

CLINTON/GRATIOT JUDGESHIPS

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 43 (reported without amendment)

Sponsor: Sen. Rick Jones

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 4-15-13

A SUMMARY OF SENATE BILL 43 AS REPORTED BY HOUSE COMMITTEE 4-11-13

The bill would (1) eliminate by attrition one circuit court judgeship in the 29th Judicial Circuit (Clinton and Gratiot Counties) and (2) retain a district judgeship slated for elimination in the 65A District (Clinton County).

Public Act 300 of 2011 amended the Revised Judicature Act to, among other things, provide that the remaining district court judgeship in the 65A District be eliminated as of 12 noon on January 1, 2015, and the duties of that district court judge be assumed by the probate judge for Clinton County.

Instead, Senate Bill 43 would amend the act to retain the district court judgeship in the 65A District and eliminate the provision calling for the Clinton County probate judge to serve as a judge of the district court as of noon on January 1, 2015.

The bill would also eliminate one of the two judgeships in the 29th Judicial Circuit (Clinton and Gratiot Counties) beginning on the earlier of the following dates:

- The date on which a vacancy occurs.
- The beginning date of the term for which an incumbent judge no longer sought election or reelection to that office.

MCL 600.530 and 600.8132

BACKGROUND AND DISCUSSION:

Every two years, the state Supreme Court releases a Judicial Resources Report that – based on the workload experienced by the trial courts – recommends the addition or elimination of judgeships (or no change) in a judicial circuit. In 2011, the JRR recommended that one judgeship in the 29th Judicial Circuit be eliminated but did not specify from which court in the Circuit the judgeship should be eliminated. The 29th Judicial Circuit comprises Clinton and Gratiot Counties. Each of those counties has one probate judge and one district judge, and two Circuit Court judgeships are shared between the two counties. When enrolled House Bill 5108 was signed into law as Public Act 300 of 2011, it eliminated the Clinton County district judgeship.

The problem is that the decision to eliminate the Clinton County district judgeship was apparently not based on workload data. In fact, the JRR had recognized the county actually needed more than one district court judgeship to handle its caseload. Gratiot County also needed to retain a district court judgeship in order to process criminal cases (all felony and misdemeanor cases begin in district court). If a judgeship needed to be eliminated, the best solution appeared to be the elimination by attrition of one of the two Circuit Court judgeships and a rebalancing of the workload between the two counties.

Senate Bill 43, therefore, was introduced to change the judgeship slated to be eliminated from the Clinton County district court judgeship to one of the two circuit court judgeships shared by the two counties. The bill is widely supported by judges within the 29th Judicial Circuit and other local officials.

However, it has been pointed out that a statistical analysis by the National Center for State Courts used by the Supreme Court Administrative Office in making its 2011 Judicial Resources Report included the recommendation that if a judgeship were eliminated in the 29th Judicial Circuit, that at least one additional staff person such as a referee, magistrate, or even law clerk would be needed to handle the workload of the circuit. Apparently, if additional staff were added, it would be at county expense (and at a time when county governments are still struggling from lost property tax revenue). Thus, though the bill is an improvement over the requirements of Public Act 300, it does raise questions as to how, or if, other staffing needs will be addressed to keep the courts of the state running smoothly and efficiently when judgeships are eliminated.

FISCAL IMPACT:

A fiscal analysis is in process; however, it should be noted that the bill would eliminate one circuit court judge in exchange for retaining a district court judge in the same area, which means the overall number of judges would remain the same.

POSITIONS:

A representative of the Clinton and Gratiot County judges testified in support of the bill. (2-21-13)

The Prosecuting Attorney of the County of Clinton submitted written testimony in support of the bill. (1-28-13)

The Michigan District Judges Association indicated support for the bill. (4-11-13)

The Supreme Court and State Court Administrative Office indicated a neutral position on the bill. (2-21-13)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

■ 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.