

# THE THIRTEENTH JUDICIAL CIRCUIT COURT ANNUAL REPORT

2009 EDITION

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Donald Harrison and UpNorth Memories©

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# INTRODUCTION

by

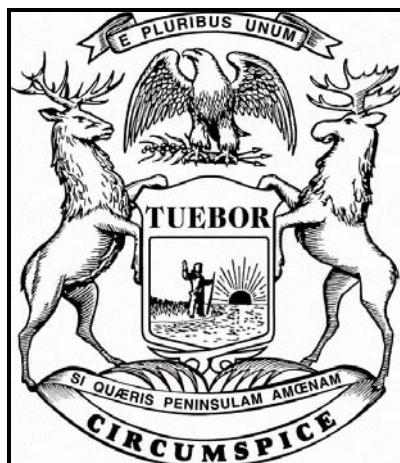
Honorable Philip E. Rodgers, Jr.

As the first decade of the 21<sup>st</sup> Century came to close amid a great recession and a housing foreclosure crisis, we looked back at 2009 and its impact on the communities this Court serves. We were fortunate to experience relatively stable revenues through the year and benefited from the efforts of an outstanding, hardworking and highly efficient staff. The Court continued to resolve its cases well within the Supreme Court's mandated time disposition guidelines and lawyers and litigants in increasing numbers embraced the opportunity to negotiate and resolve cases utilizing the alternative dispute resolution mechanisms the Court provided to them. Sadly, many of those cases were mortgage foreclosures and suits to collect debts.

As the recession deepens and revenue from all sources declines, the challenges facing the Court will be formidable. Without adequate staffing, the timeliness of assistance to families and the amount of that assistance will be diminished. Staffing allows the Court to manage its docket effectively, including the alternative dispute resolution process. The collection of fines, costs and restitution for victims will be compromised. Fines support our local libraries and costs diminish the expense of court appointed counsel.

Staff and technology are the keys to managing an efficient trial court. Neither the state of Michigan nor the counties within this Circuit have or should spend the financial resources which would be necessary to resolve the majority of disputes through a jury trial. Whether the cases are criminal or civil, negotiation within the structure of an aggressively managed schedule has become the benchmark of cost effective dispute resolution.

As the coming year unfolds, we look forward to working with our constituent county commissions, our state legislators and the Michigan Supreme Court in addressing the financial hurdles facing the Michigan judiciary. We have enjoyed their support for many years and trust they rely upon us to provide fair and cost effective justice to all our constituents. We hope to do more with less by implementing technological changes. Technology, of course, is not free. But, with a cooperative and focused approach on costs and benefits we believe the Court will weather the storm.



# HONORABLE JOSEPH E. DEEGAN

May 31, 1937 - July 23, 2009



We have but faith: we cannot know;  
For knowledge is of things we see  
And yet we trust it comes from thee,  
A beam in darkness: let it grow.

Alfred, Lord Tennyson  
From *In Memoriam A. H. H.*

The Honorable Joseph E. Deegan passed away on July 23, 2009 after serving 8 years as a Leelanau County prosecutor and 21 years as Leelanau County Probate and Family Court Judge.

Judge Deegan attended Sacred Heart High School and Seminary and received his juris doctorate in 1963 from the University of Detroit Law School. After graduating, Judge Deegan worked as an assistant in the Macomb County Prosecutor's office and at a private law practice in Utica before he and his family moved to Leelanau County in the early 1970s. Deegan won his judgeship in 1988 and was re-elected three more times.

Judge Deegan was beloved by his family, friends and co-workers. Deegan has been described as: a well-respected, true gentleman of character; a humanitarian with common sense and a good temperament; upbeat; an excellent lawyer; a fantastic judge; a person that enjoyed his work; a man dedicated to the young people; a public servant; and an individual who touched many lives, put people first and did not take the community for granted. An individual who worked with Judge Deegan eloquently stated, "We've lost the captain of our ship." Judge Deegan touched the hearts of many and will be greatly missed.

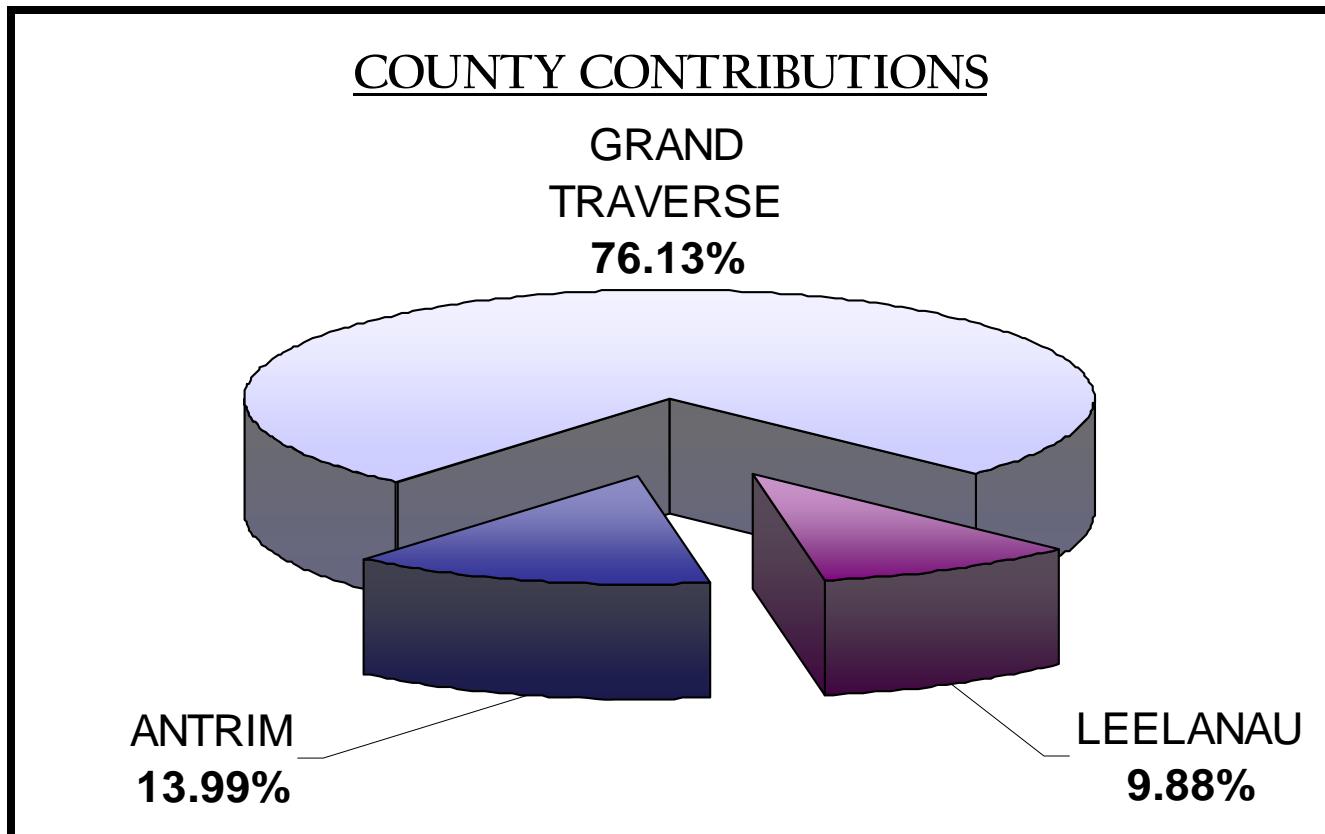
## COURT FINANCES

The Joint Judicial Commission was established pursuant to an Inter-County Operating Agreement and is intended to act as a liaison committee among the counties and Judges to coordinate financial and administrative responsibilities between the counties and Courts. Members of the Commission include Circuit Court Judges, the Court Administrator, a board chairperson, chairperson of the Finance/Ways and Means Committee, County Administrator/Coordinator and a Chief Administrative Fiscal Officer from each county.

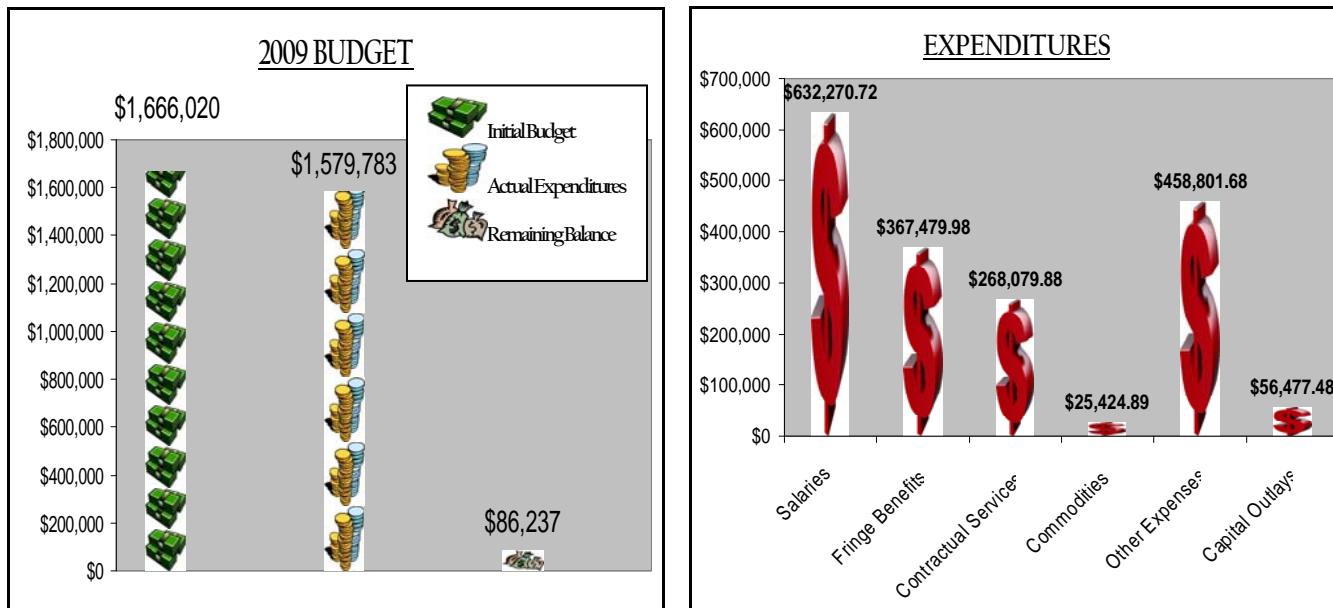
### REVENUES AND EXPENDITURES

Grand Traverse County is the designated fiscal agent for the Thirteenth Circuit Court and is responsible for the processing, auditing, verification and payment of all operating expenses and for maintaining the Circuit Court Operating Fund. The Operating Fund pays for 'cost-shared' expenses such as salaries, fringe benefits, office space, computer data processing, office supplies and other capital expenditures. Each individual county separately pays its 'cost-direct' expenses such as court appointed attorneys fees, jury fees, witness fees, transcript fees and courthouse security costs.

Additional revenue comes from filing fees, court costs assessed by the County Clerks' Offices and the State of Michigan. The following chart shows what percentage of the total revenue each county contributed to the Operating Fund.

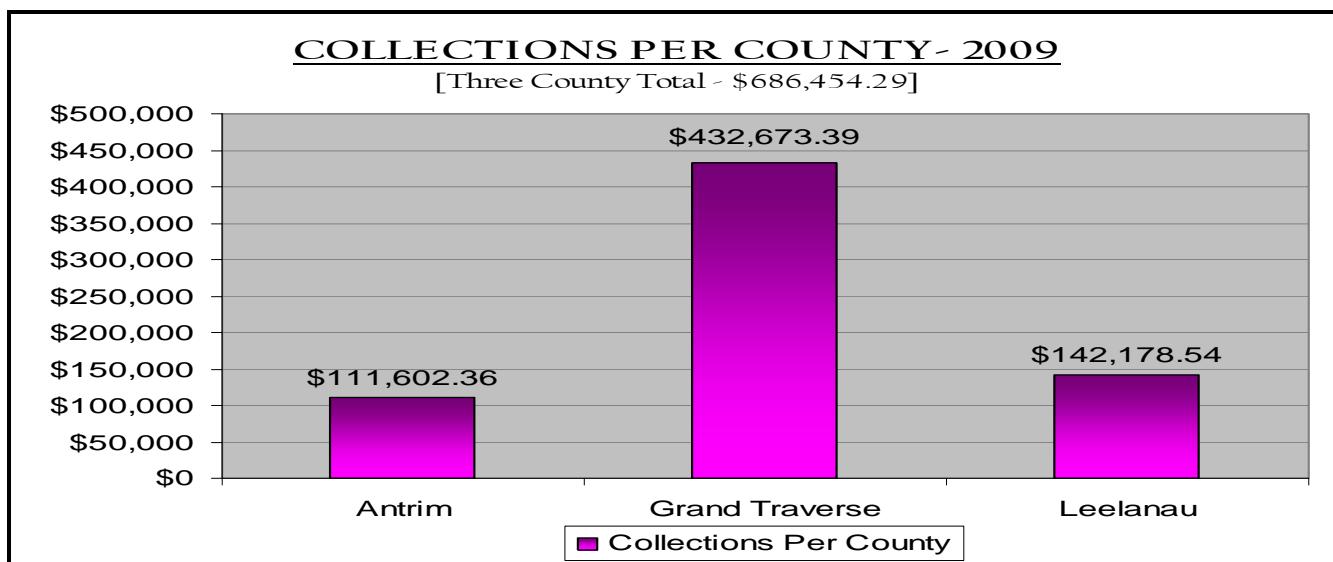


Expenditures are divided between the following six categories: (1) salaries for judicial, administrative and Friend of the Court staff; (2) fringe benefits for judicial and administrative staff, including FICA; (3) contractual services, which includes payments for defense counsel, transcripts, juror payments and mileage, interpreters, professional services and other items necessary for administration and operation of the courts; (4) commodities such as postage and office supplies; (5) other expenses like equipment rentals, printing, utilities, law books, continuing education and liability insurance; and, (6) capital outlays, including legal reference materials, office equipment and furniture.

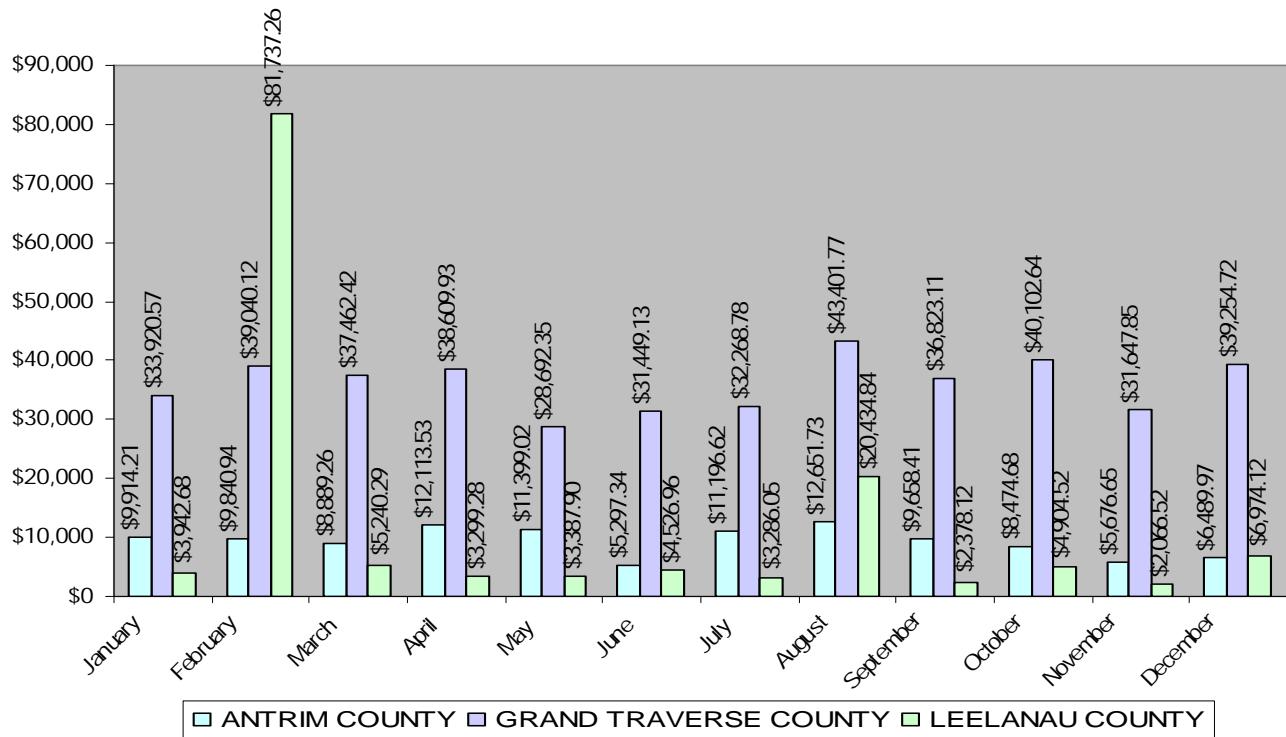


## COLLECTIONS

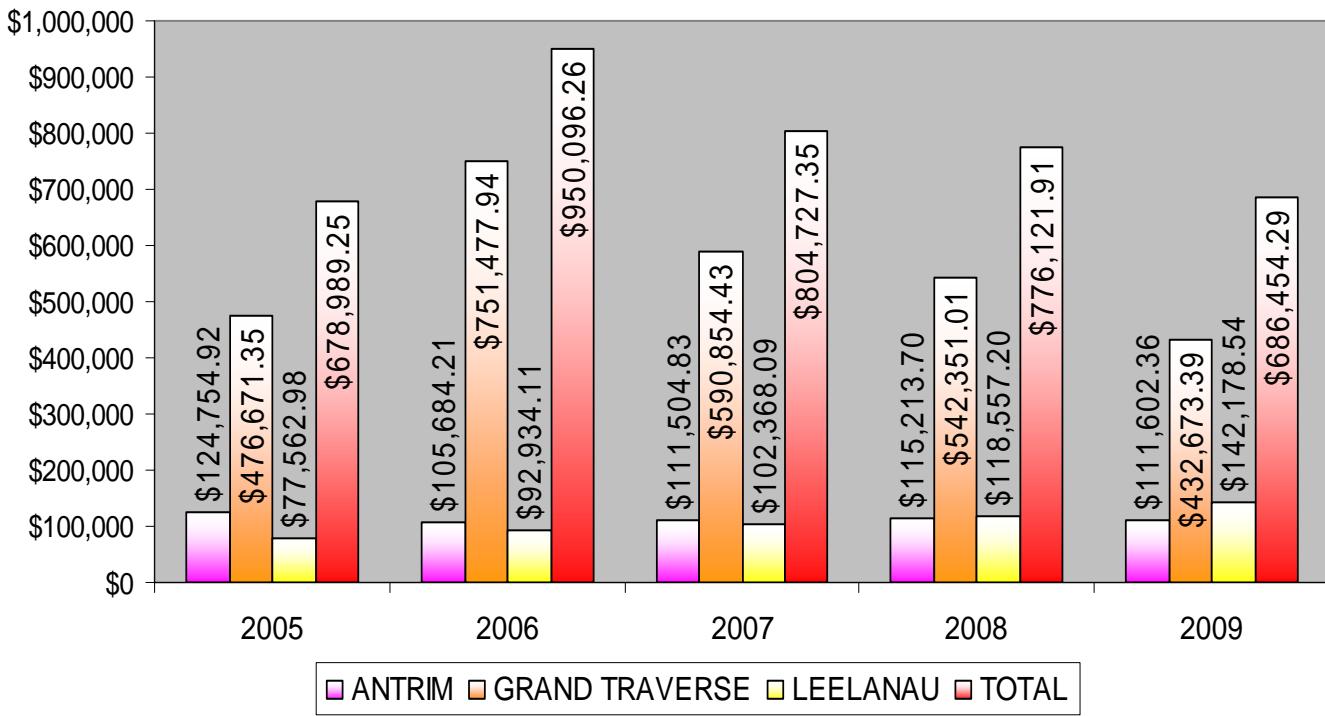
The Court collects fines, costs, court appointed attorney fees, restitution and crime victim fund payments from convicted felons. The funds are distributed amongst the three counties and help support the public libraries, defray the costs of providing court appointed counsel for indigent litigants and as reimbursement to crime victims for their losses.



