

Legislative Analysis



MERGER OF 20TH & 21ST DISTRICT COURTS IN DEARBORN HEIGHTS AND GARDEN CITY

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House Bill 6006 (Substitute H-2)

Sponsor: Rep. Bob Constan

Committee: Intergovernmental and Regional Affairs

First Analysis (6-30-10)

BRIEF SUMMARY: The bill would enable the merger of the 20th and 21st district court districts, located in Dearborn Heights and Garden City, respectively, after which the merged court would be known as the 20th district court.

FISCAL IMPACT: There would be no significant fiscal impact on the state of Michigan. See *Fiscal Information*.

THE APPARENT PROBLEM:

The cities of Dearborn Heights and Garden City located in Wayne County both have district courts—the 20th District Court, and the 21st District Court, respectively. Two district judges serve in Dearborn Heights and according to a 2007 report, the two judges handle about 42,000 cases each year; each judge hearing about 21,000 cases. Garden City has one judge who hears about 7,000 cases a year.

Every two years, the State Court Administrative Office tallies the caseload in each court throughout the state. Then they estimate the number of judges needed in each court by calculating a weighted caseload to determine the net judicial need or excess. After the investigation is complete, the SCAO publicly reports its findings and makes recommendations about judicial resources. See *Background Information*. Based on their respective caseloads, the State Court Administrative Office reported in September 2009 that the two judges in Dearborn Heights had a weighted caseload of 1.76 and excess need of -0.24. The single judge in Garden City had a weighted caseload of .56 and excess need of -0.44.

Dearborn Heights—about double the size of Garden City in both population and geographic area—has a new justice center with four courtrooms, two of which are utilized. In contrast, Garden City has no courtroom, and as a result district court is convened in the city hall where security is sometimes an issue.

Legislation has been introduced that would allow—but not require—the local elected officials in Dearborn Heights and Garden City to merge their two district courts, in order to save money.

THE CONTENT OF THE BILL:

House Bill 6006 (S-2) would enable the merger of the 20th and 21st district court districts, located in Dearborn Heights and Garden City, respectively, after which the merged court would be known as the 20th district court.

Now the 20th judicial district consists of the City of Dearborn Heights, is a district of the third class, and has two judges. The 21st district court district consists of Garden City, is also a district of the third class, and has one judge.

The bill would amend the Revised Judicature Act to allow the consolidation and merger of the 20th District Court and the 21st District Court if both cities approved, by resolution of their legislative bodies, the reformation of the 20th District and the abolition of the 21st District.

The bill specifies that if the 20th judicial district was reformed and the 21st judicial district was abolished under this legislation and the act, then all of the following would apply:

- The change in the composition of the affected judicial district would take effect for judicial purposes on January 2, 2012.
- The incumbent judge of the 21st judicial district who resides in Garden City would become a judge of the 20th judicial district on January 2, 2012, and would serve until the term for which he or she was elected or appointed in the 21st district expired.
- For purposes of the November 2014 general election only, the term of the candidate for district judge in this district who received the highest number of votes would be eight years.

Finally, the bill would delete obsolete portions of several provisions, and update the number of judges from two judges to three judges in the 35th district (consisting of the cities of Northville and Plymouth and the townships of Northville, Plymouth, and Canton in the county of Wayne).

MCL 600.8121

BACKGROUND INFORMATION:

To review the 61-page report entitled "State Court Administrative Office Judicial Resources Recommendations," published in September 2009, please visit;
<http://courts.michigan.gov/scao/resources/publications/reports/summaries.htm#judres>

The weighted caseloads and net judicial excess for the 20th and 21st district courts are reported on page 52.

FISCAL INFORMATION:

House Bill 6006 would allow the merger of two District Courts into a single 20th District Court with three judges. The fiscal impact of this bill is indeterminate at this time. The bill would initially increase costs to the local units of government by an unknown amount for the expenses of the consolidation, but would potentially generate future savings to these local units through cost efficiencies from the merger of the two court districts. Initially, the bill is expected to increase costs to the local units of government for the one-time expenses of consolidation. This increased cost is indeterminate and would depend upon a variety of factors, including moving expenses, the cost of building renovations required to move the judge and employees to the Dearborn Heights location, and any expenditure related to coordinating the two courts' technical requirements such as case management software changes or file conversions.

Under House Bill 6006, the consolidation of the two District Courts is expected to generate future savings to the local units of government. A significant factor in evaluating the impact of this bill depends upon the future staffing levels of the new merged District Court. If staffing levels are lowered because of shared responsibilities related to the merger, then the court's expenses would be decreased by the amount saved in salaries and benefits for those positions. Each District Court currently has a court administrator, at least one court recorder, a number of court clerks, as well as security and probation personnel. Because the 21st District Court consistently carries a lower caseload than the caseload of the two judges in the 20th District Court, it has been argued that the merger would allow a more even distribution of caseload between the three judges, which could result in lower staffing needs. In addition, costs savings that might be realized include reduced court security personnel expenses and a reduction from current staffing levels for court administration and probation.

There would be no significant fiscal impact on the state of Michigan.

ARGUMENTS:

For:

Proponents of the bill note that the city elected officials in Dearborn Heights and Garden City (which are neighboring communities in Wayne County) would like to merge their district courts in order to save money. Local leaders estimate that more than \$120,000 can be saved in personnel costs, alone, if the courts are consolidated since the combined courts would not need as many court administrators or court clerks.

Now there are three judges serving the 20th and 21st district courts, two in Dearborn Heights and one in Garden City. The district judges in Dearborn Heights work in a new justice center having extra unused courtrooms, while the district judge in Garden City convenes court in the city council chambers at city hall. So, say proponents of the bill, a consolidation of the two courts would result in a better and safer use of the available facilities, and would also save money.

Finally, proponents of the bill point out that the weighted caseload reports published in September 2009 by the State Court Administrative Office reveal excess judicial capacity in the two district courts, where according to a 2007 report the Garden City judge hears about 7,000 cases a year, while the two Dearborn Heights judges hear 42,000 cases a year, or 21,000 each. If the two courts were combined, the three district judges could share that caseload more uniformly among themselves. Further, if the caseload were to continue to decline, it is possible one judgeship could be eliminated--a more efficient use of the taxpayer's dollars.

Against:

Opponents of the bill—represented by the seated judge from Garden City's 21st district court—argue that a consolidation of the court could result in reduced service and also more costly service to the citizens of Garden City, who will have to travel a considerable distance to Dearborn Heights when they have business before the district court.

Those who oppose the bill note, too, that local jobs could be lost, if the courts are combined and, as a result, court clerks and administrators are eliminated.

Opponents also fear that the computer systems and databases of the two courts may be incompatible, making the merger costly and time-consuming.

Finally, opponents of the bill argue that a careful review of the proposed district court merger is necessary, and further, that review must involve the judges and administrators in the two district courts, which are, after all, a separate and co-equal branch of the local government.

POSITIONS:

The Garden City city manager supports the bill. (6-29-10)

The mayor of Dearborn Heights supports the bill. (6-29-10)

The Office of the Governor supports "efforts by local communities to reduce court costs through consolidation." (6-29-10)

The Wayne County Prosecutor's Office supports the bill. (6-29-10)

The Judge of the 21st District Court opposes the bill. (6-29-10)

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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.