

46th District Court

2015

Annual Report



26000 Evergreen Road

Southfield, MI 48076

www.46thdistrictcourt.com



STATE OF MICHIGAN
46th DISTRICT COURT

Dear Citizens:

We are very pleased submit the 46th District Court's 2015 *Annual Report* to you. This report, published annually since 1987, documents the activities and accomplishments of the Court during the past year and provides you with useful information about court operations in general. We understand our responsibility to be accountable to those we serve and have found our annual report to be an excellent way to improve the public's understanding of and appreciation for the administration of justice.

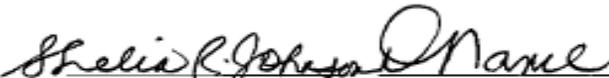
In these difficult economic times, it is particularly important that we emphasize our commitment to using taxpayer dollars wisely. Over the years, the Judges and staff of the 46th District Court have focused on maintaining a high standard of public service by increasing productivity through internal operational and procedural improvements. These improvements have allowed us to handle significant increases in caseload and workload over the years without increasing the number of judges and staff.

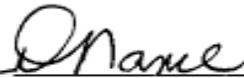
In terms of case flow management, the Court continues to operate in a highly efficient manner with a clearance rate of over 100% and meeting or exceeding nearly all of the Supreme Court's case processing time guidelines. Our collections program, now in its twelfth year, generated \$694,138 from unpaid tickets in 2015, bringing the total collected since the program began to \$8,076,142. The Court has continued the successful income tax garnishment project to collect outstanding funds owed to the Court on civil infraction and misdemeanor cases. Nearly \$80,000 has been collected from garnishments issued in 2015, bringing the total collected since this program started in 2012 to nearly \$380,000.

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 as a high-performing court, as evidenced by the results of the 2015 Public Satisfaction Survey.

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,


Shelia R. Johnson
Chief Judge


Debra Nance
District Judge


Cynthia M. Arvant
District Judge

Judges of the 46th District Court



The Honorable Cynthia Meagher Arvant was appointed to the 46th District Court by Governor Rick Snyder in July 2015, to fill the vacancy created by the retirement of Chief Judge William Richards.

Prior to her appointment to the bench, Judge Arvant spent six years at the 46th District Court, appointed by the Judges to serve in various roles. She was hired as the Court's Research Attorney in 2009 and was appointed as Magistrate in 2010, serving in both capacities until 2012, when she was appointed as Court Administrator. She served in the dual roles of Court Administrator and Magistrate until her appointment to the bench.

Judge Arvant began her legal career in Southfield, as an Associate Attorney with the general practice firm of Mooney & Condino, P.C. She left private practice to pursue public service, joining the Michigan Attorney General's Office as an Assistant Attorney General in 2000. She later served as a Special Assistant Attorney General.

Judge Arvant has been active in her community for many years, serving as a member and Chairperson of the Beverly Hills Parks & Recreation Board and as a Board Member and the Legislative Liaison for the Beverly Elementary PTA. Judge Arvant is a member of the Oakland County Bar Association, the Michigan District Judges Association, the Oakland County District Judges Association, the National Association of Women Judges, the Association of Black Judges of Michigan, the Women Lawyers Association of Michigan, the Oakland Women's Bar Association, the Wolverine Bar Association, and the Dr. Martin Luther King, Jr. Taskforce.

Judge Arvant earned her Bachelor of Arts Degree in Social Science from Michigan State University in 1992, and her Juris Doctorate from the Michigan State University College of Law (formerly Detroit College of Law) in 1995. Judge Arvant and her husband, Peter, are longtime local residents and have two children.

Welcome, Judge Cynthia M. Arvant

The Judges, Magistrates and Staff of the
46th District Court extend a warm welcome
to Judge Cynthia Arvant.

Judges of the 46th District Court



Chief 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 2014, she was re-elected for an unopposed third term. Judge Johnson was also selected as a 2012 Democratic nominee for candidacy for Justice of the Michigan Supreme 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 many community and civic affiliations are: the Southern Oakland Chapter of the NAACP, where she served as an Executive Committee member; founding member, Southfield Community Foundation Women's Fund; First-Vice President, Dr. Martin Luther King, Jr. Task Force, Inc.; and founding member, the National Congress of Black Women. 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." She is a proud member of Delta Sigma Theta Sorority, Inc., Southfield Alumnae Chapter. Judge Johnson believes mentoring youth is of paramount importance and she has 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. She also works as a "Community Partner" with Southfield Schools.

