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Senate Bills 694 (as enacted)
Sponsor: Senator Jon Bumstead
Senate Committee: Judiciary and Public Safety
House Committee: Judiciary

PUBLIC ACT 8 of 2022

Date Completed: 8-2-22

RATIONALE

Article VI, Section 3 of the Michigan Constitution requires the Michigan Supreme Court to "appoint an administrator of the courts and other assistants of the supreme court as necessary to aid in the administration of the courts of this state". The Court exercises its oversight of Michigan courts through the State Court Administrative Office (SCAO). Among other things, SCAO is tasked with reviewing the State's judicial needs and, based on its findings, compiling the Judicial Resources Recommendations (JRR), a biennial report that assesses the workloads of the various courts across the State and makes recommendations to the Legislature. The 2019 JRR recommended the addition of several judgeships, including adding judgeships in Kent, Muskegon, Ottawa, and Wayne Counties. It was suggested that those recommendations be adopted in statute.

CONTENT

The bill amended Chapter 5 (Circuit Courts: Organization and Powers) of the Revised Judicature Act (RJA) to do the following:

- **Allow the 3rd Judicial Circuit, which consists of Wayne County, to have one additional judge effective January 1, 2023.**
- **Delete a provision eliminating a judgeship through attrition in the 10th Judicial Circuit, which consists of Saginaw County.**
- **Allow the 14th Judicial Circuit, which consists of Muskegon County, to have one additional judge effective January 1, 2023, and specify that the initial term of office of the judgeship is eight years.**
- **Increase, from three to four, the number of judgeships in the 20th Judicial Circuit, which consists of Ottawa County.**
- **Allow the 20th Judicial Circuit to have one additional judge effective January 1, 2023, and specify that the initial term of office of the judgeship is eight years.**
- **Reduce, from two to one, the number of probate judgeships in Chippewa County.**

The bill also amended Chapter 8 (Probate Courts) of the RJA to allow Kent County to have one additional probate judgeship, beginning January 1, 2023. Additionally, the bill amended Chapter 81 (District Court: Establishment; Districts) of the RJA to delete a provision eliminating the district judgeship through attrition in the 89th Judicial District (Cheboygan and Presque Isle Counties).

The bill took effect on February 9, 2022.

3rd Judicial Circuit

Section 504 of the RJA specifies that the 3rd Judicial Circuit consists of Wayne County and has 56 judges.

Under the bill, subject to Section 550, the 3rd Judicial Circuit may have one additional judge effective January 1, 2023. (Generally, Section 550 allows an additional circuit judgeship to be authorized if the county board of commissioners in each county in the circuit adopts a resolution approving the creation of that judgeship and the county clerk of each county adopting such a resolution files a copy of it with the State Court Administrator.)

10th Judicial Circuit

Under Section 511 of the RJA, the 10th Judicial Circuit consists of Saginaw County and has five judges.

Previously, beginning on the earlier of the following dates, the 10th Judicial Circuit would have four judges:

- The date on which a vacancy occurred in the office of the circuit judge of the 10th Judicial Circuit, unless the vacancy occurred after the vacating judge had been defeated in a primary or general election.
- The beginning date of the term for which an incumbent circuit judge in the 10th Judicial Circuit no longer sought election or reelection to that office.

The bill deleted the provision eliminating a judgeship by attrition.

14th Judicial Circuit

Section 515 of the RJA specifies that the 14th Judicial Circuit consists of the Muskegon County and has four judges.

Under the bill, subject to Section 550, the 14th Judicial Circuit may have one additional judge effective January 1, 2023. If the judgeship is added to the 14th Judicial Circuit, the initial term of office of the judgeship will be eight years.

20th Judicial Circuit

Under Section 521 of the RJA, the 20th Judicial Circuit consists of Ottawa County and has three judges. The 20th Judicial Circuit may have one additional judge effective January 1, 2005.

Instead, under the bill, the 20th Judicial Circuit consists of Ottawa County and will have four judges. The 20th Judicial Circuit may have one additional judge effective January 1, 2023. If the judgeship is added to the 20th Judicial Circuit, the initial term of office of the judgeship will be eight years.

89th Judicial District

Under Section 8154 of the RJA, the 89th Judicial District consists of Cheboygan and Presque Isle Counties, is a district of the first class, and has one judge.

