



**House
Legislative
Analysis
Section**

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SPLIT BARRY-EATON CIRCUIT COURT

RECEIVED

House Bill 4636 as introduced

First Analysis (3-14-90)

MAR 21 1990

Sponsor: Rep. Robert Bender
Committee: Judiciary

Mich. State Law Library

THE APPARENT PROBLEM:

The fifth judicial circuit encompasses both Barry and Eaton counties, and as late as 1970 had only one judge. Public Act 30 of 1970 authorized the circuit's second judgeship, and by 1988 the circuit's caseload was considered heavy enough to authorize a third judgeship, beginning in 1991 and subject to local approval (the third judgeship was authorized by Public Act 134 of 1988). That approval has been granted, and the third judgeship will be filled in the coming November election. While the circuit once had only enough work to justify one judge for two counties, that clearly is no longer the case. It has been suggested that the circuit be split into two circuits, one for Eaton and one for Barry County. According to committee testimony, Eaton County's population and caseload is about twice that of Barry County, and judicial resources could be proportionately distributed by assigning two judges to Eaton and one judge to Barry. With the coming election for the initial term of the area's third circuit judge, the timing is right for the fifth judicial circuit to be divided into two circuits.

THE CONTENT OF THE BILL:

The bill would amend the Revised Judicature Act to authorize the dividing of the fifth judicial circuit, which covers Barry and Eaton counties, into two circuits. The fifth circuit would consist of Eaton County, while the fifty-sixth circuit would be created for Barry County. The division would have to be approved by both counties.

The circuit at present has two judges, with a third authorized effective January 1, 1991. Under the bill, each county would have one judge, with Eaton County retaining the authorization to approve the creation of one additional judgeship.

MCL 600.506

FISCAL IMPLICATIONS:

Fiscal information is not available. (3-14-90)

ARGUMENTS:

For:

The growth of Barry and Eaton counties over the years have led to the fifth judicial circuit going from one judge to three. Barry County, with approximately one-third of the circuit's population and caseload, has enough work to justify maintaining one of the three judges authorized for the area. As tradition and common sense dictate that each county have its own circuit court if caseloads warrant it, the bill would authorize Barry and Eaton counties to agree to split the fifth judicial circuit into two circuits.

POSITIONS:

The State Court Administrative Office supports the bill. (3-13-90)

The Barry County Board of Commissioners has adopted a resolution requesting the legislature to authorize the

separation of the fifth judicial circuit and the creation of the fifty-sixth judicial circuit composed of Barry County and having one judge. (11-14-89)

The Eaton County Board of Commissioners has adopted a resolution requesting the legislature to split the fifth circuit and redefine it to consist of Eaton County and have two judges. (11-15-89)

H.B. 4636 (3-14-90)