



# THIRTEENTH JUDICIAL CIRCUIT COURT ANNUAL REPORT 2012 EDITION

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# INTRODUCTION

Calendar year 2012 continued to present financial challenges to the 13<sup>th</sup> Circuit Court and the residents of Antrim, Grand Traverse and Leelanau Counties. Nevertheless, the Court continued to dispose of its cases well within state-imposed time management guidelines and continued to move forward into a paperless environment.

During 2012, the Court's goal of becoming a digital, paperless workplace took a major step forward. Having selected a vendor in 2011, ImageSoft, Inc., and having spent the balance of that year mapping workflow and planning for the installation of the document management system, the Court went live with e-filing documents in civil cases in January 2012. The project was successful largely due to the cooperation of the Grand Traverse-Leelanau-Antrim Bar Association, their staff, the Court's staff and those of the various county Information Technology departments who worked tirelessly to make the project a reality.

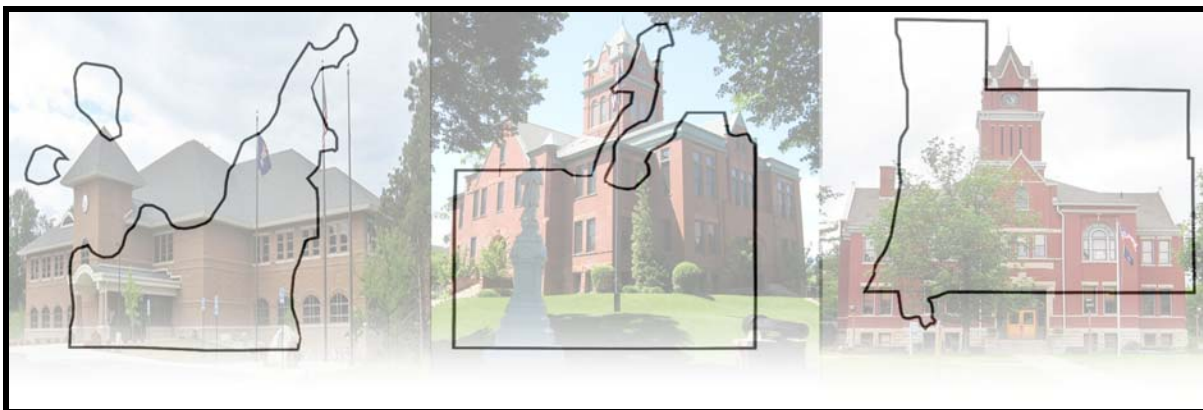
The Michigan Supreme Court remained supportive of this Circuit's e-filing objectives and amended the Local Administrative Order to allow for e-filing in all other case categories on a staggered basis. With this support, the Court continued planning and mapping of filings for domestic relations cases. By the fall of 2012, the Court was receiving and internally managing documents for all general civil case codes, those involving appeals from the 86<sup>th</sup> District Court in civil and criminal matters, personal protection orders, garnishments and divorce cases that did not involve minor children. Furthermore, plans were generated to allow e-filing in divorce cases with minor children, in addition to criminal cases in 2013. Already, the Court is realizing a significant cost savings.

Some signs that the recession may be easing can be found in our collections of attorneys' fees, Court costs, and restitution in criminal cases. After several years of decline, those numbers began to increase in 2012. Otherwise, criminal matters were down, divorce filings increased, as did general civil cases that were largely generated by home foreclosures.

As the Court moves forward, we remain thankful for the support we receive from our County Commissioners, the Court staff and the three County Clerks' offices who have been instrumental in crafting an excellent e-file solution for the benefit of litigants, as well as the Court.

Further information regarding the Court and the services offered may be found on the Court's website at [www.13thCircuitCourt.org](http://www.13thCircuitCourt.org). Comments regarding how the Court may improve its services are always welcome and we look forward to hearing from you.

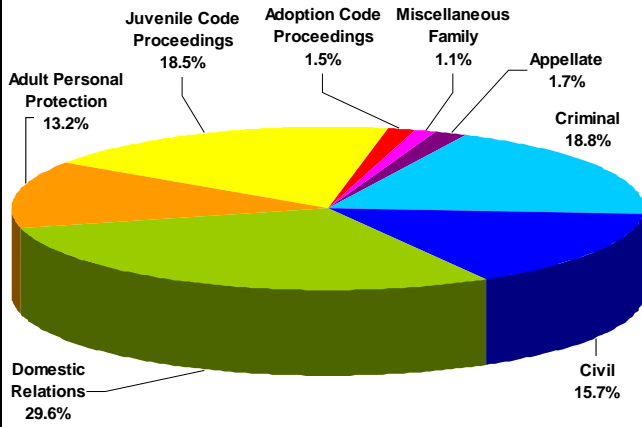
Honorable Philip E. Rodgers, Jr.



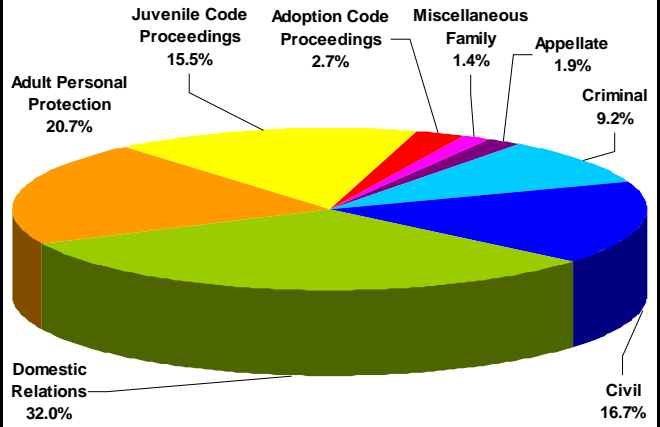


# AT A GLANCE: 2012

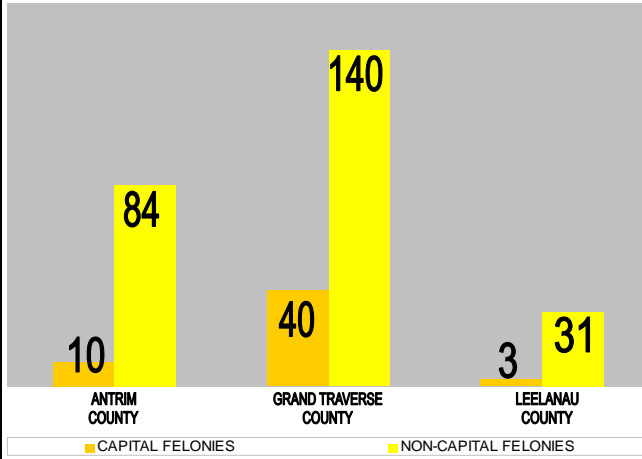
## NEW CASE FILINGS - STATE OF MICHIGAN



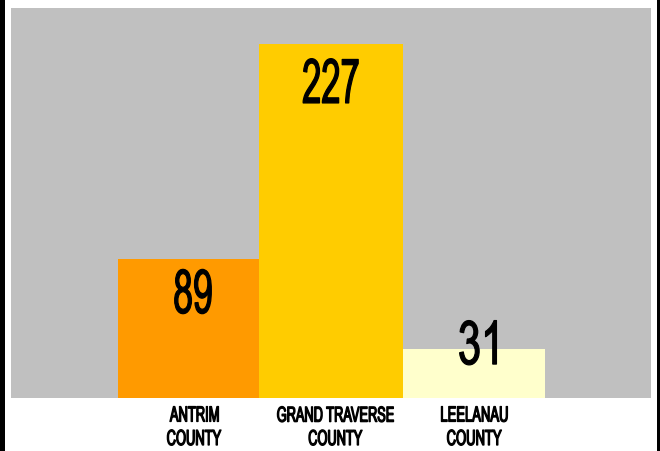
## NEW CASE FILINGS - THIRTEENTH CIRCUIT COURT



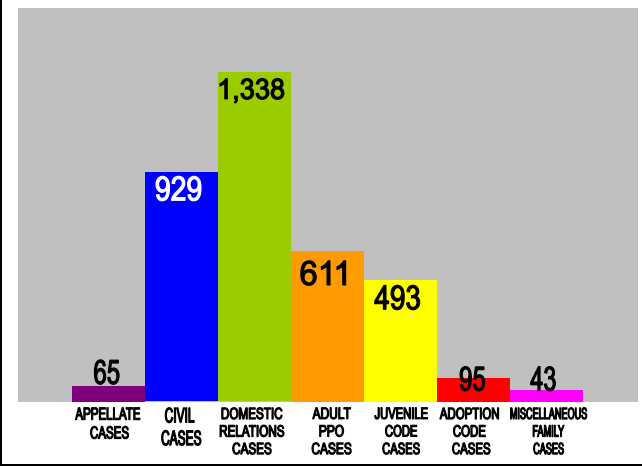
## CRIMINAL CASELOAD BY COUNTY



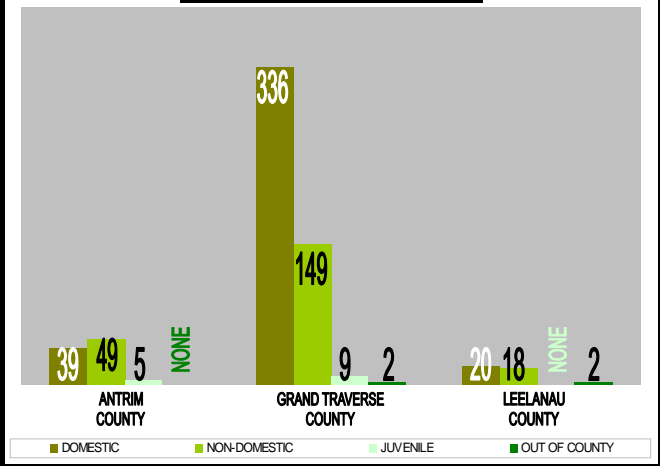
## SENTENCINGS BY COUNTY



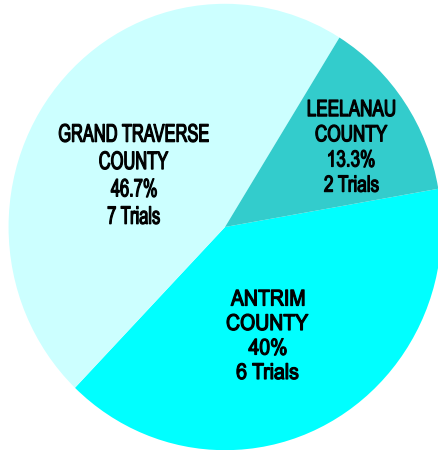
## TOTAL CIVIL CASELOAD



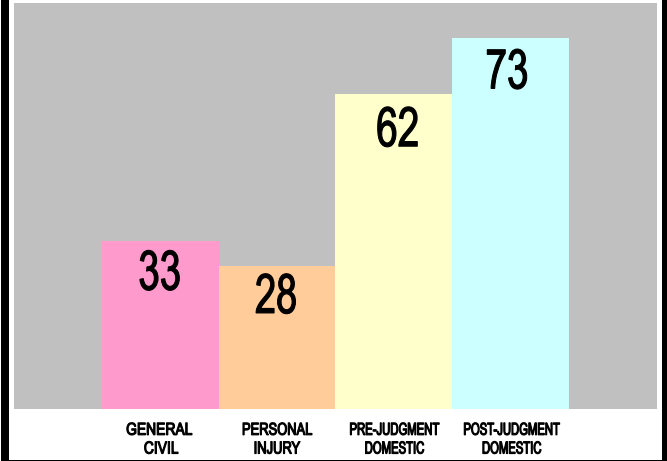
## PPO CASELOAD BY COUNTY



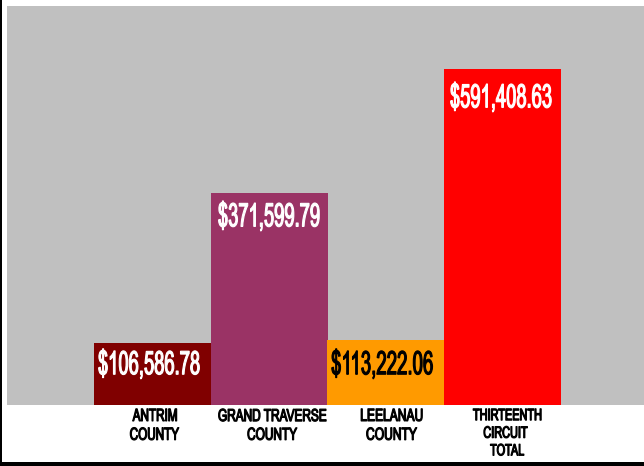
**JURY TRIALS**



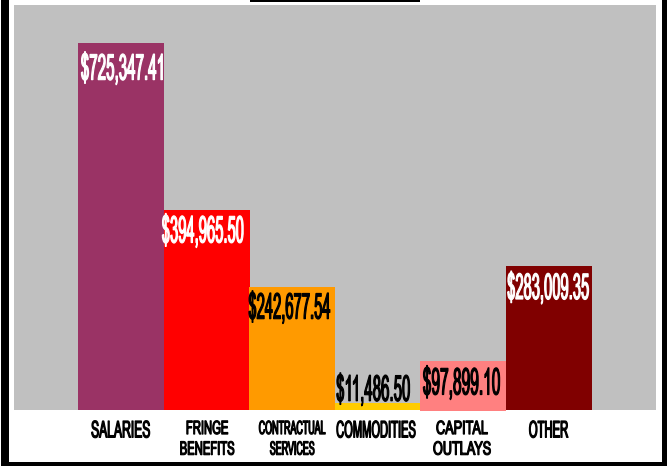
**CASES RESOLVED THROUGH ADR**



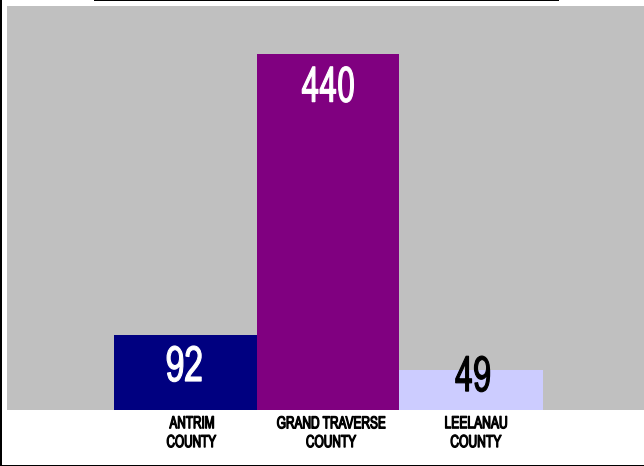
**COLLECTIONS**



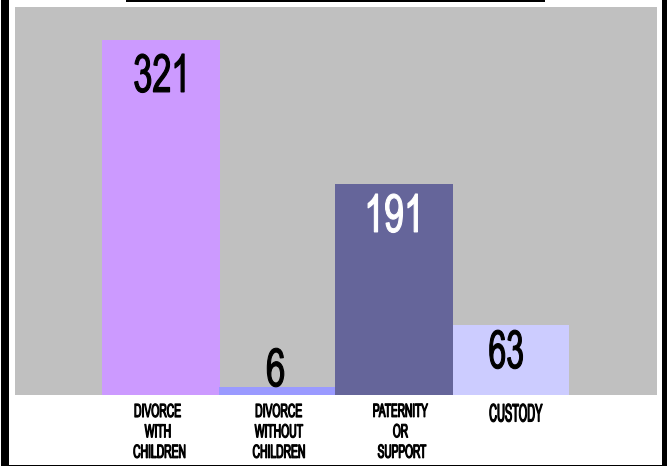
**EXPENDITURES**



**NEW CASES BY COUNTY - FRIEND OF THE COURT**



**NEW CASES BY TYPE - FRIEND OF THE COURT**

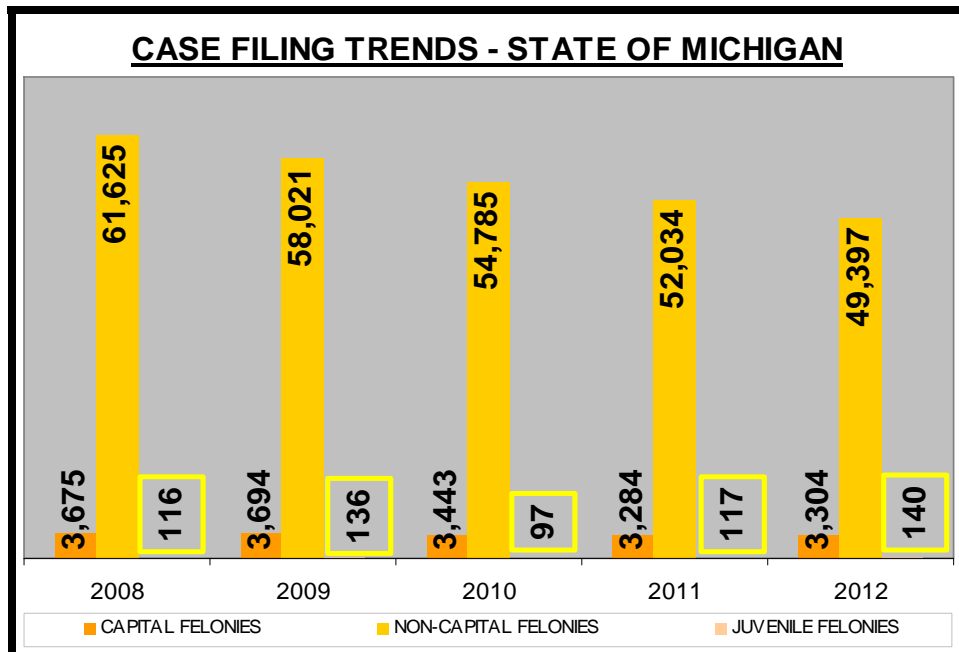
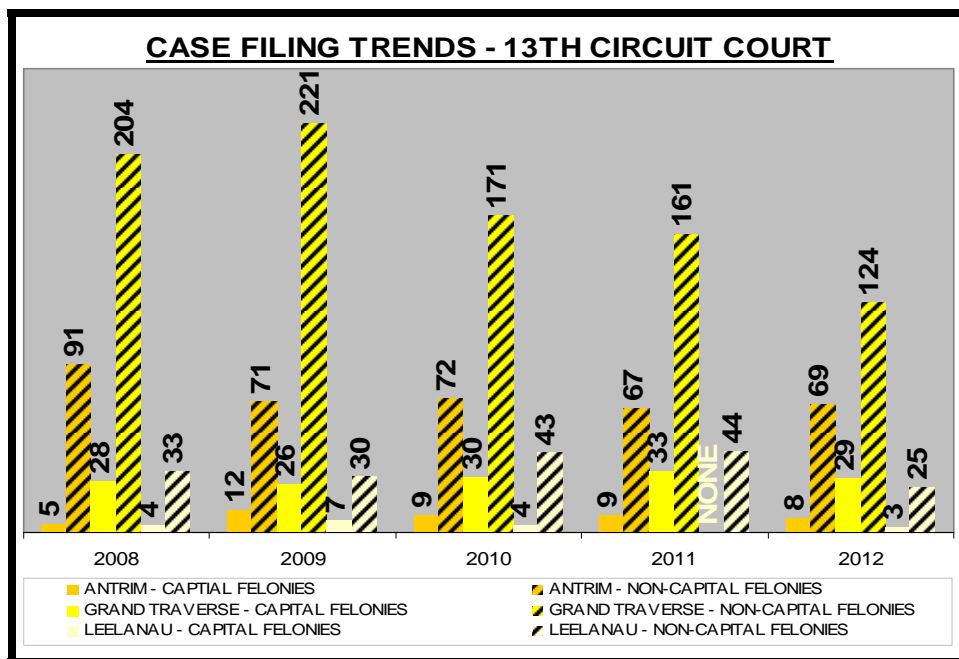


# CASE MANAGEMENT

The Circuit Court follows the mandated time schedule as delineated in the Michigan Court Rules and Administrative Orders to efficiently manage and dispose of its cases. Once a new case has been opened, the Court issues a Scheduling Order providing time limitations for the processing of the case and establishing dates when future actions should begin or be completed with regard to the case. The primary goal of the Court's administrative staff is to ensure that cases are kept current and the docket remains up-to-date.