## COUNTY COLLECTIONS - 2009



## COURT COLLECTIONS TREND

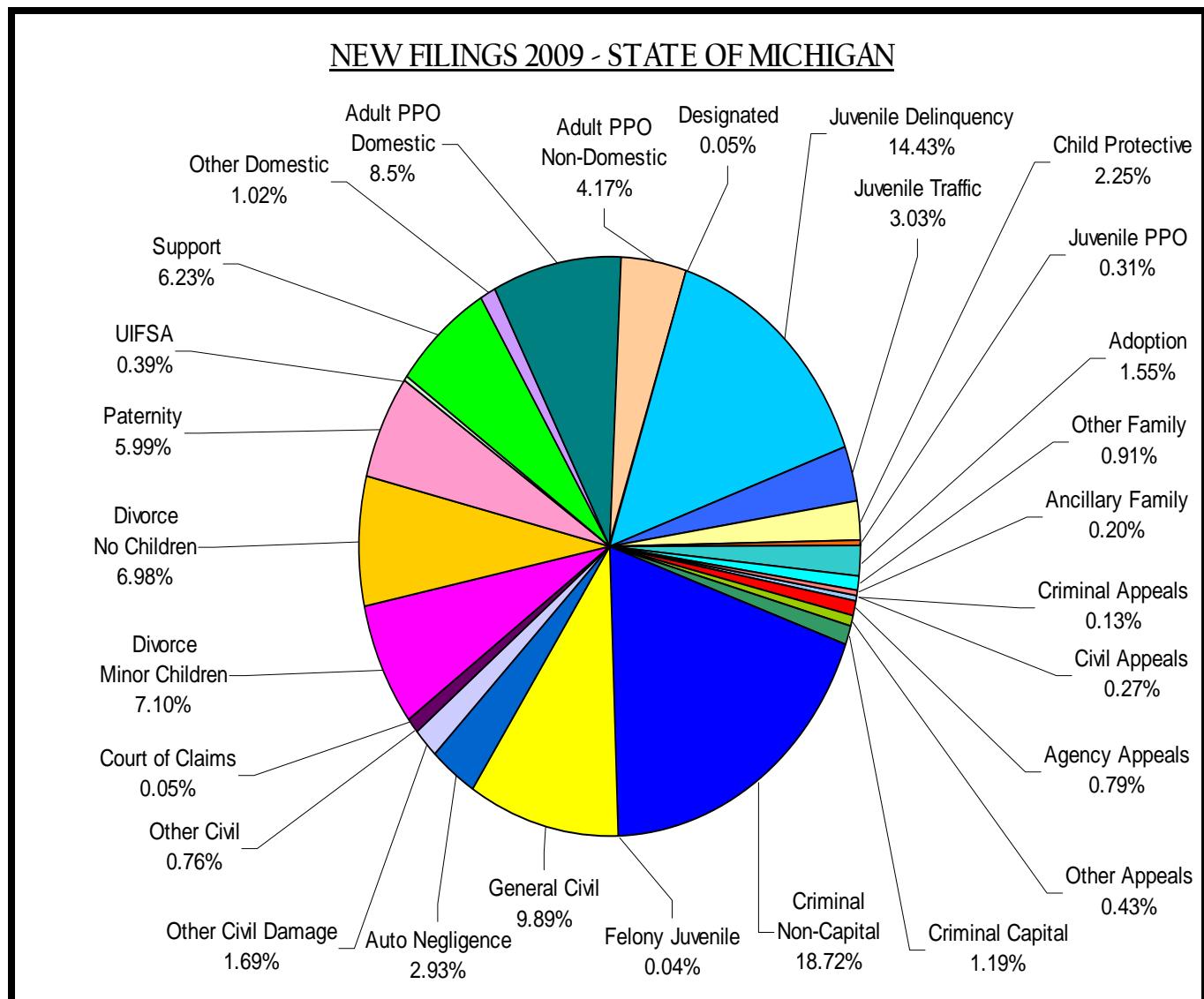


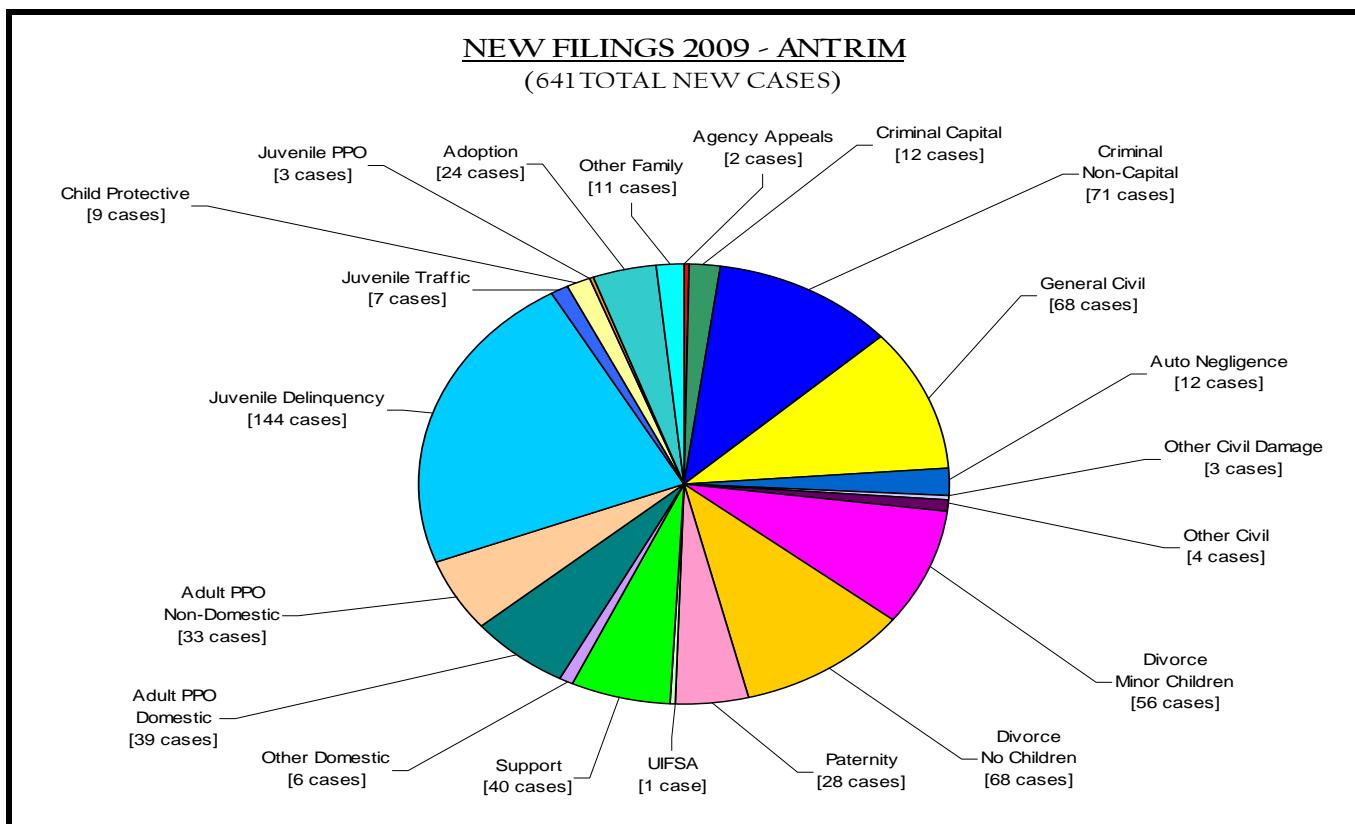
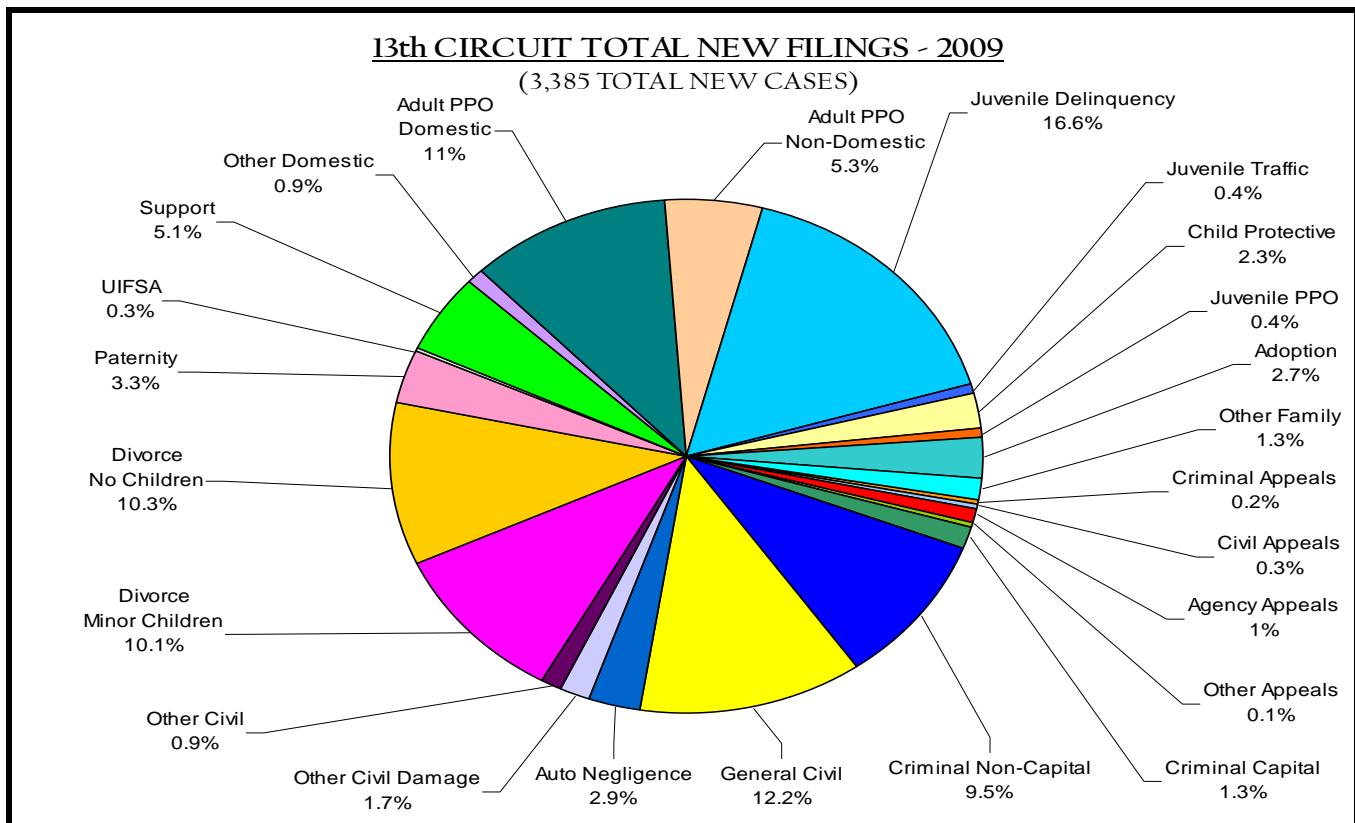
# CASE MANAGEMENT

The Court follows the set time schedule provided by the Michigan Court Rules and Administrative Orders in order to efficiently manage and dispose of its cases. After a new case has been opened, the Court issues a scheduling order setting time limitations for the processing of the case and establishing dates when future actions should begin or be completed in the case. The primary goal of the Court's administrative staff is to ensure that cases are kept current and the docket updated.

## CASELOAD

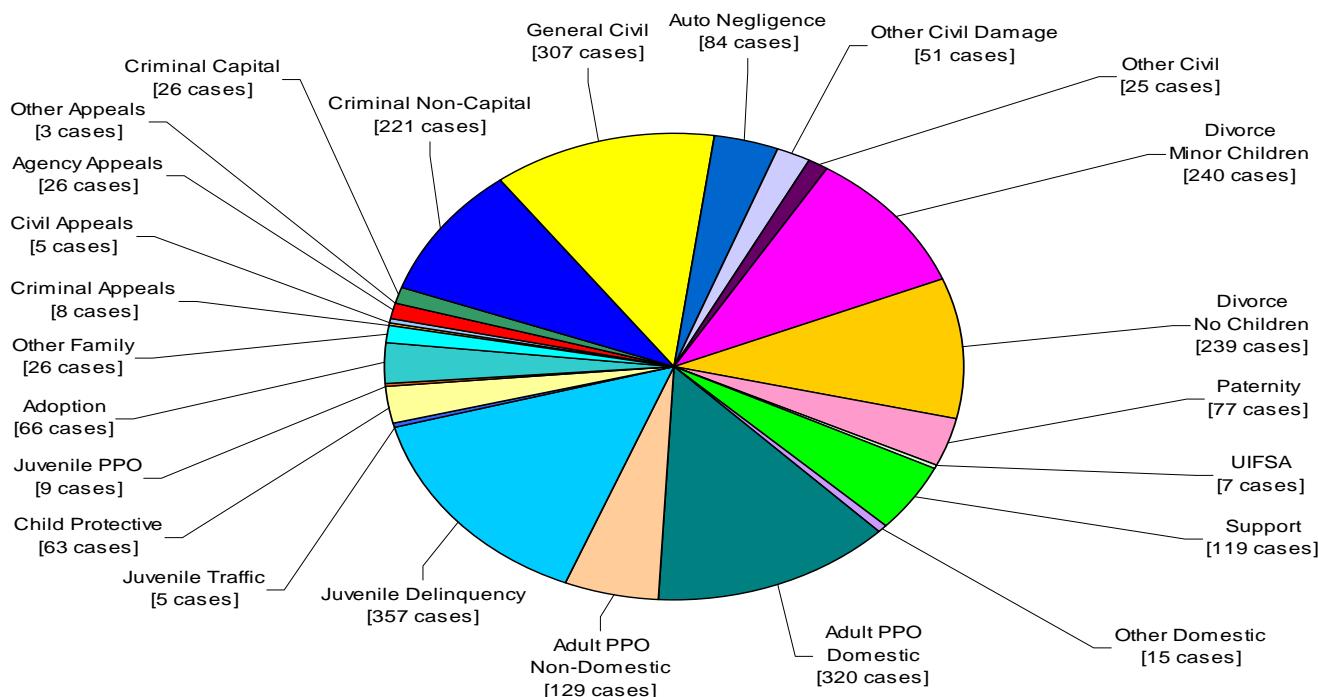
The number and types of cases that are filed each year vary by location. The following charts demonstrate how new cases filed in 2009 compare between the entire state of Michigan and the Thirteenth Circuit and between the individuals counties of Antrim, Grand Traverse and Leelanau.





