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Judges of the 46th District Court



Chief Judge of the 46th District Court, the **Honorable Susan M. Moiseev** first took the bench in 1986 and has been re-elected by the voters of the 46th district four times.

Judge Moiseev has served on the State Bar of Michigan Standing Committee on Professional and Judicial Ethics since 1992 and in 1995 authored the “Ethics” chapter of the Institute for Continuing Legal Education’s *State of the Law* publication. As a member of that committee, she served on its Ethics 2000 subcommittee and is a presenter at the Judicial Campaign Seminar for potential judicial candidates. A member of the Michigan District Judges Association, she was editor of its newsletter, BENCHMARKS and currently serves as Vice President. She is immediate Past President of the Southfield Bar Association and serves on the boards of the Oakland County Bar Association, the ABA National Conference of Special Court Judges and the National Association of Women Judges. Past President of the Women Lawyers Foundation and a Past President of the Oakland County District Judges Association, she is a former Vice Chair of the Michigan Women’s Commission. Currently on the Policy Board of the Legal Aid and Defender Association, she serves on the boards of the Anti-Defamation League, the Juvenile Diabetes Foundation, the Jewish Home and Aging Services, and the Advisory Council for the Oakland University Paralegal Program.

A longtime Southfield resident, Judge Moiseev’s community activities include Friends of the Southfield Library, the Southfield Community Foundation Women’s Fund and the United Way.

Prior to taking the bench, she specialized in family law and was Chief Counsel of the Civil Division of the Legal Aid and Defender Association of Detroit. She is a graduate of the University of Michigan and the University of Detroit Law School.



Judge Shelia R. Johnson was elected in November 2002 and is the first African American to serve as Judge in the 46th District Court. Prior to assuming the bench, Judge Johnson was an attorney with over 18 years of legal experience in both State and Federal Courts. Judge Johnson was in private practice in Southfield where she specialized in both civil and criminal litigation.

Among her community and civic affiliations are: the South Oakland Chapter of the NAACP, where she served as an Executive Committee member; founding member, Southfield Community Foundation Women’s Fund; Dr. Martin Luther King, Jr. Task Force, Inc.; Western International Optimist Club and Integrative Human Services, a non-profit organization which helps at-risk youth and families, where she also served on the board. Judge Johnson has also established a “Court In Schools” Program, where court sessions are held at local schools with the goal of deterring youth from criminal behavior and inspiring them towards positive career choices. Judge Johnson is the recipient of numerous community service awards, including the 2005 Phenomenal Woman “Torch Award” for outstanding legal leadership and community service by Delta Sigma Theta Sorority, Inc., Southfield Alumnae Chapter and most recently, the 2006 “Member of the Year” award from the Southern Oakland County NAACP for her work as chair of the “Health Committee.” She has also been recognized in Who’s Who Publishing Company’s volume of “Black Judges in America.”

Judge Johnson is a member of the State Bar, the Michigan District Judges Association, Oakland County District Judges Association, Association of Black Judges of Michigan, D. Augustus Straker Bar Association, Wolverine Bar Association, Women Lawyers Association of Michigan, Black Women Lawyers Association of Michigan, National Bar Association, National Association of Women Judges, American Judges Association and the National Association of Drug Court Professionals. She currently serves as President-Elect and Board member of Association of Black Judges of Michigan and as a Board Member of the National Association of Women Judges.

Judges of the 46th District Court

Judge Johnson is a former law clerk to the Honorable Benjamin F. Gibson, United States District Court, Western District of Michigan. She is a graduate of Dartmouth College and the University of Michigan Law School, where she was the first African American elected President of the Law School Senate and delivered the commencement address to her graduating class. She has been a resident of Southfield for 21 years.



Judge William J. Richards is the newest Judge of the 46th District Court. Appointed to the bench by Governor Jennifer Granholm to succeed Judge Stephen Cooper, Judge Richards is a longtime local resident with a distinguished career in government. As Senior Policy Advisor for the Michigan Department of Environmental Quality, he was responsible for environmental policy and legal issues for the past four years. He is the former Deputy Attorney General, the principal deputy to Attorney General Jennifer Granholm (1999-2002), and former Assistant U.S. Attorney (1989-1998), where he prosecuted public corruption and drug crimes, and served as ethics officer for nine years. Earlier, he was a staff attorney in the Federal Defender Office and law clerk to Judge Cornelia Kennedy.