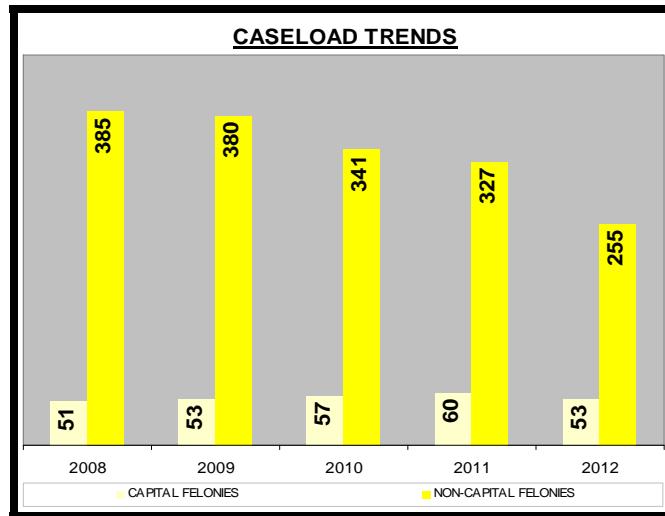
## CRIMINAL CASELOAD NEW CASE FILINGS

In 2012, there were 53 new capital felony and 255 new non-capital felony cases filed in the Thirteenth Circuit Court. New filings for both capital felony and non-capital felony cases decreased in number from 2011. No juvenile felony cases were filed with the Thirteenth Circuit in 2012. Comparatively, the State of Michigan saw a decrease in the number of non-capital felony cases filed, however, there was a slight increase in the number of capital felony cases filed statewide.



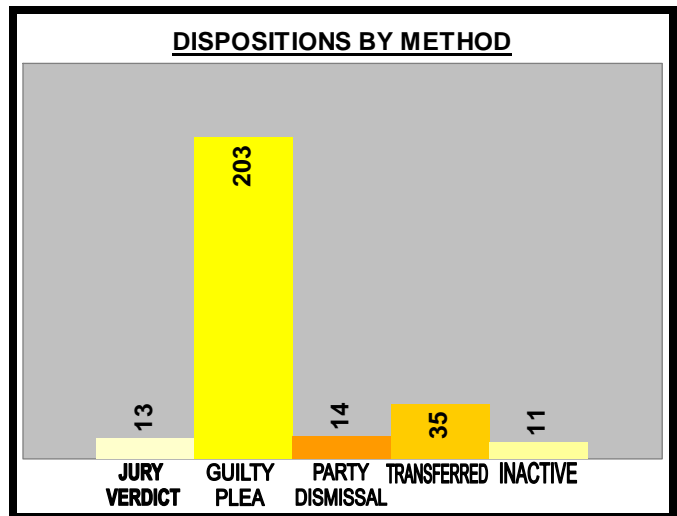
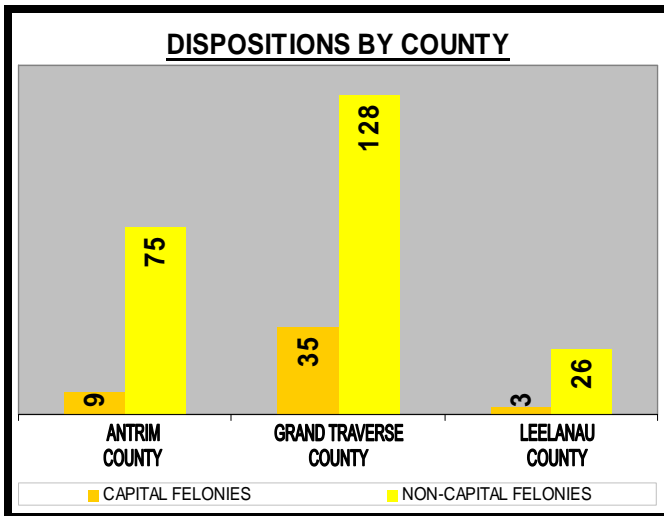
## TOTAL CASELOAD

The Circuit Court's total caseload consists of cases that were still pending when the year began, cases that were re-opened, and all newly filed cases. In 2012, the Thirteenth Circuit Court's total criminal caseload for both capital felonies and non-capital felonies decreased. The State of Michigan's total caseload for capital felonies increased, while its caseload for non-capital felonies decreased.



## DISPOSITIONS

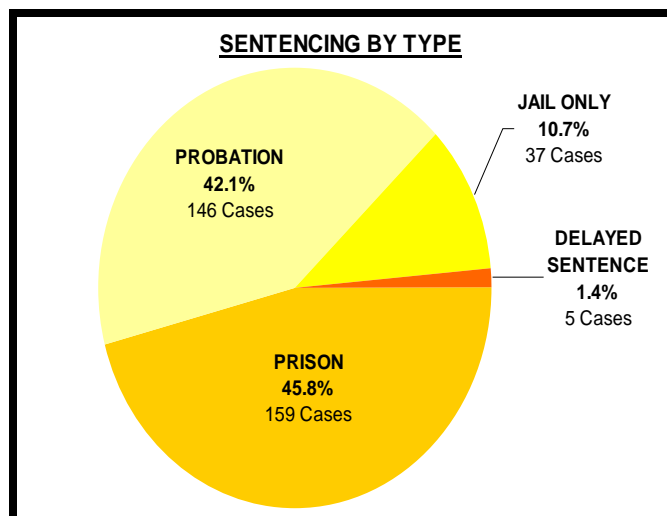
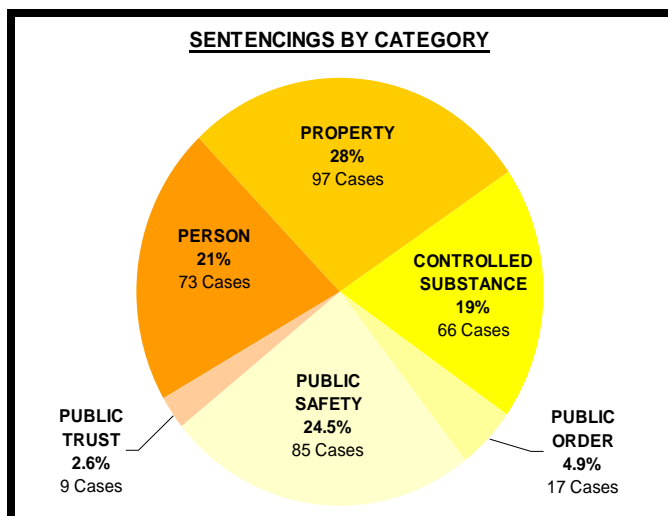
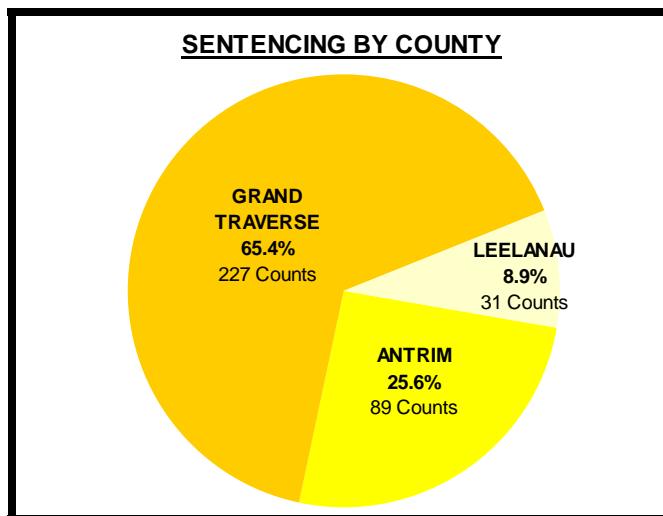
In 2012, the Court disposed of 276 criminal cases. Guilty pleas resulted in the greatest number of dispositions, with the Court receiving 56 guilty pleas in Antrim County, 124 in Grand Traverse County and 23 in Leelanau County. The Court also received jury verdicts in 13 felony cases, which included 6 verdicts in Antrim County, 5 in Grand Traverse County and 2 in Leelanau County.



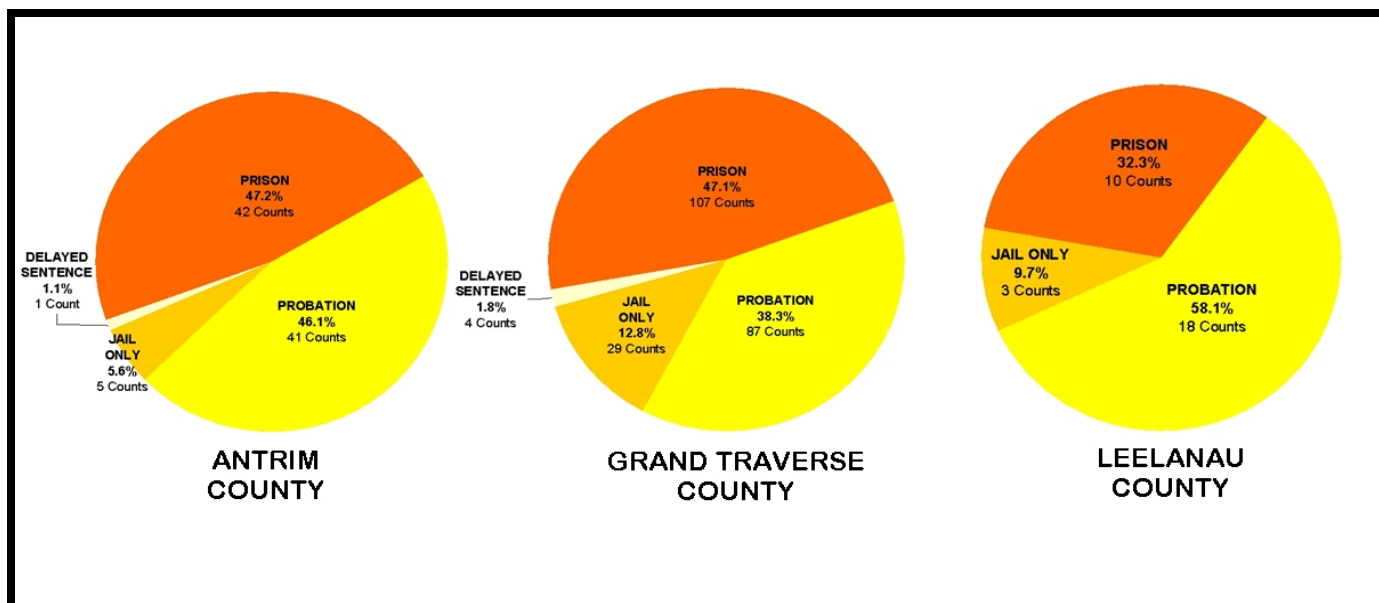
Criminal sentencing occurs after the final disposition in a case. Once there is a guilty verdict or the defendant pleads, the case is referred to the Department of Corrections/Probation Department for a Pre-Sentence Investigation Report (PSIR). As part of the PSIR process, the Department of Corrections/Probation Department meets with and interviews a defendant prior to generating his or her PSIR, which results in a delay between the disposition in a case and the date a defendant is sentencing.

Guilty defendants can receive sentences including commitment to prison or jail, probation, costs and fines, delayed sentence or a combination of penalties. The Court may delay a defendant's sentence in order to give the defendant 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-Degree and Third-Degree Criminal Sexual Conduct.

In 2012, the Court sentenced 257 defendants. The Court issued sentences on 347 total counts in 263 cases. There were more total sentencings than total cases and/or defendants because certain defendants were charged with several counts in a single case and some defendants were charged in multiple cases.



The illustration below compares sentence types by county.



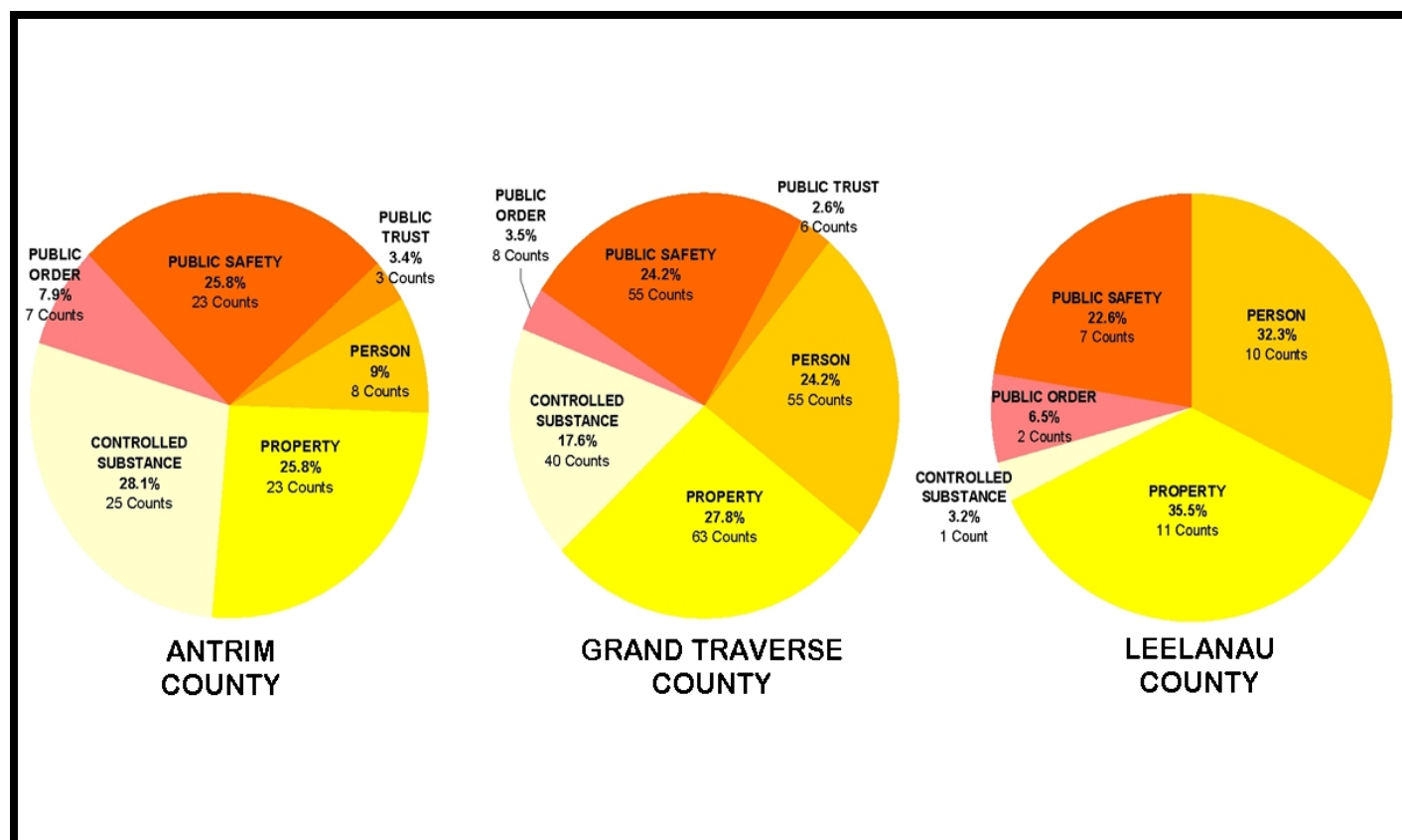


The following table displays sentencing dispositions for 2012 by crime category and case type.

	PRISON	JAIL ONLY	PROBATION	DELAYED SENTENCE	TOTAL
<b>CRIMES AGAINST PERSON</b>					
Assault – Dangerous Weapon	8		3		11
Assault – Felonious	3				3
Assault – Intent to Commit Criminal Sexual Conduct	5				5
Child Abuse – Second Degree	2				2
Child Abuse – Third Degree	1		1	1	3
Criminal Sexual Conduct – First Degree	5				5
Criminal Sexual Conduct – Second Degree	7	1	1		9
Criminal Sexual Conduct – Third Degree	4		1		5
Criminal Sexual Conduct – Fourth Degree	2		5		7
Domestic Violence	1				1
Domestic Violence – Second	1				1
Home Invasion – Second Degree	5				5
Home Invasion – Third Degree	2	2	4		8
Identity Theft			1		1
Indecent Exposure			1		1
Larceny – Person	2				2
Robbery – Armed	3				3
Robbery – Unarmed	1				1
<b>CRIMES AGAINST PROPERTY</b>					
Breaking & Entering	8	1	4		13
Computer Crime			1		1
Counterfeit Coin	2		1		3
Embezzlement	1		2		3
Entering Without Breaking	1		1	1	3
False Pretenses	2				2
Forgery	1		2		3
Larceny	1		3		4
Larceny – Building	7	6	11		24
Larceny – Vehicle	1	1			2
Malicious Destruction of Property	3	1	5		9
No Account Checks			5		5
Receiving/Concealing Stolen Property	2		1		3
Receiving/Concealing Weapons	2				2
Stealing/Possessing/Unauthorized Use of FTD	1	1	4		6
Uttering & Publishing	2	1	5		8
Unlawful Use of a Motor Vehicle	1	1	3		5
Violation of Check Law			1		1
<b>CRIMES INVOLVING CONTROLLED SUBSTANCE</b>					
Maintaining Drug House	4	2	4		10
Possessing/Manufacturing/Delivering Analogues	1				1
Possessing/Manufacturing/Delivering Cocaine	13	1	4	1	19
Possessing/Manufacturing/Delivering Marijuana	3	5	4		12
Possessing/Manufacturing/Delivering Scheduled Substance	11	3	9	1	24
<b>CRIMES AGAINST PUBLIC ORDER</b>					
Contempt			1		1
Failure to Pay Child Support	5		2	1	8
Gross Indecency			3		3

	PRISON	JAIL ONLY	PROBATION	DELAYED SENTENCE	TOTAL
<b>CRIMES AGAINST PUBLIC ORDER</b>					
Obstruction of Justice		1	3		4
Unlawful Image Distribution			1		1
<b>CRIMES AGAINST PUBLIC SAFETY</b>					
Criminal Enterprise	2				2
Discharge of Firearm Toward Dwelling			1		1
Felony Firearm	1				1
Fleeing/Eluding/Resisting/Obstructing Law Enforcement	9	2	7		18
OWI		2	1		3
OWI – Third	13	2	32		47
OWI – Causing Injury	1		2		3
Prisoner Contraband			1		1
Possession of Firearm by Felon	2		2		4
Violation of Vehicle Code	1	2	2		5
<b>CRIMES AGAINST PUBLIC TRUST</b>					
Failure to Stop at Accident			1		1
UDAA	6		1		7
Violation of Insurance Code		1			1
<b>TOTAL</b>					<b>347</b>

The following illustration depicts crime-category distributions by percentage for each County in 2012.



## DEPARTMENT OF CORRECTIONS AND PROBATION

In 2012, staffing levels for the Thirteenth Circuit Court Probation Department and Michigan Department of Corrections (MDOC) Parole Department consisted of 9 agents and 2 clerical assistants covering the three-county region. In 2012, Agent Dawn Bard transferred to Genesee County and Agent Matt Salisbury replaced her in Antrim County. In the last quarter of 2012, Agent Will Fleming transferred to a newly formed local Internet Crimes Against Children (ICAC) Task Force.