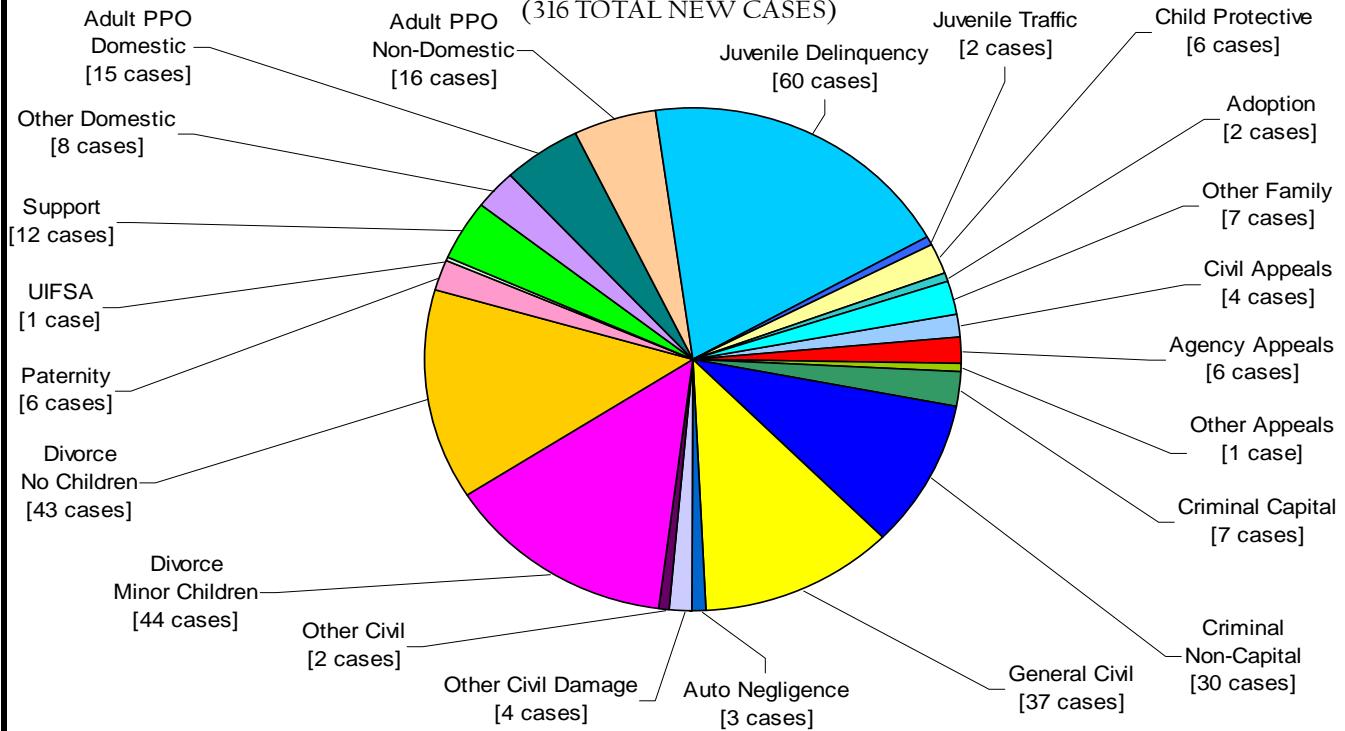
### NEW FILINGS 2009 - GRAND TRAVERSE

(2,428 TOTAL NEW CASES)



### NEW FILINGS 2009 - LEELANAU

(316 TOTAL NEW CASES)



## \* CASE FILING TRENDS \*

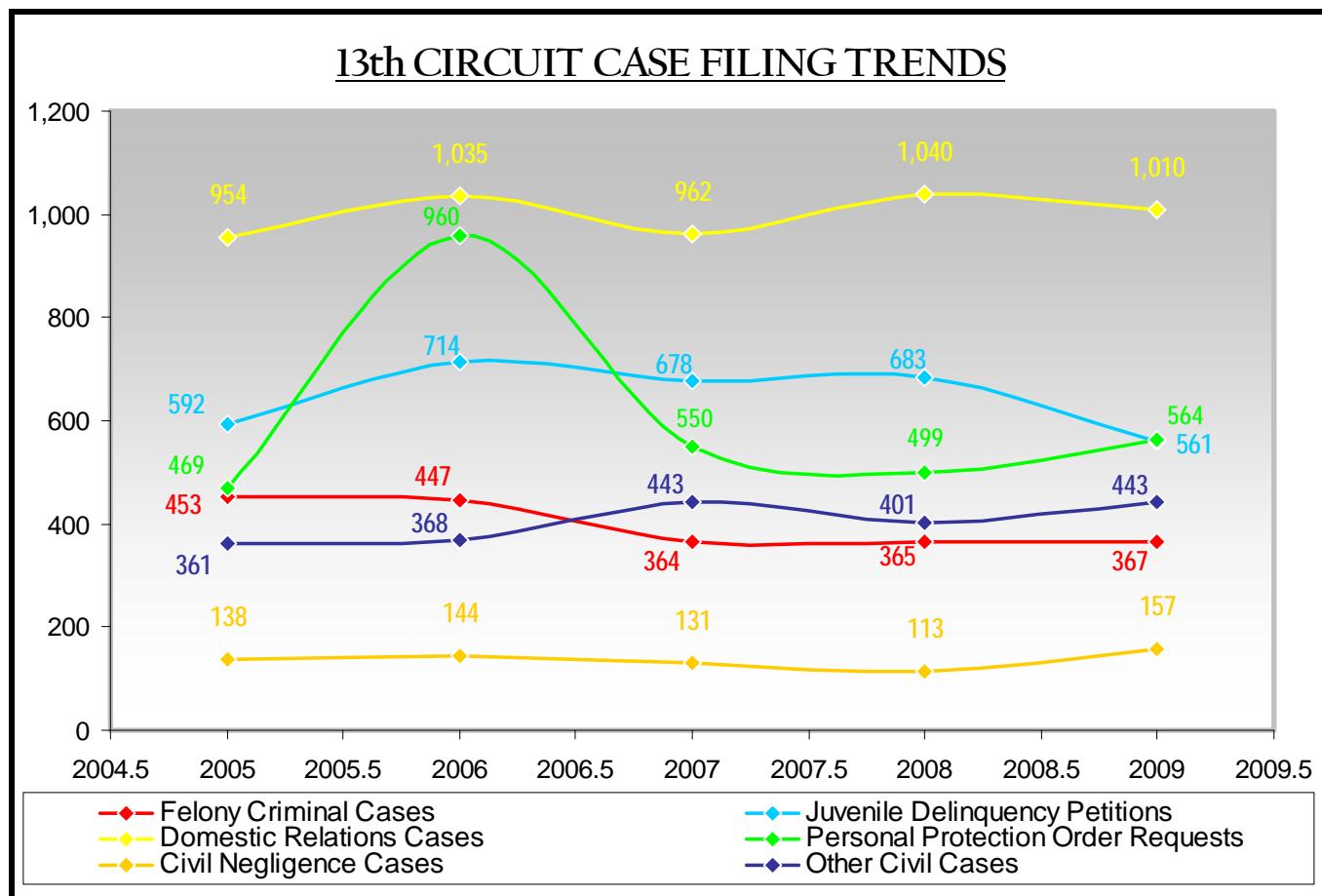
The following two charts compare case filing trends for the State of Michigan and the 13<sup>th</sup> Circuit Court over the past 5 years. The 'criminal' category includes capital, non-capital and juvenile felony cases.

The 'domestic relations' category consists of divorces with and without minor children, paternity cases, UIFSA, and support cases.

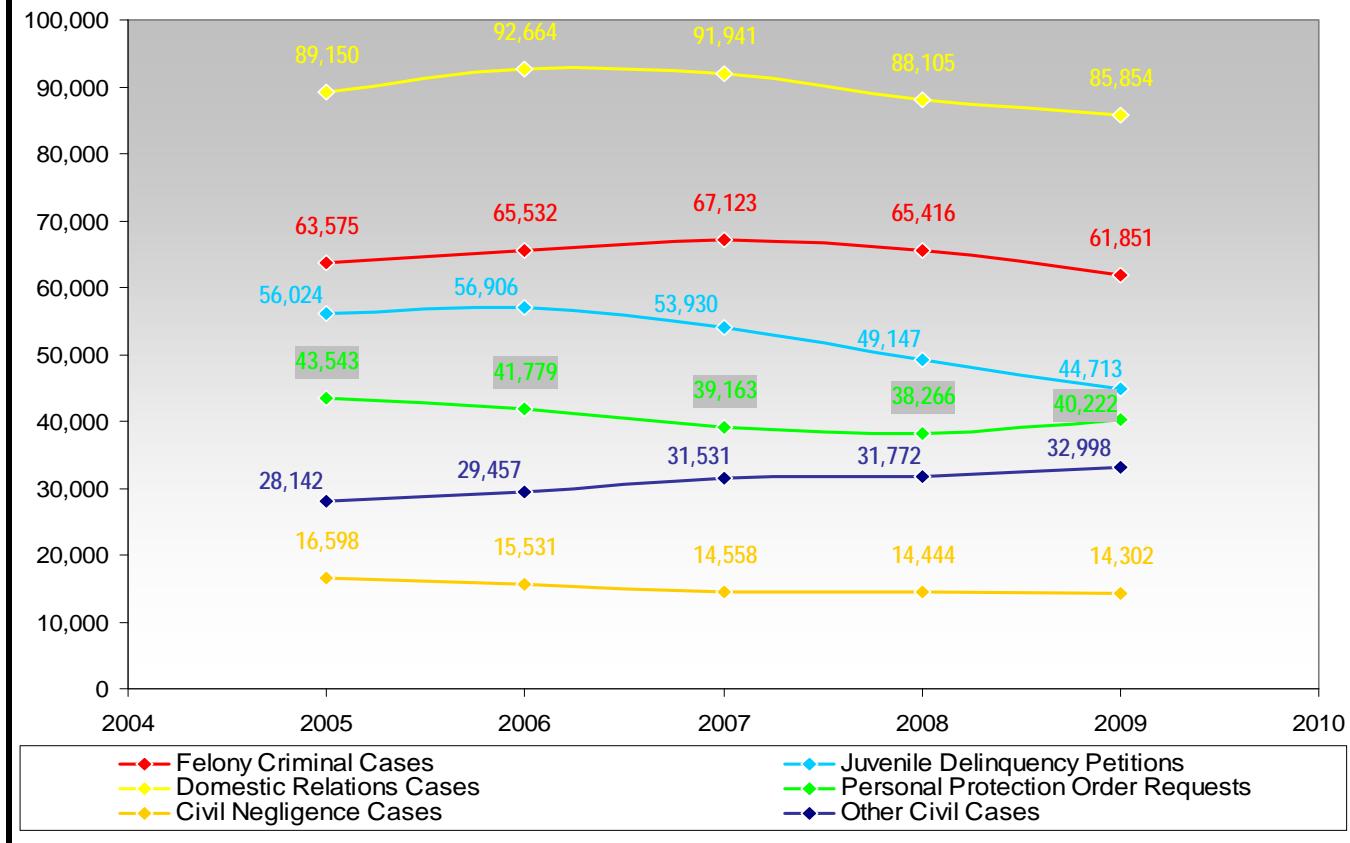
The 'personal protection order' category accounts for all adult domestic and non-domestic petitions, as well as minor personal protection petitions.

Typically, 'civil negligence' cases include motor vehicle accidents causing trauma, medical negligence, premises liability and dispute pertaining to insurance coverage or benefits.

The 'other civil' category includes, but is not limited to, proceedings to restore, establish or correct records, claim and delivery, receivers in supplemental proceedings, supplemental proceedings and miscellaneous proceedings.

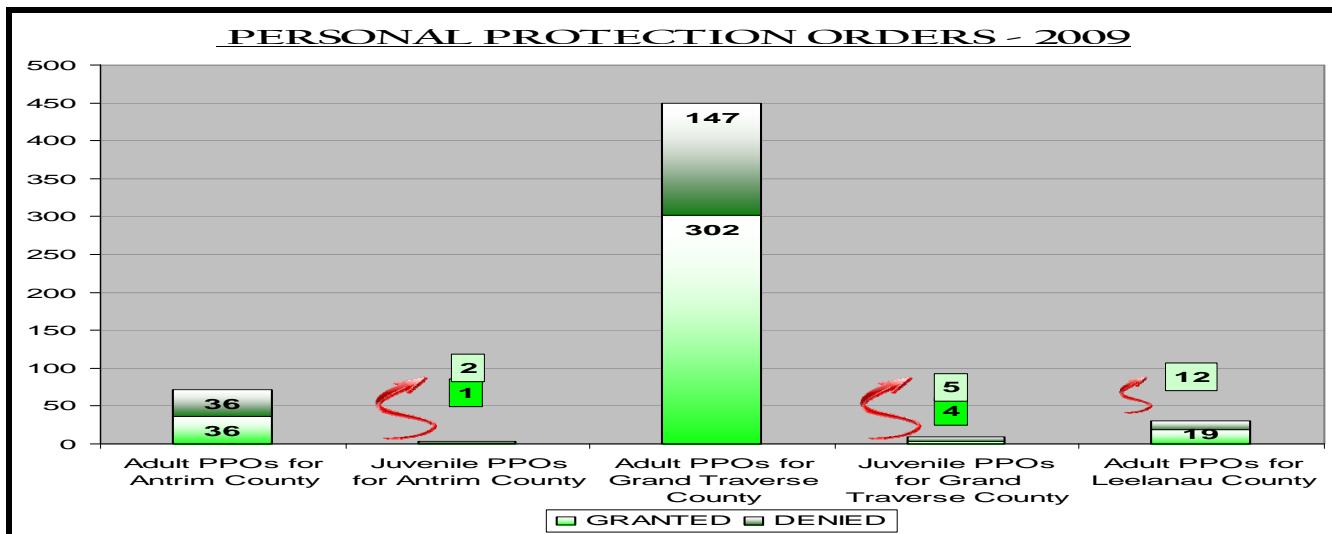


## STATE OF MICHIGAN CASE FILING TRENDS

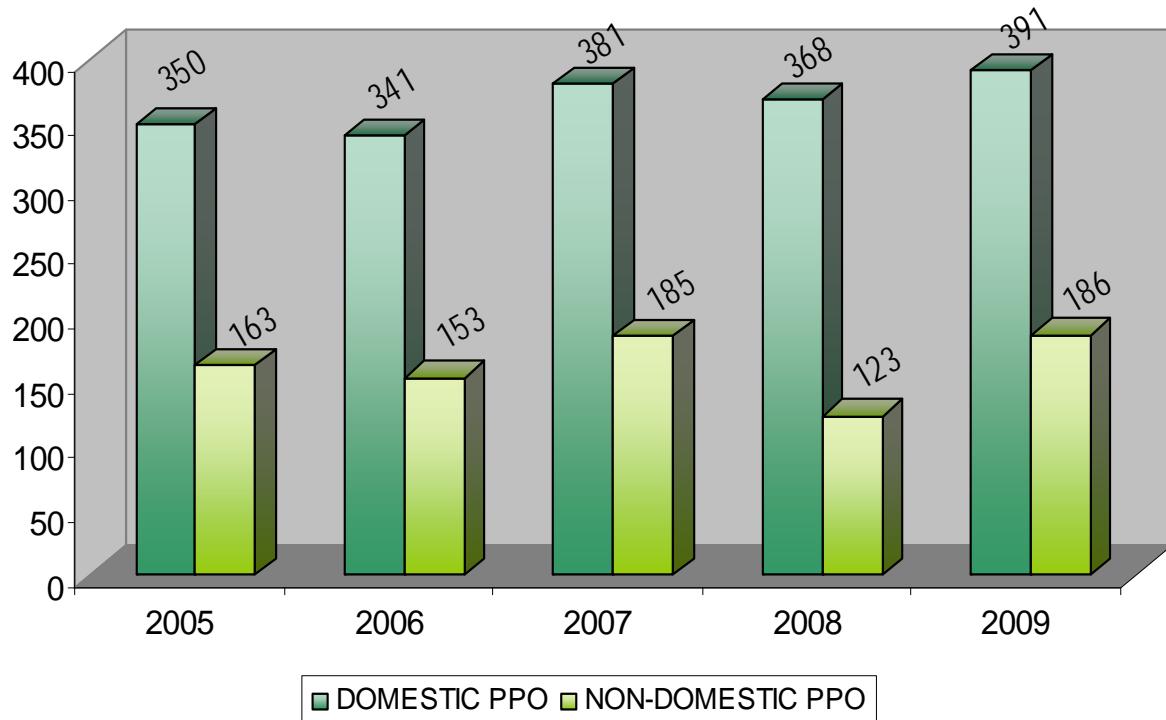


## \* PERSONAL PROTECTION ORDERS \*

In 2009, there were 566 requests for personal protection orders in the 13<sup>th</sup> Circuit. The number of requests for personal protection orders has increased during the previous two years. The following charts depict: (1) the number of requests versus number of personal protection orders granted, and (2) a comparison of domestic versus non-domestic personal protection order during the past 5 years.



## PPOs: DOMESTIC VERSUS NON-DOMESTIC



## \* CASE DISPOSITIONS \*

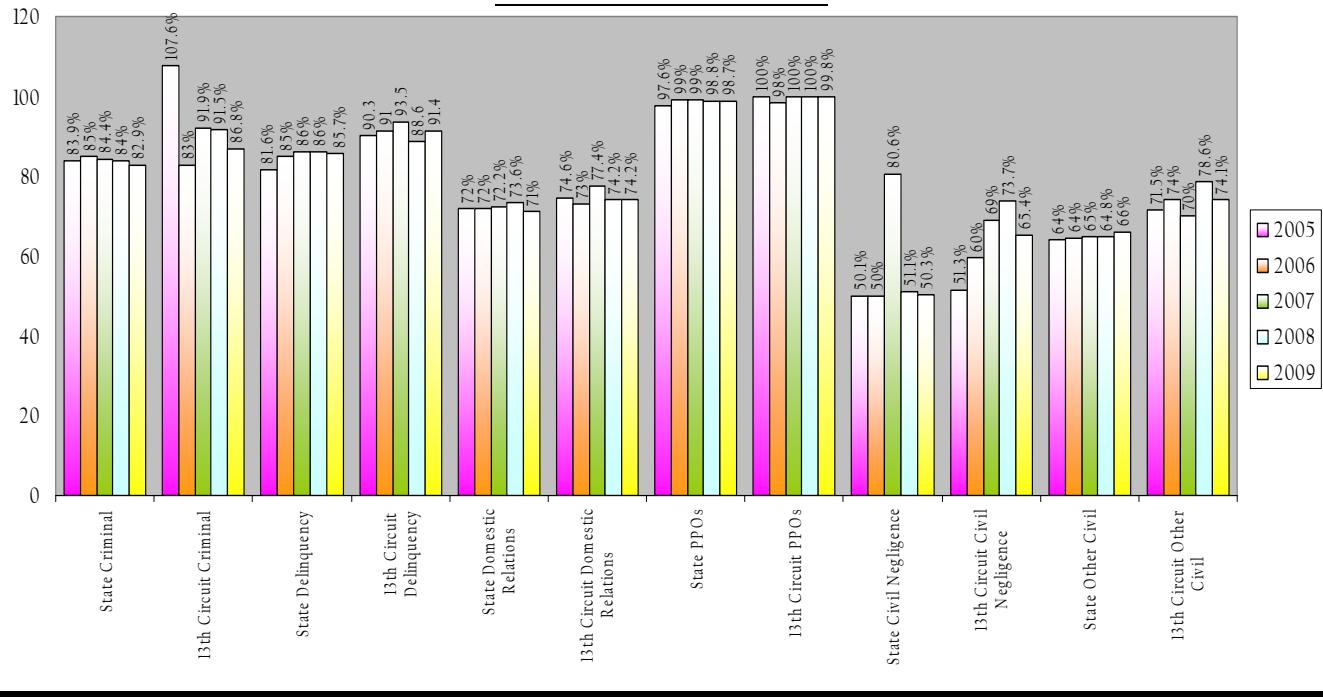
The following chart compares the disposition rates for the state of Michigan (averaging the dispositions for all counties) versus the disposition rates for the 13<sup>th</sup> Circuit Court over the past 5 years.

Methods of disposition include jury verdicts, bench verdicts, uncontested, default or settled cases, dismissal of cases by parties or the Court, transferred cases or cases with type changes. Disposition percentages are representative of case-flow management and indicate the extent to which a court is attending to its total caseload.

The annual disposition percentages are calculated by dividing the number of outgoing cases, cases disposed or made inactive, for the year by the total caseload, which includes cases that begin the year period as pending, new filings and re-opened cases. Because there is a lag in time between when cases are filed and when they are disposed, disposition percentages naturally fluctuate above and below 100%.