As an expert in advanced criminal procedure, Judge Richards taught at Cooley Law School. He is the former President of Oakland-Livingston Legal Aid, where he helped provide free legal aid to the poor and seniors. Judge Richards is a member of the Dr. Martin Luther King, Jr. Task Force, a Judge in the National Black Law Students Association Annual Moot Court competition, and a mentor in the Volunteers in Prevention – VIP – program for youth. He is a volunteer fundraiser for the Susan Komen Breast Cancer Foundation, and a member of the Education Committee of the Southfield Community Foundation. He is a member of First Congregational Church.

Judge Richards earned both his bachelor's degree and his law degree from the University of Michigan. He and his wife Joan have been married for 38 years, and have two daughters, Jennifer and Kristin.

Mission Statement

Uphold the highest standard of public service.

Ensure the efficient and effective use of public funds.

Work toward the continuous improvement of the administration of justice in cooperation and coordination with all stakeholders.

Use problem-solving, decision-making and management strategies that focus on planning, consensus and teamwork and to develop innovative approaches to changing needs.

Encourage employee development through training, education and performance accountability.

Increase the public understanding and appreciation of the administration of justice in our community.

Jurisdiction

Geographical Jurisdiction – The 46th District Court serves the cities of Southfield and Lathrup Village, the Villages of Beverly Hills, Bingham Farms and Franklin and the Township of Southfield.

Legal Jurisdiction – District Courts were established by the Michigan Legislature in 1968 and are considered “Courts of Limited Jurisdiction.” The legal jurisdiction of the 46th District Court is determined by statute and includes:

- **Civil** lawsuits in which the amount in controversy does not exceed \$25,000 (a civil lawsuit is a non-criminal case which involves the claim of one party against another).
- **Criminal misdemeanors** punishable by fine or imprisonment not exceeding one year, or both
- **Arraignments**: the setting and acceptance of bail
- **Preliminary examinations** in all felony cases. A preliminary examination is a hearing at which the District Court Judge determines if there is probable cause to believe a crime has been committed and that the defendant committed the crime. If the Judge determines that there is probable cause, the case is “bound over” to the Circuit Court for trial.
- **Traffic misdemeanors and civil infractions**, including parking violations.
- **Small claims** cases in which the amount claimed does not exceed \$3,000.
- **Landlord-tenant disputes**, land contract and mortgage forfeitures and eviction proceedings.

Special Programs and Services

Court Website – The 46th District Court’s website gives citizens a closer look at the Court and the services it provides. The website provides information on hours and location; judges, magistrates and staff; jury duty; fine and costs; filing a small claims case; special programs offered by the Court and copies of our Annual Report. Please visit us on the web at www.46thdistrictcourt.com.

Recovery Court – Drug Court programs are being implemented across the country to more effectively address the problem of substance abuse. The 46th District Court’s drug court program, “Recovery Court,” is an intensive and highly coordinated community-based response aimed at breaking the cycle of substance abuse and its related costs. Participants undergo intensive supervision, drug testing and treatment and are required to meet with the Judge and Recovery Court staff on a weekly basis during the early stages of the Program. Representatives from the police, prosecutor, court, probation and treatment providers are part of the “Recovery Court Team” and make decisions regarding the participant’s progress. Grant monies contribute to covering case management staffing costs, treatment and drug testing for indigent offenders and special monitoring programs such as ignition interlock and in-home tether programs.

Small Claims Mediation Program – The Court provides a Small Claims Mediation Program to assist the Court and the public in resolving small claims disputes. Unlike litigation, where one party wins and one loses, mediation helps parties reach their own mutually-satisfactory resolution in a non-adversarial manner. The Court uses trained community volunteers from the Oakland Mediation Center to provide mediation services. The 46th District Court’s Mediation Program has been a model for other courts across the state. In 2007, the Oakland Mediation Center handled 435 small claims cases and resolved 254 of them, which represents a resolution rate of 58%.

