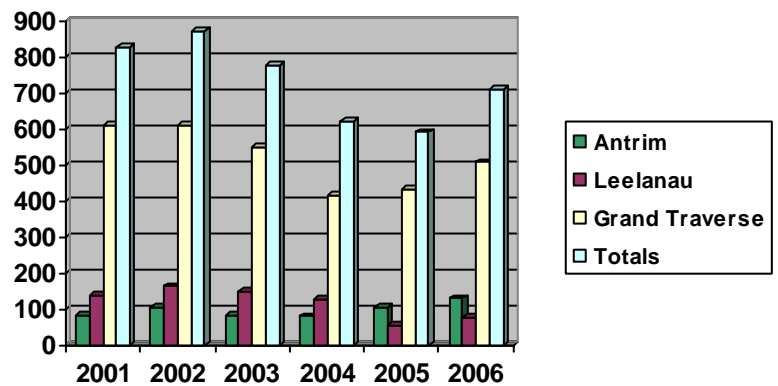
Felony Criminal

The number of felony criminal cases filed in the Circuit has declined again for the fifth year in a row, after a big upward surge between 1999 and 2002. Theft offenses, drunk driving and controlled substance offenses account for the vast majority of the felonies committed in the circuit. The Court has not noticed a significant increase in assaultive crimes.



Juvenile Delinquency

There were 129 juvenile delinquency petitions filed in Antrim County Family Division in 2006. In Leelanau County, there were 76 and in Grand Traverse County there were 509, for a total of 714 juvenile delinquency petitions filed in the circuit.

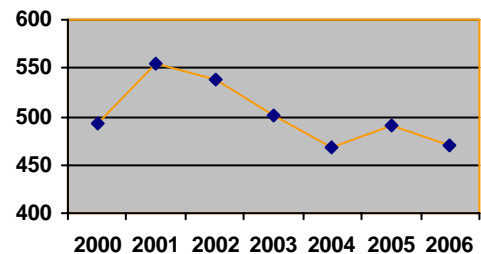


Domestic Relations

The number of divorces and paternity cases reached a record high in 2001 and then began to decline. After remaining stable between 2003 and 2005, the number more dramatically declined in 2006.

Personal Protection Orders

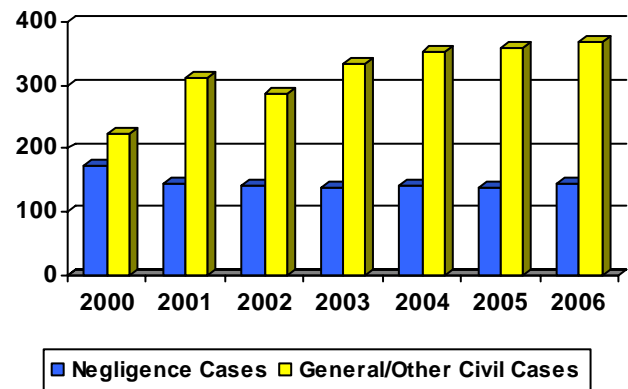
The number of requests for personal protection orders dipped slightly in 2006. A total of 470 requests were filed, compared to 491 last year. Of the requests filed, 326 were requested in domestic situations, 144 were requested in stalking situations and 10 were requested against juveniles. There were 283 personal protection orders actually issued - 229 domestic, 49 stalking and 5 against juveniles - only 14 more than were issued in 2005.