On average, the 13<sup>th</sup> Circuit disposes of a larger percentage of cases annually than the average for the state of Michigan for criminal cases, delinquency cases, domestic relations cases, civil negligence cases and other civil cases. The 13<sup>th</sup> Circuit and the State of Michigan have annually disposed of roughly the same percentage of personal protection cases. As evidenced by the 13<sup>th</sup> Circuit's higher disposition percentages, it is clear that case-flow management and responsiveness to the caseload have positively impacted the Court's efficiency.

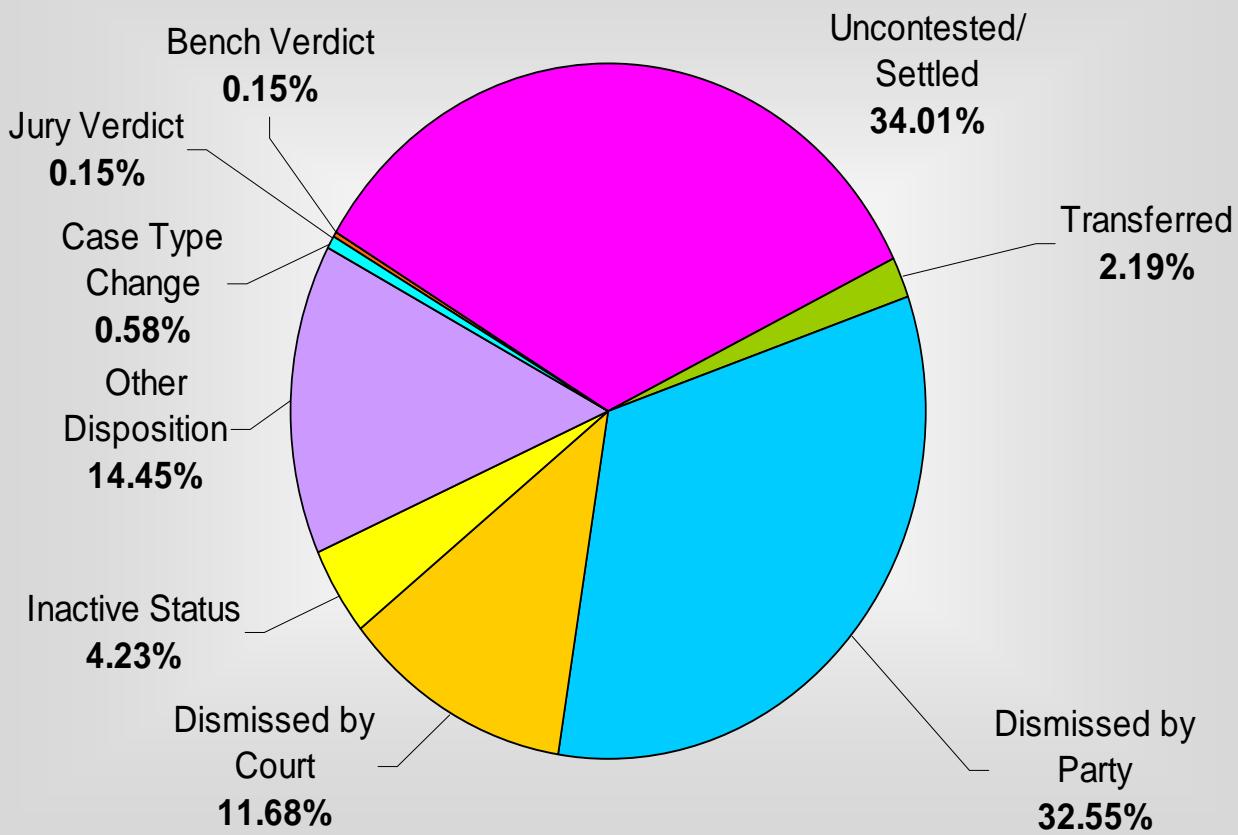
COMPARISON OF DISPOSITION PERCENTAGES FOR THE STATE OF MICHIGAN AND  
THE 13TH CIRCUIT COURT



**CASE TYPE**

	JURY VERDICT		BENCH VERDICT		UNCONTESTED/ DEFAULT/ SETTLED		TRANSFERRED		DISMISSED BY PARTY		DISMISSED BY COURT		INACTIVE STATUS		OTHER DISPOSITION		CASE TYPE CHANGE	
Condemnation									1									
Employment Discrimination									5	1						3		
Environment		1												1				
House & Real Estate		35							28	8	6	13	2					
Contracts		84	3						56	31	14	22	1					
Labor Relations									2	1			2					
Antitrust & Trade													1					
Corporate Receivership									1				1					
General Civil	1	88	4						18	25	4	8	1					
Auto Negligence		1							2				2					
No Fault Auto Insurance		1	2						28	4			9					
Medical Malpractice		1	1						4	2	1	1	1					
Personal Injury Auto Negligence	1	4	2						38	1	18							
Other Professional Malpractice									2	2								
Other Personal Injury		3	1						21	4		13						
Products Liability									1									
Liquor Control									2									
Other Damage Suits									8	1		5						
Claim & Delivery		12	2						6	1		1						
Receivers												2						
Miscellaneous									3									

## CIVIL CASE DISPOSITIONS



## ALTERNATIVE DISPUTE RESOLUTION

Alternative Dispute Resolution (ADR) is any process designed to resolve a legal dispute in the place of court adjudication. ADR includes, facilitative mediation, domestic relations mediation, case evaluation and settlement conferences.

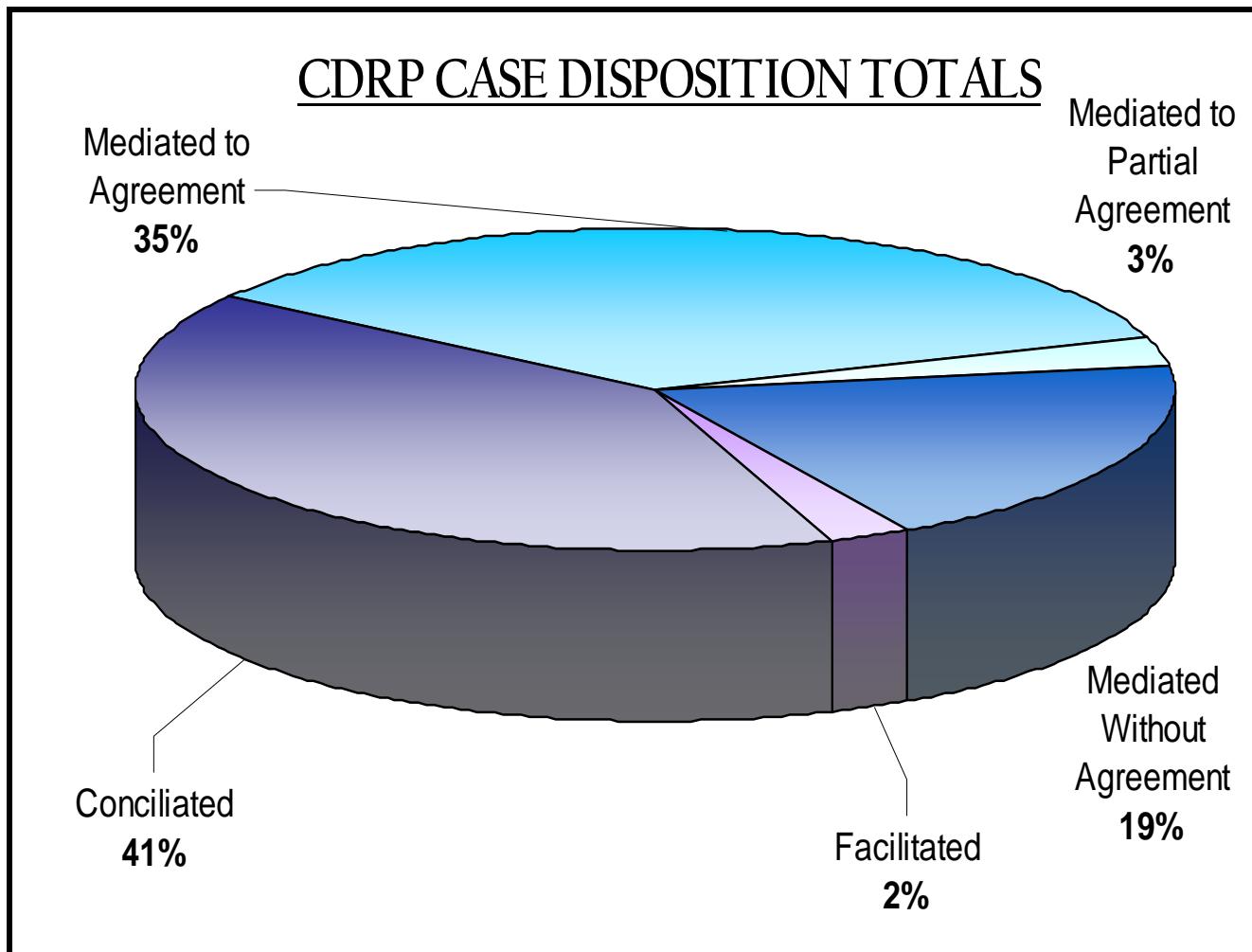
Facilitative mediation is an alternative dispute resolution process in which a neutral third party facilitates confidential communication between the parties in an attempt to help them reach a mutually agreeable resolution. In mediation, solutions are created by the parties, as opposed to litigation, in which the resolution of a conflict is imposed on parties.

Case evaluation is a non-binding, alternative dispute resolution process in which a panel of experienced attorneys, based on written summaries and oral presentations, evaluate the case. All civil cases are subject to the ADR process unless otherwise provided by statute or court rule. ADR helps reduce costs to taxpayers due to reducing the overall need for jurors, compensation for lay and expert witnesses and limiting the need for additional judges and/or courtrooms.

## \* COMMUNITY DISPUTE RESOLUTION PROGRAM \*

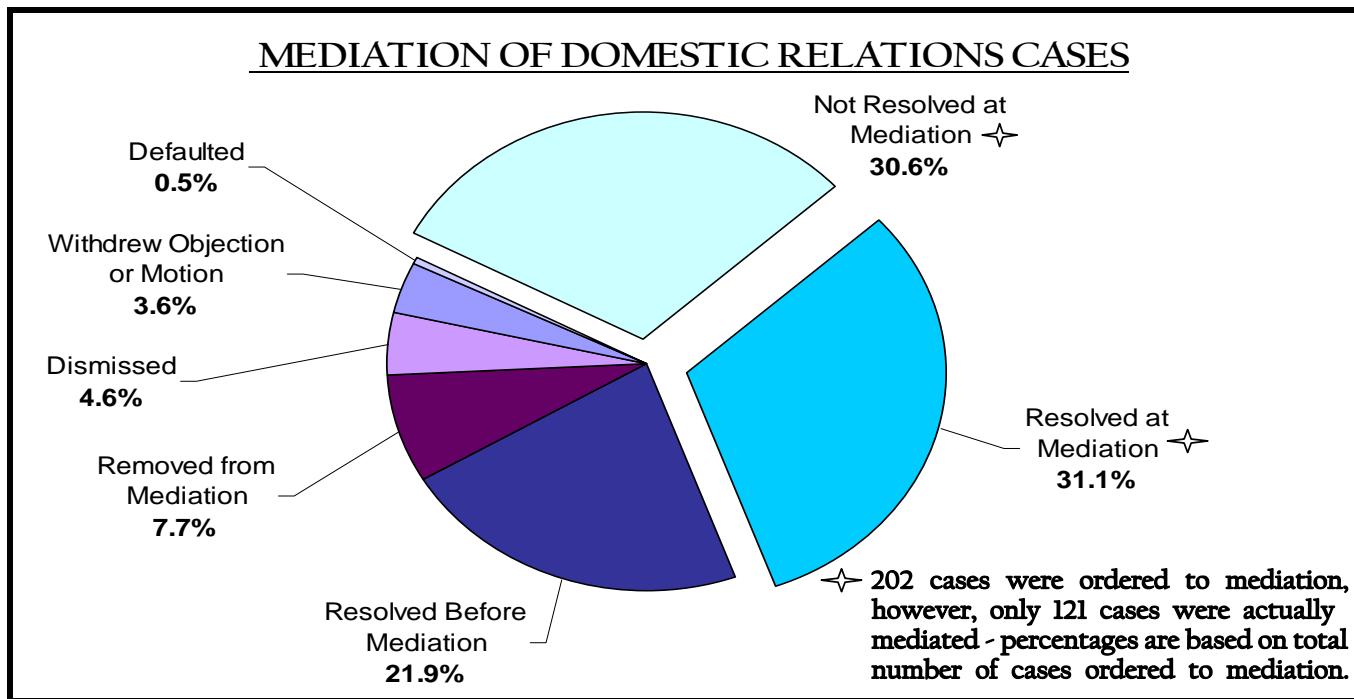
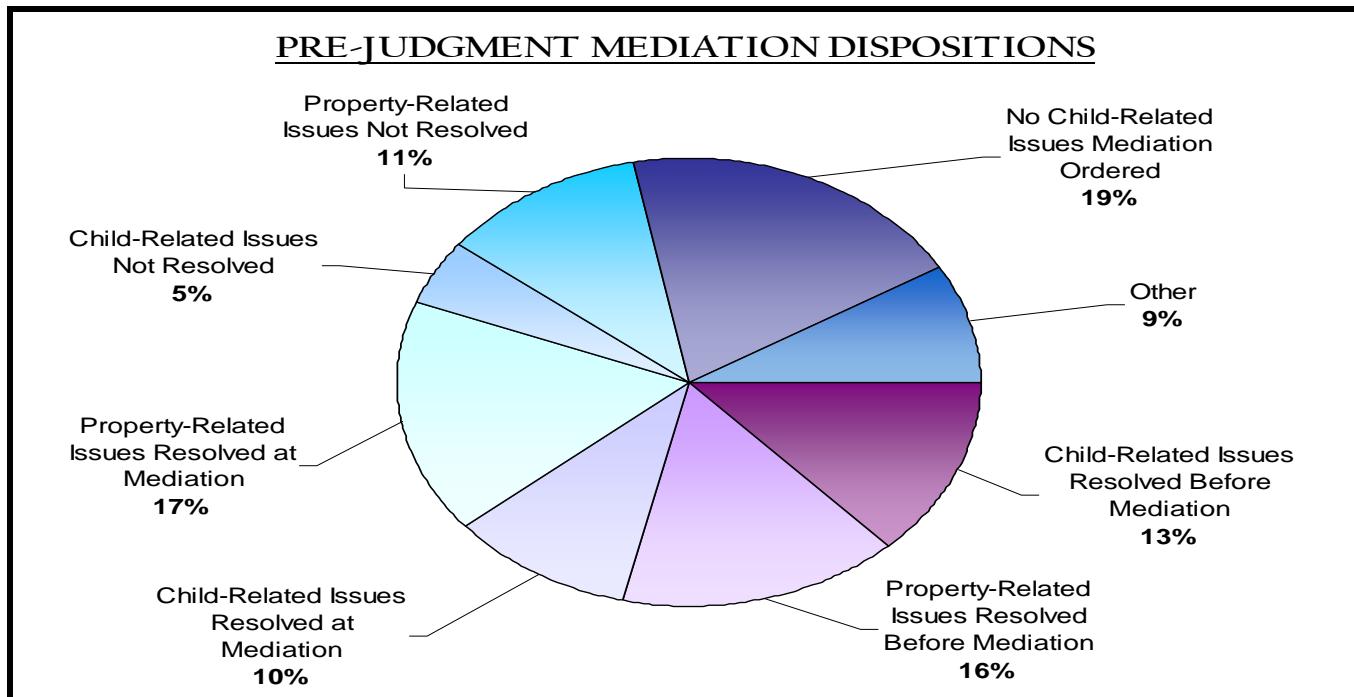
The State Court Administrative Office (SCAO) provides training and support for statewide Community Dispute Resolution Program (CDRP) centers. CDRP centers offer mediation as an alternative to traditional adversarial dispute resolution in the courts. CDRP centers are nonprofit volunteer based organizations that receive grant funding from the SCAO and other sources.

The Thirteenth Circuit Court helps fund Conflict Resolution Services, Inc. as the local source for community dispute resolution. Referrals from the Court to Conflict Resolution Services, Inc. totaled 83.9% of all CDRP cases received in 2009. This program handles cases and offers courses related to access and visitation, marital dissolution, domestic divorce, custody, property, small claims, general civil, probate, guardianship, child protection, special education, landlord/tenant issues and public and private facilitations.