General Civil In Pro Per Mediation Program – The Court also utilizes the Oakland Mediation Center’s mediation services in general civil cases where one or both parties are not represented by an attorney. In 2007, mediators from the Center handled 344 general civil cases and resolved 138 of them. This represents a resolution rate of 40%. The Oakland Mediation Center also mediated landlord-tenant cases referred to them by the Court.

Community Dispute Resolution – The Community Dispute Resolution Program provides an alternative to the judicial process. The Court has had a representative from the Oakland Mediation Center, Inc., on site since 1990. The Center mediates small claims and general civil in pro per cases (see above) as well as landlord-tenant cases. It also mediates cases before a court case is filed. The Program uses mediation and conciliation as a means of solving problems and focuses on resolutions that are satisfactory to both parties. In 2007, the Oakland Mediation Center mediated a total of 810 cases and resolved 434 or 54% for the 46th District Court. These are cases that would otherwise be filed in court. Oakland Mediation Center provides a valuable resource to our community by providing alternative dispute resolution services at a reasonable cost.

Community Work Program – The Work Program provides the Judges with a sentencing alternative. The Program allows low-risk misdemeanor offenders to perform manual labor in lieu of serving short periods of incarceration. The offenders pay the Court’s cost for supervision and are assigned to work projects in the City of Southfield’s Public Works, Code Compliance and Parks and Recreation Departments. Specific work projects include collecting trash on our community’s streets and highways and general maintenance projects. Eighty-one (81) defendants participated in the Work Program in 2007, completing 2,424 hours of work. This represents a 13% decrease in the number of hours worked over 2006.

Community Service Program – This sentencing alternative provides Judges with the opportunity to order offenders to work in the community as part of their sentence or in lieu of payment of fines and costs, if they are indigent. Placements are found in governmental or community non-profit agencies and are supervised by the Probation Department. There were 26,820 hours of community service completed in 2007. Volunteer Lutrell Coleman is the Community Service Coordinator and is responsible for interviewing, placing and monitoring approximately 922 probationers performing community service.

Special Programs and Services

Law Day Program – Each year, May 1st is proclaimed “Law Day” to encourage citizens to learn about their rights and our legal system. During the year, 46th District Court Judges speak at schools and community organizations and participate in a variety of programs, including Bar Association events and educational programs for attorneys and the general public.

Security/Weapons Screening – A Security/Weapons Screening Program checks individuals entering the Court. Services are provided by Wackenhut, Inc. During 2007, 96,842 people (403 per day) went through the Court’s security screening system. In August 2007, security improvements were made and all those coming to court were required to be screened. Therefore, the total number of people visiting the court was much higher.

Probation Automated Monitoring System – The Probation Automated Monitoring System (PAM) allows more effective and efficient use of probation resources. Probationers use the kiosk, located in the lobby of the Public Safety Building, to meet their reporting requirements. The Program is used for probationers with minimal reporting requirements, as well as to supplement the reporting of offenders needing additional supervision and monitoring. There are currently 1,100 probationers using the PAM system.

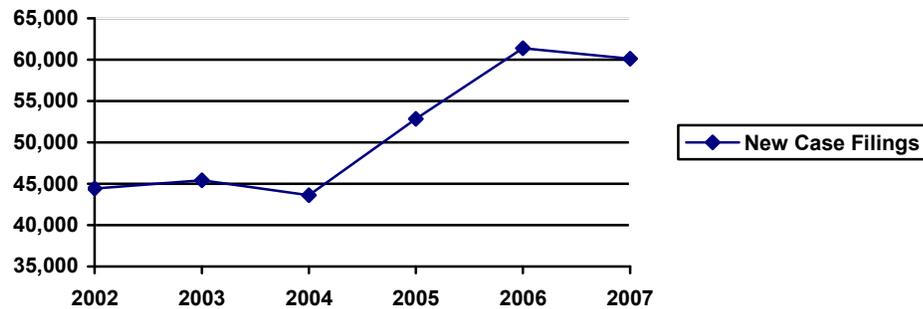
Community Education Program – The Court encourages the community to learn more about its operation and jurisdiction through special educational tours and visits. Visiting groups receive an orientation on local court operations, take a tour of the facility, observe courtroom proceedings and meet with the Judges, if time allows. Numerous community groups visited the Court in 2007, ranging from students in kindergarten through high school as well as various community and civic organizations. (For more information, call 248-796-5800.)