As employees of the Michigan Department of Corrections, assigned to the local courts, staff supervise convicted offenders residing within the Thirteenth Circuit Court's jurisdiction. The Probation and Parole staff maintain close working relations with local court personnel, law enforcement, Community Corrections and many other area partners to ensure offenders are persistently supervised and to enhance the potential success of MDOC clients. Each case is individually supervised to assure public safety and compliance with the Court's orders. Supervision is achieved through a community collaborative approach which includes office and field contacts, appropriate treatment referrals, substance abuse screening and a variety of electronic monitoring options. The Department of Corrections and Probation Department's supervision caseload in 2012 averaged 484 persons per month.

In addition to supervision of MDOC clients, Probation and Parole staff members complete Pre-Sentence Investigation Reports for each Circuit Court conviction, as well as supplemental reports for formal violations. The PSIRs include the scoring of Sentencing Guidelines and a detailed summary of the individual's history including economic and social background, prior criminal record, current offense details and any victim impact statements. The PSIRs are used by the Judges as a tool to assist in determining the appropriate sentence for the crime and for the individual offender. In 2012, 205 new PSIRs were compiled for the Thirteenth Circuit Court.



Back from Left: James Monette [GTC], Charles Welch [Field Agent/Supervisor], Jo Meyers [GTC], William Fleming [GTC], Steven Brett [GTC & LC]  
Seated: Thomas Chapman [GTC], Joleen Peck [GTC], Melanie Catinella [GTC], James Ribby [GTC]  
Inset Photo: Daryl Reinsch [AC]  
Not pictured: Mary Chapman and Matt Salisbury

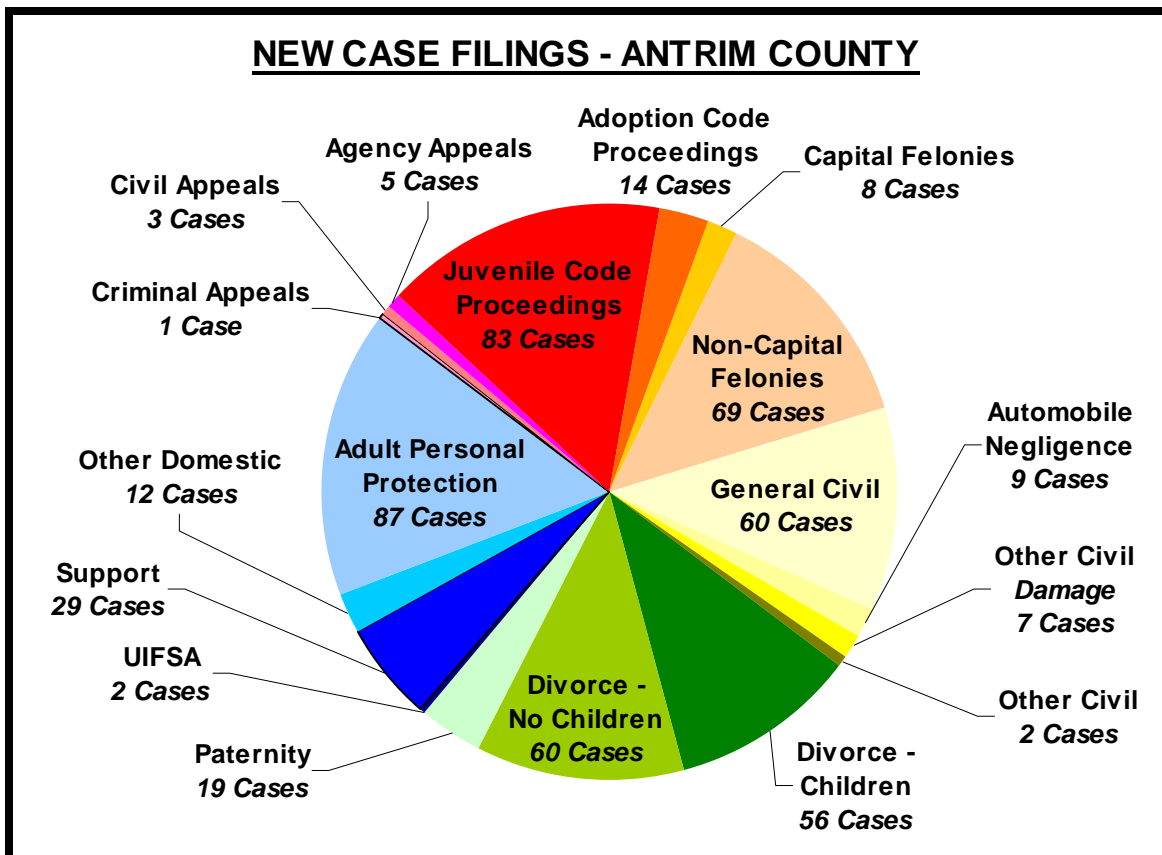
## CIVIL CASELOAD

Circuit Court cases are separated into the following categories: appeals, capital felonies, criminal non-capital, general civil, automobile negligence, other civil damage, other civil, divorce with and without minor children, paternity, Uniform Interstate Family Support Act (UIFSA), support, other domestic, adult personal protection, proceedings under the juvenile code, proceedings under the adoption code and miscellaneous family.

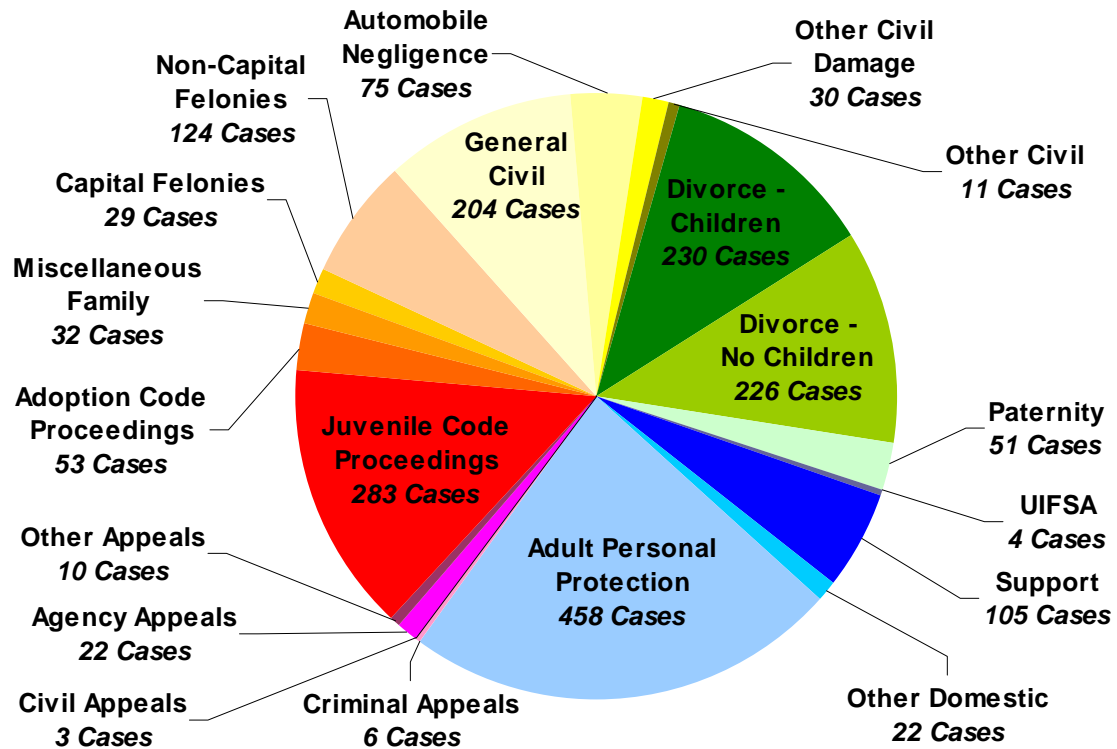
The 'general civil' category includes business claims, condemnation, employment discrimination, environment, forfeiture claims, housing and real estate, contracts, labor relations, antitrust, franchising and trade regulation, corporate receivership and any miscellaneous/general civil. The 'automobile negligence' category includes property damage, no-fault insurance and personal injury. The 'other civil damages' category includes medical malpractice, other professional malpractice, other personal injury, products liability, dramshop act and other damage suits. 'Other' types of civil cases include proceedings to restore, establish or correct records, claim and delivery, receivers in supplemental proceedings, supplemental proceedings and miscellaneous proceedings. The UIFSA category includes proceedings to assist with or compel discovery and all support and paternity establishment proceedings incoming from other states. 'Proceedings under the juvenile code' cases include designated juvenile offenses, delinquency proceedings, traffic and local ordinance, and child protective proceedings. 'Adoption code proceedings' include adult adoptions, agency international adoptions, direct placement adoptions, relative adoptions, safe delivery of newborn adoptions, permanent ward adoptions, non-relative guardian adoptions and step-parent adoptions. 'Miscellaneous family' cases include emancipation of minor, infectious disease, safe delivery of newborn child, name change, violation proceedings on out-of-county personal protection order, adult and minor conservatorships, adult, limited adult, minor, limited minor and developmental disability guardianships, protective orders and mental commitments.

## NEW CASE FILINGS

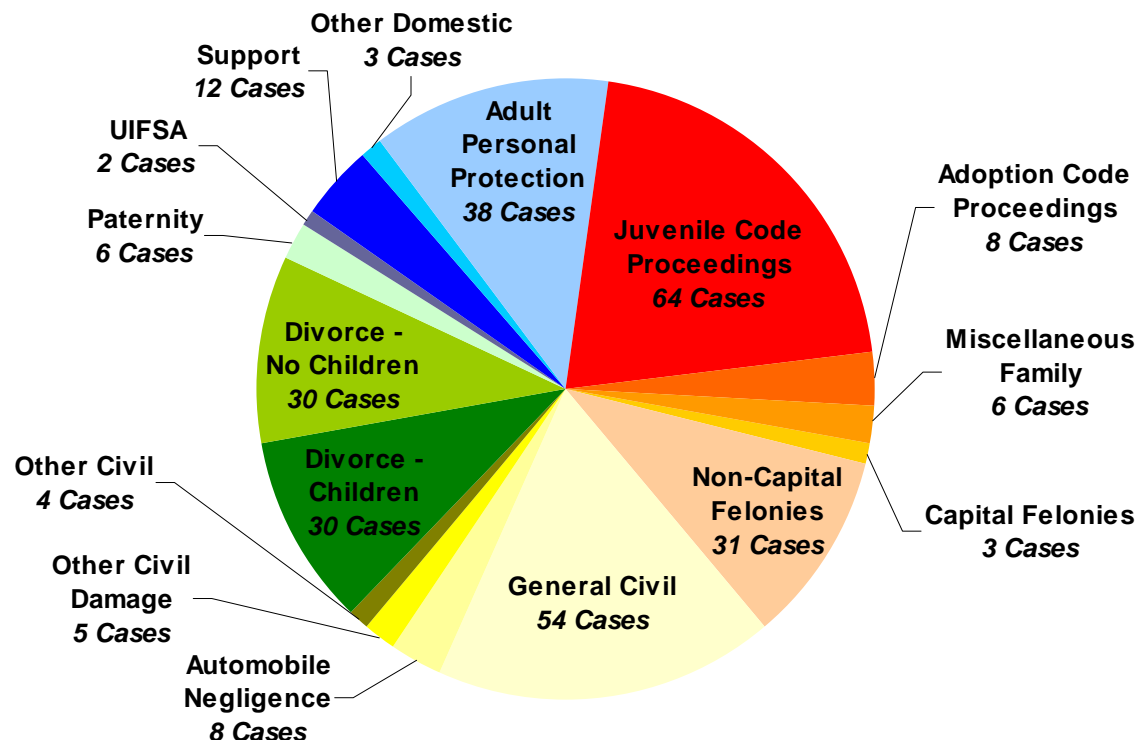
The following pie charts depict the types of new cases filed in 2012 in Antrim County, Grand Traverse County and Leelanau County. The number and types of new cases that are filed annually vary by location.



## NEW CASE FILINGS - GRAND TRAVERSE COUNTY

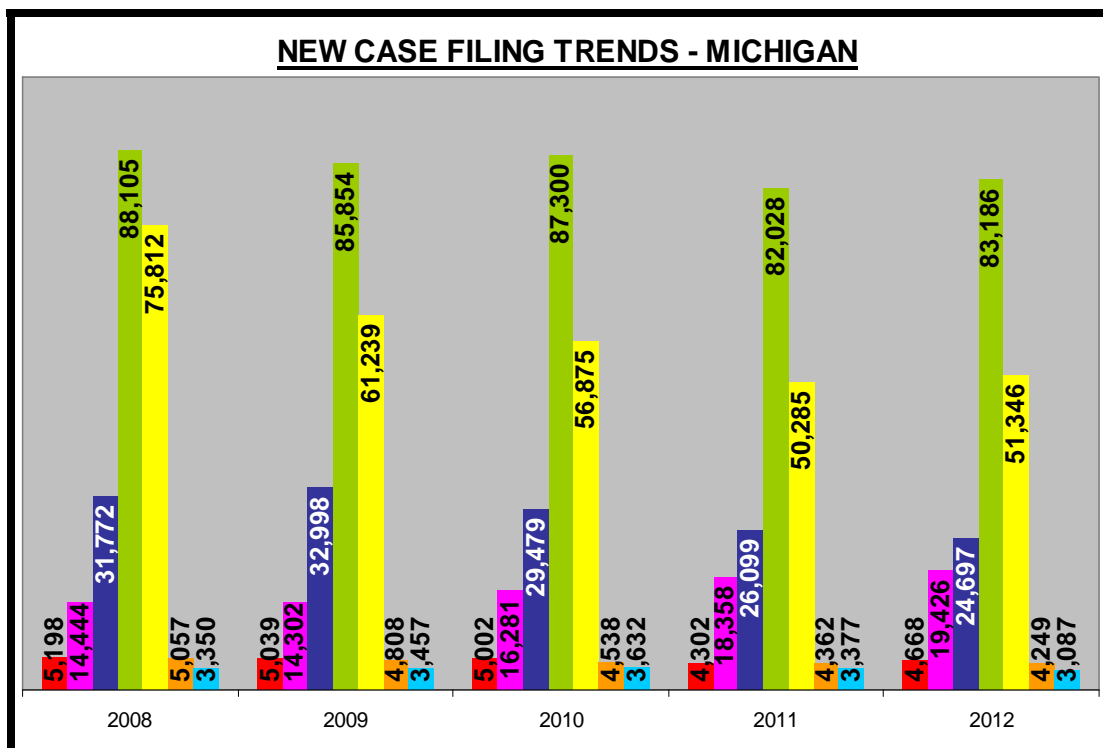
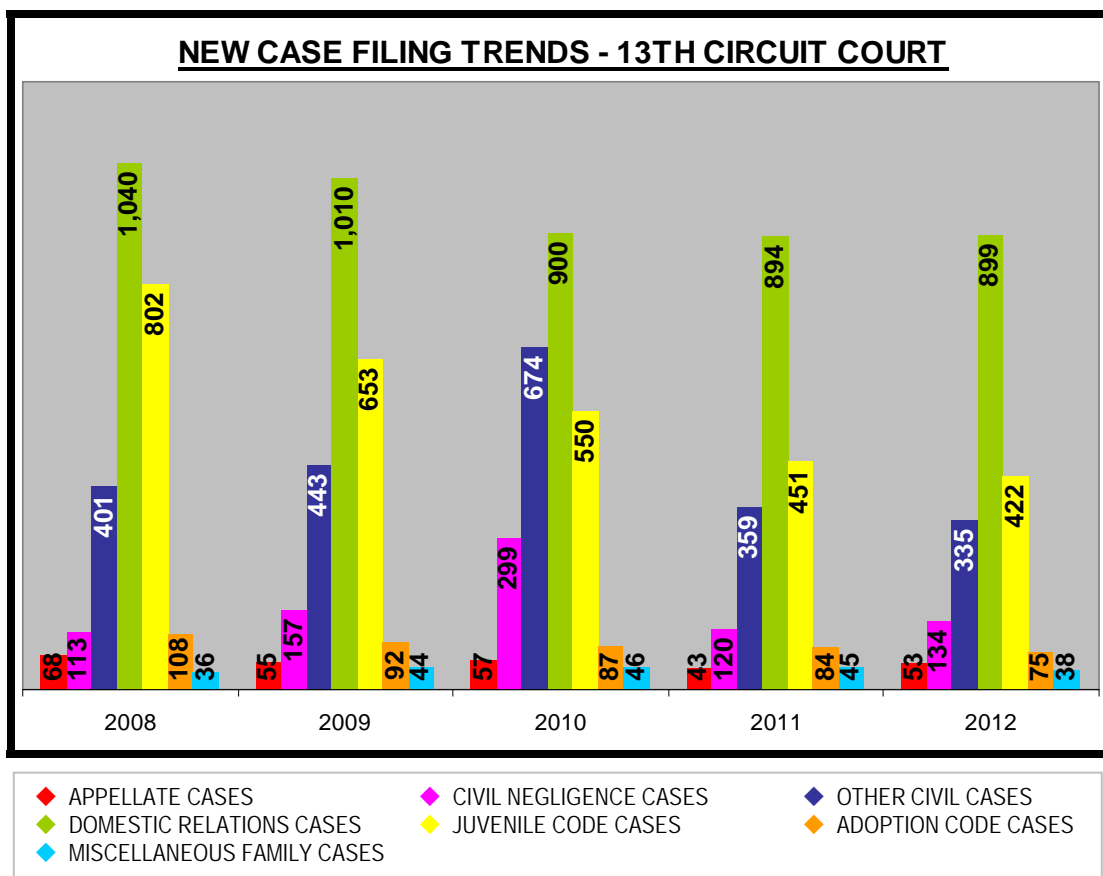


