

46th District Court

2010 Annual Report



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Dear Citizens:

It is a pleasure to submit the 46th District Court's *2010 Annual Report* to you. This report documents the activity and accomplishments of the Court and provides the citizens we serve with important information about the administration of justice in their community.

Over the years, the Judges and staff of the 46th District Court have made numerous operational and procedural improvements that have offset the need for additional staff, provided new programs and services and increased the public's understanding of the court system. Compared to 33 years ago, the Court is handling more than twice the number of cases per year with the same number of judges and the same number of total court staff. Once again, we feel this level of performance is extraordinary for any organization—public or private.

However, during these difficult economic times, we face additional challenges as court caseloads and workloads increase at a time when public resources become more limited. During the past year, the 46th District Court continued to make changes that increased our administrative efficiency. A Civil Infraction Conference Program was implemented to provide a more streamlined procedure for citizens to appear in court and provided a savings opportunity for the Court and law enforcement agencies. In addition, the 46th District Court was one of four courts in the state to pilot online ticket payments which provides citizens with a more convenient method for paying tickets and the Court with a more efficient processing alternative. The Court also expanded its use of video proceedings and made records management improvements. Finally, the Court collected an additional \$436,964 from its Collection Program, bringing the total collected over the past eight years to \$4,427,852.

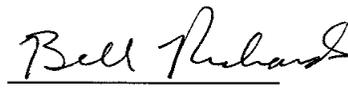
As always, we extend our sincere thanks and appreciation to the entire staff of the 46th District Court. Their commitment to public service, professionalism and teamwork has created an organizational culture that supports continuous improvements and allows us to function at such a high level of effectiveness and efficiency.

We fully understand and accept our responsibility to uphold the highest standard of public service, ensure the efficient and effective use of public funds and increase the public's understanding and appreciation of the administration of justice. We look forward to working together for the continued fair, efficient and effective administration of justice in our community.

Very truly yours,


Susan M. Moiseev
Chief Judge


Shelia R. Johnson
District Judge


William J. Richards
District Judge

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.

A longtime Southfield resident, over the years Judge Moiseev has been involved in a wide range of community activities. Among the organizations and causes she has supported are Relay for Life, the American Heart Association Walk, Battle of the Books, Southfield Community Foundation Women's Fund, Special Olympics and the Law Enforcement Torch Relay for Special Olympics, DARE (Drug Abuse Resistance Education), and Friends of the Southfield Library and others. Currently, she serves on the boards of the Juvenile Diabetes Foundation, the Jewish Home and Aging Services, and the Advisory Council for the Oakland University Paralegal Program.

In addition to her activities in the community Judge Moiseev has also been actively involved in legal organizations on the local, state and national level. In 2009 she served as President of the Michigan District Judges Association. She was a member of The Judicial Crossroads Taskforce of the State Bar of Michigan; she chaired the Access to Justice subcommittee. She served on the State Bar of Michigan Standing Committee on Professional and Judicial Ethics from 1992 until 2008, 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 as a presenter at the Judicial Campaign Seminar for potential judicial candidates. At the county level, she has been president of the Oakland County District Judges Association. In addition, she is on the board of the Oakland County Bar Association, the largest voluntary bar association in the State. She serves on the board of the ABA National Conference of Specialized Court Judges and has served in many capacities on the board of the National Association of Women Judges; most recently as NAWJ's liaison to the ABA Commission on Women in the Profession.

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. In November 2008, she was re-elected for an unopposed second term. 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.

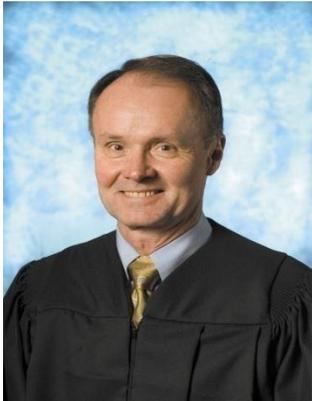
Among her community and civic affiliations are: the South Oakland Chapter of the NAACP, where she served as an Executive Committee member; founding member, Southfield Community Foundation Women's Fund; Dr. Martin Luther King, Jr. Task Force, Inc.; Southfield Lathrup Optimist Club; Western International Optimist Club and Integrative Human Services, a non-profit organization which helps at-risk youth and families, where she also served on the board. Additionally she is a member of Hope United Methodist Church where she has served as vice-chair and chair of the "Church and Society Ministry." 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 toward 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, the 2006 "Member of the Year" award from the Southern Oakland County NAACP for her work as chair of the "Health Committee," the 2008 Powerful Woman of Purpose Award in the Legal Profession from the Rhonda Walker Foundation and most recently the 2009 Mattie Belle Davis Award from the National

Judges of the 46th District Court

Association of Women Judges. 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 and the American Judges Association. She currently serves on the Executive Committee of the Judicial Council of the National Bar Association and the Equal Access Initiative of the Committee on Justice Initiatives of the State Bar of Michigan. Judge Johnson is a former President of the Association of Black Judges of Michigan and former Vice President of Publications and Board Member of the National Association of Women Judges, where she was editor of the national newsletter "Counterbalance."