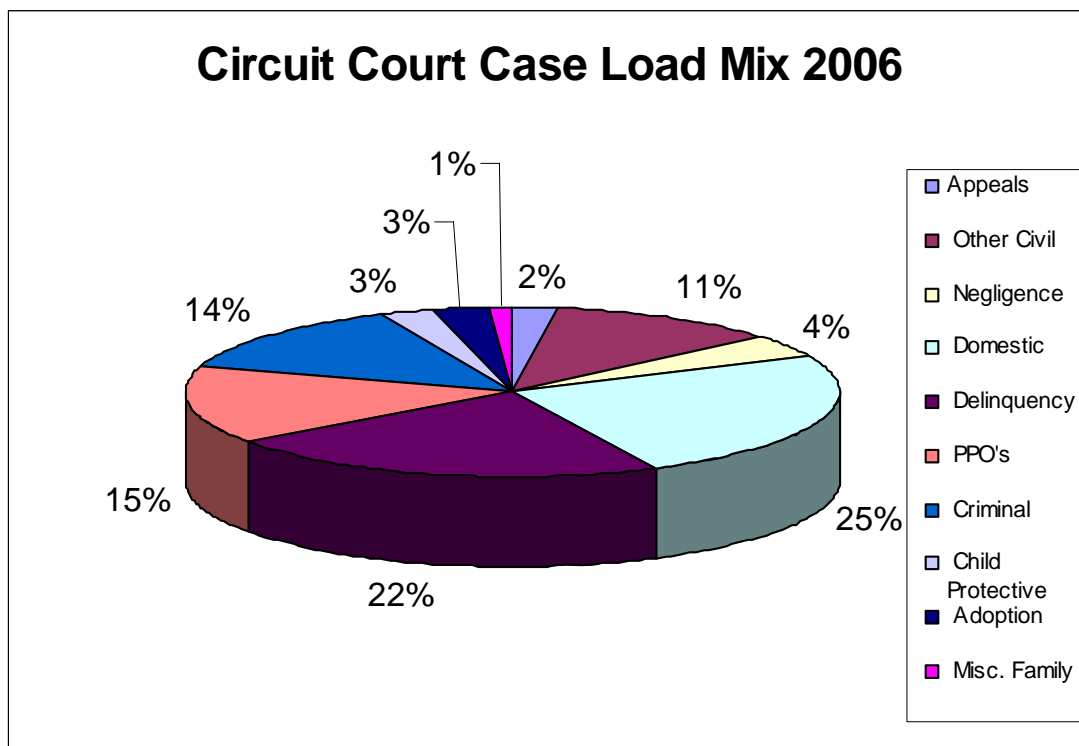
Negligence/Other Civil Cases

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 2006, 144 new negligence cases were filed which represents an all time low of only 4.13% of the new case filings. General and other civil matters constituted 12% of the new case filings at the beginning of the decade. In 2006, 368 (10.55%) 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

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

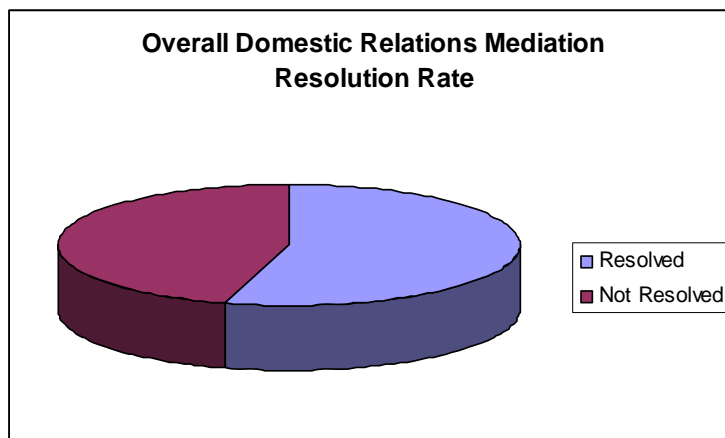
There were 33 cases set for a final settlement conference. Of those, 30 were settled before or at the final settlement conference, 2 were dismissed before trial and 1 proceeded through a trial. A total of 34 cases that were referred to case evaluation are still pending.

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 2006, 160 pre-judgment domestic relations cases were ordered into facilitative mediation for property-related issues. Of those, 57 cases (36%) were settled or otherwise

resolved before the mediation hearing. One case was removed from the mediation schedule by the assigned Judge. Of the 103 cases that were mediated, 57 (55%) were resolved during the mediation hearing and 46 (45%) were not. Another 96 pre-judgment domestic

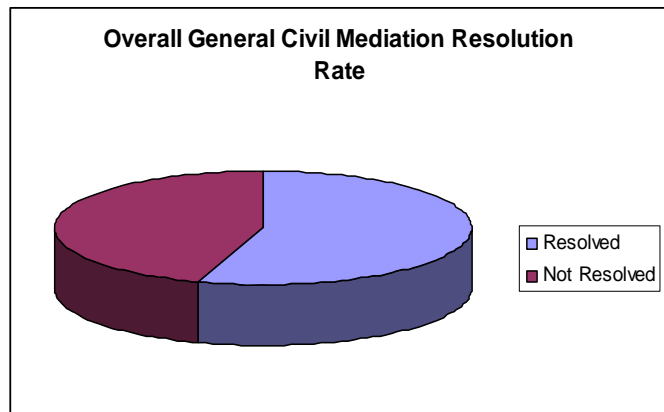


relations cases were ordered into mediation for child-related issues. Of those cases, 47 were resolved by other dispositions before the mediation hearing and 1 case was removed from mediation by the assigned Judge. Of the 49 cases that were mediated, 35 cases (71%) were resolved at the hearing with the mediator's assistance and 14 (29%) were not.