## NEW CASE FILINGS - LEELANAU COUNTY



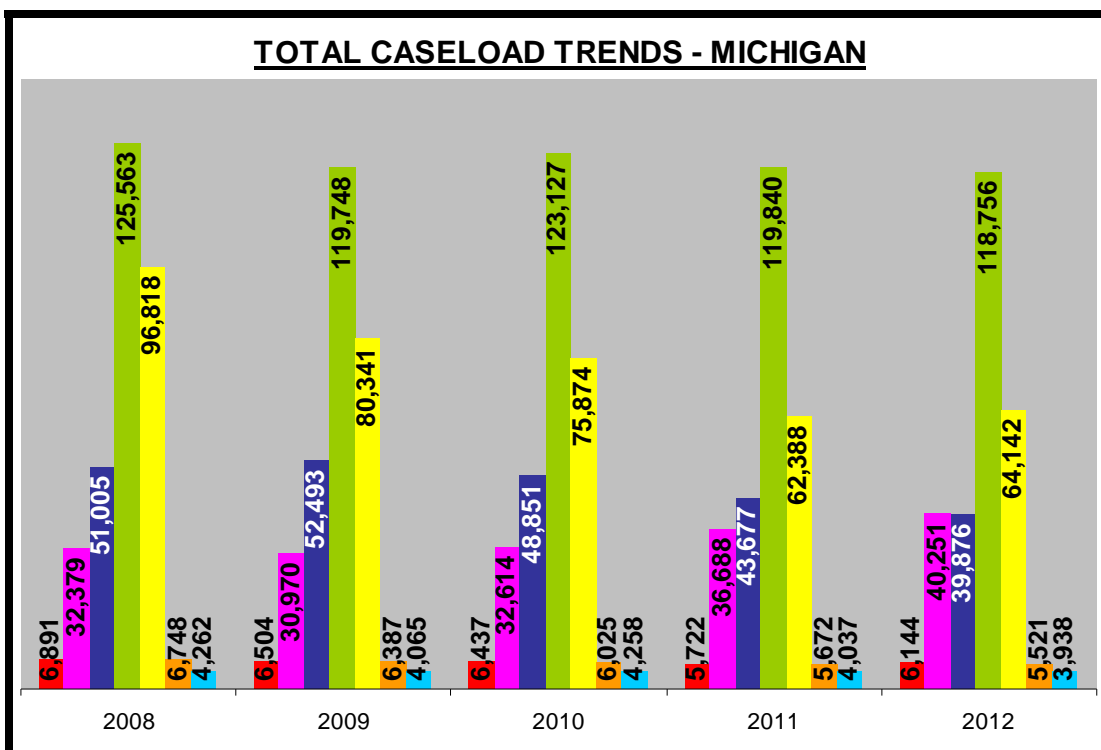
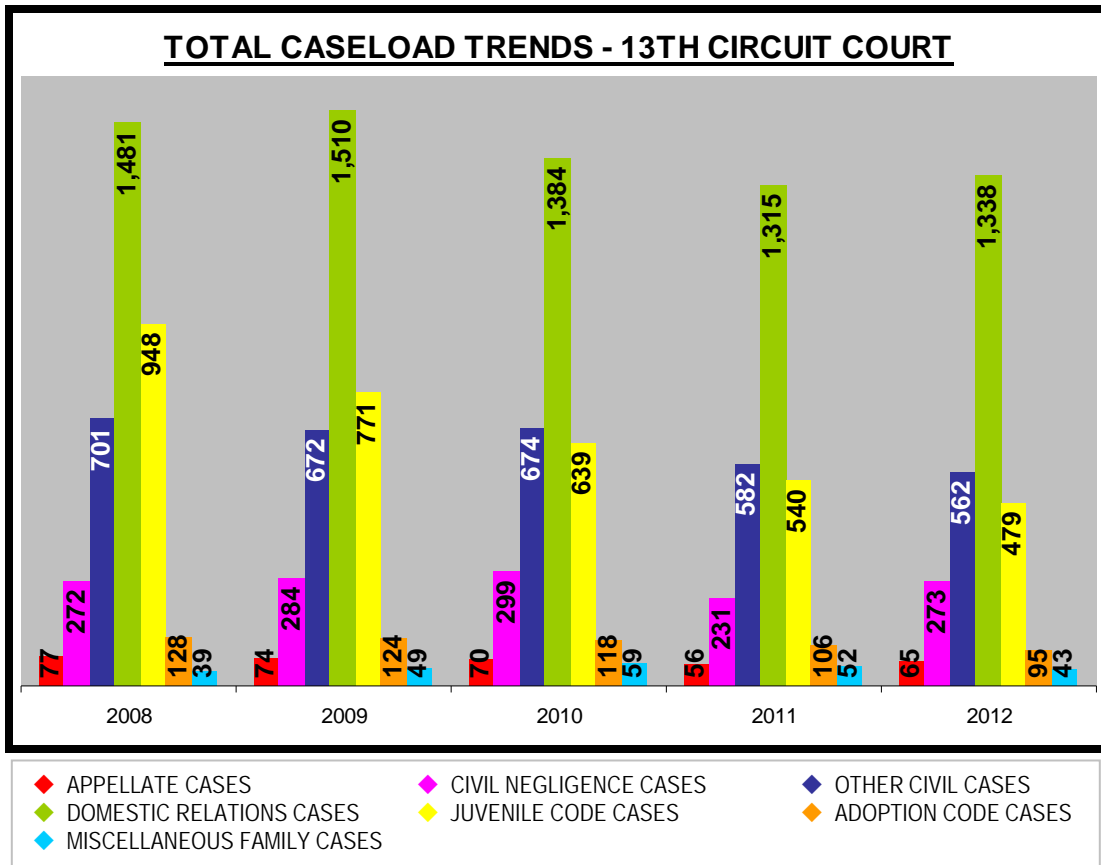


The two charts below depict and compare the annual new case filings for the Thirteenth Circuit Court and the State of Michigan over the previous 5 years. Both the Thirteenth Circuit and the State saw an increase in the number of appeals, civil negligence cases and domestic relations cases, and a decrease in the number of other civil cases, adoption proceedings and miscellaneous family cases.



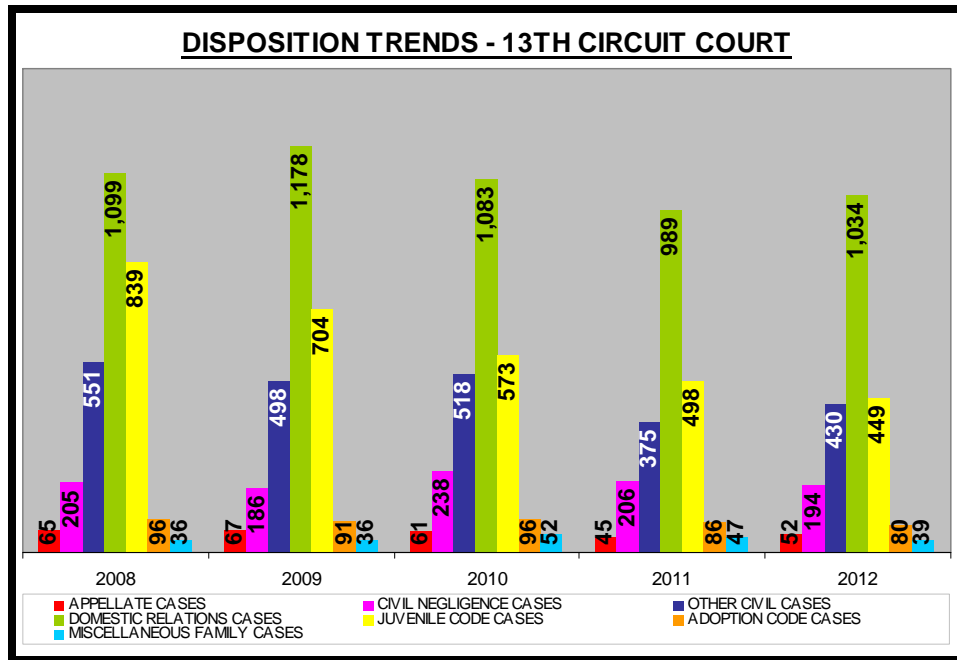
## TOTAL CASELOAD

The Court's total caseload consists of cases that begin the year pending, all newly filed cases and any cases that have been reopened during the year. In 2012, the Thirteenth Circuit Court's civil negligence and domestic relations caseloads increased, while the same caseloads for the State decreased in number. Conversely, the State's juvenile caseload increased, while the Thirteenth Circuit Court's juvenile caseload decreased

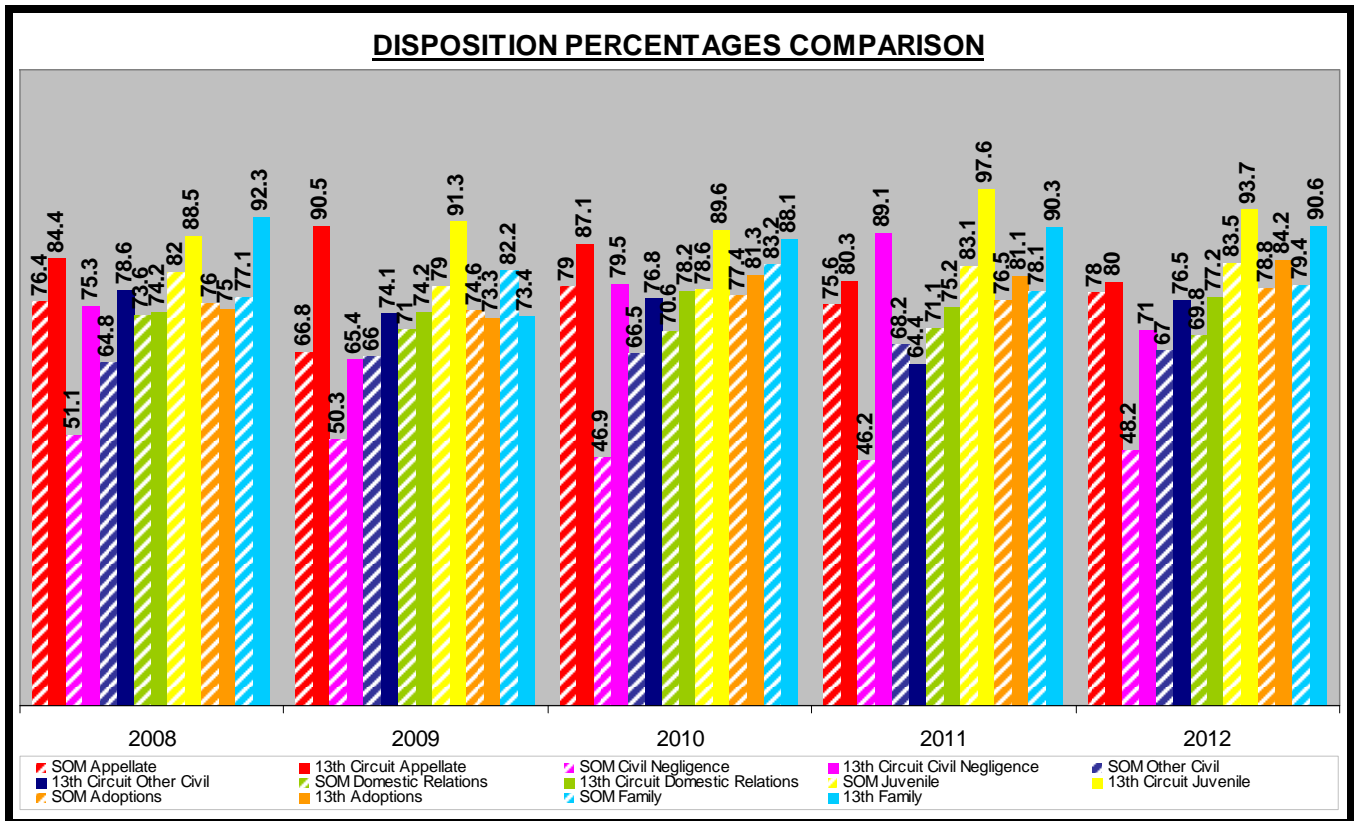


## DISPOSITIONS

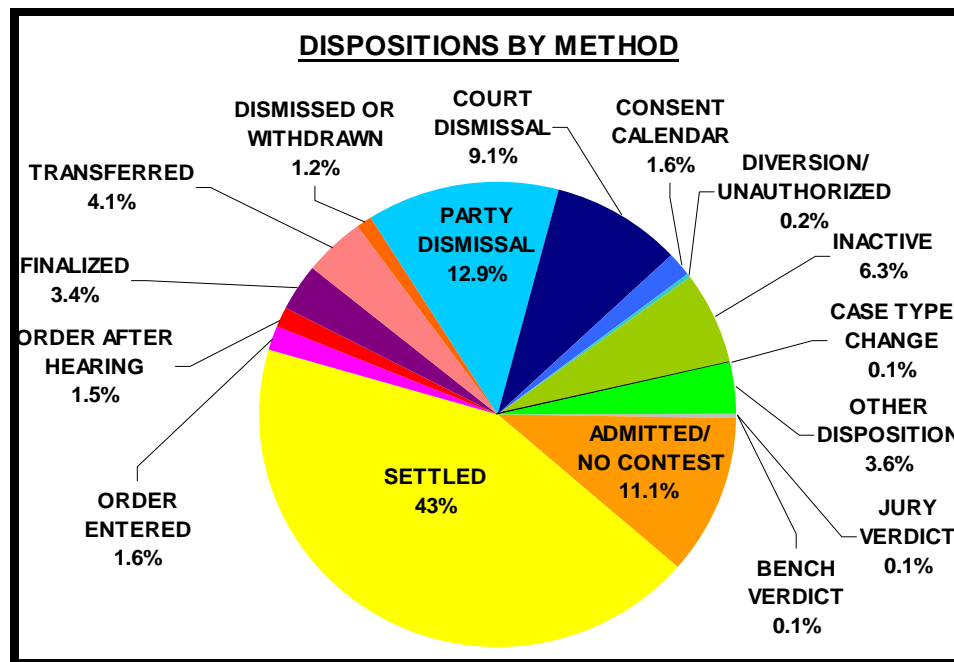
Annual disposition percentages are calculated by dividing the categories' total dispositions by the same categories' total caseload. There is typically a gap period between the time a new case is filed and when that case is disposed of by the Court; therefore, disposition percentages naturally fluctuate above and below 100%. Disposition percentages are representative of case-flow management and indicate the extent to which a court is attending to its total caseload.



The following chart compares the disposition rates, by percentage, for the State of Michigan (SOM) and the Thirteenth Circuit Court over the previous 5 years. On average, the Thirteenth Circuit Court disposes of a larger percentage of cases than the State. In 2012, the Thirteenth Circuit averaged a 9.78% greater disposition rate than the State of Michigan in non-criminal cases.



Methods of disposition include: jury verdicts, bench verdicts, cases dismissed by the parties or by the Court, orders issued by the Court, party admissions, cases made inactive, cases finalized and cases transferred. Settlement by the parties resulted in the greatest number of dispositions of cases in 2012. The pie chart below depicts the various methods used in 2012 to dispose of non-criminal cases. Not represented on the chart are one order issued ex parte by the Court and one case that was not charged.



The following table provides data on the number and type of non-criminal cases disposed of in 2012, and the various methods used for disposition.

CASE TYPE		JURY TRIAL	BENCH TRIAL	ADMISSION	SETTLED*	ORDER ENTERED	EX PARTE ORDER	ORD AFTER HRG	FINALIZED	TRANSFERRED	DISMISSED *	PARTY DISMISSAL	CT DISMISSAL	CONSENT	DIVERSION	NOT CHARGED	UNAUTHORIZED	INACTIVE	CASE TYPE CHNG	OTHER
<b>APPELLATE</b>																				
Agency						20					8								1	
Civil						2					3									
Criminal						4					3									
Habeas Corpus						9														
Other						2														
<b>GENERAL CIVIL</b>																				
Business Claims												3	2							1
Environment					2													1		
Work Discrimination												1								1
Housing/Real Estate					37				4		35	7						11		10
Contracts			1		75				4		51	20						12		21
Labor Relations											1									
Antitrust, Etc.											1									
General Civil					42				2		28	20						3		10
<b>AUTO NEG</b>																				
No-Fault Insurance					6						23	1						3		8
Personal Injury		1			7						42	6						4	1	15

CASE TYPE	JURY TRIAL	BENCH TRIAL	ADMISSION	SETTLED*	ORDER ENTERED	EX PARTE ORDER	ORD AFTER HRG	FINALIZED	TRANSFERRED	DISMISSED *	PARTY DISMISSAL	CT DISMISSAL	CONSENT	DIVERSION	NOT CHARGED	UNAUTHORIZED	INACTIVE	CASE TYPE CHNG	OTHER
<b>OTHER DAMAGES</b>																			
Medical Malpractice	1			2							5								3
Other Malpractice											1								1
Other Personal Injury				12							19	5					6		8
Other Damage Suits				3					2		6								3
<b>MISC CIVIL</b>																			
Claim & Delivery				9							4	1					1		1
Receivers				1															
Supp. Proceedings				2															
Misc Proceedings				5															
<b>DOMESTIC</b>																			
Custody				21							2	3							
Divorce – Children				254					1		23	43					50		
Divorce – No Minors				285							16	31					50		
Paternity				67							6	11						1	
Support				142							2	12							
Other Proceedings				2								1					1		
UIFSA				5								5							
<b>JUVENILE CODE</b>																			
Delinquency				213					72		21	37	37	1	1		1		
Traffic				1															
Child Protective		2	39						8	13							3		
<b>ADOPTION CODE</b>																			
Adult									3										
International									2										
Direct Placement									7										
Relative									5										
Permanent Ward									36			1							
Step-Parent									24			1							
Other									1										
<b>MISC FAMILY</b>																			
Name Change									31		3								
Infectious Disease									1										
Adult Foster Care Act									3										

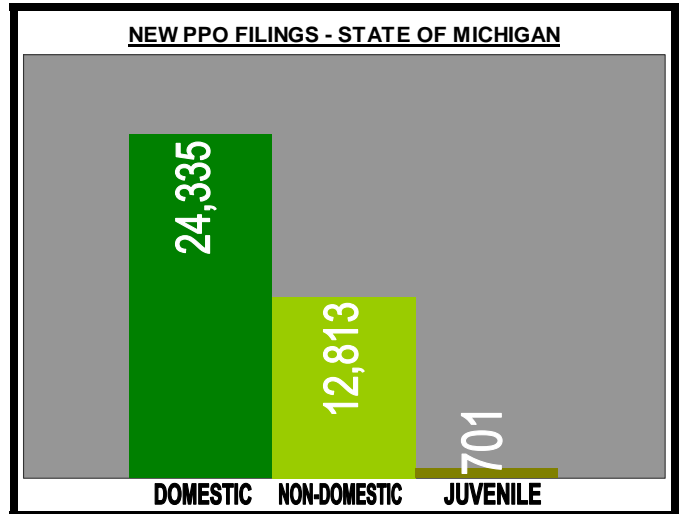
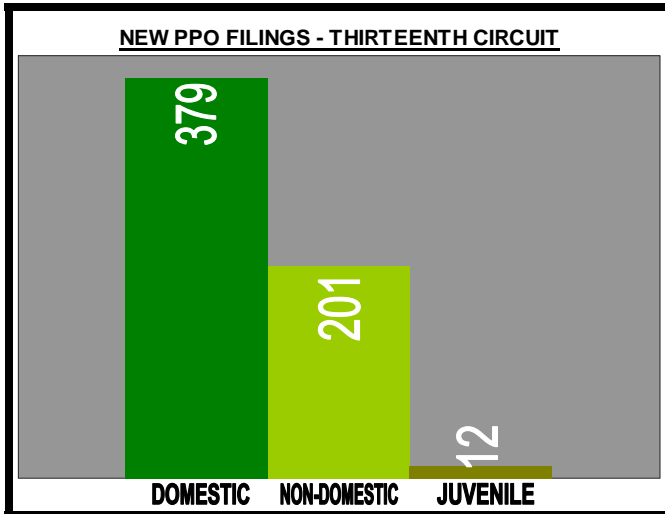
\*The term *Settled* collectively includes cases that were defaulted, uncontested or settled. The term *Dismissed* refers to cases that were either dismissed or withdrawn.



