

## **REVISE CIRCUIT AND PROBATE JUDGESHIPS**

**House Bill 6498**

**Sponsor: Rep. Jim Howell**

**Committee: Civil Law and the Judiciary**

**Complete to 11-8-02**

### **A SUMMARY OF HOUSE BILL 6498 AS INTRODUCED 11-7-02**

House Bill 6498 would amend the Revised Judicature Act (MCL 600.504 et al.) to modify the number of circuit and probate judgeships currently assigned to certain counties, as follows:

3<sup>rd</sup> Judicial Circuit. The 3<sup>rd</sup> Judicial Circuit, consisting of Wayne County, will have 64 judges until 12 noon, January 1, 2003, and then will have 63 judges until 12 noon, January 1, 2005. After that date, the circuit will have 61 judges. Under the bill, however, if a vacancy occurred between January 1, 2003, and January 1, 2005 in a judgeship held by an incumbent judge of the circuit who was ineligible to seek reelection to that office in 2004, then the judgeship would be eliminated unless the total number of judgeships in the circuit had been reduced to 61 before the vacancy occurred.

16<sup>th</sup> Judicial Circuit. The 16<sup>th</sup> Judicial Circuit consists of Macomb County and has nine judges. In addition, subject to Section 550 of the act (MCL 600.550), the county, subject to local approval by a resolution adopted by its board of commissioners, may elect two additional circuit judgeships, effective January 1, 2003. The bill would add that the county could create one additional judgeship, effective January 1, 2005, under this provision. In addition, the bill would specify that, if a new office of judge is added to the circuit by election in 2004, the candidate receiving the highest number of votes in the November 2004 general election would be elected for a term of eight years.

Probate Judges. Currently, the act specifies that, with certain exceptions, each probate court district created by law shall have one probate judge, and each county that is not part of a probate court district created by a resolution calling for a special election or previously created by law must have at least one probate judge. The counties of Berrien, Calhoun, Ingham, Monroe, Muskegon, Saginaw, St. Clair, and Washtenaw each have two probate judges. In addition, the county of Genesee will have two probate judges beginning at 12 noon on January 1, 2005. The bill would add that until that date, the county will have three probate judges. However, if, after that date, a vacancy occurred in the judgeship held by the incumbent probate judge in Genesee County whose term of office expired January 1, 2005 and who would be ineligible to seek reelection to that office in 2004, that judgeship would be eliminated.

Macomb County currently has three probate judges. The bill would specify, instead, that Macomb County will have three probate judges until 12 noon, January 1, 2005. However, if the incumbent probate judge in Macomb County whose term of office expires on January 1, 2005 is elected in 2002 to the office of circuit judge in the 16<sup>th</sup> Judicial Circuit for a term beginning January 1, 2003, that probate judgeship would be eliminated, effective 12 noon, January 1, 2005. After that date, Macomb County will have two probate judges, under the provisions of the bill.

**House Bill 6498 (11-8-02)**

Currently, under the act, Wayne County is to have eight probate judges beginning on the earliest of the following dates: i) upon the expiration of the term of an incumbent probate judge who is not eligible to seek reelection to that office; or ii) upon the expiration of the term of an incumbent probate judge who is eligible to seek reelection but who does not file by affidavit to seek reelection to that office, or who withdraws within three days after filing by affidavit to seek reelection to that office. Under House Bill 6498 the latter provision would specify, instead, “upon the occurrence of a vacancy in a judgeship held by an incumbent probate judge in Wayne County whose term expires on January 1, 2005, and who would be ineligible to seek reelection to that office in 2004.”

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