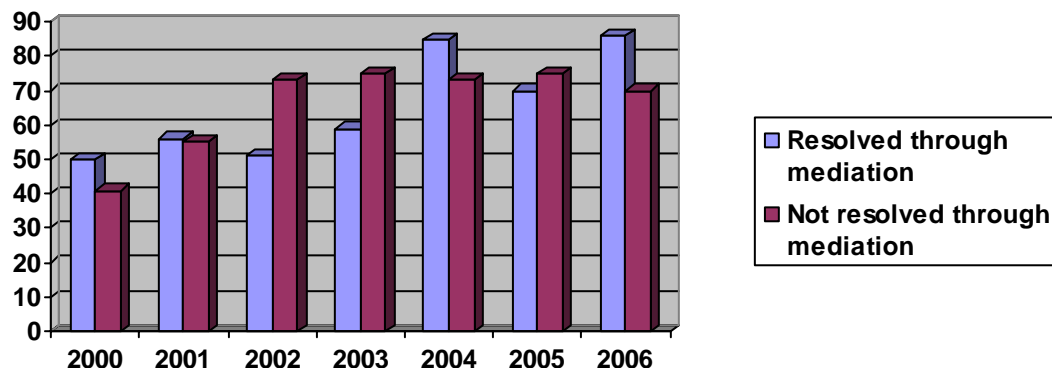
The Referees also ordered 145 domestic relations cases to mediation for child-related issues in pre- and post-judgment matters. Of those, 54 cases were resolved before the mediation hearing, 9 were removed from mediation by the assigned Judge. Of the 91 cases actually mediated, 40 (44%) were resolved through mediation and 51 (56%) were not.

A total of 254 general civil cases were ordered into facilitative mediation. Of those, 96 cases (38%) were settled or otherwise resolved prior to mediation, 1 case was removed from mediation by the assigned Judge, and one case is still pending. A total of 156 cases were mediated. Of those, 86 cases (55%) were resolved and 70 cases (45%) were not resolved.

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 2006, the Thirteenth Circuit Court Judges sentenced 354 felons. Of those, 149 were sentenced to prison; 53 were sentenced to jail; 144 were sentenced to probation with jail time; and 8 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 2006, the prison commitment rate in Leelanau County was 28.6%; in Antrim County the prison commitment rate was 25%; and in Grand Traverse County the prison commitment rate was 34.8%, for an overall prison commitment rate of 29.5%. By comparison, the state prison commitment rate was 21.7%. 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 2006.

| CRIME TYPE | NUMBER SENTENCED |
|--|-------------------------|
| CRIMES AGAINST A PERSON | |
| Aggravated/Felonious Assault | 11 |
| Aggravated Stalking | 1 |
| Assault and Battery | 8 |
| Capturing/Transmitting Image of Unclothed Person | 2 |
| Child Abuse | 1 |
| Child Sexually Abusive Activity | 3 |
| Criminal Sexual Conduct | 14 |
| Domestic Violence | 6 |
| Home Invasion | 10 |
| Negligent Homicide | 1 |
| OUIL w/ Occupant Under 16 | 2 |
| CRIMES AGAINST PROPERTY | |
| Breaking and Entering with Intent | 16 |
| Embezzlement | 9 |
| False Pretenses | 5 |
| Larceny | 11 |
| Larceny in a Building | 27 |
| Larceny from a Motor Vehicle | 2 |
| Larceny of Firearms | 1 |
| Malicious Destruction of Property | 4 |
| No Account Checks | 5 |
| NSF Checks | 6 |
| Receiving and Concealing Stolen Property | 3 |
| Steal/Possess/Unauth. Use Financial Transaction Device | 9 |
| Unarmed Robbery | 2 |
| Uttering and Publishing | 16 |
| UUMV; UDAA; UUA | 7 |

| | |
|---|--------------|
| CRIMES INVOLVING A CONTROLLED SUBSTANCE | |
| Possession of Analogues | 1 |
| Possess/Manufacture/Deliver Marijuana | 26 |
| Possess/Manufacture/Deliver Cocaine | 19 |
| Possess/Manufacture/Deliver Meth/Ecstasy | 2 |
| Obtain by Fraud | 2 |
| Maintaining a Drug House | 21 |
| CRIMES AGAINST PUBLIC ORDER | |
| Desertion/Abandonment/Fail to Pay Child Support | 21 |
| Gross Indecency | 3 |
| Sex Offender Failure to Register | 4 |
| CRIMES AGAINST PUBLIC SAFETY | |
| Carrying a Concealed Weapon | 7 |
| Driving with a Suspended/Revoked License | 1 |
| Fleeing/Eluding/Resisting/Obstructing Police Officer | 12 |
| OUIL 3 rd | 55* |
| CRIMES AGAINST PUBLIC TRUST | |
| False Report of Felony | 2 |
| Obstruction of Justice/Perjury/Tampering with Witness | 3 |
| MISCELLANEOUS | |
| Accessory After the Fact | 2 |
| CIRCUIT TOTAL | 354** |

*Of the 55 OUIL 3rd defendants, 44 were convicted of OUIL 3rd, 2 were convicted of OUIL 2nd, and 9 were convicted of OUIL. None of them was placed on straight probation. Ten were placed on probation with substantial jail time. Twelve were sentenced to jail time and 33 were sentenced to prison terms.