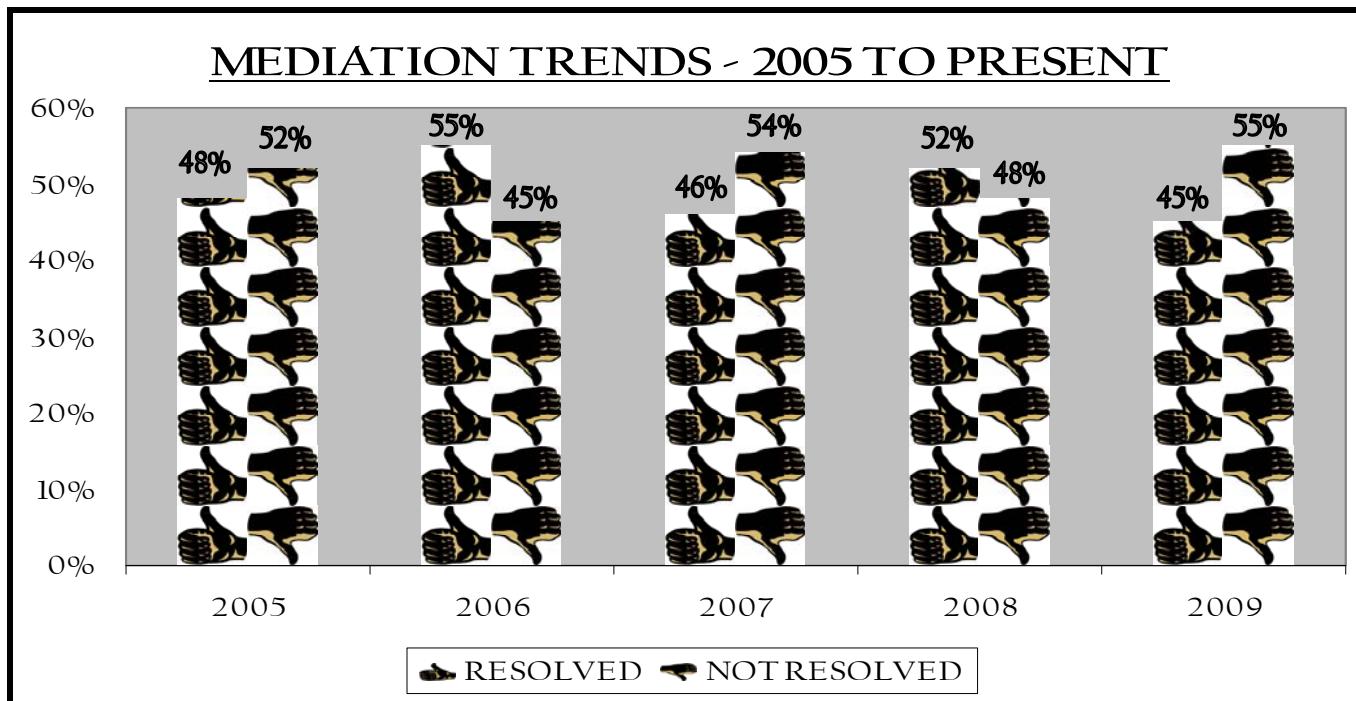
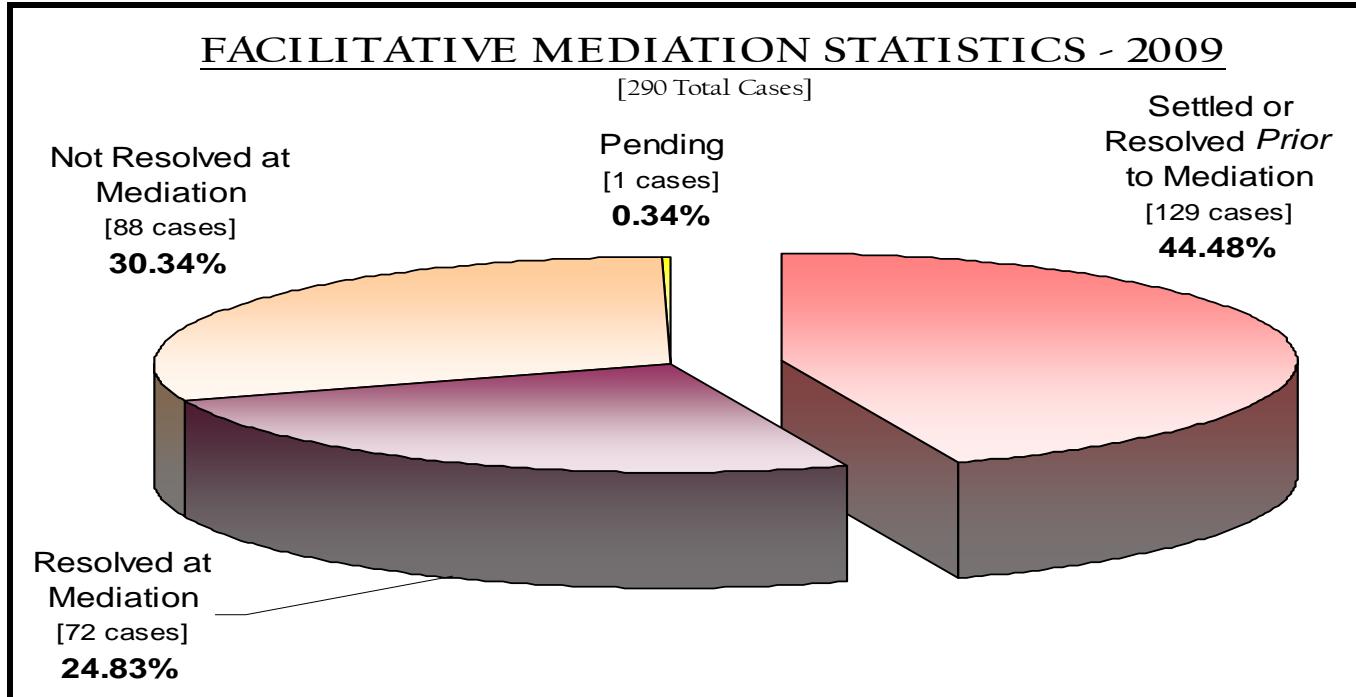
## \* DOMESTIC RELATIONS MEDIATION \*

In 2009, the Court ordered 288 child-related domestic relations cases and property-related domestic relations cases into facilitative mediation. The Domestic Relations Referees ordered 202 cases to mediation for child-related issues in pre and post judgment matters. The following charts represent how these cases were disposed of.



## \* CIVIL ALTERNATIVE DISPUTE RESOLUTION \*

In 2009, 290 cases were ordered to attend facilitative mediation. The following charts depict disposition rates for the cases and parties ordered to attend facilitative mediation in 2009 and during the previous 5 years.



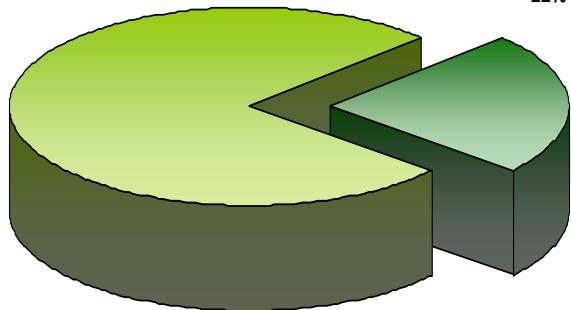
## \* CASE EVALUATION \*

In 2009, 267 civil cases were ordered to participate in case evaluation. The following charts demonstrate the disposition rates and outcomes for cases that were evaluated.

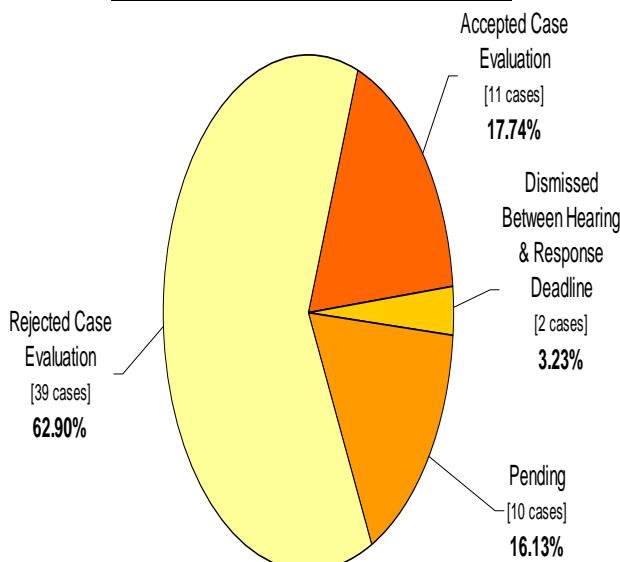
### CASE EVALUATION STATISTICS

Dismissed or Stayed Prior to Scheduling Case Evaluation [205 cases] 72%

Cases Evaluated [62 cases] 22%



### DISPOSITIONS OF EVALUATED CASES



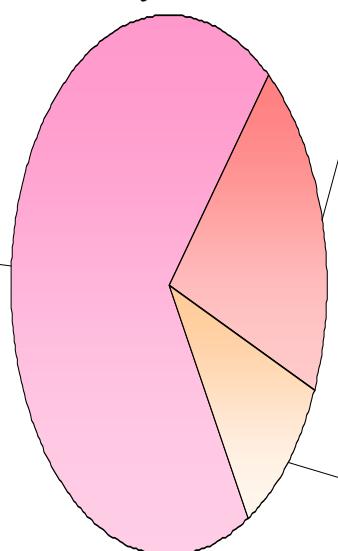
### DISPOSITIONS WHEN CASE EVALUATION

#### REJECTED

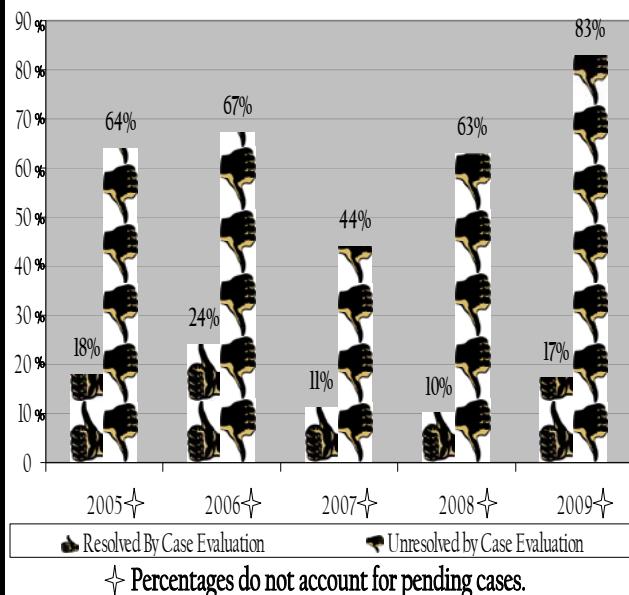
Resolved Before or at Final Settlement Conference [25 cases] 69.23%

Resolved Before Trial [8 cases] 20.51%

Proceeded to Trial [4 cases] 10.26%

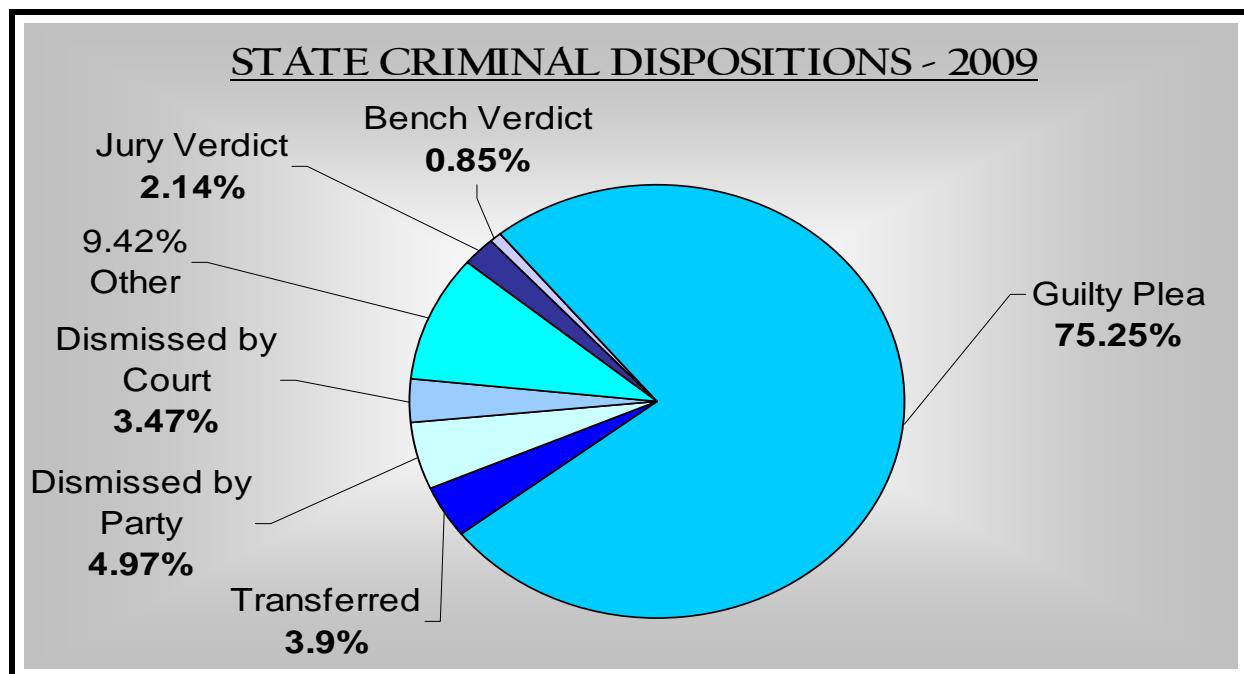
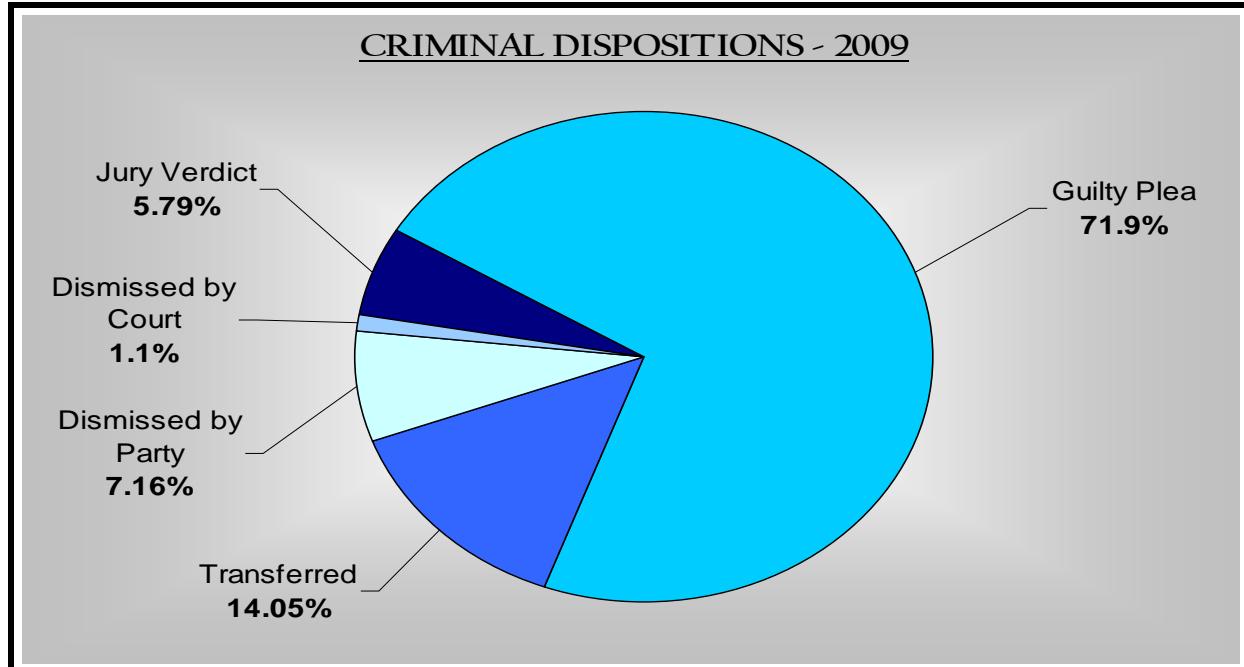


### CASE EVALUATION TREND



## CRIMINAL CASELOAD

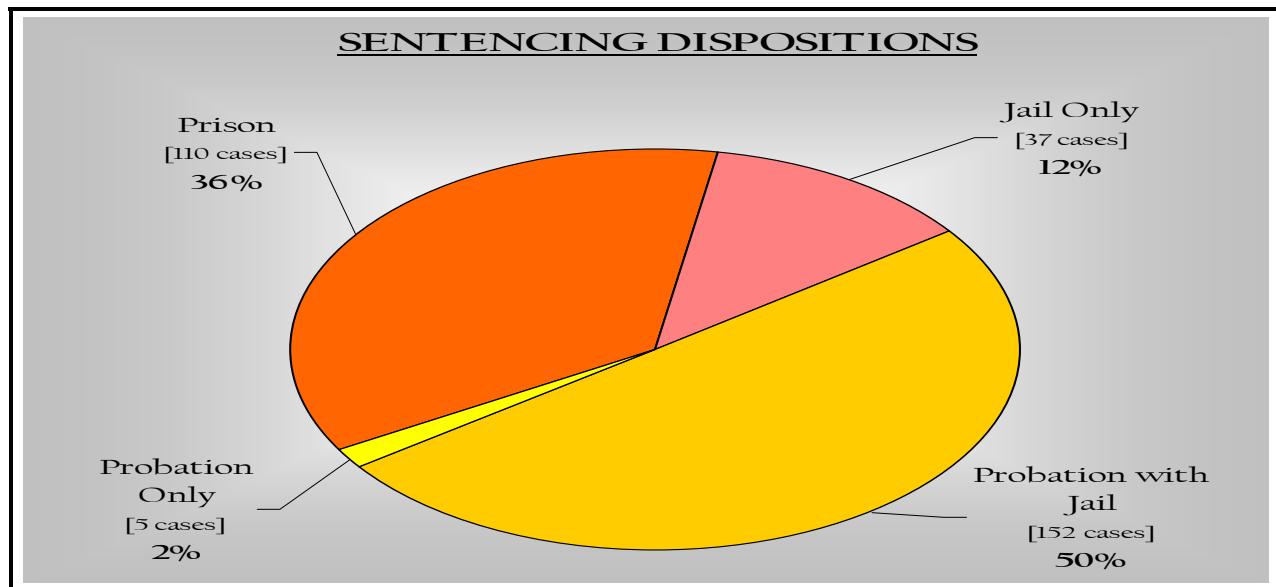
In 2009, the Circuit Court received jury verdicts in 21 cases. The Court accepted 261 guilty pleas, versus the 269 guilty pleas in 2008. In 2008, the Judges held 4 bench trials, however, there were no criminal bench trials held in 2009. The following charts compare the manner in which criminal cases were disposed of by the Thirteenth Circuit and the state of Michigan as a whole.



Guilty defendants received sentences of prison commitment, jail commitment only, probation, costs and fines only, or delayed sentence. The following chart depicts the sentences distributed amongst defendants.

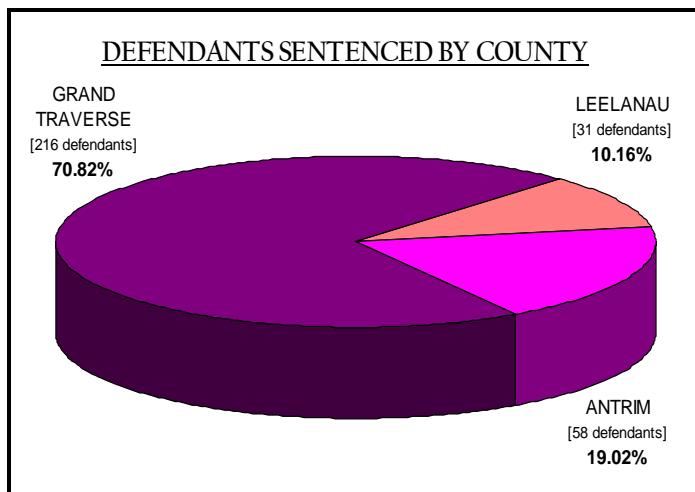
The Special Alternative Incarceration Program (SAI) is a three-phase program for felony offenders consisting of bootcamp, placement in residential aftercare and probation/parole supervision in the community. The primary goals of the SAI Program are to promote public safety through risk management in the selection of program participants and supervision strategies which gradually reintegrate offenders back into the community and to provide offenders the opportunity to change their anti-social attitudes and criminal lifestyles and to prepare themselves for re-entry into the community as productive, law-abiding citizens. A number of offenders sent to prison are placed in this program.

