

# Legislative Analysis



## COURT OF APPEALS: LOCATION OF JUDGES' OFFICES

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House Bill 6226 as passed by the House  
Sponsor: Rep. Jim Howell  
Committee: Judiciary  
First Analysis (10-21-04)

**BRIEF SUMMARY:** The bill would allow judges elected or appointed after January 1, 1994 to maintain offices in the principal court of appeals offices in their district or in another.

**FISCAL IMPACT:** The bill would have no direct fiscal impact for the state or local units of government.

### **THE APPARENT PROBLEM:**

Public Act 190 of 1993 enlarged the Michigan Court of Appeals from 24 to 28 judges and provided for the transition from a 24-judge, three-district court to a 28-judge, four-district court. However, judges who were elected or appointed to a first term that began after the provision's effective date of January 1, 1994 have been restricted to maintaining offices only in Lansing (District IV), Grand Rapids (District III), Detroit (District I), or Southfield (District II).

The lease on the Southfield offices will soon expire. Rental prices for office space outside of Southfield are lower, and the court would like to explore relocating outside the city. It has been suggested that the statute be amended to allow the courts some flexibility in selecting the location for a district's principal offices.

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

House Bill 6226 would amend the Revised Judicature Act to allow a judge elected or appointed to the court of appeals after January 1, 1994 to maintain offices only in the principal court of appeals offices in the district in which he or she was elected or in another office located in the city where the [district's] principal court of appeals facilities are located. (This would replace the current requirement that offices be located only in Lansing, Grand Rapids, Detroit, or Southfield and that all judges be located in the principal court of appeals facilities.)

MCL 600.303d

### **ARGUMENTS:**

#### **For:**

Reportedly, part of the reasoning behind the current restriction on the location of the offices of court of appeals judges was to encourage the judges to have offices close

together, thereby discouraging offices from springing up throughout the districts. However, because specific cities are named in statute, the courts and judges lack the ability to shop for real estate bargains or to locate in an area that may better serve the residents of the judicial district.

The bill would address this concern by giving flexibility to locate the principal court of appeals offices anywhere in a district. Judges elected after January 1, 1994 would then have to maintain their offices at that location. The bill would also allow a judge to have his or her office in a different location from the principal court of appeals offices as long as it was located in the same city. This provision would accommodate the situation experienced by District III in Grand Rapids: apparently the building housing the district offices is not large enough to provide office space for all of the judges, and so the court leases space at a nearby location.

***POSITIONS:***

A representative of the Michigan Supreme Court indicated support for the bill. (9-29-04)

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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.