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 24 years.



Judge Bill Richards was appointed to the 46th District Court in 2007 by Governor Jennifer Granholm. In 2008, voters elected him to a two-year term. In 2010, voters re-elected him to a full six-year term.

Judge Richards is a longtime local resident with a distinguished career in government, teaching and private practice. He is the former Deputy Attorney General, the principal deputy to the Michigan Attorney General (1999-2002), and former Assistant U.S. Attorney (1989-1998), where he prosecuted public corruption and drug crimes. In the U.S. Attorney's Office, he served as ethics officer for nine years. Earlier, he was a staff attorney in the Federal Defender Office and law clerk to U.S. District Judge Cornelia Kennedy.

Judge Richards has taught advanced criminal procedure 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 was a volunteer fundraiser for the Susan Komen Breast Cancer Foundation. He serves on the Board for the Southfield Centers for Youth, Inc. (the 'field Zone). He is a member of First Congregational Church.

Bill Richards earned both his bachelor's degree and his law degree from the University of Michigan. Judge Richards and his wife Joan have been married for 41 years and have two daughters, Jennifer and Kristin, and two grandchildren.

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.

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 2010, the Oakland Mediation Center handled 294 small claims cases and resolved 155 of them, which represents a resolution rate of 53%.

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 2010 mediators from the Center handled 319 general civil cases and resolved 135 of them. This represents a resolution rate of 42%. The Oakland Mediation Center also mediated landlord-tenant cases referred to them by the Court.

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. Thirty-five (35) defendants participated in the Work Program in 2010, completing 856 hours of work.

Special Programs and Services

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 36,165 hours of community service completed in 2010. Lutrell Coleman is the Community Service Coordinator and is responsible for interviewing, placing and monitoring approximately 346 probationers performing community service.

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 2010, 116,545 people (473 per day) went through the Court’s security screening system, a 3% increase from 2009.

Probation Automated Monitoring System – The Probation Automated Monitoring System (PAM) allows more effective and efficient use of probation resources and makes reporting more convenient for probationers, as it available 24/7. To satisfy reporting requirements, probationers use the kiosk, located in the lobby of the Public Safety Building. 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 1,000 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 2010, 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 56,164 new cases filed in the 46th District Court in 2010. This represents a 9% decrease in the past five years, and a 16% increase in the last year.

	2006	2007	2008	2009	2010	1 Year Change		5 Year Change	
Civil Infractions	28,499	27,708	22,166	21,784	23,646	1,862	9%	-4,853	-17%
Misdemeanor Drunk Driving	330	249	253	292	433	141	48%	103	31%
Misdemeanor Other Traffic	5,286	4,617	4,038	3,422	3,692	270	8%	-1,594	-30%
Misdemeanor Non-Traffic	1,656	1,629	1,739	1,613	1,569	-44	-3%	-87	-5%
Felonies	838	910	803	715	665	-50	-7%	-173	-21%
Parking	10,818	10,809	8,946	8,056	14,256	6,200	77%	3,438	32%
General Civil	5,219	5,872	5,920	5,388	5,269	-119	-2%	50	1%
Landlord-Tenant, Summary Proceedings	7,079	6,768	7,184	6,015	5,735	-280	-5%	-1,344	-19%
Small Claims	1,644	1,537	1,313	1,049	899	-150	-14%	-745	-45%
TOTALS	61,369	60,099	52,362	48,334	56,164	7,830	16%	-5,205	-9%

Caseload/Workload Overview

Pending and Disposed Cases – As of January 1, 2010, there were 9,516 cases pending. During the year, there were 56,164 new cases filed, 3,698 cases reopened and 60,166 cases disposed, resulting in an ending pending caseload of 9,212 as of December 31, 2010. This represents a clearance rate of 101% and means the Court disposed of as many cases as were opened and is keeping up with its incoming caseload.

	Beginning Pending	New Filings	Reopened Cases	Disposed Cases	Pending
Total Caseload	9,516	56,164	3,698	60,166	9,212

Probation – A summary of the Probation Department’s 2010 activity is provided below.

- 1,373 new clients were placed on probation, which represent a 6% increase in the past year.
- 1,063 cases were pending on Probation Officer caseloads.
- 430 investigative reports were completed, which represent a 26% increase in the past year.
- 12,472 appointments were held.