Judges may also delay a defendant's sentence for the purpose of giving him or her an opportunity to prove to the Court his or her eligibility for probation or other leniency compatible with the ends of justice and rehabilitation of the defendant. Sentences may be delayed for crimes except murder, treason, armed robbery, major controlled substance offenses and first or third degree criminal sexual conduct.



In 2009, the Court sentenced 58 defendants in Antrim County, 216 defendants in Grand Traverse County and 31 defendants in Leelanau County.

The total number of defendants sentenced to prison was 110 individuals. In Antrim, 16 defendants received prison, in Grand Traverse 80 defendants received prison and in Leelanau 14 defendants received prison sentences.



	PRISON	JAIL	PROBATION WITH JAIL	PROBATION	TOTAL
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#### CRIMES AGAINST A PERSON

Felonious Assault	6	1	5	0	12
Aggravated Stalking	1	0	0	0	1
Assault with Dangerous Weapon	0	0	1	0	1
Negligent Homicide	1	0	1	0	2
Surveilling	1	0	0	0	1
Child Abuse - 2 <sup>nd</sup> degree	1	0	0	0	1
Possess Child Sexually Abusive Material	3	0	1	0	4
Criminal Sexual Conduct - 1 <sup>st</sup> degree	2	0	0	0	2
Criminal Sexual Conduct - 2 <sup>nd</sup> degree	1	0	2	0	3
Criminal Sexual Conduct - 3 <sup>rd</sup> degree	3	0	0	0	3
Criminal Sexual Conduct - 4 <sup>th</sup> degree	2	0	3	0	5
Kidnapping	3	0	0	0	3
Domestic Violence	0	2	0	0	2
Domestic Violence 3rd offense	1	0	0	0	1
Home Invasion	9	0	6	0	15
Armed Robbery	1	0	0	0	1
Unarmed Robbery	2	0	0	0	2
Identity Theft	1	0	0	0	1

#### CRIMES AGAINST PROPERTY

Arson	1	1	0	0	2
Breaking and Entering	2	0	10	0	12
Computer Crime	1	0	0	0	1
Embezzlement	2	0	5	0	7
False Pretenses	0	0	3	0	3
Forgery	1	1	0	0	2
Larceny	2	0	3	0	5
Larceny - Building	2	5	14	0	21
Larceny - Firearms	1	0	0	0	1
Malicious Destruction of Property	0	1	5	0	6
No Account Checks	0	2	4	0	6
Violation Check Law	0	0	0	0	1*
Receiving and Concealing Stolen Property	0	0	1	0	1
Steal/Possess/Unauthorized Use of Financial Transaction Device	4	2	2	0	8
Torture/Kill an Animal	0	0	1	0	1
Uttering and Publishing	0	1	5	0	6
Retail Fraud	1	1	0	0	2
Unlawful Use Motor Vehicle	2	2	5	0	9
Welfare Fraud	0	1	0	0	1

CRIMES INVOLVING A CONTROLLED SUBSTANCE	PRISON	JAIL	PROBATION WITH JAIL	PROBATION	TOTAL
Possess/Manufacture/Deliver Marijuana	2	6	3	0	11
Possess/Manufacture/Use Cocaine	0	1	1	0	2
Possess/Manufacture/Deliver Meth	1	0	4	0	5
Possess/Manufacture/Deliver Less 25 Grams	5	1	14	0	20
Possess/Manufacture/Deliver 25-50 Grams	8	0	4	0	12
Maintaining a Drug House	1	0	6	0	7
<b>CRIMES AGAINST PUBLIC ORDER</b>					
Desertion/Abandonment/Non-support	2	0	3	0	5
Failure to Pay Child Support	2	1	5	4	12
Gross Indecency	1	2	2	0	5
Sex Offender Failure to Register	2	0	3	0	5
Interference Electronic Communication	0	0	1	0	1
Unauthorized Credit Application	0	0	1	0	1
<b>CRIMES AGAINST PUBLIC SAFETY</b>					
Criminal Enterprise	1	0	0	0	1
Carrying a Concealed Weapon	2	0	3	0	5
Fleeing/Eluding/Resisting/Obstructing Police Officer	3	2	3	0	8
Furnishing Contraband to Prisoner in Jail	1	0	0	0	1
Possession of a Firearm by a Felon	1	0	1	0	2
OWI	0	3	1	0	4
OWI 3 <sup>rd</sup>	20	0	19	1	40
OWI Causing Death	1	0	0	0	1
<b>CRIMES AGAINST PUBLIC TRUST</b>					
Perjury	0	0	1	0	1
Failure to Stop at Accident	0	1	0	0	1
<b>TOTALS</b>	110	37	152	5	305*

\* One defendant was sentenced to pay restitution and court costs/fees only for violating check laws.

## JUDGES OF THE THIRTEENTH CIRCUIT COURT

The Thirteenth Judicial Circuit Court serves Antrim, Grand Traverse and Leelanau counties. The Circuit Court handles all civil cases with claims more than \$25,000, all felony criminal cases, requests for injunctive relief, and domestic relations matters. Also, the Circuit Court hears cases appealed from the other trial courts or from administrative agencies. The Circuit Court Judges travel monthly to Bellaire and Suttons Bay to preside over matters in Antrim and Leelanau counties.

The Family Divisions of the Thirteenth Circuit Court handle all juvenile criminal cases, child abuse and neglect cases, guardianships of juveniles, and adoption proceedings. The Probate Judge for each county is also the presiding judge of the Family Division in the county where he was elected.



### HONORABLE PHILIP E. RODGERS, JR.

Judge Rodgers was elected to the bench in 1990 and ran unopposed in 1996, 2002 and 2008. Judge Rodgers currently serves as the 13<sup>th</sup> Circuit's Chief Judge. After receiving his law degree from the University of Michigan, Judge Rodgers was a partner with the law firm of Menmuir, Zimmerman, Rollert and Kuhn.

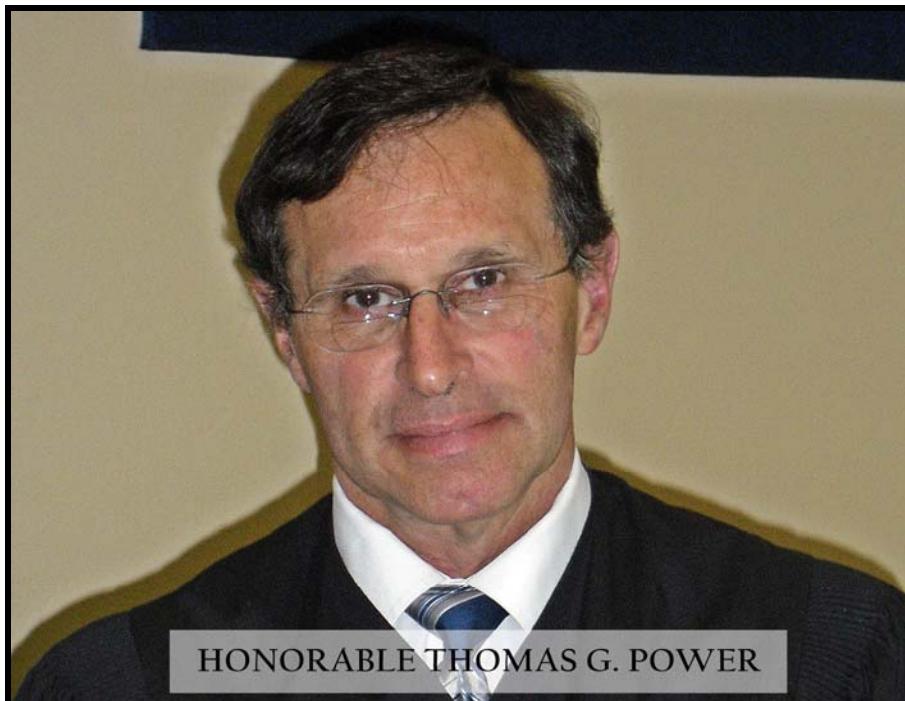
The Judge has served on the Traverse City Board of Directors for Rotary Charities, participated with the City Commission and was Mayor of Traverse City in 1989. In 2007, Judge Rodgers was President of the Michigan Judge's Association and presently serves on the Legislative Committee and the Executive Committee.

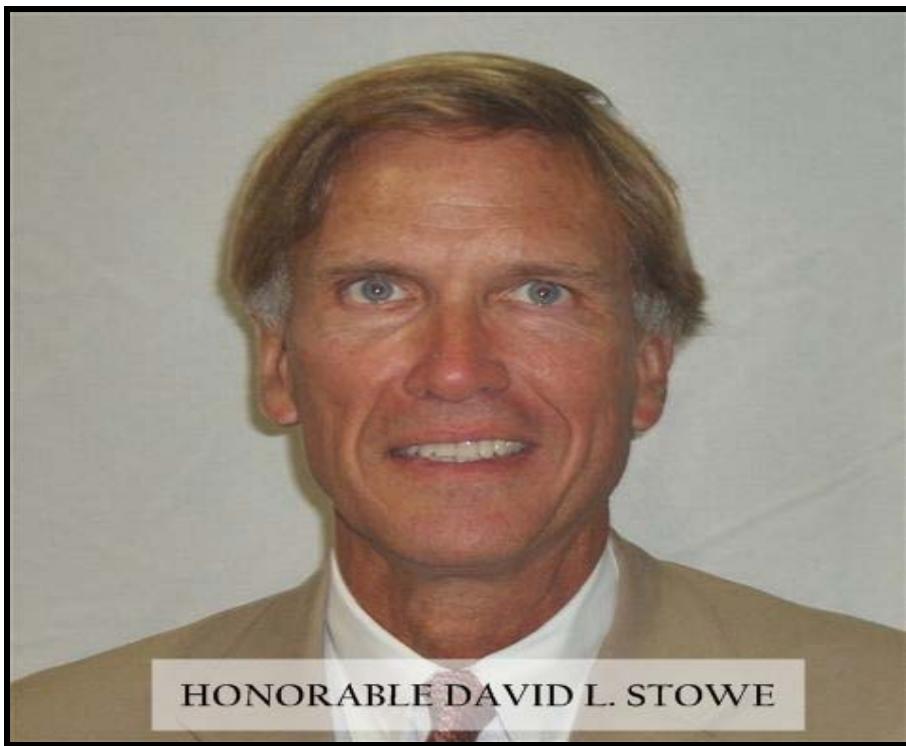
### HONORABLE THOMAS G. POWER

Judge Power was elected to the bench in 1992 and re-elected in 1998 and 2004 after running unopposed. The Judge is currently serving his third term and alternates with Judge Rodgers as the 13<sup>th</sup> Circuit's Chief Judge.

After receiving his law degree from the University of Michigan, the Judge practiced with the law office of Elhart & Power and represented Leelanau, Grand Traverse and Kalkaska Counties in the Michigan State Legislature for 10 years.

The Judge is a member of the Traverse City Rotary Club, a pilot for the U.S. Coast Guard Air Auxiliary and a native of Traverse City.



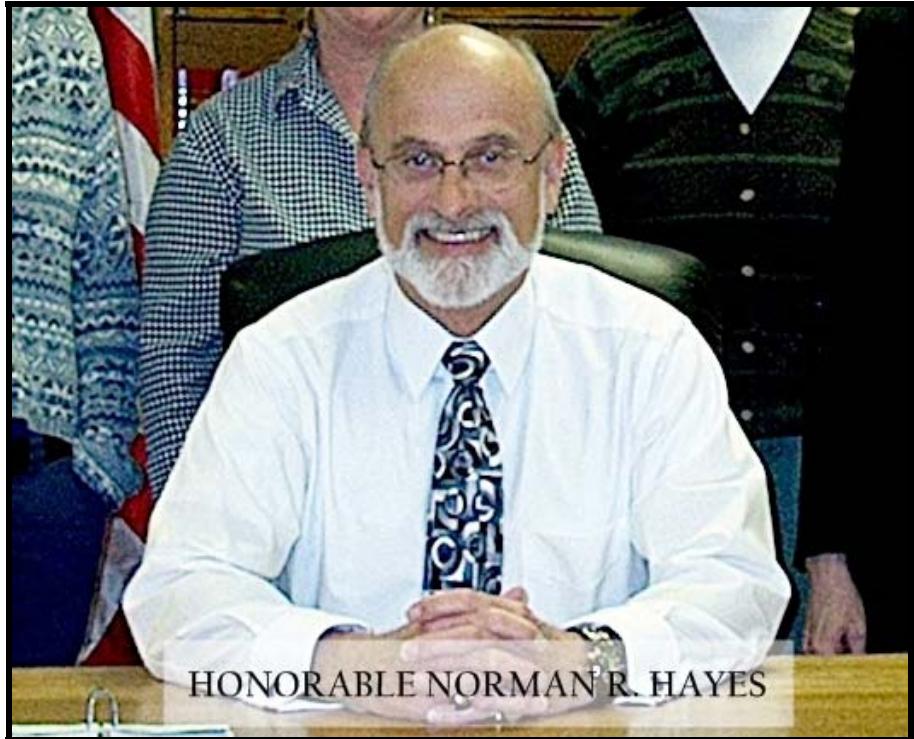


### HONORABLE DAVID L. STOWE

Judge Stowe has served as Grand Traverse County Probate Judge since 2001 and is currently serving his second term on the bench.

Prior to his legal career, Judge Stowe served as a health department sanitarian, biology teacher and lobbyist in Washington. After receiving his degree from Thomas M. Cooley Law School, Judge Stowe was a private practitioner in Traverse City.

Judge Stowe is a past president of the Grand Traverse-Leelanau-Antrim Bar Association and has served on numerous local and state boards.



### HONORABLE

### NORMAN R. HAYES

Judge Hayes presides over all litigation involving guardianships, conservatorships and estates in Antrim County. As presiding Judge of the Family Division, he also supervises all divorce actions, personal protection requests, juvenile delinquencies, neglect and adoption proceedings.

After earning his law degree from Thomas M. Cooley Law School in 1979, Judge Hayes served for 11 years as a prosecutor and 10 years as a District Court Judge in Antrim, Ostego and Kalkaska Counties. Judge Hayes has served as a Director of the Michigan District Judges Association and a Director of the Prosecuting Attorneys Association.



## CIRCUIT COURT ADMINISTRATION OFFICE

The Circuit Court Administration Office is located in the historic Grand Traverse County Courthouse in downtown Traverse City.

Administrative team members have specific responsibilities and duties associated with their individual office positions, however, all staff members are cross-trained to assist when other members are unavailable.

The administrative staff members have significant training and experience working for the state judicial system.

**Teri Quinn** • Teri manages the Circuit Court budgets in Antrim, Grand Traverse, and Leelanau Counties, and is responsible for maintaining the law libraries in Antrim and Leelanau Counties. Teri conducts the criminal pre-trials, final conferences and show cause hearings in all three counties. Teri also handles the case-flow management for civil and criminal cases, and supervises collections and other Court Administrative staff.

**Julie Arends** • Julie primarily serves as the Circuit Court's Alternative Dispute Resolution Clerk. Julie supervises all aspects of the Court's Alternative Dispute Resolution Program. She monitors the cases ordered into case evaluation, domestic relations mediation and general civil mediation. Julie also assists with the auditing of court approved mediators. Further, Julie frequently offers her skills and expertise as a Judicial Secretary. Julie enjoys working for the Court as each day brings a new challenge.

**Pat Pulver** • Pat monitors and enforces collection of court ordered assessments in felony criminal cases. She keeps in contact with defendants regarding their employment and/or incarceration status. Pat also communicates with other offices and agencies to share defendants' information and to evaluate the best manner to reach the ultimate goal of the defendant fully complying with the Court's order.

**Kim Sheridan** • Kim creates captions and handles the distribution and collection of pre-trial statements for civil and domestic relations cases, as well as amends orders when necessary. Kim administers the Case Evaluation program for the Court and manages all Leelanau County Collections. She enters defaults and dismissals and assists as judicial Secretary. Kim enjoys

the Court because there is never a dull moment.

**Carol Dee** • With over 34 years experience, Carol implements an efficient scheduling program to manage the Judges' calendars, the courtrooms and court reporter assignments. Carol schedules final divorce hearings, is responsible for the Grand Traverse County felony defense roster, Antrim County collections, docketing of attorney-noticed motions, and expediting personal protection and other ex parte orders. Further, Carol assists litigants and counsel, reviews and prioritizes court submissions and processes outgoing documents. Carol enjoys working for the Circuit Court because it is fast paced and a never ending learning experience.

**Debbie Rutkowski** • Debbie has been an employee with the Michigan Court system for over 20 years, serving as an assignment clerk, judicial secretary, and case manager. Debbie establishes the Court's calendars and schedules all Circuit Court and Personal Protective Order matters before the Judges. She prepares reports to assist the Judges in monitoring their appeals and criminal caseloads and follows up with counsel and parties regarding outstanding documents. Debbie enjoys working with people and helping them through the court process.

**Stacy Osborne** • Stacy's responsibilities include scheduling custody, support and parenting time matters for the Circuit's Referees. She also processes and monitors the cases ordered into mediation for child and property issues in pre-judgment divorce cases. Stacy appreciates that her job is never boring or routine and that she is constantly learning.

## DOMESTIC RELATIONS & JUVENILE REFEREES



The Referees preside over abuse/neglect cases, juvenile offender matters and all child-related issues in domestic relations cases in all three counties.

Cynthia Conlon is a licensed attorney and celebrated 10 years of employment with the court in 2009. Kirsten Keilitz, also an attorney, began her referee position in September 2009 after practicing law with a local firm.

In 2009, the Referees conducted the following hearings: 202 pre-trial custody and support, 1,149 juvenile delinquency and 314 abuse/neglect; reviewed 397 personal protection order requests and supervised a total of 221 juveniles, which accounts for 1 % of the State's court supervised juveniles.

## COURT REPORTERS

Only certified reporters may record or prepare transcripts of proceedings held in Michigan Courts or of depositions taken in Michigan as established by the Michigan Court Rules. Certification is awarded after satisfactorily completing the testing process administered by the Court Reporting and Recording Board of Review, with the assistance of the State Court Administrative Office.

Karen Carmody and Jessica Matula are the court reporters for the 13<sup>th</sup> Circuit Court and travel with the Judges to and report judicial matters in Antrim, Grand Traverse and Leelanau Counties.

In 2009, Karen celebrated ten years of employment with the Circuit Court.



## JUDICIAL ASSISTANTS

Each Circuit Court Judge employs a full-time Judicial Assistant who assists with legal research, drafting opinions and orders and serves as a bailiff during jury trials.

Mike Rader serves as Judge Power's Judicial Assistant. Prior to his employment with the Court, Mike worked for a private law firm. He has served the Court for over 20 years.