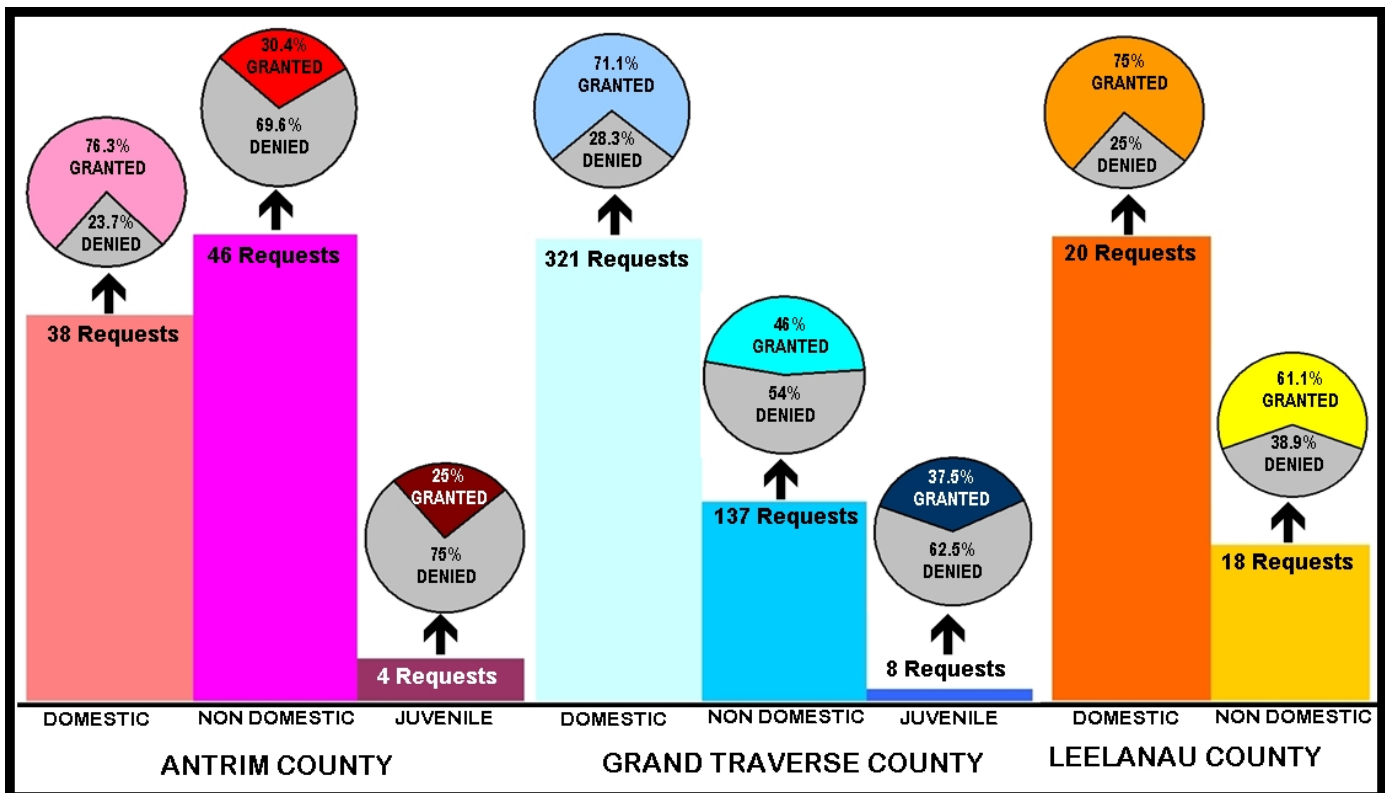
# PERSONAL PROTECTION ORDERS

## NEW CASE FILINGS

In 2012, the Thirteenth Circuit Court received 588 new requests for personal protection orders (PPOs). Of the 588 total new requests, 379 pertained to domestic relationships, 201 related to stalking, and 12 were actions brought under the juvenile code. The Court issued 274 domestic personal protection orders, 88 non-domestic personal protection orders and 4 personal protection orders against juveniles in 2012. The Court conducted violation proceedings in 4 cases where the personal protection orders were issued outside of the Thirteenth Circuit.

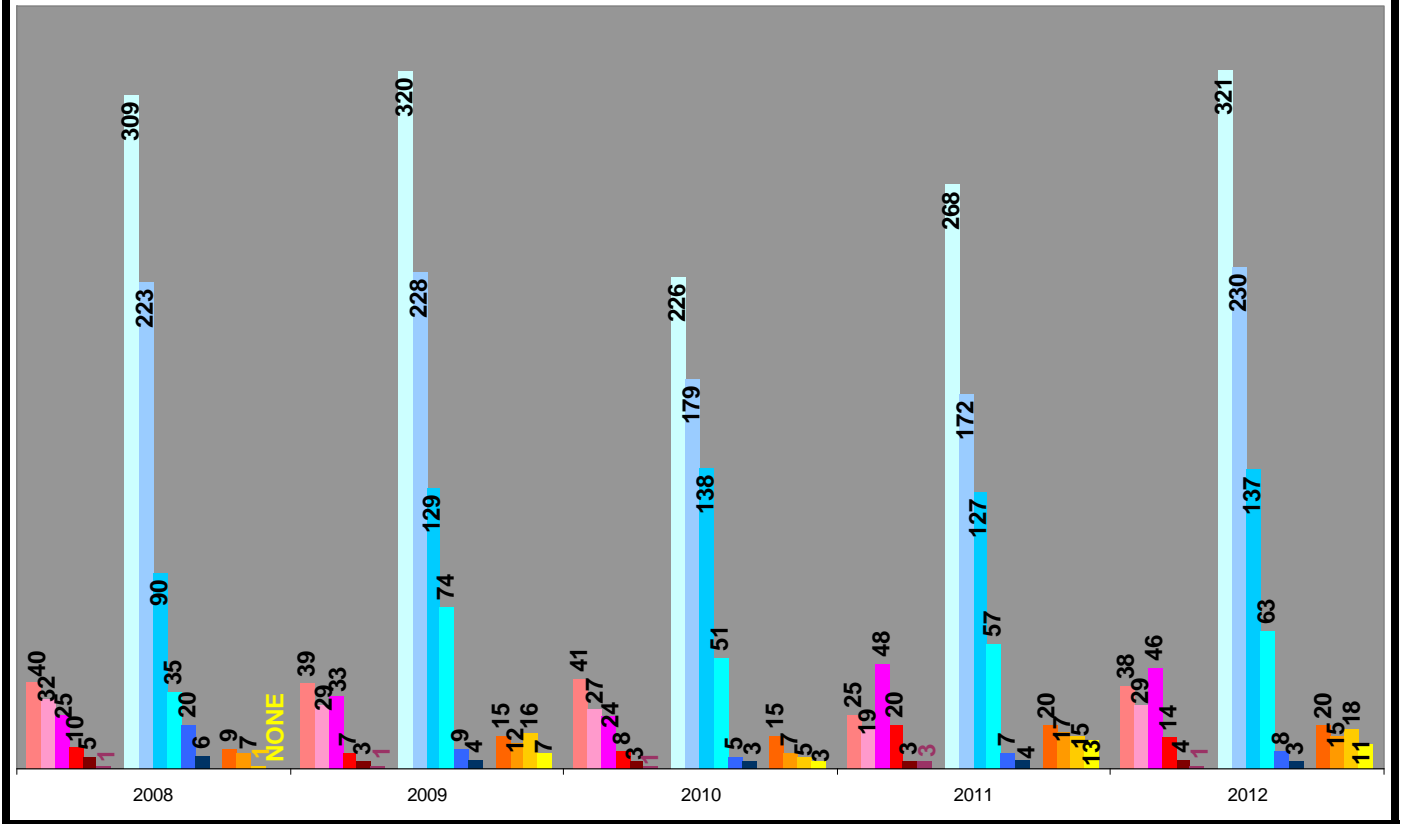


The following chart compares, by county, the percentages of PPO requests granted and denied.



# TOTAL CASELOAD

## ANNUAL PERSONAL PROTECTION ORDERS BY COUNTY



### ANTRIM COUNTY

- Domestic PPO Requests
- Domestic PPOs Issued
- Non-Domestic PPO Requests
- Non-Domestic PPOs Issued
- Juvenile PPO Requests
- Juvenile PPOs Issued

### GRAND TRAVERSE COUNTY

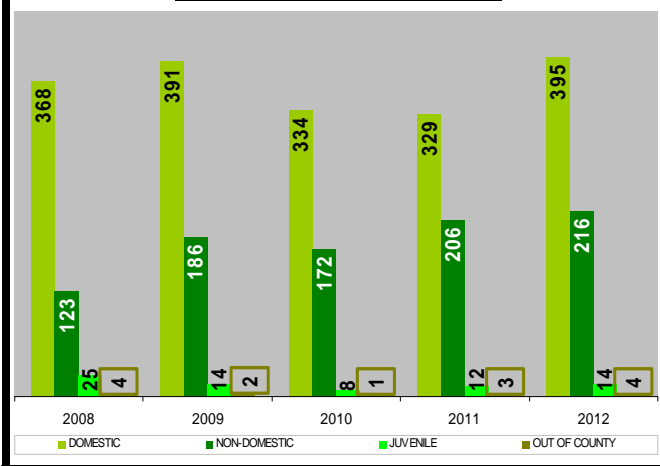
- Domestic PPO Requests
- Domestic PPOs Issued
- Non-Domestic PPO Requests
- Non-Domestic PPOs Issued
- Juvenile PPO Requests
- Juvenile PPOs Issued

### LEELANAU COUNTY

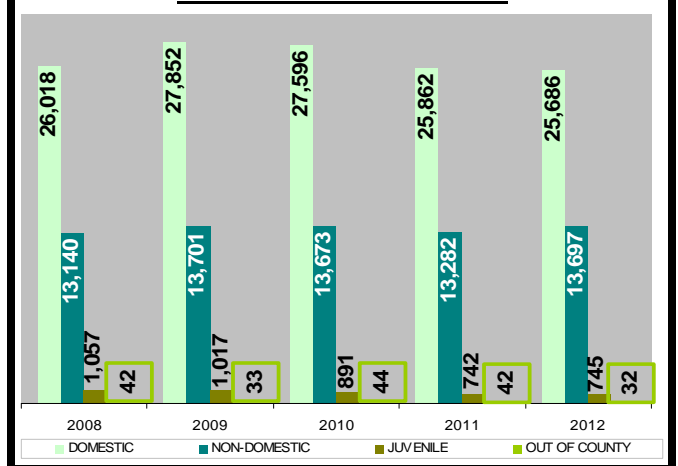
- Domestic PPO Requests
- Domestic PPOs Issued
- Non-Domestic PPO Requests
- Non-Domestic PPOs Issued

The chart above depicts personal protection order trends, including the number of requests and the number of orders issued in each county for the past 5 years. The chart below shows total caseload trends for personal protection order cases over the previous 5 years.

### 13TH CIRCUIT CASELOAD TRENDS

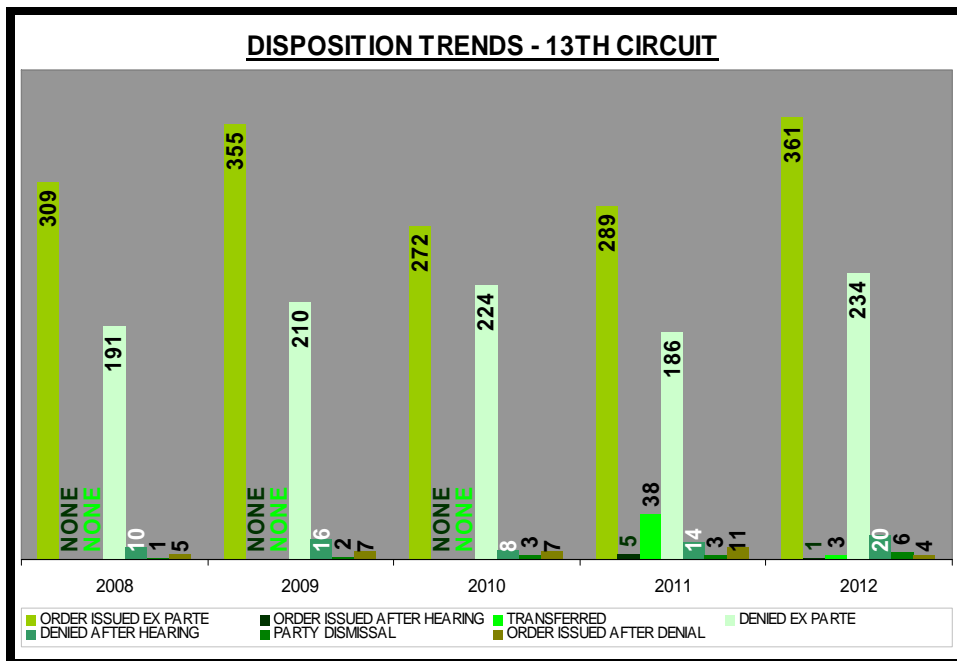
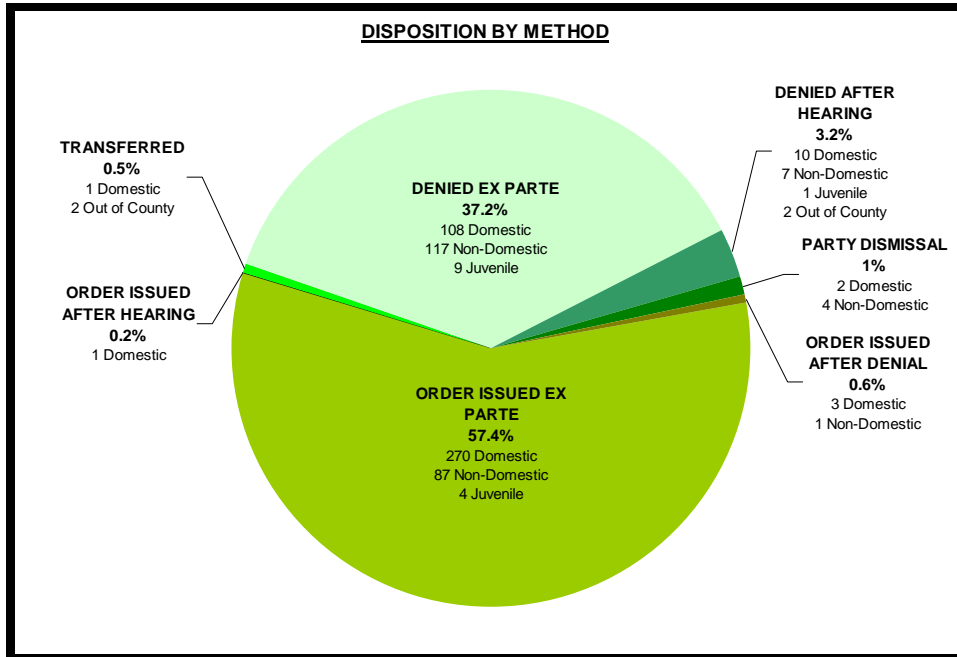


### STATE CASELOAD TRENDS



## DISPOSITIONS

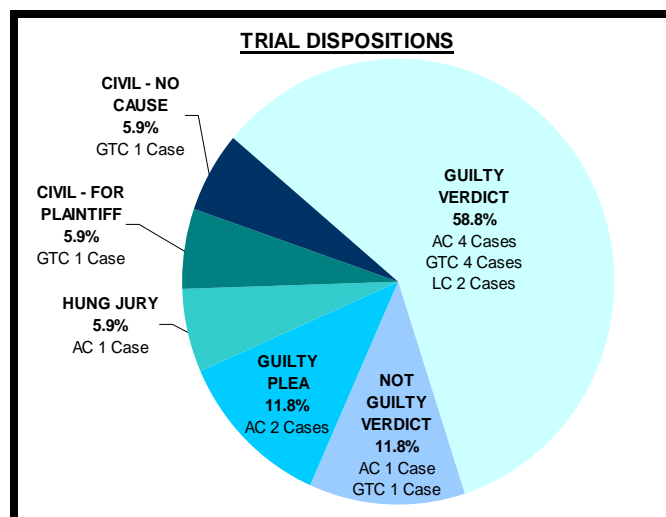
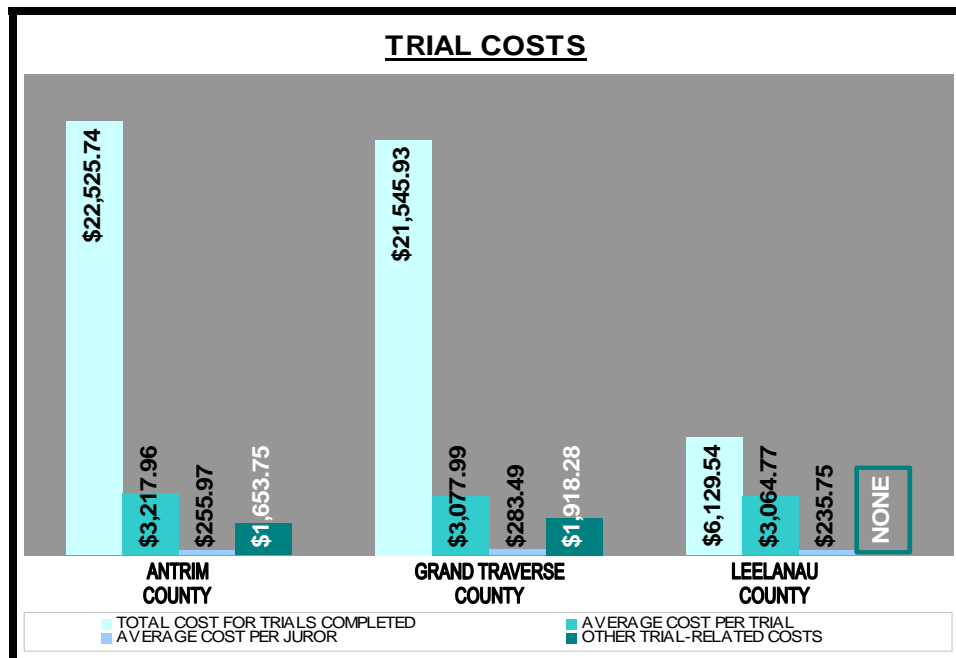
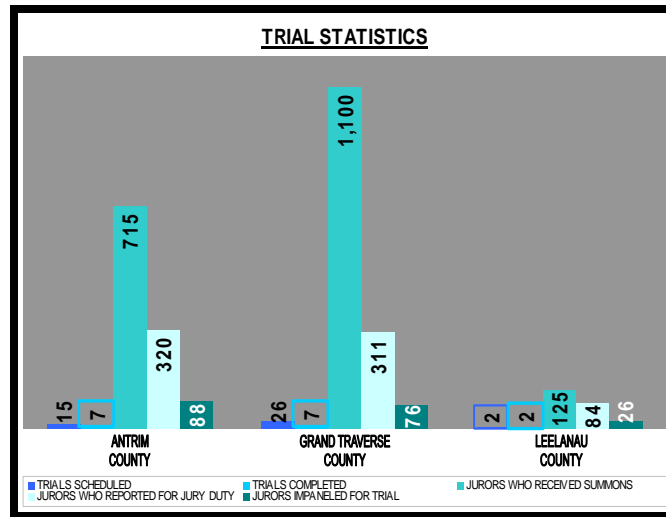
Personal protection orders can be disposed of in the following ways: the Court can issue an ex parte order granting or denying the PPO request, the Court may hold a hearing on the matter and either issue an order granting the PPO or issue an order denying the PPO, an order may be issued after a PPO request has been denied, the case may be transferred, or the request may be dismissed by requesting party. The pie chart below illustrates the methods used to dispose of personal protection order actions in 2012.



## JURY TRIALS

The Thirteenth Circuit Court presides over all criminal felony trials and civil cases where the damages claimed exceed \$25,000. To qualify to serve as a juror, an individual must be a United States citizen, at least 18 years of age, a resident of the county issuing the summons, conversant in the English language, physically and mentally able to carry out the functions of a juror and cannot have committed a felony.

The process for selecting potential jurors begins with the Secretary of State providing a list of eligible jurors to the county jury board. Antrim, Grand Traverse and Leelanau Counties each have individual 3-member jury boards, appointed by that County's Board of Commissioners, with members serving 6-year terms. The jury boards then send juror questionnaires to the prospective jurors in their respective counties. Once the questionnaires are returned, the jury board randomly selects prospective jurors for their Circuit Court, District Court and Probate Court cases.



