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## MOVE ANTRIM COUNTY FROM THE 87TH TO THE 86TH DISTRICT COURT

### Senate Bill 1051 (Substitute H-2) First Analysis (3-22-00)

**Sponsor: Sen. George A. McManus, Jr.**  
**Senate Committee: Judiciary**  
**House Committee: Family and Civil Law**

#### ***THE APPARENT PROBLEM:***

When Public Act 154 of 1968 (which took effect on January 1, 1969) established the district court, district courts had the same boundaries as circuit courts. However, over the past 30 years, as the two courts' caseloads changed, boundaries for both district and circuit courts have been changed by statute. In 1997, legislation reorganized the court system and instituted a family division of the circuit court, and the crossover in boundaries between district and circuit courts that has evolved over time has created problems for comprehensive planning under the reorganized court system.

Antrim County is in a circuit court district (the 13th circuit) with Grand Traverse and Leelenau counties, but in a district court district (the 87th district) with Otsego and Kalkaska counties. Otsego and Kalkaska counties are themselves, along with Crawford County, in the 46th judicial circuit, which is in a trial court project that combines the 46th judicial circuit, the 87th district court, and the three county probate courts (in Otsego, Kalkaska, and Crawford counties). Antrim County, because it is part of the 87th district court, also is part of the 46th judicial district's trial court project. Reportedly, however, Antrim County commissioners object to being part of the trial court project because they have little input into the operation of the project. According to news reports, county officials have complained that even though the county contributes substantial amounts of money to the project (a reported \$350,000 last year), county officials are not being notified of trial court project meetings that would affect Antrim County and the county is not listed on the trial project's official stationery.

At Antrim County's request, legislation has been introduced that would allow the county to leave the 87th district court district and join the 86th district court district.

#### ***THE CONTENT OF THE BILL:***

The bill would amend the Revised Judicature Act to reorganize the 86th and 87th district courts, if the reorganization of the 86th district were approved by the three counties of Antrim, Grand Traverse, and Leelenau. Antrim County would leave the 87th district and join the 86th district, which then would consist of Antrim, Grand Traverse, and Leelenau counties, with three judges, instead of the current two judges. The 87th district would consist of Kalkaska and Otsego counties, with one judge, instead of the current two judges.

The Antrim County judge. The third judge of the 86th district would be the incumbent judge of the 87th district who lives in Antrim County and who would serve as a judge of the 86th district for the balance of his term, which ends January 1, 2001.

The 86th district general election in 2000. In the 86th district, and for the 2000 general election only, if either two incumbent district judges, or no incumbent district judge, ran for the office of judge, the candidate with the highest number of votes would be elected for a 6-year term, while the candidate receiving the second highest number of votes would be elected for a 4-year term.

If one incumbent 86th district judge ran for the office of judge, the candidate receiving the highest number of votes for the judgeship for which the incumbent were seeking re-election would be elected for a 6-year term, while the candidate receiving the highest number of votes for the judgeship for which the incumbent judge was not seeking re-election would be elected for a 4-year term.

MCL 600.8151 and 600.8152

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***FISCAL IMPLICATIONS:***

According to the Senate Fiscal Agency, the alignment of the district court within its judicial circuit boundaries would result in increased efficiency and facilitate coordination of services. Antrim County would realize net savings of approximately \$27,000 related to the allocation of personnel costs. (3-13-00)

***ARGUMENTS:******For:***

The reorganization of the 86th and 87th district courts would have several advantages. Reportedly, Grand Traverse and Leelenau counties foresee savings in court operating expenses if the district court district that now includes only Grand Traverse and Leelenau counties were reorganized to include Antrim County, which is in the same judicial circuit with these two counties but in a different district court district with two other counties (Kalkaska and Otsego). Moreover, the reorganization would remove Antrim County from the 46th circuit trial court project (which is part of the state supreme court's 1995 statewide reorganization plan), thereby benefitting the county financially, as it no longer would have to contribute to the trial court project. The bill also would "grandfather in" the incumbent 87th district judge living in Antrim County as a district judge of the 86th district through the balance of his term, which ends on January 1, 2001, and protect incumbent judges in the 2001 election. The bill would stagger the terms of the new judgeship in the 86th district, as well as the current 86th district judgeship coming up for election this year, so that if both incumbents were to run again, the candidate receiving the highest number of votes would get a 6-year term while the next highest would get a 4-year term. If, however, as apparently is likely to happen, an incumbent didn't run in one of the two openings in the 86th district, then the judgeship having an incumbent would get a 6-year term while the open seat would have a 4-year term.

Finally, the projected populations of the proposed reorganized 86th and 87th district courts would reflect the proposed ratio of judges in these courts, namely, 3 to 1. For the population of the revised 87th district court (which would consist of Otsego and Kalkaska counties) would reportedly be about 39,100 people for the single district court judge, while the revised 86th district court (which would consist of Antrim, Grand Traverse, and Leelenau counties) district would have almost exactly three times that population – and estimated 117,600 – with three district judges.

Weighted caseload totals, based on 1998 data, reportedly would be 1.44 in the 87th district (with 1 judge and 2 counties), and 2.83 in the 86th district (3 judges and 3 counties).

***Against:***

The incumbent Antrim County judge, who currently is one of the two judges in the 87th district, would be at a disadvantage in his next election if Antrim County were added to the 87th district before the upcoming candidate filing deadline, since he would have to run for reelection in all three counties of the proposed reorganized district court district, and would be known in only one of the three counties. For this reason, Antrim County passed a resolution requesting that if the county were to be included as part of the 86th district, it be designated as a separate election district within the 86th district. That way, the incumbent judge living in Antrim County would have a fairer chance in the upcoming election in 2001. Finally, even if it isn't possible to create a separate election district, perhaps the reorganization of the district should be postponed until after the next election, so that the incumbent Antrim County judge could become known in the newly reconfigured district.

***Response:***

All three counties in the proposed revised 86th district – Antrim, Grand Traverse, and Leelenau – have approved resolutions favoring the reorganization. However, both of the resolutions approved by Grand Traverse and Leelenau counties include provisions that make their approval contingent on three conditions: retention of existing judgeships, district-wide election of all three judges, and the establishment of future terms on a staggered basis. So if Antrim County were to be designated as a special election district, Grand Traverse and Leelenau counties would be opposed to the reorganization. Moreover, it should be pointed out that currently no district court district consisting of more than one county has election divisions. In fact, even if there were a correlation between either caseload or population to election divisions, Antrim County would fall short of reaching the one-third of the caseload or population that would entitle it to elect one-third of the three judges of the proposed three-county district, since it reportedly has only 21 percent of the weighted caseload of the proposed reorganized 86th district and only 18 percent of the estimated 2000 population of the proposed district. Furthermore, under the bill the current Antrim County judge still would be allowed to run as an incumbent in the 2001 election, which is a significant electoral advantage. The Chief

Justice of the Michigan Supreme Court further testified that a special district is not justified. Finally, if the district weren't reconfigured until after the next election, someone from Kalkaska or Otsego counties conceivably could win the seat from the Antrim County incumbent, which would simply prolong the perceived problem.

***POSITIONS:***

The Michigan District Judge's Association supports realigning the judicial district and circuit, but opposes requiring the incumbent Antrim County judge to run for reelection in Grand Traverse and Leelenau counties unless he can first run for a 4-year term only in Antrim County. (3-21-00)

Grand Traverse County supports the bill. (3-21-00)

Leelenau County supports the bill. (3-21-00)

The Chief Justice of the Michigan Supreme Court indicated her support for the bill. (3-21-00)

Analyst: S. Ekstrom

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.