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



Antrim County
Dawn Bard, Christa Gaugler, Jim Ribby

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.

In 2006, the Probation Department completed 43 pre-sentence investigation reports in Leelanau County, 139 in Antrim County and 246 in Grand Traverse County for a total of 409 or an average of almost 34 pre-sentence investigation reports per month. These figures include new conviction and delayed sentence updates, but not probation violation updates. There were a total of 117 probation violations initiated in 2006 that required pre-sentence investigation report updates - 24 in Antrim County, 20 in Leelanau County and 73 in Grand Traverse County - approximately 9.75 per month.



Leelanau County
Steve Brett, Linda Lautner



Grand Traverse County
Back Row: Linda Lautner, Chuck Welch, William Flemming, Jim Monette, Bill Catinella,
Front Row: Tom Chapman, Jo Meyers, Sandra Blake, Sally Miklos

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 24,664 county jail bed days (almost 70 daily) during the 2005-2006 fiscal year. Eighty-two percent (82%) 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, Donna Keith and Mary Orth. The members of the Leelanau 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 Jones 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 not have been convicted of a felony.

In 2006, 927 people were summoned for jury service in Leelanau County. Of those prospective jurors, 407 were required to report for duty and 45 actually served in the 3 criminal and 3 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 \$24,011.00. In Antrim County, 947 jurors were summoned in 2006, 256 reported for duty and 68 actually

served in the 5 criminal cases and 3 civil cases that went to trial. The total cost to Antrim County was \$15,282.12. In Grand Traverse County, 2,231 prospective jurors were summoned; 604 reported for duty; and 171 actually served in the 11 criminal and 5 civil cases that went to trial. The total cost of jury service in Grand Traverse County was \$49,160.15.

COUNTY LAW LIBRARIES

Grand Traverse, Leelanau and Antrim Counties each has its own law library to which the judges and their staff have access. The Grand Traverse Law Library, located on the fourth floor of the Grand Traverse County Courthouse in Traverse City, is the largest of the county libraries and is open to the public on weekdays from 8:30 am to 5:00 pm. 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 Grand Traverse County Law Library 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.

George Beeby took over the dual role of bar association manager and law library manager this year. He succeeds Lori Luckett who has gone on to manage a new family business. George practiced law in the area from 1975 to 2000. For most of those years, he was a partner in the firm of Cunningham, Davison, Beeby, Rogers and Alward. He is a past president of the GTLA Bar Association and was involved in many of the “No Talent Shows.” In recent years, George worked with Coldwell Banker Schmidt Realtors and was the Executive Director of the Old Towne Playhouse.

SPECIAL EVENTS, AWARDS AND RECOGNITIONS

AWARDS

2006 Acts of Caring Award

The Grand Traverse County Family Division of the 13th Circuit Court was chosen to receive a NACo 2006 Acts of Caring Award. The National Association of Counties, in partnership with Freddie Mac, carries out the Acts of Caring Program which recognizes top County Volunteer programs in the country.

The Court's Volunteers in Prevention Program was chosen after a review by judges from the Points of Light Foundation, the American Red Cross, America's Promise - the Alliance for Youth, the Child Welfare League of America and the National Association of Volunteer Programs in Local Government. Only 18 other counties in 6 categories were chosen to receive this prestigious award, with only four being within the same population category as Grand Traverse County.

Linda Fawcette, Director of Volunteers, attended the breakfast ceremony on May 4th at Capitol Hill in Washington, D.C. on behalf of the Family Division. The volunteer program provides a huge service to our community and this award is a direct result of the dedication and commitment on behalf of our citizens.

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 to a non-lawyer member of the community who promotes a better understanding of the Constitution and Bill of Rights as they affect our lives, encourages a greater respect for our laws and courts, stimulates a deeper sense of individual responsibility so that citizens recognize their duties in addition to their rights, contributes to the effective functioning of the democratic institutions of government, and fosters a better understanding and appreciation of the rule of law with fairness and consistency.

Lizabeth Messing was this year's Liberty Bell Award recipient. Liz has served on the Northwestern Branch of the ACLU since 1970. She is a tireless advocate of the Bill of Rights. Liz has spoken publicly on numerous occasions about various timely constitutional issues to stimulate a deeper sense of individual responsibility so that citizens recognize not only their rights, but also their responsibilities. As Library Media Specialist at Traverse City Central High School for many years, Liz is also active in protecting student rights.