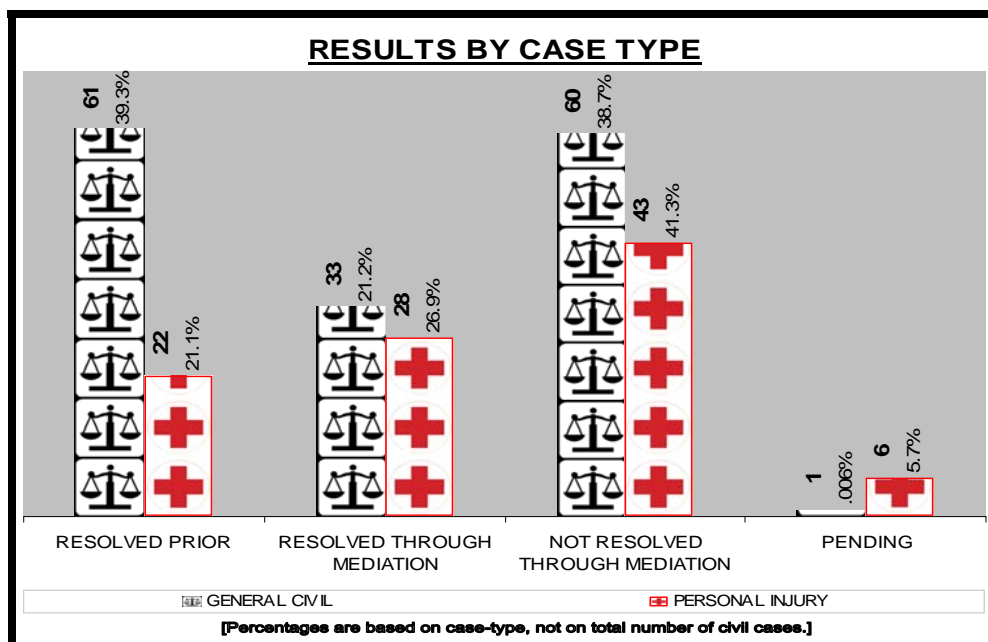
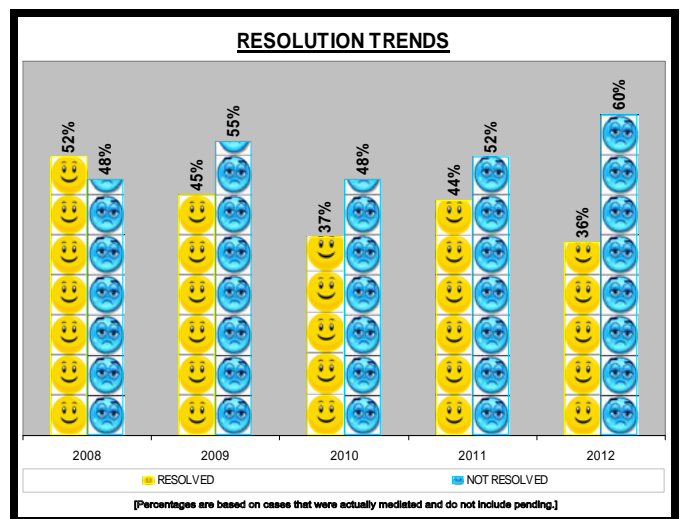
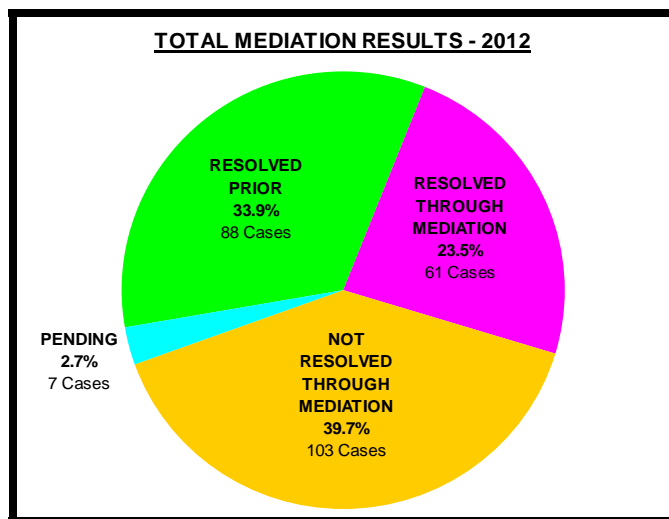
# ALTERNATIVE DISPUTE RESOLUTION

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, and settlement conferences. ADR may also include case evaluation, a non-binding process in which a panel of experienced attorneys assess the relative strengths and weaknesses of the parties' legal positions and assign a value to the case. Party litigants who wish to pursue case evaluation are permitted to arrange the proceedings themselves or use the offer of judgment provision pursuant to MCR 2.405.

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 a reduction in the overall need for jurors, compensation for lay and expert witnesses and the need for additional judges and/or courtrooms.

## CIVIL FACILITATIVE MEDIATION

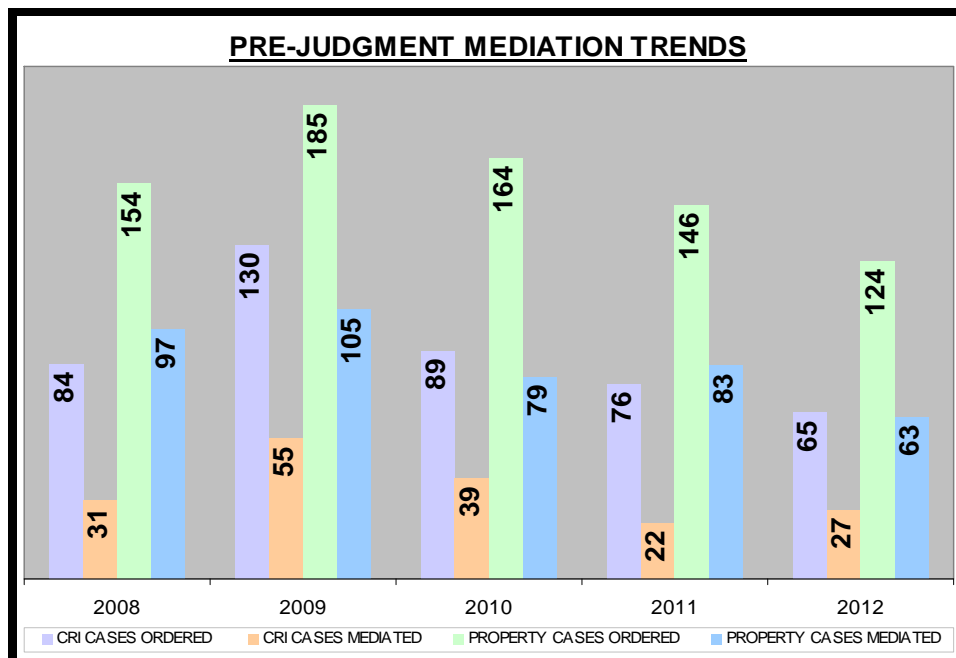
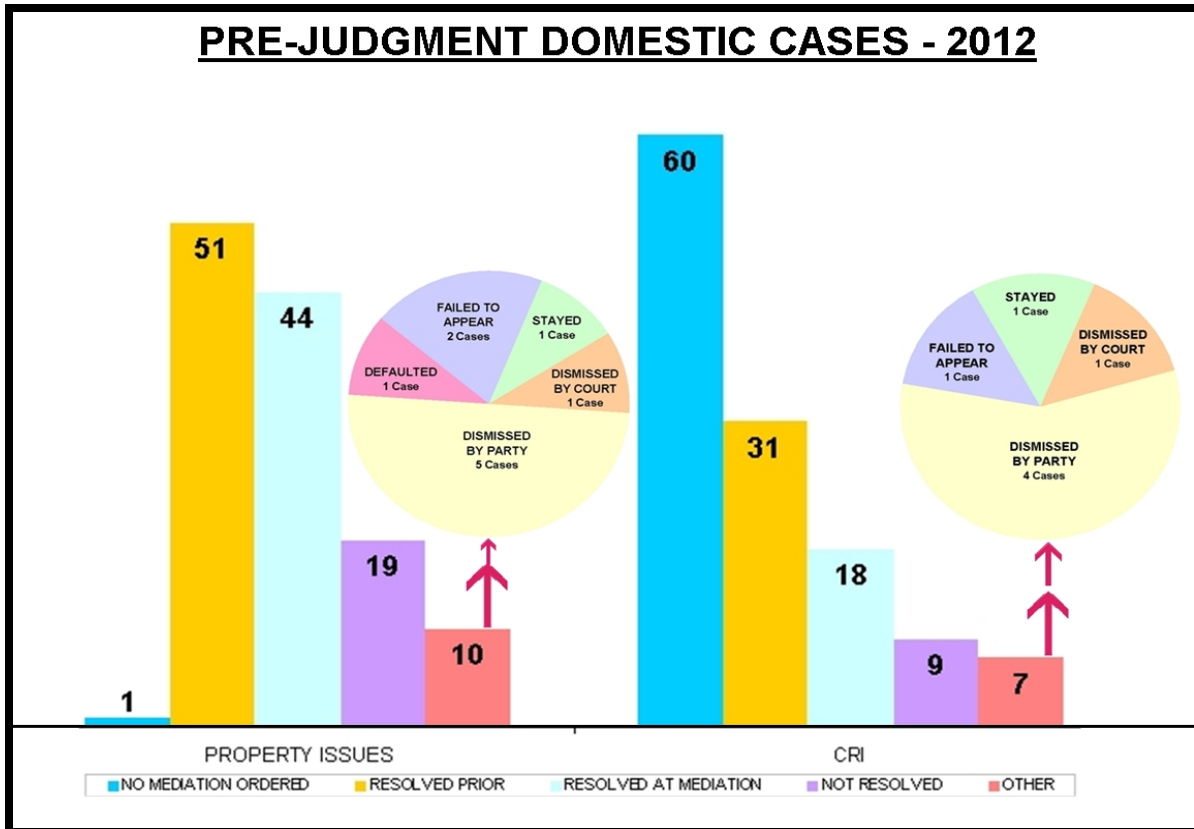
Facilitative mediation is an alternative dispute resolution process in which a neutral third party facilitates confidential communications between the parties in an attempt to help them reach a mutually agreeable resolution. In mediation, solutions are generated by the parties; whereas in litigation, the resolution of a conflict is imposed upon the parties by the Court. In 2012, 155 General Civil cases and 104 Personal Injury cases were ordered into mediation, with 171 cases actually being mediated. The Court selected a mediator for the parties in 20 cases.



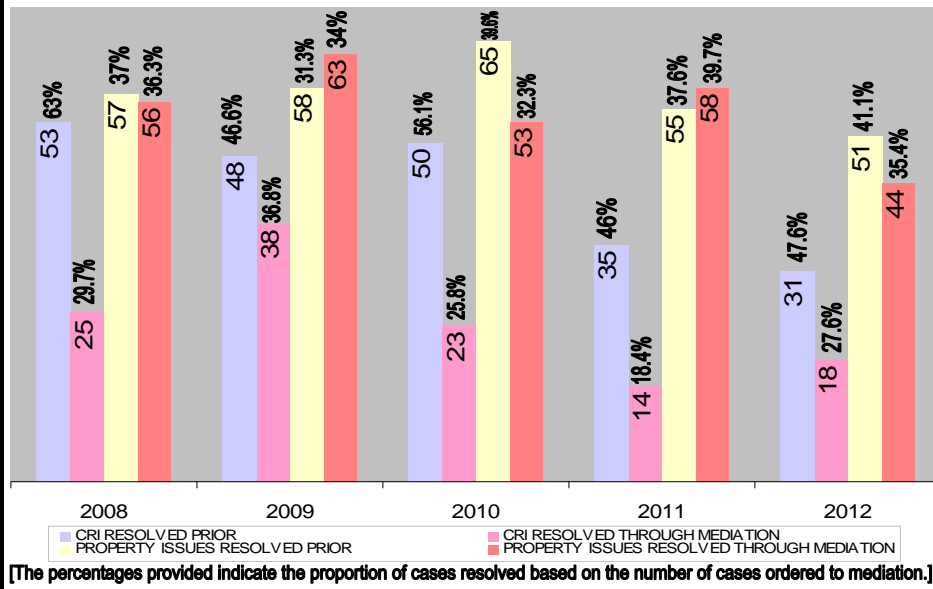


## DOMESTIC RELATIONS FACILITATIVE MEDIATION

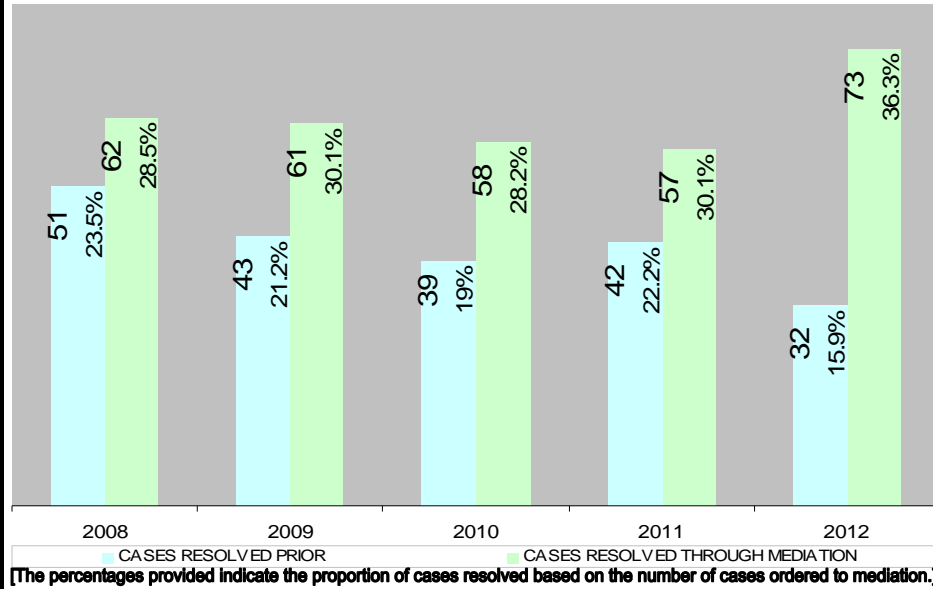
Domestic Relations mediation pertains to the following types of cases: Divorce with Minor Children ("DM"), Divorce without Children ("DO"), and Other Domestic Relations Matters ("DZ"). Mediation in these cases can address child-related issues ("CRI") and/or property-related issues. The issues to be mediated vary depending on the type of case and mediation can be ordered for either CRI or property-issues, or both. Therefore, the data regarding cases ordered into mediation may overlap for CRI and property issues. "Pre-Judgment cases" are those where a Judgment of Divorce has not yet been filed with the Court. "Post-Judgment cases" are cases where motions and/or objections are filed with the Court after the Judgment of Divorce has been entered.