Caseload/Workload Overview

Filings – There were 60,099 new cases filed in the 46th District Court in 2007. This represents a 32% increase in the past five years, and a 2% decrease in the last year. There have been significant increases in civil infractions, misdemeanor non-traffic, felonies, parking and general civil cases over the past five years.

	2003	2004	2005	2006	2007	1 Year Change	5 Year Change
Civil Infractions	16,528	16,877	23,106	28,499	27,708	-791	-3%
Misdemeanor Drunk Driving	331	352	337	330	249	-81	-25%
Misdemeanor Other Traffic	4,792	3,692	4,614	5,286	4,617	-669	-13%
Misdemeanor Non-Traffic	1,313	1,391	1,466	1,656	1,629	-27	-2%
Felonies	705	761	741	838	910	72	9%
Parking	7,518	6,876	8,893	10,818	10,809	9	-
General Civil	5,022	4,715	4,854	5,219	5,872	653	13%
Landlord-Tenant, Summary Proceedings	7,389	7,237	7,019	7,079	6,768	-311	-4%
Small Claims	1,836	1,732	1,802	1,644	1,537	-107	-7%
TOTALS	45,434	43,633	52,832	61,369	60,099	-1,270	-2%

11,180 **68%**



Pending and Disposed Cases – As of January 1, 2007, there were 11,724 cases pending. During the year, there were 60,099 new cases filed, 3,155 cases reopened and 64,197 cases disposed, resulting in an ending pending caseload of 10,781 as of December 31, 2007.

	Beginning Pending	New Filings	Reopened Cases	Disposed Cases	Pending
Total Caseload	11,724	60,099	3,155	64,197	10,781

Probation – A summary of the Probation Department’s 2007 activity is provided below.

- 1,268 new clients were placed on probation, which represents a 7% decrease in the past year.
- 1,100 cases were pending on Probation Officer caseloads, which represent a 3% decrease in the past year.
- 390 investigative reports were completed.
- 13,816 appointments were held, which represents a 32% increase in the past five years.

Caseload/Workload Overview

Probation Caseload and Workload Overview

	2003	2004	2005	2006	2007	% Change	
						1 year	5 year
Cases Pending	1,116	1,277	1,105	1,147	1,116	-3%	0%
Number of Probation Officers	3.5	3.5	3.5	3.5	3.5	0%	0%
Average Caseload per Probation Officer	319	365	316	328	319	-3%	-3%
New Cases	1,282	1,513	1,313	1,359	1,268	-7%	-1%
Investigative Reports	402	388	437	369	390	6%	-3%
Appointments	*10,455	10,988	11,623	13,928	13,816	-1%	32%
Violation of Probation Hearings Conducted	825	876	865	745	699	-6%	-15%

*Estimate based on 11 months actual

Workload Issues - The following factors have placed an additional workload on the Judges and staff of the 46th District Court:

- **More Complex Civil Cases** – Due to the significant increase in district courts’ general civil jurisdiction in 1998 (from \$10,000 to \$25,000), the nature of the civil cases filed in district court has become more complex. More cases involve multiple litigants, cross claims, counter claims, etc., with more hearings and more paperwork to process as a result.
- **More Serious Offenders** – As a result of the significant increase in district courts’ criminal jurisdiction in 2000 (from \$100 to \$1,000), more serious offenders are adjudicated in the district court. This has placed an additional burden on the Probation Department, as these cases require higher levels of supervision. In the past five years there has been approximately a 32% increase in probation appointments held.
- **More Legislative and Court Rule Requirements** – There were several new legislative requirements that required implementation.
- **More Unrepresented Litigants** – Consistent with the national trend, more people are representing themselves. As the number of people who are unfamiliar with the court system increases, there is an increased demand placed on staff to provide assistance. The increase in civil cases over the last five years has placed a much greater burden on staff to answer questions and provide assistance.
- **More Intensive Monitoring of Jail Population** – Due to recent jail overcrowding issues, courts have been asked to more closely monitor their pretrial and sentenced jail populations. Many procedures used by the 46th District Court have been identified as best practices for other courts to consider.