Previously, beginning on the date on which a vacancy occurred in the office of district judge in the 89th Judicial District or the beginning date of the term for which the incumbent district judge in the 89th Judicial District no longer sought election or reelection to that office, whichever was earlier, the 89th Judicial District would consist of Cheboygan and Presque Isle Counties and would be a district of the first class. Under section 810a, the probate judge for Cheboygan County would serve as judge of the 89th Judicial District within Cheboygan County and the probate judge for Presque Isle County would serve as judge of the 89th Judicial District within Presque Isle County. The bill deleted these provisions.

91st Judicial District

Previously, under Section 803 of the RJA, Chippewa County had two probate judges. Beginning the earlier of the following dates, Chippewa County would one probate judge:

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

The bill deleted these provisions. Instead, under the bill, Chippewa County has one probate judge.

Kent County Probate Judgeships

Under Section 803 of the RJA, Kent County has four probate judges. Under the bill, subject to Section 805, Kent County may have one additional judge beginning January 1, 2023. (Generally, Section 805 allows an additional probate judgeship to be authorized if the county board of commissioners adopts a resolution approving the creation of that judgeship and the county clerk files a copy of it with the State Court Administrator.)

MCL 600.504 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The 2019 JRR recommended the addition of three circuit judgeships in Wayne County (or, in the alternative, adding one circuit judgeship and assigning two judges from the 36th District Court to the 3rd Circuit Court); the addition of one circuit judgeship, one probate judgeship, and one district judgeship in Kent County; the addition of one circuit judgeship in Muskegon County; and the addition of one circuit judgeship in Ottawa County.

Currently, many judges are facing backlogs with their court dockets, and this issue has been exacerbated by the COVID-19 pandemic. These delays unduly burden victims, litigants, and defendants. An important part of ensuring justice is to ensure there are enough judges available to handle cases swiftly and efficiently. Adding these judgeships will be helpful and make the court system more effective and efficient.

Supporting Argument

The 2017 JRR recommended the elimination through attrition of one circuit judgeship in Saginaw County (the 10th Judicial Circuit). Public Act (PA) 6 of 2018 eliminates one circuit judgeship in Saginaw County beginning on the earlier of the following dates: the date on which a vacancy occurs in the office of circuit judge in the 10th Judicial Circuit, unless the vacancy occurs after the vacating judge has been defeated in a primary or general election or the beginning date of the term for which an incumbent circuit judge in the 10th Judicial Circuit no longer seeks election or re-election to that office. Judge James T. Borchard is constitutionally mandated to retire on December 31, 2022.¹ This will trigger the elimination of the circuit judge position, as prescribed by PA 6.

Like many other areas across the State, Saginaw County is facing a backlog of cases. According to testimony presented before the Senate Committee on Judiciary and Public Safety, some cases have been pending for 300 to 700 days. Losing a judgeship in Saginaw County would have

¹ Article VI, Section 19 of the Michigan Constitution specifies that "no person shall be elected or appointed to a judicial office after reaching the age of 70 years"; however, a judge who reaches the age of 70 during his or her term is permitted to serve out the remainder of that term.

exacerbated this backlog, slowed proceedings, and decreased resident's access to justice. By eliminating the sunset of the judgeship, the bill ensures that the 10th Judicial Circuit will operate effectively and efficiently in order to guarantee adequate access to justice.

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

The bill will add a circuit judgeship to the 20th Judicial Circuit in Ottawa County, a circuit judgeship to the 14th Judicial Circuit in Muskegon County, and a circuit judgeship to the 3rd Judicial Circuit in Wayne County, and it eliminates a sunset provision that will remove a judgeship in the 10th Judicial Circuit in Saginaw County. All of these additions were included in the 2019 Judicial Resources Recommendation.

Costs for a judgeship are shared by the State and the local county government in which the judge sits. The State covers salary and retirement costs, while the local government covers the cost of additional benefits, personnel costs, supplies, equipment, office space, etc. At \$182,500 per judgeship, State spending on circuit judges will increase by slightly less than 2.0% annually, if three circuit judges are added to the statewide system and a fourth is not removed. The total costs to the counties in which these judgeships will be seated are not known.

Fiscal Analyst: Michael Siracuse

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.