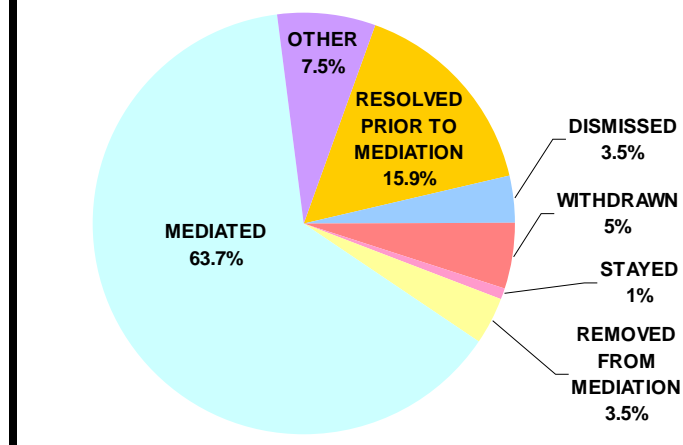
### PRE-JUDGMENT RESOLUTION TRENDS

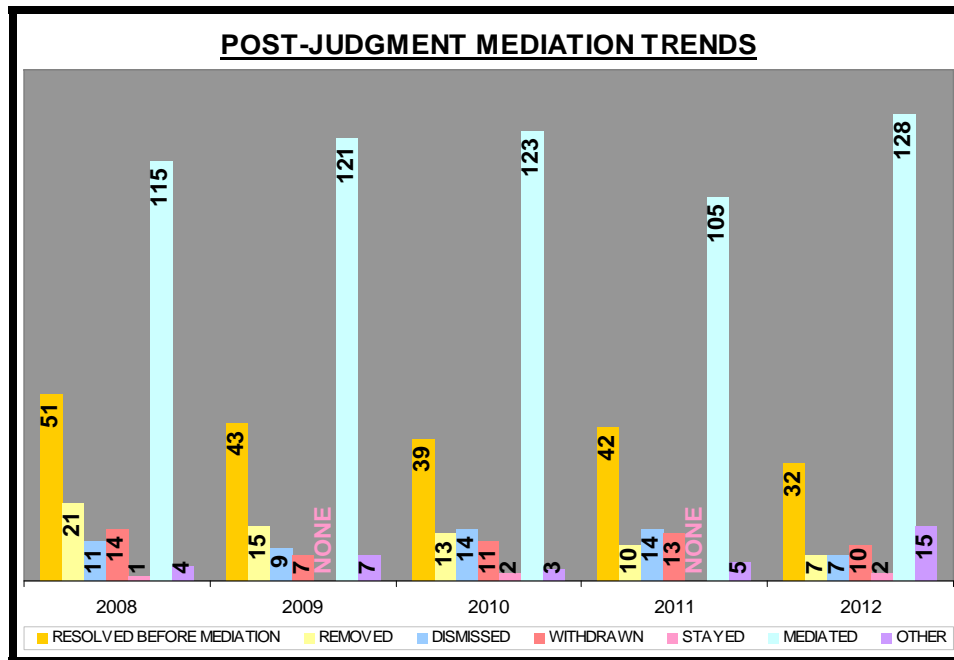


### POST-JUDGMENT RESOLUTION TRENDS



### POST-JUDGMENT DOMESTIC CASES - 2012



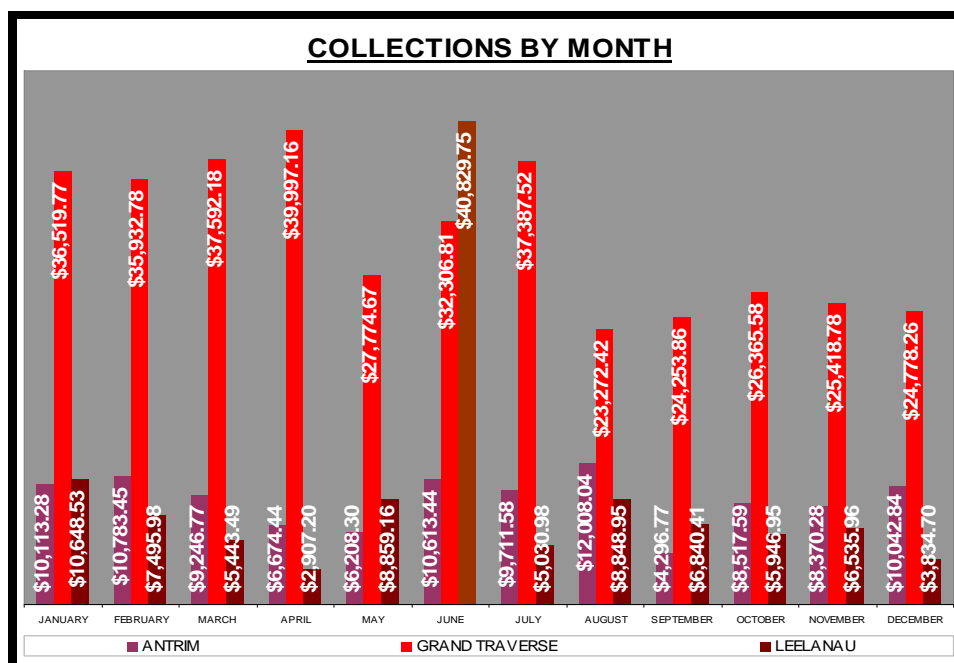


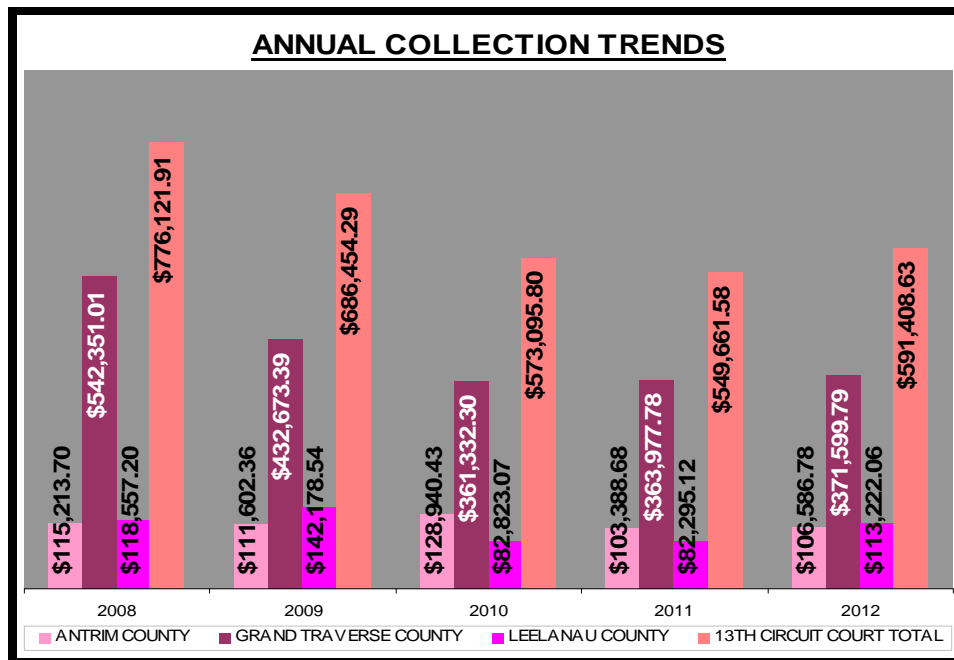
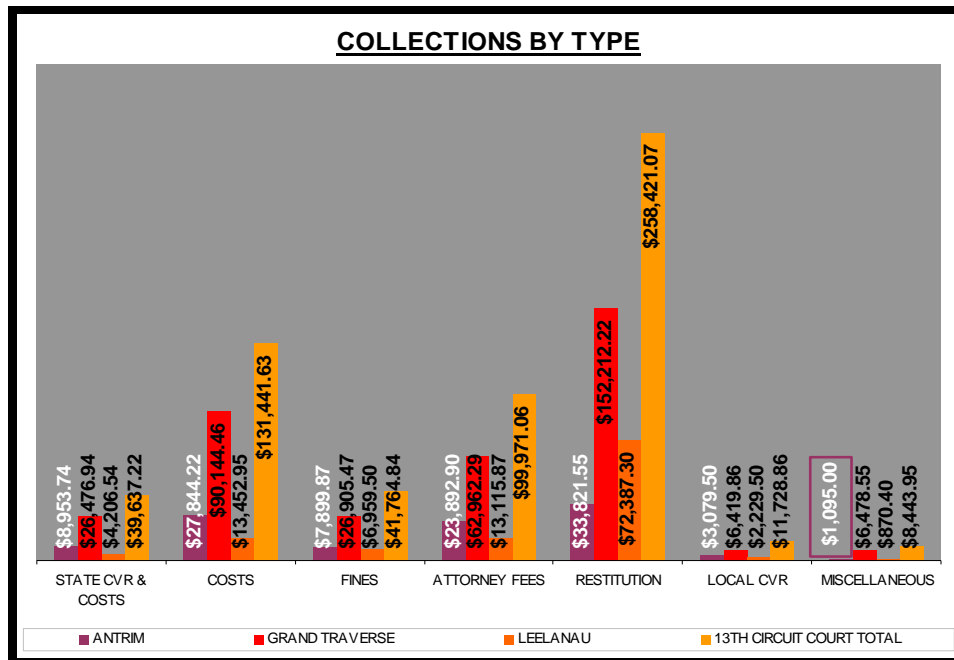
## COURT FINANCES

The Joint Judicial Commission, established pursuant to an Inter-County Operating Agreement, acts as a liaison for Antrim, Grand Traverse and Leelanau Counties and the Courts in order to coordinate financial and administrative responsibilities between the Counties and Courts. Members of the Commission include the Circuit Court Judges, Court Administrator, board chairperson, chairperson for the Finance/Ways and Means Committee, County Administrator/Coordinator and the Chief Administrative Fiscal Officers in Antrim, Grand Traverse and Leelanau Counties.

## COLLECTIONS

The Court collects fines, costs, court-appointed attorneys' fees, restitution and crime victim fund payments from convicted felons. The funds collected are used to help support the public libraries, assist in defraying the costs of providing court-appointed counsel for indigent defendants and serve as reimbursement to crime victims for losses they may have suffered.

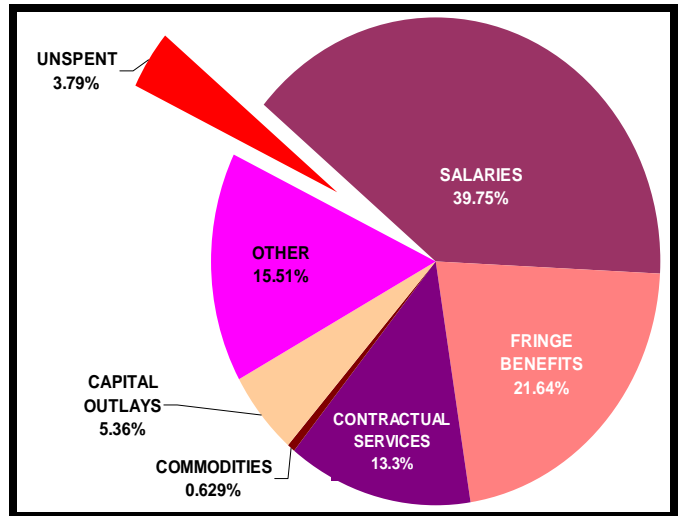
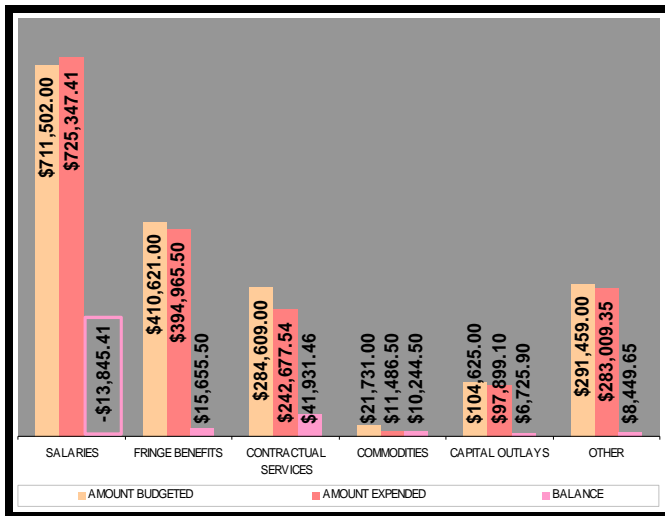




## **REVENUES AND EXPENDITURES**

Each county within the Thirteenth Circuit maintains its own budget and is responsible for the processing, auditing, verification and payment of operating expenses. Grand Traverse County oversees the Circuit Court Operating Fund, which 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, like court-appointed attorneys' fees, jury fees, witness fees, transcript fees and courthouse security. Additional revenue comes from filing fees, court costs assessed by the County Clerks' Offices and the State of Michigan.

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

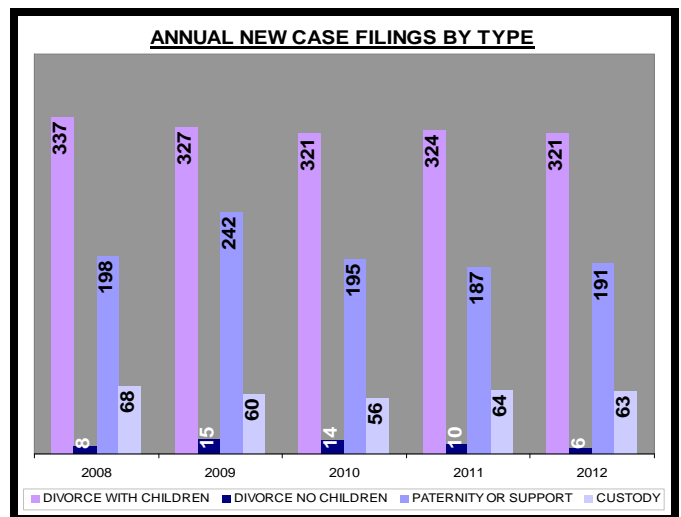
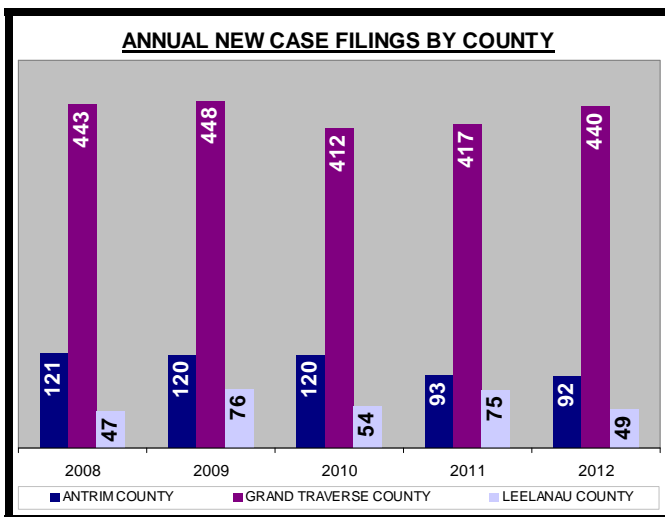


## FRIEND OF THE COURT CASE MANAGEMENT

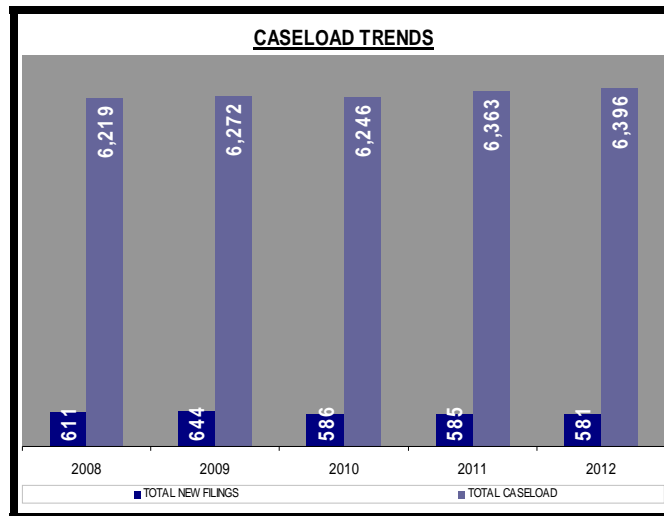
In 2012, the Friend of the Court (FOC) staff conducted 55 parenting-time investigations, 530 support investigations, performed 589 child support reviews and made recommendations for temporary orders in 549 cases. The FOC office processed 156 complaints for reimbursement of children's extraordinary medical expenses, generated 164 custody and parenting-time notices, and prepared 223 stipulated orders for clients. Of the initial orders generated by the Friend of the Court office, 55% granted custody to the mother, 6% granted custody to the father, 36% provided for shared physical custody and the 3% provided for split care, third-party care and cases where custody was reserved initially. The parties agreed to the new custody orders in 68% of the cases, while custody was determined by fault in 17% of the cases. The Court granted 30 petitions to "opt out" of Friend of the Court services and 10 cases which had previously "opted out" were reopened in 2012.

## NEW CASE FILINGS

There were 581 new cases opened with FOC in 2012, with 16% from Antrim County, 76% from Grand Traverse County and 8% from Leelanau County, and the office administered 6,396 open cases throughout the year. Parties acting in *propria persona* represented themselves in 35% of the new cases filed.





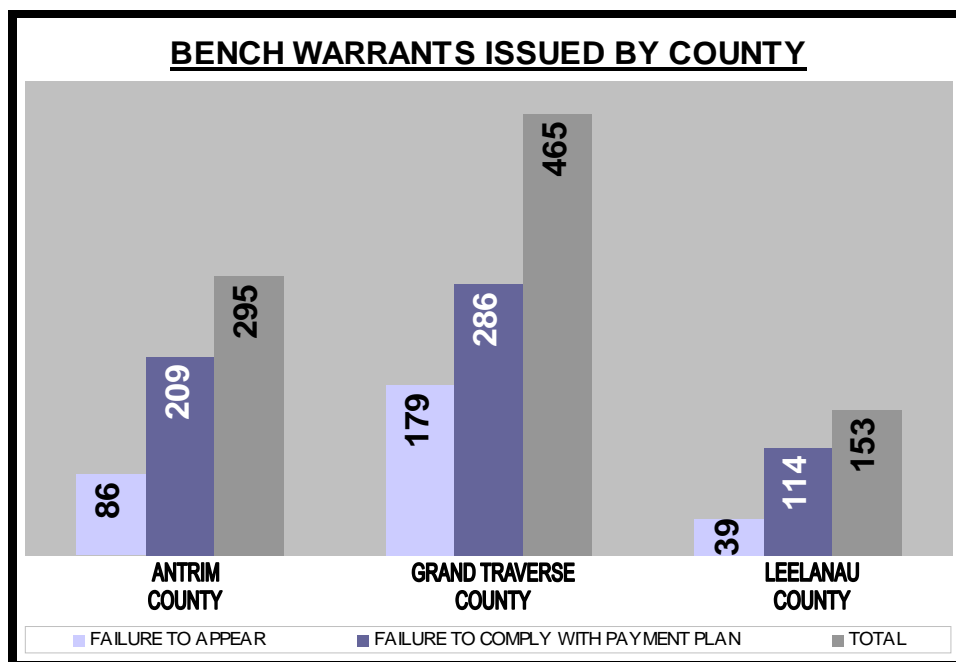


## **CHILD SUPPORT AND PARENTING-TIME ENFORCEMENT**

In 2012, the FOC scheduled 1,275 child support enforcement hearings. The office resolved 204 cases due to payment or establishment of successful income withholding and conducted hearings in the remaining 1,071 cases. Hearings were held in 98 cases regarding allegations of denied parenting time.

The FOC office generated 5,747 income withholding notices, 676 notices of enforcement, and 11 notices of proposed suspension of drivers' licenses. Drivers' licenses for 8 non-compliant support obligors were actually suspended. The office placed 34 support payers in a work activity program and also supervised 34 payers during the year.

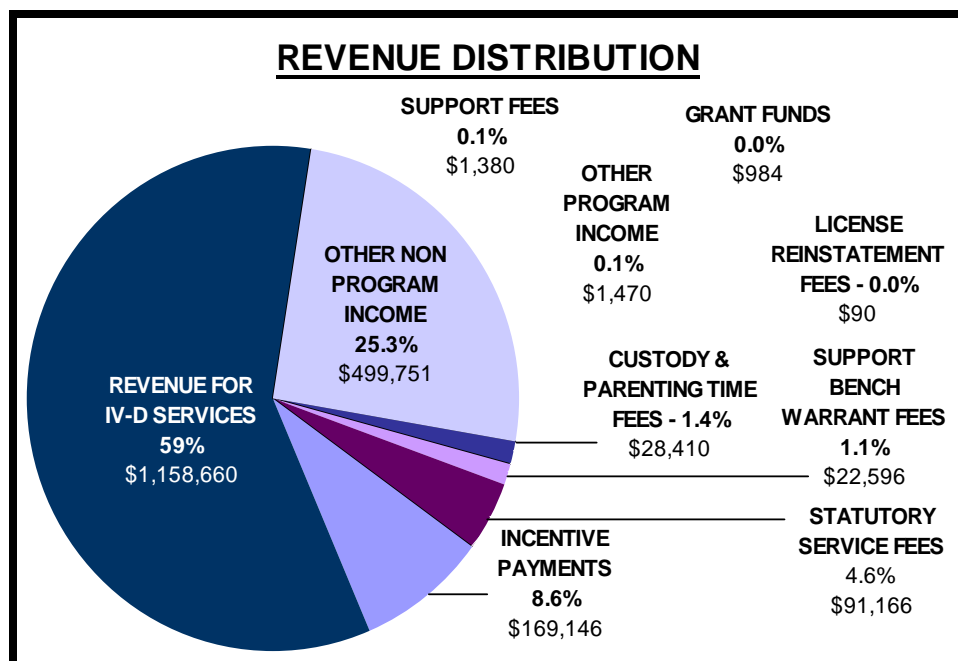
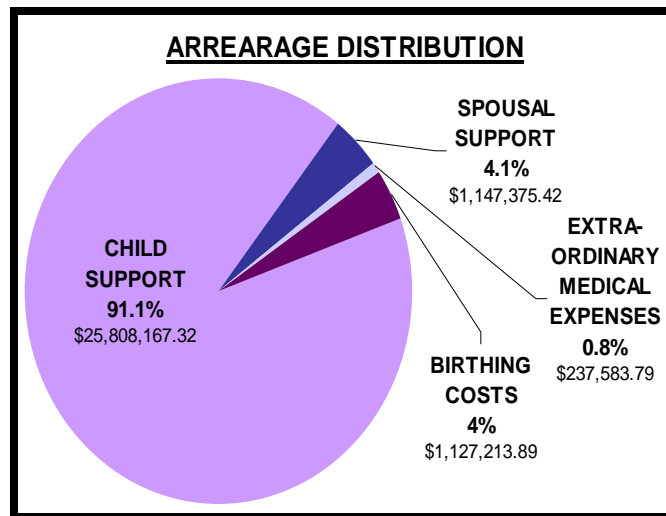
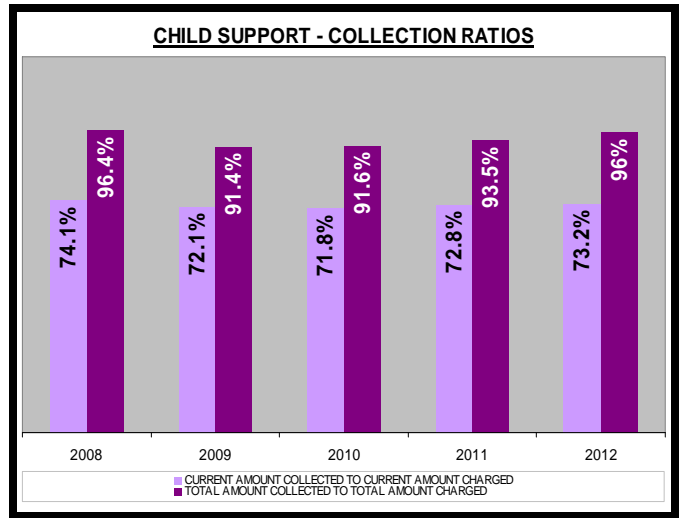
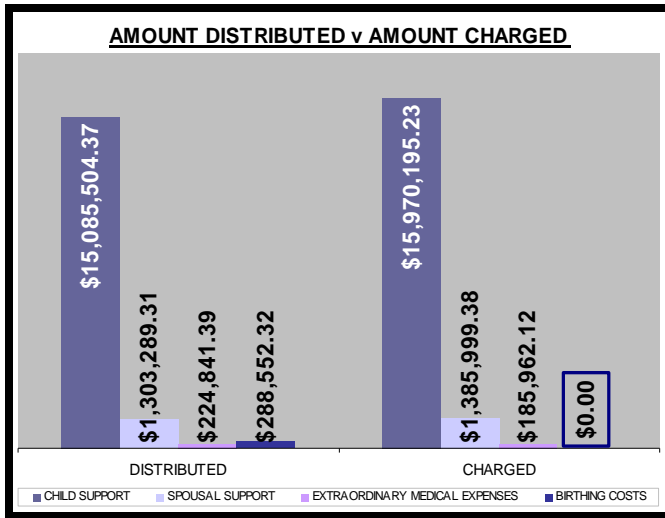
In 2012, a total of 913 warrants were issued in the Thirteenth Circuit. Failure to comply with a previously Court ordered payment plan caused 609 of the warrants issued and remaining warrants issued were for a party's failure to appear. The warrants resulted in 426 arrests. During 2012, 538 outstanding warrants were resolved by the FOC, typically due to arrangements for payment of child support, establishment of income withholding or posting of bond with the FOTC office.