Major Accomplishments

The 46th District Court had many accomplishments in 2007, which have significantly improved the Court's overall operation, increased the public's understanding of the Court system and resulted in improved service to the public. A summary is provided below.

Commitment to Efficient Use of Public Resources - The Court recognizes its responsibility for the efficient use of public resources. Judges and staff have focused on maintaining a high standard of public service by increasing productivity through internal operational and procedural improvements, which have allowed us to handle significant increases in caseload and workload without increasing staff.

Compared to 30 years ago, the Court is handling two and a half times the number of cases per year with the same number of judges and effectively the same number of total court staff. This is remarkable, considering the significant increases in caseload and workload over the past 30 years due to new legislation, more complex procedures and new programs and services.

	<u>1977</u>	<u>2007</u>	<u>% of Change</u>
New Cases Filed	24,324	60,099	149%
Judges	3	3	0%
Magistrates	.5	1	100%
Administrative Support Staff	19.5	20.5	5%
Probation Officers	5.5	3.5	-36%
Total Court Staff	39.5	40.5	2%
Average # of Cases Per Judge	8,108	20,033	147%
Average # of Cases Per Admin Support Staff	415	977	135%

D46 Judges have the Highest Workload Per Judge in Oakland County and are Among the Busiest Judges in the State – According to the State Court Administrative Office's 2007 Judicial Resources Report, D46 has the highest district court workload per judge in Oakland County and a higher workload per judge than the 36th District Court in Detroit.

2007 Judicial Resources Recommendations Report Oakland County District Court Comparison

	<u>Current Judgeships</u>	<u>Weighted Judgeships</u>	<u>Weighted Workload per Judge</u>
46 th Southfield	3	2.8	.93
47 th Farmington Hills	2	1.65	.83
52 nd Novi, Clarkston, Troy, Rochester	11	9.03	.82
43 rd Ferndale, Hazel Park Madison Heights	3	2.15	.72
44 th Royal Oak	2	1.43	.72
48 th Bloomfield Hills	3	2.14	.71
51 st Waterford	2	1.39	.70
45-B Oak Park	2	1.36	.68
50 th Pontiac	4	2.31	.58
45-A Berkley	1	0.30	.30
36 th Detroit	31	27.92	.90

Major Accomplishments

In addition, the Judges of the 46th District Court also have the highest district court civil caseload and the highest average number of civil cases per judge in Oakland County. With Southfield being home to over 9,000 businesses, including over 80 “Fortune 500” companies, the Judges of the 46th District Court not only have the heaviest but also one of the most complex district court civil dockets in Oakland County if the not the State.

2007 Oakland County Civil Caseload Comparison

	<u>New Civil Filings</u>	<u>Ave Per Judge</u>
46 th Southfield	14,177	4,726
52-1 Novi	11,600	3,867
52-2 Clarkston	6,650	3,325
47 th Farmington Hills	6,115	3,058
52-3 Rochester	8,482	2,827
51 st Waterford	5,296	2,648
50 th Pontiac	9,537	2,384
45-B Oak Park	4,316	2,158
48 th Bloomfield Hills	5,767	1,922
43 rd Ferndale, Hazel Park Madison Heights	5,740	1,913
44 th Royal Oak	2,955	1,478
52-4 Troy	4,213	1,404
45-A Berkley	549	549
36 th Detroit	103,957	3,353

The Judges of the 46th District Court are also among the busiest district court judges in the State. In 2007, they had 20,003 cases per judge which ranked them 13th of the 116 district courts in Michigan. They also had the 3rd highest average civil caseload per judge in the entire state.

Exceptional Programs, Services and Projects – The 46th District Court continues to operate several highly successful programs, services and projects.

- **Recovery Court** – This program provides intensive community support and supervision for those trying to maintain a drug-free life. In 2007, there were eight graduates from the five-phase intervention program. This was the largest number of graduates to-date.
- **Collections Program** – In 2007, there were \$481,692 additional revenues collected, bringing the total amount collected since the Program began in 2003 to \$2,700,849. The Program increases compliance with court orders, while increasing revenues on both the state and local levels.

Major Accomplishments

Case Flow Management Accomplishments –The 46th District Court has a reputation for sound case flow management policies and procedures.