Brooke Bearup is the Judicial Staff Attorney for Judge Rodgers. Brooke is licensed to practice law in Michigan and joined the Circuit Court in 2009. Prior to her employment with the court, Brooke was a law clerk with the 1<sup>st</sup> Circuit Court of Hawaii and in private practice.



## GRAND TRAVERSE FAMILY DIVISION

In Grand Traverse County, the Family Division hears more than half of all domestic relations cases and all personal protection orders involving minors.

In 2009, the following were filed: 697 domestic cases, 357 juvenile delinquency petitions, 66 adoptions, 63 neglect/abuse petitions and 9 requests for personal protection orders involving minors.

## JUVENILE PROBATION

The Juvenile Division strives to develop healthy youth and families while aiming to ensure a safe community. Probation is designed to embrace the practice of blending positive and therapeutic measures to fully address, treat and manage unlawful behaviors. Behavioral changes are promoted through accountability, consequence and treatment. Court orders of probation are tailored to the needs and core issues of the juvenile. The court relies on many community partnerships for service interventions. Such programs help engage youth in the process of rehabilitations.



## VOLUNTEER SERVICES

The Volunteer Services Division of the Family Court provides support to probation staff, neglect/abuse cases, truancy intervention and diversion and prevention programs throughout the county.

There are over 150 volunteers who serve as mentors, probation monitors, tutors, transporters and Court Appointed Special Advocates (CASA) for child in out of home placements. Volunteers also manage the Citizen Panel which addresses first offense shoplifting.



## ANTRIM FAMILY DIVISION

The State's economy influenced filings in Antrim County in 2009. Paternity, Support and Divorce filings increased 16%, Juvenile Delinquency petitions declined by 8% and Child Protective Proceedings plummeted 61%. The reduced filings had a positive effect on general operating expenditures, which declined 5% since 2008, primarily due to a decreased need for indigent legal counsel, and witness, juror and transcription costs. However, net Child Care Fund costs rose 13% due to an increase in the number of juveniles requiring institutional placement. The Family Division looks forward to the challenge of 2010.

## LEELANAU FAMILY DIVISION

The Leelanau Family Division lost an integral part of their departmental team in July 2009 when the Honorable Judge Joseph E. Deegan unexpectedly passed away. As of April 2010 a replacement Judge has yet to be appointed by Governor Granholm. Until a temporary Judge is appointed, Circuit Court Judges Rodgers and Power will handle domestic cases and administrative duties and Judges Stowe and Hayes will handle probate and family cases.

The Family Division has an active volunteer department that coordinates various programs, including the Community Service Work Garden.



Back: William Fleming [GTC], Daniel Bard [MPF], Steven Brett [LC], Charles Welch [GTC/Supervisor] & James Monette [GTC]  
 Middle: James Ribby [AC], Bill Cantinella [retired supervisor], Jo Meyers [GTC], Dawn Bard [AC], Thomas Chapman [GTC] & Sally Miklos [GTC]  
 Front: Sandra Blake, Christa Gaugler, Linda Lautner [Secretaries]

## PROBATION DEPARTMENT

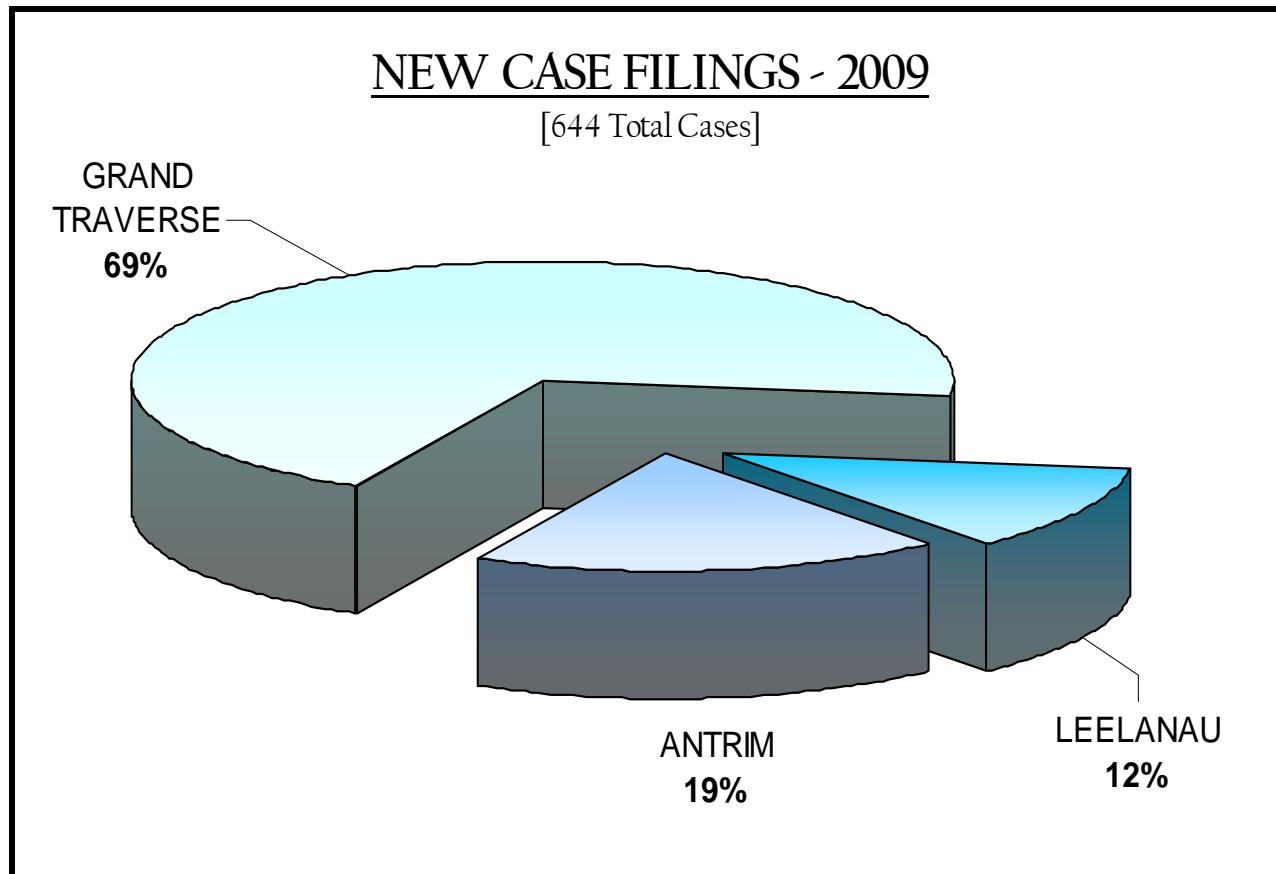
All staff members are employees of the Michigan Department of Corrections. There are nine agents assigned to supervise the three county area and in 2009 the average client per agent ratio was 65/1.

The department's primary goals are to rehabilitate clients and maintain a high level of public safety. In addition to supervising clients, agents prepare Pre-Sentence Investigation Reports (PSIs). Last year 268 PSIs were prepared for the Court.

In 2009, Bill Cantinella, supervisor for the department, and clerical employee Sandra Blake retired. Charles Welch assumed the position of Field Agent for the Michigan Department of Corrections.

## FRIEND OF THE COURT

The Friend of the Court department, headed by Dawn Rogers, is responsible for representing the best interests of minor children in Circuit Court Family Division cases involving divorce, custody, child support, visitation and/or paternity disputes. Case managers conduct interviews, gather financial information, serve as mediators between parties and draft proposals, pertaining to a child's best interests, for the Family Division Judges providing recommendations on achieving an optimal resolution for said child. The Friend of the Court department is responsible for enforcing Court Orders regarding custody, child support, visitation and/or paternity issues. In 2009, there were 644 new cases opened.



ANTRIM COUNTY  
[120 CASES]

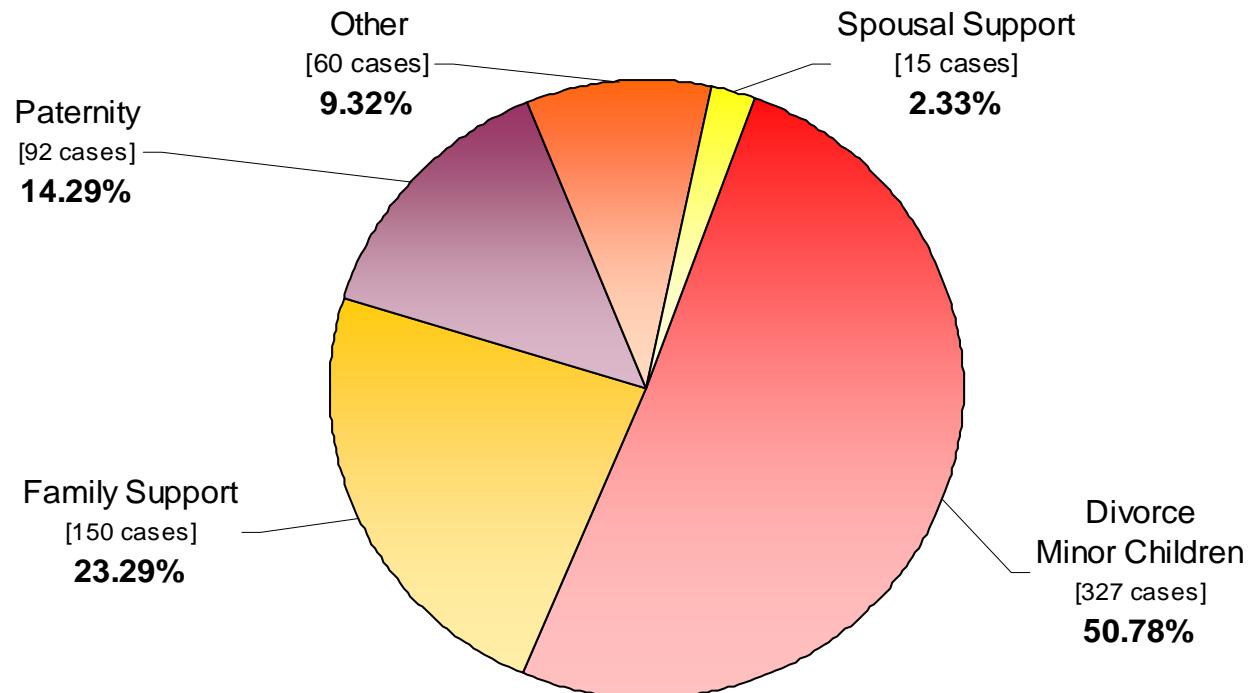


GRAND TRAVERSE  
COUNTY  
[448 CASES]

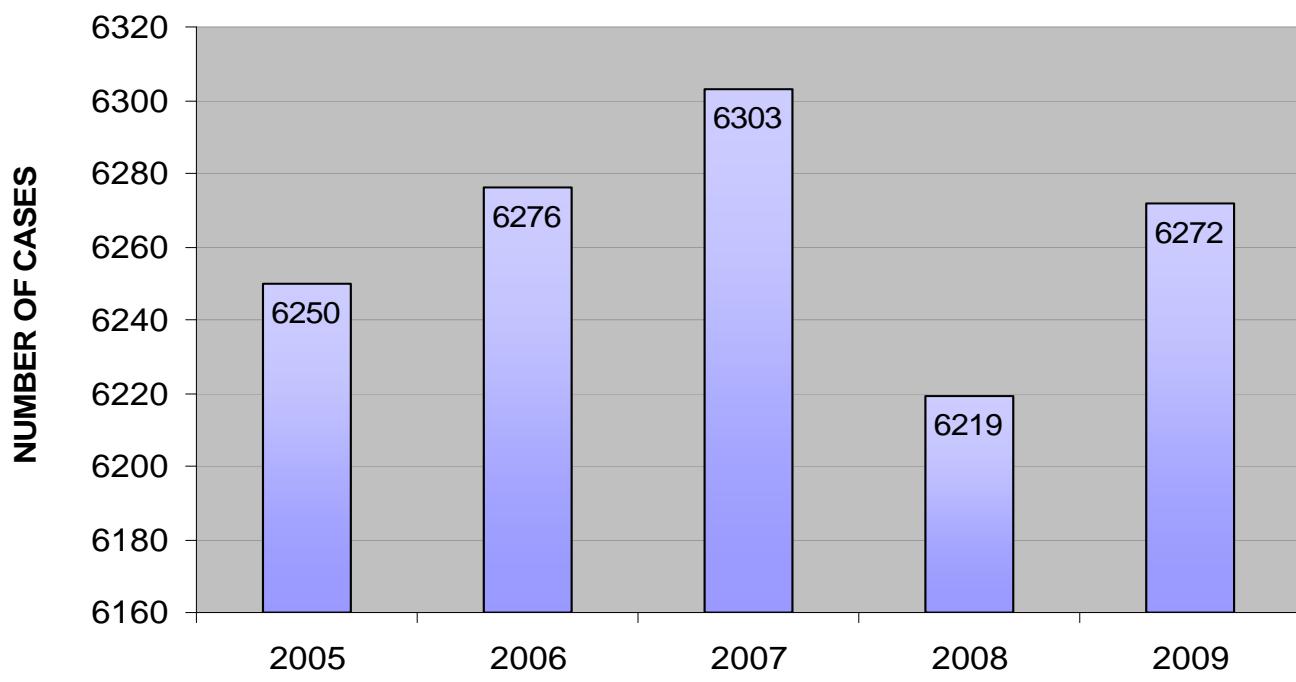


LEELANAU  
COUNTY  
[76 CASES]

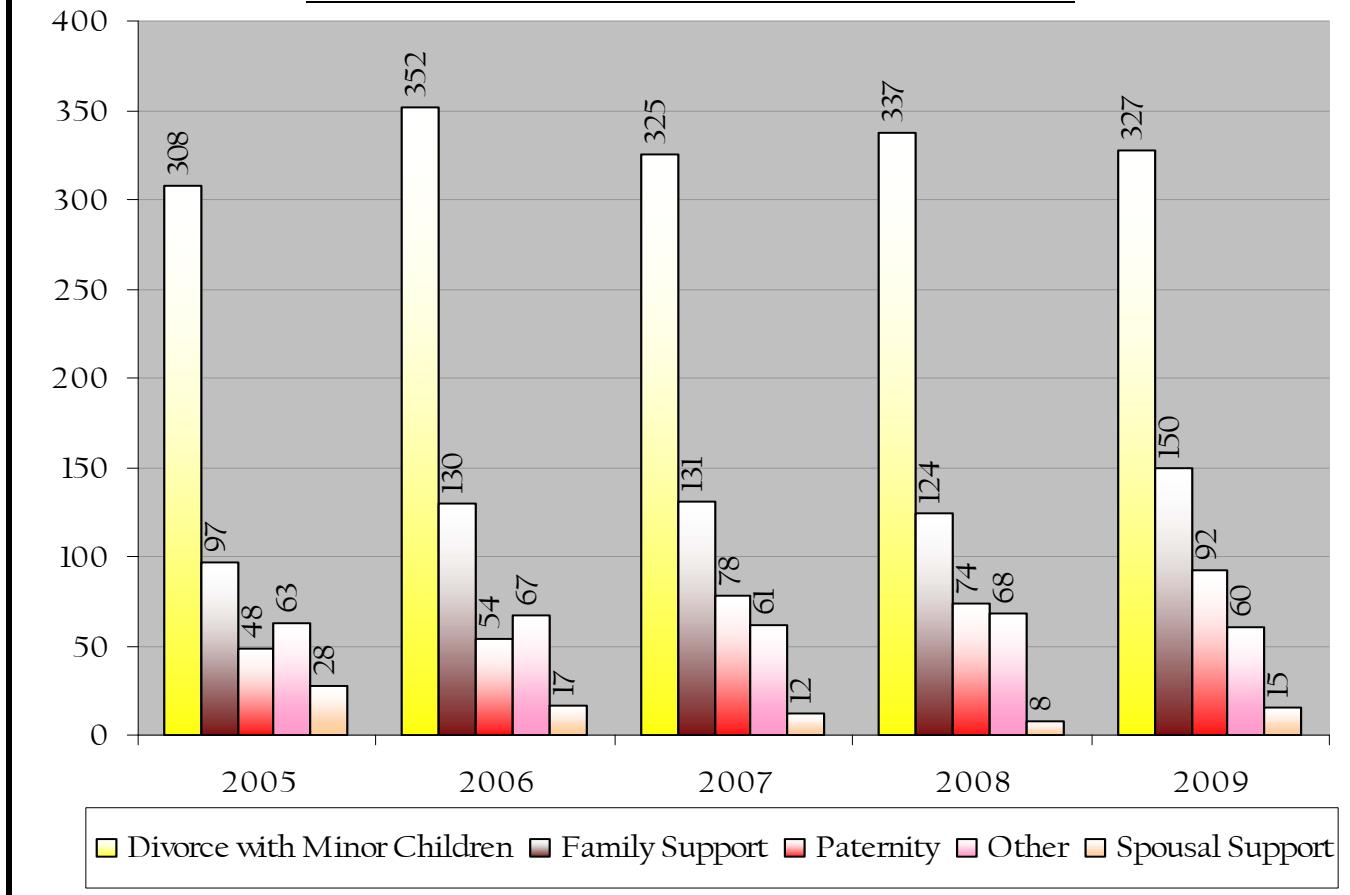
## NEW CASE FILING BY CASE TYPE



## YEARLY CASELOAD - 2005 TO PRESENT



## CASE FILING TRENDS 2005 - 2009



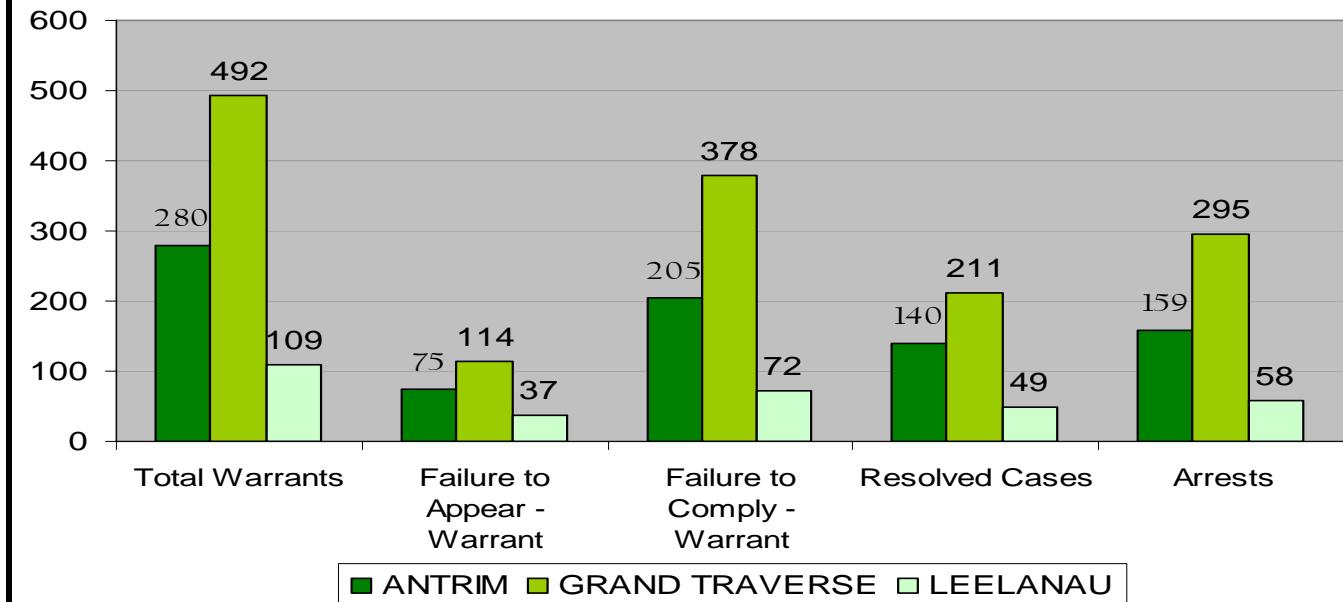
In the initial orders generated by the Friend of the Court office, 56% granted custody to the mother, 6% granted custody to the father and 34% provided for shared physical custody. In 68% of cases the parties agreed to a custody arrangement at the initial conference, while custody was determined by default in 16% of cases.