## **EXPENSES, REVENUE AND SUPPORT**

The Friend of the Court's total expenses for 2012 was \$2,124,895. The FOC's total revenue, composed of support judgment fees, custody and parenting-time judgment fees, license reinstatement fees, support bench warrant fees, statutory service fees, grant funds, incentive payments, returns for IV-D services, program and non-program income,

was \$1,973,653. The total amount of support distributed in 2012 by the FOC, including child support, spousal support, extraordinary medical expenses and birthing costs, was \$16,902,187.39. The total amount of support charged was \$17,542,156.73. The arrearage accumulated for the year was \$639,970.15.



## FRIEND OF THE COURT SUMMARY – 2012

In 2012, the Family Support Court, a specialty court, served 34 individuals. The Family Support Court focuses on identifying a child support obligor's impediments to employment and then develops and executes a plan to minimize those impediments with the goal of employment and the payment of child support. Constant accountability, frequent review hearings with incentives and/or sanctions, and utilization of community resources are hallmarks of the program.

The Court's education program for divorcing parents, SMILE, continued to assist families in 2012. SMILE is offered monthly at the Hall of Justice. There are day and evening sessions and registration for SMILE may be done electronically through the Friend of the Court website, located at [www.13thcircuitcourt.org](http://www.13thcircuitcourt.org). For individuals unable to attend the scheduled sessions, there is now a complete video program available.

Again in 2012, the Friend of the Court received Access and Visitation grant funding from the State Court Administrative Office. The collaborative and enduring relationship between the Friend of the Court office and Child and Family Services of Northwest Michigan allowed for supervised parenting time and safe parenting time exchanges for qualified families. In 2012, there were 118 supervised visits and 200 supervised exchanges, serving 13 families.

The Friend of the Court continued working with and referring families to the local Community Reconciliation Service (CRS) for post-judgment mediation of custody and parenting time disputes, and the office persisted in offering voluntary mediation as an alternative dispute resolution measure.



Back from Left: Pete Walters, Alisa Gallo, Tracie Mullen, Jayne Arnold, Angela Pelletier, Karen Sanchez, Carol Rose, Martha Hornbaker, Ellene Peters, Matthew Hawley, Al Crocker, Jeremy Hogue, Fran Boyle  
Middle: Dawn Rogers, Tammi Willoughby, Julie Conway, Mary Anderson (retired), Sandy Schaub (retired), Sally Bergstrom, Margaret Mulcahey, Carol Bradway  
Front: Laura Burke, Terri Lynn Andresen  
Inset Photo: Esther Cooper and Kaitlyn Becker

# **THIRTEENTH JUDICIAL CIRCUIT COURT**

The Thirteenth Judicial Circuit Court serves Antrim, Grand Traverse and Leelanau Counties. The Circuit Court handles all civil cases with claims in excess of \$25,000, all felony criminal cases, requests for injunctive relief and domestic relations matters. Additionally, the Judges hear cases appealed from 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. Judge Power and Judge Rodgers alternate as the Thirteenth Circuit Court's Chief Judge.

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 or she was elected. The Honorable Melanie D. Stanton was elected in November 2012 to replace the Honorable David L. Stowe who retired as the Grand Traverse County Probate/Family Division Judge.

## **JUDGES**

### **HONORABLE THOMAS G. POWER**



Judge Power was elected to the bench in 1992 and re-elected, after running unopposed, in 1998, 2004 and 2010.

A Traverse City native, Judge Power attended Traverse City High School and received a degree in Economics, Phi Beta Kappa, from Carlton College. After attending the University of Michigan Law School, he received a master's degree in taxation from New York University Law School before practicing law with the firm of Elhart & Power.

He represented Leelanau, Grand Traverse and Kalkaska Counties in the Michigan State Legislature for 10 years and was a member of the Judiciary Committee. Judge Power previously served on the Grand Traverse-Leelanau Mental Health Board and was a member of the Traverse City School Board. Judge Power is a member of the Traverse City Rotary Club and is a pilot for the U.S. Coast Guard Air Auxiliary. He is married and has two children.

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



Judge Rodgers was elected to the bench in 1990 and ran unopposed in 1996, 2002 and 2008.

Judge Rodgers obtained his undergraduate degree in Economics from the University of Michigan and later received his law degree from the University's Law School. He also received a Master of Public Policy Degree from the University. Judge Rodgers was a partner with the law firm of Menmuir, Zimmerman, Rollert and Kuhn prior to taking the bench.

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



## **HONORABLE NORMAN R. HAYES**



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

After earning his law degree from Thomas M. Cooley Law School in 1979, Judge Hayes served for 11 years as 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. Judge Hayes has three children.

## **HONORABLE LARRY J. NELSON**



Judge Nelson oversees the Family/Probate Court for Leelanau County. He will serve the remainder of the current Leelanau County Family Court/Probate judicial term, which ends January 1, 2013. The Judge presides over all litigation involving estates, guardianships, conservatorships and mental health commitments. He also supervises all divorce actions, personal protection requests, juvenile delinquencies, and neglect and adoption proceedings.

Judge Nelson received his undergraduate degree from the University of Michigan and his Juris Doctorate from the University of Toledo.

Judge Nelson served as an assistant prosecutor in Oakland County and as a Leelanau County prosecutor. Prior to his election in 2010, Judge Nelson was a general practice attorney in Leland. Judge Nelson is married and has two children.

## **HONORABLE DAVID L. STOWE**



Judge Stowe served as Grand Traverse County Probate Judge from 2001 through 2012.

Judge Stowe received his undergraduate degree in Zoology from Michigan State University. Prior to his legal career, he served as a health department sanitarian, biology teacher and lobbyist in Washington D.C. After receiving his law degree from Thomas M. Cooley Law School, Judge Stowe was a private law 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 involving children, families and seniors. Judge Stowe has two children.

## DOMESTIC RELATIONS AND JUVENILE REFEREES

**KIRSTEN KEILITZ**



**CYNTHIA CONLON**



The Domestic Relations and Juvenile Referees for the Thirteenth Circuit Court preside over abuse/neglect cases, juvenile criminal offenses and all child-related issues in domestic relations cases in Antrim, Grand Traverse and Leelanau Counties.

In 2012, the Referees conducted 76 custody and parenting time hearings, 59 child support hearings, 2 spousal support hearings and 215 hearings relating to Personal Protection Orders. Further, the Referees handled 88 other child-related issue hearings including, but not limited to, change of domicile, change of residence, and grandparenting time.

Cynthia Conlon is a licensed attorney in Michigan and has been an employee of the Circuit Court for over 10 years. Kirsten Keilitz, also a licensed Michigan attorney, began working for the Court in 2009 after practicing law with a local firm.

## CIRCUIT COURT ADMINISTRATION



**TERI QUINN**  
Court Administrator



**JULIE ARENDS**  
Deputy Court Administrator



**STACY OSBORNE**  
Court Specialist



**DEBBIE RUTKOWSKI**  
Court Specialist



**NORMA SANDELIUS**  
Court Specialist



**KIM SHERIDAN**  
Court Specialist

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 the public if their colleagues are unavailable. The administrative staff members specialize in domestic relations and personal protection orders, domestic relations mediation, civil alternative dispute resolution, felony collections and scheduling, among others. The administrative staff members have significant training and experience working for the state judicial system.

## **COURT REPORTERS**

**KAREN CARMODY**



**JESSICA JAYNES**



The Michigan Court Rules establish that only certified court reporters may record or prepare transcripts of proceedings held in Michigan Courts or of depositions taken in Michigan. Certification is awarded after completing the testing process administered by the Court Reporting and Recoding Board of Review, with the assistance of the State Court Administrative Office.

Karen Carmody and Jessica Jaynes are the court reporters for the 13<sup>th</sup> Circuit Court and work in all three counties, Antrim, Grand Traverse and Leelanau, to report judicial matters. Karen and Jessica are licensed Certified Shorthand Reporters (CSRs), Registered Professional Reporters (RPRs) and are training to become Certified Realtime Reporters (CRRs). They are both members of the Michigan Association of Professional Court Reporters and the National Court Reporter Association.

## **STAFF ATTORNEYS**

**BROOKE  
BEARUP-DEBOER**



**KATHRYN  
HENNING-CALLISON**



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

Brooke Bearup-DeBoer is Judge Rodgers' Staff Attorney. Brooke is licensed to practice law in Michigan and previously worked in private practice and as a law clerk with the 1<sup>st</sup> Circuit Court of Hawaii. She is a member of the State Bar of Michigan, the American Bar Association and the Grand Traverse-Leelanau-Antrim Bar Association. Brooke also compiles and edits the Court's Annual Reports.

Kathryn Henning-Callison serves as Judge Power's Staff Attorney. Kathryn is licensed to practice law in Michigan and, prior to her employment with the Court, she worked at a private practice law firm in Traverse City. Kathryn is a member of the State Bar of Michigan, the Grand Traverse-Leelanau-Antrim Bar Association and has participated with the Traverse Board of Zoning Appeals.



## DIVISIONS

### ANTRIM COUNTY FAMILY DIVISION



Standing from Left: Bill Hefferan [Family Division Administrator], Sandra Davids [Judicial Secretary], Raelene Riley [Juvenile Register], Kim Albert [Deputy Register], Patricia Theobald [Probate Register], Teresa Ankney [Probation Officer],  
Seated: Hon. Norman Hayes [Family Court Judge]

In 2012, 178 new domestic relations cases were filed with the Antrim County Family Division. The total domestic relations caseload consisted of 243 cases, with the Court disposing of 176 cases.

The total juvenile code caseload consisted of 110 cases. There were 87 new case filings: 66 delinquency cases, 17 child protective cases and 4 personal protection actions. The Court supervised 1 juvenile in 2012.

In 2012, there were 37 children associated with new child protective filings. The Court served as the permanent legal guardian for 1 child and the temporary legal guardian for 4 children.

The Court disposed of 14 adoption code cases, finalized 13 adoptions, and processed 88 adult personal protection cases.

### GRAND TRAVERSE COUNTY FAMILY DIVISION



From Left: Greg Brainard [Family Division Administrator], Melissa Wheat [Staff Attorney], Cynthia Conlon [Referee], Janet McGee [Court Reporter], Hon. David Stowe [Family Court Judge], Kirsten Keilitz [Referee], Cheryl Goodwin [Therapeutic Programs Coordinator]

In 2012, 638 new domestic relations cases were filed with the Grand Traverse County Family Division. The total domestic relations caseload consisted of 960 cases, with the Court disposing of 759 cases.

The total juvenile code caseload consisted of 318 cases. There were 283 new case filings: 233 delinquency cases, 1 traffic case, 41 child protective cases and 8 personal protection actions. The Court supervised 101 juveniles in 2012.

In 2012, there were 59 children associated with new child protective filings. The Court served as the permanent legal guardian of 20 children and the temporary legal guardian of 49 children.

The Court disposed of 60 adoption code cases, finalized 59 adoptions, assisted with name changes for 30 individuals and processed 485 adult personal protection cases.

## GRAND TRAVERSE COUNTY FAMILY DIVISION SPECIALISTS



From Left: Leanne Laucky [Juvenile Administration Specialist], Janet Kronk [Neglect/Abuse & Adoptions Specialist], Mandi Leer [Collections Specialist], Sue Bennett [Civil/Litigation Specialist]

The Family Court Specialists work within various departments of the Thirteenth Circuit Court Family Division. They are responsible for processing data, providing administrative and clerical office support and offering customer service assistance, in addition to many other duties related to the individual Court divisions.

Family Division Specialist positions require significant attention to detail and knowledge of office procedures and departmental activities and programs. As essential members of the Court team, the Family Division Specialists are responsible for ensuring that each division meets its goals and objectives.

## GRAND TRAVERSE COUNTY JUVENILE PROBATION



From Left: Jeff Burdick [Probation Officer], Barb Donaldson [Chief Probation Officer], Matt Ferguson [Probation Officer], Kelly Majszak [Administration], Eric Salani [Probation Officer], Kate Walters [Probation Officer]

The Juvenile Probation Department made over 3,601 probation contacts in 2012, including conferences at the probation office, Juvenile Mental Health Court, Juvenile Drug Court, New Vision Academy, home and school visits, tether hookups, Wraparound and community meetings.

The Juvenile Probation Department conducts a Risk Assessment for each youth to determine the level of service required to address his or her criminogenic needs – dynamic risk factors for delinquency. The Department implements evidence based practice programming, which is scientifically designed to reduce recidivism, for its clients. The Probation Officers have each received certification to implement the programming.



## GRAND TRAVERSE COUNTY TRUANCY



Kathy Nixon [Administrative Assistant] Heather Prevo [Administrator]

The Truancy Intervention Center serves Traverse Area Public Schools, TBA-ISD, Grand Traverse Academy, Traverse City Christian, Kinsley Area Schools and Elk Rapids.

In 2012, the Truancy Intervention Center worked with 309 students, of which 94% were diverted from formal court proceedings and 83% did not commit a second offense.

The Center received 194 prevention service referrals to assist students, held 155 Family Team Intervention Conferences and provided over 551 actual services to youth and their families.

Upon receiving a referral, an Intervention Conference is held to determine the cause of the student's attendance problem and to develop a plan addressing the truancy. Students with second offenses are required to attend prevention service classes and counseling through Catholic Human Services or Third Level Crisis Center. When a student commits a third offense the file is then sent to the Prosecuting Attorney for possible charges.

## GRAND TRAVERSE COUNTY VOLUNTEER SERVICES



From Left: Sue Adkins [Administration], Linda Fawcett [Coordinator], Laura Shumate [Learning Partners], Lindsey Jordan [Administration]

Volunteer Services places community volunteers with children and adults who have come in contact with the Court for a variety of reasons.

Programs provided by Volunteer Services include: Learning Partners, New Vision Academy, Citizen's Panel, transportation, guardianships and conservatorships.

Learning Partners matches adults as tutors/mentors with at-risk children. The Academy keeps juvenile offenders busy and engaged during the summer by offering programs in art, drama, cooking and other areas. Citizen's Panel, which diverts first-time shoplifters from the Court, has volunteers monitor offenders and assist them in fulfilling a "Community Promise" over an 8-week period. Volunteers transport delinquent youth to and from secure and non-secure detention homes and may also act as guardians/conservators for developmentally disabled adults and legally incapacitated individuals.

## LEELANAU COUNTY FAMILY DIVISION



Back from Left: Joseph Povolito [Juvenile Probation Officer], Susan Richards [Probate Register], Therese Hahnenberg-Schaub [Juvenile Probation Officer], Hon. Larry Nelson [Family Court Judge], Thomas Mayhew [Counselor/Volunteer Coordinator]  
Front: Josephine Lingaur [Juvenile Register], Ryan Douglass [Juvenile Probation Officer], Betsy Fisher [Administrator of the Family & Probate Courts]

In 2012, 83 new domestic relations cases were filed with the Leelanau County Family Division. The total domestic relations caseload consisted of 135 cases, with the Court disposing of 99 cases.

The total juvenile code caseload consisted of 65 cases. There were 64 new case filings: 57 delinquency cases and 7 child protective cases. The Court supervised 31 juveniles in 2012.

In 2012, there were 9 children associated with new child protective filings. The Court served as the permanent legal guardian of 8 children and the temporary legal guardian of 9 children.

The Court finalized 6 adoptions, assisted with name changes for 4 individuals and processed 38 adult personal protection cases.

## LAW LIBRARIES



Inset Photo: April Sala

Each County maintains a Law Library. The Grand Traverse County Law Library is located on the 4<sup>th</sup> Floor of the Historic Courthouse. The library and staff serve courthouse and county employees, local attorneys, *propria persona* litigants and previously served students from Northwestern Michigan College who were attending the paralegal program.

The largest and most comprehensive collection of legal materials is located in Grand Traverse County, which is funded by the Grand Traverse-Leelanau-Antrim Bar Association (GTLA) and the Traverse Area District Library. Each library maintains Michigan court opinions, statutes, court rules, jury instructions, digests, legal encyclopedias, legal dictionaries and other authoritative resources.

April Sala is the executive Director of the Bar Association and she and Christina Beaudrie assist visitors of the Grand Traverse County Law Library.



# THIRTEENTH CIRCUIT COURT NOTES

## RETIREMENTS

Mike Rader retired after more than 25 years with the Circuit Court and Sandy Schaub retired after 25 years with the Friend of the Court.

Judge David Stowe retired after serving for 12 years as Grand Traverse County Family Court Judge.

Mary Anderson, with the Friend of the Court, Cindy Edmonson and Joanie Layton, both with the Grand Traverse County Family Division, also retired in 2012.



Mike Rader with Judge Power.

## SERVICE ANNIVERSARIES

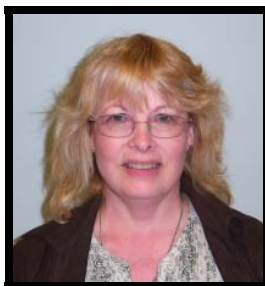
In 2012, Barb Donaldson, with the Grand Traverse Family Division, celebrated 20 years of service and Julie Dubay celebrated 15 years of service with the FOTC.

Angela Pelletier and Pete Walters, both with the FOTC, celebrated 10 years of service.

Greg Brainard and Jeffrey Burdick, both with the Grand Traverse Family Division, celebrated 5 years of service. Kim Sheridan also celebrated 5 years with CCAO.



Julie Dubay with Judge Power and Judge Rodgers.



Sandy Schaub



Judge Stowe



Mary Anderson



Cindy Edmonson



Joanie Layton



Angela Pelletier



Pete Walters



Greg Brainard



Jeffrey Burdick



Kim Sheridan

## AWARDS

Child and Family Services of Northwestern Michigan presents the Humanitarian Award annually to an individual who makes the welfare of children their number one priority, whose dedication extends beyond the expectations of their position and whose style and approach help facilitate the work of Child and Family Services staff. Barb Donaldson was the recipient of the 2012 Humanitarian Award.

Each year Michigan Family Support Council (MFSC) gives an award to recognize experienced individuals in the Michigan Child Support Program who have made significant contributions to Michigan's children and families. Dawn Rogers received 2012 Friend of the Court Supervisor Award from the MFSC, which was presented to her by MFSC member, Al Crocker.



Barb Donaldson



Dawn Rogers and Al Crocker

## RECOGNITIONS

Barb Donaldson was appointed to the Michigan Committee on Juvenile Justice for a three-year term. The 15-member Committee provides the Governor with advice on juvenile justice issues and assists with effective implementation of juvenile justice policies and programs.

The Grand Traverse Area Legal Professionals organization selected Jay Zelenock, Esq., as Boss of the Year.

Janet Kronk was runner-up of Grand Traverse County Community Volunteer of the Year Award for her work with the State Theater and the Children's Garden at the Public Library.



Barb Donaldson



Jay Zelenock



Larry Inman and Janet Kronk