- **Timely Case Scheduling** - Most traffic, criminal and civil cases are scheduled and held within three weeks. Informal and formal hearings are scheduled two to three weeks from the date a hearing is requested; criminal pre-trials are scheduled in three weeks, unless the defendant is in custody and then an expedited hearing is held within three to five days; landlord-tenant cases are scheduled within three weeks of the case being filed; small claims hearings are scheduled within two to three weeks of mediation and general civil pre-trials are scheduled within 30 days of the answer being filed.
- **Timely Case Disposition** - The 46th District Court is effectively meeting or exceeding the time guidelines specified by the Michigan Supreme Court. For example, in 2007, 99% of general civil cases were adjudicated within 365 days of filing; 96% of civil infractions were adjudicated within 56 days of filing and 96% of misdemeanors were disposed within 91 days from the first appearance.
- **Effective Monitoring of In-Custody Prisoners** - Jail overcrowding has become a major issue. The 46th District Court does an excellent job of monitoring in-custody prisoners through the use of expedited pre-trials and the use of bond review hearings.
- **Outstanding Performance in Secretary of State Conviction Reporting** – The 46th District Court continues to have an exemplary record in this area.

Operational and Procedural Improvements

There were numerous operational and procedural improvements during 2007. Security improvements included the installation of security glass in the Clerk's Office and expanded weapons screening. Procedural improvements included the following: (1) entering post judgment civil information on the computer system which will eliminate future microfilming costs (2) development of a new form for the rejection of non-conforming civil documents and (3) development of a civil Motion and Order to Set Aside Default/Dismissal which will help standardize requests and streamline the process. Finally, the Community Work Program was expanded and will be run through November.

Revenues, Distributions and Expenditures

Most citizens are not familiar with the court system. As a result, there are many widely-held misconceptions about the operation of the courts, particularly in the area of court revenues and budgets. To maintain the public's trust and confidence in our system of justice, it is important to address the most common misunderstandings.

- **Courts are not businesses** – The purpose of our court system is to provide a forum for the resolution of disputes in a “fair, efficient, effective, timely, unbiased and convenient manner.” The judicial branch of government, like all branches of government, exists to maintain order, provide necessary services and to serve the public; not to make a profit.
- **Courts do not keep the revenue they generate** – Courts are prohibited by law from keeping and using the money they collect from fines, costs and fees. All monies collected are distributed to either the state, the county or local units of government, according to statutory requirements. In addition, judges are full-time salaried officials. Their compensation is not linked to fines that are assessed or monies that are collected.
- **The legislative branch of government approves court budgets** – All monies received by courts to maintain their operation are reviewed and approved through a budget process and are authorized by the applicable branch of government.

The following is a summary of the 46th District Court's revenues and expenditures for the past two years.

REVENUES	2006	2007
Judicial Salary Reimbursement ¹	\$137,172	\$137,172
Fines, Costs, Fees ²	\$6,716,911	\$7,086,741
Total Revenues	\$6,854,083	\$7,223,913

DISTRIBUTIONS³	2006	2007
State of Michigan	\$2,001,470	\$2,039,163
County of Oakland	\$179,269	\$150,011
City of Southfield	\$4,487,750	\$4,799,664
City of Lathrup Village	\$104,142	\$146,980
Village of Beverly Hills	\$58,860	\$57,950
Village of Bingham Farms	\$11,195	\$12,653
Village of Franklin	\$11,397	\$17,492
Township of Southfield	\$0	\$0
Total Distributions	\$6,854,083	\$7,223,913

BUDGETED EXPENDITURES⁴	2006	2007
For Direct Operational Costs	\$3,273,431	\$3,474,341

¹ Amount paid to the City of Southfield by the State of Michigan to totally reimburse the City for payment of judicial salaries.

² Includes interest collected directly by the Court that was offset by bank fees. It does not include interest revenues earned by the City of Southfield on Court distributions.

³ Formula is established by state law. These figures reflect how monies collected by the 46th District Court were distributed between the various governmental agencies and do not reflect actual disbursements for the periods indicated.

⁴ Based on actual expenditures for fiscal years ending in 2006 and 2007. Budgeted expenditures do not represent the total cost of the court. Costs incurred by the City of Southfield for debt service, facility charges, insurance, telephone, printing and postage, etc., are not included.