Probation Caseload and Workload Overview

	2006	2007	2008	2009	2010	% Change	
						1 year	5 year
Cases Pending	1,147	1,116	1,063	1,070	1,063	0%	-7%
Number of Probation Officers	3.5	3.5	3.5	3.5	3.5	0%	0%
Average Caseload per Probation Officer	328	319	303	306	304	0%	-7%
New Cases	1,359	1,268	1,357	1,297	1,373	6%	1%
Investigative Reports	369	390	307	342	430	26%	17%
Appointments	13,928	13,816	13,330	12,893	12,633	-2%	-9%
Violation of Probation Hearings Conducted	745	699	859	858	900	5%	21%

Major Accomplishments

The 46th District Court had many accomplishments in 2010, 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.

Major Accomplishments

Compared to 33 years ago, the Court is handling more than twice the number of cases per year with the same number of judges and the same number of total court staff. This is remarkable, considering the significant increases in caseload and workload over the past 33 years due to new legislation, more complex procedures and new programs and services.

	<u>1977</u>	<u>2010</u>	<u>% of Change</u>
New Cases Filed	24,324	56,164	131%
Judges	3	3	0%
Magistrates	.5	1	100%
Administrative Support Staff	19.5	19.5	0%
Probation Officers	5.5	4	-27%
Other	11	13	18%
Total Court Staff	39.5	40.5	2%
Average # of Cases Per Judge	8,108	18,721	131%
Average # of Cases Per Admin Support Staff	1,247	2,880	131%

Special Programs and Projects

- **Online Ticket Payment Program** - In July, the Court implemented an online ticket payment application for traffic and parking tickets. The 46th District Court was one of four courts in the state to pilot this program. Payments automatically post to the Court's case management system and dispose of the case, eliminating the need for staff to key the payment. The program provides citizens with a convenient and efficient method for paying tickets and provides the Court with an efficient processing alternative. During the six-month period, the Court had 736 electronic payments.
- **Civil Infraction Conferences** – A Civil Infraction Conference Program was implemented in October 2010. It provides a more cost efficient method for violators to negotiate a plea and plead responsible to an amended charge. It also provides a more streamlined procedure for citizens and reduces both police and court costs. Under the program, violators have the option of appearing for a civil infraction conference and meet with a representative from the police department to discuss a possible plea to an amended charge. Because a contested hearing is not being scheduled, the issuing officer does not need to be present. This reduces the number of officers who must be scheduled for court appearances and reduces associated police officer overtime costs. In addition, because the police department representative has the authority to amend a civil infraction and the violator may admit responsibility, it is not necessary for a magistrate to hear the case or approve the amendment. This reduces the number of informal hearings and the amount of magistrate hearing time necessary, resulting in a savings for the Court. At this time all applicable law enforcement agencies are participating in the program.
- **Collections Program** – For the past eight years, the Court has sent reminder notices to violators with unpaid traffic tickets to increase compliance with court orders. In 2010, a total of \$436,964 in additional revenue was collected. This brings the total amount collected since the program began in 2003 to \$4,427,852.

Major Accomplishments

Operational and Procedural Improvements - The judges, administrators and staff of the 46th District Court understand the serious budget issues and challenges facing us for the foreseeable future in Michigan. One of the best ways to reduce costs and/or reduce the need for additional resources is to find more efficient ways to perform duties. This year, there were several operational and procedural improvements.

- **Expanded Use of Video Proceedings** – The Court expanded its use of video proceedings to include probable cause hearings by Lathrup Village, Beverly Hills, Franklin Village and Bingham Farms. These communities save police officer time traveling to and from the Court.
- **Revised Juror Check In Procedures** – Juror check in time was changed from 8:15 to 9:00 am. This shortens the time jurors must be available and provides some cost savings for the Court.
- **Records Management Improvements** – A more efficient procedure for filing garnishment disclosures was implemented in January 2010. These documents are no longer placed in the court file but are maintained by date received in a separate system. This procedure saved hundreds of hours per year of pulling and refiling files and has greatly decreased the number of files that are out of the filing system.

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 2010, 99% of general civil cases were adjudicated within 365 days of filing; 93% of civil infractions were adjudicated within 56 days of filing and 94% 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.

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	2009	2010
Judicial Salary Reimbursement ¹	138,272	138,272
Fines, Costs, Fees ²	\$5,915,929	6,165,346
Total Revenues	\$6,054,201	6,303,618

DISTRIBUTIONS³		
State of Michigan	\$1,724,009	1,679,148
County of Oakland	\$122,435	112,392
City of Southfield	\$4,002,215	4,264,828
City of Lathrup Village	\$119,654	154,499
Village of Beverly Hills	\$61,084	60,931
Village of Bingham Farms	\$14,074	16,043
Village of Franklin	\$10,730	15,751
Township of Southfield	\$0	26
Total Distributions	\$6,054,201	6,303,618

BUDGETED EXPENDITURES⁴		
For Direct Operational Costs	3,404,296	3,437,687

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 2009 and 2010. 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.