During 2009, the Case Management staff conducted investigations and made recommendations for temporary orders in 594 cases. In 58% of the cases where initial investigations were conducted, some form of public assistance was provided. Medicaid provided 92% of public assistance with 9% of the public assistance cases including a cash grant.

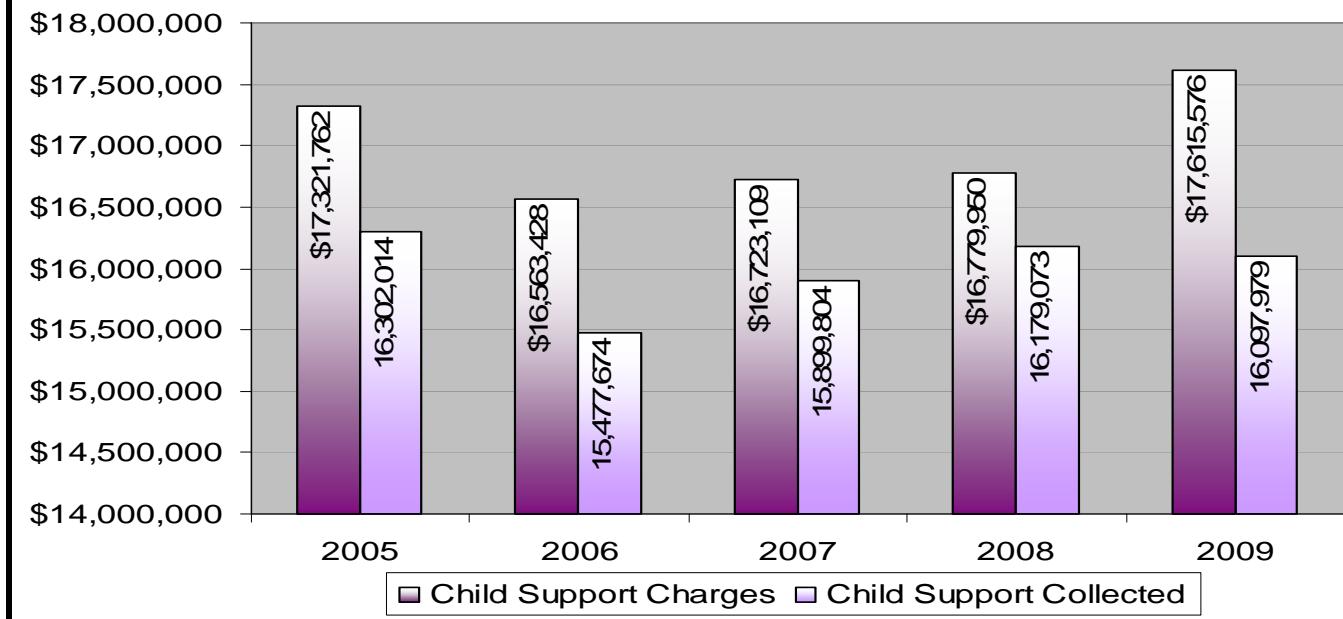
Staff members conducted 578 reviews addressing issues of child support, parenting time, custody and domicile changes. The Friend of the Court office also prepared 245 stipulated orders for clients, granted 44 petitions to opt out of Friend of the Court services and processed 742 demands for reimbursement of children's medical expenses incurred in 2009.

In 2009, 1,365 support enforcement hearings were scheduled, 1,036 were actually conducted and the remainder of cases were resolved by the Friend of the Court, usually due to payment or establishment of successful income withholding.

## CHILD SUPPORT ENFORCEMENT



## CHILD SUPPORT CHARGES & COLLECTIONS



The following tables track child support charges, child support distributions and child support collections distributed toward arrears for the past several years. This information is provided by the State's Department of Human Services' Data Warehouse. The tables reflect the fiscal year (October 1<sup>st</sup> through September 30<sup>th</sup>) and only pertain to distributions, *not* collections.

CHILD SUPPORT COLLECTIONS	2005	2006	2007	2008	2009
<b><i>ANTRIM COUNTY</i></b>					
Current Support Due for the Fiscal Year	\$ 2,861,468.00	\$ 2,702,484.00	\$ 2,788,031.00	\$ 2,753,005.00	\$ 2,872,582.69
Support Distributed as Current Support	\$ 1,985,528.00	\$ 1,884,829.00	\$ 1,989,100.00	\$ 2,024,430.00	\$ 2,047,334.81
Support Distributed as Arrearage Support	\$ 722,065.00	\$ 692,557.00	\$ 713,795.00	\$ 793,791.00	\$ 683,358.87
Ratio of Total Current Support Charged to Current Collected	69.4%	69.7%	71.3%	73.5%	71.3%
Ratio of Total Current Support Charged to Total Support Collected	94.6%	95.4%	96.9%	102.4%	95.1%
<b><i>GRAND TRAVERSE COUNTY</i></b>					
Current Support Due for the Fiscal Year	\$ 11,904,460.00	\$ 11,398,374.00	\$ 11,328,547.00	\$ 11,493,288.00	\$ 12,183,297.00
Support Distributed as Current Support	\$ 8,936,840.00	\$ 8,398,173.00	\$ 8,354,401.00	\$ 8,451,904.00	\$ 8,701,333.00
Support Distributed as Arrearage Support	\$ 2,159,765.00	\$ 2,080,250.00	\$ 2,266,993.00	\$ 2,455,921.00	\$ 2,209,957.00
Ratio of Total Current Support Charged to Current Collected	75.1%	73.7%	73.7%	73.5%	71.4%
Ratio of Total Current Support Charged to Total Support Collected	93.2%	91.9%	93.8%	94.9%	89.6%
<b><i>LEELANAU COUNTY</i></b>					
Current Support Due for the Fiscal Year	\$ 2,555,834.00	\$ 2,462,597.00	\$ 2,606,531.00	\$ 2,533,656.00	\$ 2,559,696.00
Support Distributed as Current Support	\$ 1,945,334.00	\$ 1,899,639.00	\$ 2,011,236.00	\$ 1,957,456.00	\$ 1,958,239.00
Support Distributed as Arrearage Support	\$ 552,482.00	\$ 522,226.00	\$ 564,279.00	\$ 495,571.00	\$ 497,756.00
Ratio of Total Current Support Charged to Current Collected	76.1%	77.1%	77.2%	77.3%	76.5%
Ratio of Total Current Support Charged to Total Support Collected	97.7%	98.3%	98.8%	96.8%	95.9%
<b><i>ALL COUNTIES</i></b>					
Current Support Due for the Fiscal Year	\$ 17,321,762.00	\$ 16,563,428.00	\$ 16,723,109.00	\$ 16,779,950.00	\$ 17,615,576.00
Support Distributed as Current Support	\$ 12,867,702.00	\$ 12,182,641.00	\$ 12,354,737.00	\$ 12,433,790.00	\$ 12,706,907.00
Support Distributed as Arrearage Support	\$ 3,434,312.00	\$ 3,295,033.00	\$ 3,545,067.00	\$ 3,745,283.00	\$ 3,391,072.00
Ratio of Total Current Support Charged to Current Collected	74.3%	73.6%	73.9%	74.1%	72.1%
Ratio of Total Current Support Charged to Total Support Collected	94.1%	93.4%	95.1%	96.4%	91.4%

## FRIEND OF THE COURT ACTIVITIES SUMMARY - 2009

- \* Applied for and received, as one of three Michigan counties, State Court Administrative Office grant to pilot a problem-solving court for child support; Launched "Family Support Court" which focuses on identifying a child support obligor's impediments to employment, assists with development and execution of a plan to minimize any impediments with a goal of employment and payment of child support; Focuses on constant accountability, frequent review hearings with incentives and/or punishments and utilization of community resources; Eighteen individuals have participated in Family Support Court thus far.
- \* Updated the Court's educational program for divorcing parents, SMILE, by developing and producing a video of therapist's discussion and advice concerning the effects of divorce on children; In 2010, the program will be offered more frequently, to small groups and in a new location at the Hall of Justice.
- \* The Friend of the Court continues to receive Access and Visitation grant funding from the State Court Administrative Office and has continued its relationship with Child and Family Services of Northwest Michigan to provide supervised parenting time and safe parenting time exchanges for families on the caseload; 29 families were served in 2009.
- \* Working with the local Community Reconciliation Service (CRS), referral of families to CRS for post-judgment mediation of custody/parenting time disputes continued in 2009; Friend of the Court continues to aggressively promote voluntary mediation as an alternative dispute resolution measure.
- \* Working with a legal assistant program intern from Northwestern Michigan College, Friend of the Court created documentation, including forms, on the complicated process of interstate registration and enforcement of custody, support and parenting time orders.
- \* Undertook a clean-up of MiCSES data to improve performance factor -paternity establishment- in order to enhance receipt of incentive money. In 2008, the paternity establishment rates were as follows: Grand Traverse - 92%; Antrim - 92%; Leelanau - 91%; after the clean-up project, in 2009, the rates were: Grand Traverse 98%; Antrim 98%; Leelanau 94%.
- \* The bench warrant enforcement fund dollars have been used to reimburse local Sheriff's Departments for the mileage and officer wages expended in transporting persons arrested for nonpayment of child support; \$9,064.17 was paid to the Grand Traverse, Antrim & Leelanau county Sheriff's Departments for the expenses.

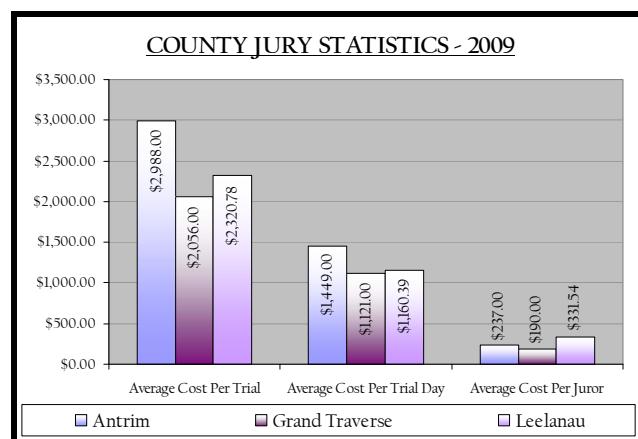
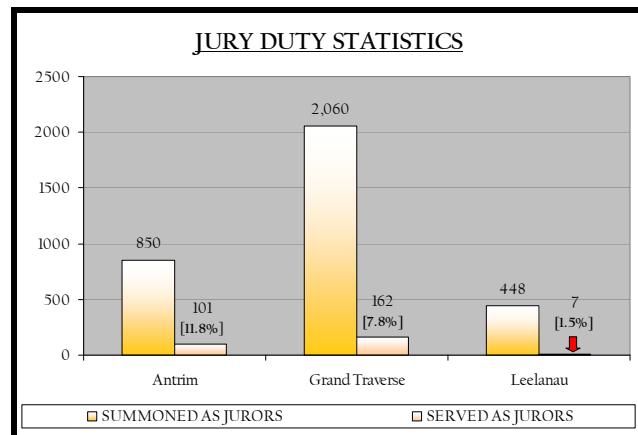
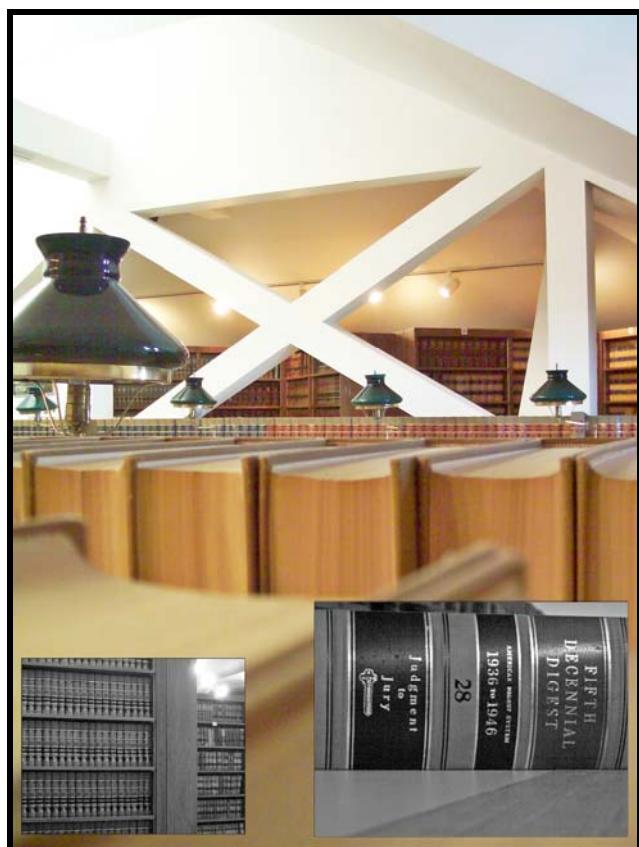


## 2009 JURIES

To qualify to serve as a juror, an individual must be a United States citizen, 18 years of age or older, a resident of the county for which selected, conversant in the English language, physically and mentally able to carry out the functions of a juror, not have served as a petit juror in a court of record during the preceding 365 days and have no felony convictions.

Antrim, Grand Traverse and Leelanau Counties each have individual three-member jury boards, appointed by the respective County's Board of Commissioners, with members serving six year terms.

First, the Secretary of State provides a list of eligible jurors, next the jury boards send juror questionnaires to prospective jurors in their county, then, after the questionnaires are returned, the jury board randomly selects prospective jurors for their Circuit Court, District Court and/or Probate/Family Court cases.



## LAW LIBRARY

In 2009, the Grand Traverse County Law Library, located in the Grand Traverse County Circuit Courthouse, served nearly 4,500 people, including courthouse and county employees, local attorneys, pro se litigants and students from Northwestern Michigan College attending the paralegal program. Jill Porter is the Executive Director and head Librarian and is assisted by Christina Beaudrie and April Klingelsmith.

Grand Traverse County, the Grand Traverse-Leelanau-Antrim Bar Association (GTLA) and the Traverse Area District Library operate in conjunction to fund, house and staff the Law Library, which maintains Michigan court opinions, statutes, court rules, jury instructions, digests, legal encyclopedias and dictionaries and other legal resources. The GTLA Bar Association purchased the library copier and pays the associated monthly maintenance fees. Antrim and Leelanau Counties also maintain law libraries.

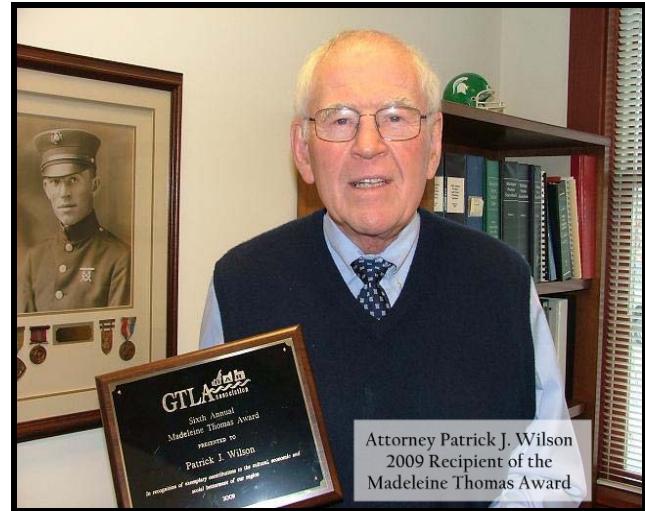
## RECOGNITIONS

### \* Madeleine Thomas Award \*

The Grand Traverse-Leelanau-Antrim Bar Association annually presents the Madeleine Thomas Award in recognition of a recipient's exemplary contributions to the cultural, economic and social betterment of the local community.

The Award honors Madeleine Thomas, a local attorney who worked tirelessly for various social service agencies including the Women's Resource Center, United Way, American Cancer Society and the Crooked Tree Girl Scouts Council. Madeleine distinguished herself through her devotion to public service and as an advocate for women and children. The Award serves as a reminder that the practice of law and the pursuit of justice often require more than mere advocacy.

In 2009, Patrick J. Wilson was honored as the 6<sup>th</sup> recipient of the Madeleine Thomas Award. During the past 40 years, Pat's practice areas have included business, real estate, probate and estate planning and non-profit law. Pat is currently employed by the law firm of Smith, Haughey, Rice & Roegge.



### \* Retirements \*

In 2009, Bill Cantinella, retired from his position as the local Field Agent for the Michigan Department of Corrections. In his position, Bill supervised parole in Antrim, Grand Traverse and Leelanau Counties. Bill began his employment with the judiciary in 1978 and served northern Michigan for 31 years.

MaryAnne Lyberg retired from the Friend of the Court's office in 2009.

Both Bill and MaryAnne will be greatly missed.



### \* Liberty Bell Award \*

The Liberty Bell Award is presented yearly to a non-lawyer member of the community who promotes a better understanding of the Constitution and Bill of Rights, encourages a greater respect for our laws and courts, stimulates a deeper sense of individual responsibility, contributes to the effective functioning of the democratic institutions of government and fosters a better understanding and appreciation for the legal system.

Bill Cantinella was the honored as the 2009 recipient of the Liberty Bell Award.