Judge Johnson is the recipient of numerous professional and community service awards, including the 2014 "Justice Award" from the Dr. Martin Luther King, Jr. Task Force, Inc.; 2013 "Women of Excellence" Award from the Michigan Chronicle Newspaper; 2013 "Trailblazer Award" from the D. Augustus Straker Bar Association; 2013 "Wings of Justice Award" from the Oakland County Democratic Party; 2005 Phenomenal Woman "Torch Award" for outstanding legal leadership and community service by Delta Sigma Theta Sorority, Inc., Southfield Alumnae Chapter; 2006 "Member of the Year Award" from the Southern Oakland County NAACP for her work as chair of the "Health Committee"; 2008 "Powerful Woman of Purpose Award" in the Legal Profession from the Rhonda Walker Foundation; and the 2009 "Mattie Belle Davis Award" from the National 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 of Michigan, 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 and the National Bar Association. She currently serves as the Recording Secretary of the Michigan District Judges Association (MDJA) and is the former editor of the MDJA newsletter, "Benchmarks." She is a member of 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 also 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 28 years.

Judges of the 46th District Court



Judge Debra Nance was elected to the bench on November 6, 2012. She began a six-year term as Judge of the 46th District Court on January 1, 2013. Judge Nance received her Bachelor of Arts degree from the University of Detroit. She began her professional career as an Assistant Personnel Manager at the Hudson's Northland Store before serving as Personnel Superintendent for several other Hudson's Department Stores throughout Michigan. She has also worked in various Human Resource capacities in the automotive market prior to launching her legal career.

Judge Nance began her career as an attorney after obtaining a law degree from Wayne State University Law School. She worked on assignment to the Office of the General Counsel at Ford Motor Company, and gained invaluable experience while working in the Oakland County Prosecutor's Domestic Violence Unit and the Wayne County Prosecutor's Child & Family Abuse Bureau. In 2001, she went into private practice at the Kemp Klein Law Firm where she developed a successful litigation practice in the areas of Civil Litigation, Probate Litigation, Juvenile & Family Litigation and Adoption Law.

In service to the community, Judge Nance has volunteered in numerous projects. She worked to make legal information accessible to those in the community by volunteering at free legal aid clinics. She worked to educate our youth by participating in the 50th Anniversary of the *Brown v. Board of Education* Project in Southfield Public Schools. She has supported organizations such as the Women's Survival Center of Oakland County and Creating Independence and Outcomes (CIAO) for foster care children. She worked as an "Election Protection Attorney" and poll watcher in a number of elections to ensure the fairness and integrity of the election process. Judge Nance has also worked as a Volunteer Attorney Mediator for small claims, consumer and commercial disputes, and landlord/tenant matters in District Court.

In service to the legal community, Judge Nance lectured to lawyers at the Institute of Continuing Legal Education, and has lectured to law students at Cooley Law and the University of Michigan Law School. Active in various bar associations, she served as a Board Member for the D. Augustus Straker Bar Association, was selected to serve on the Oakland County Bar Association Judicial Candidates Committee, and has been a long-serving member of the Adoption subcommittee of the Family Law Division of the Michigan State Bar Association. Prior to taking the bench Judge Nance was appointed to serve on the Michigan State Bar Character & Fitness Committee which reviews the suitability of law graduates seeking to obtain a license to practice in Michigan.

Judge Nance has lived in Southfield for over 30 years. She remains active in the community and looks forward to a term of continuing service.

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 first court appearance in a criminal case where a defendant is advised of the charges and the potential penalties, bond is set with any applicable conditions, counsel is appointed if necessary, and future court hearings are scheduled.
- **Probable cause conferences and 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. In certain cases, the Court has authority to accept guilty pleas in felony cases, which are then referred to Circuit Court for sentencing.
- **Traffic misdemeanors and civil infractions**, including parking violations.
- **Small claims** cases in which the amount claimed does not exceed \$5,500.
- **Landlord-tenant disputes**, land contract and mortgage forfeitures and eviction proceedings.

Programs and Services

Court Website – Please visit us on the web at www.46thdistrictcourt.com.

Mediation Program – The Court continues to utilize the services of the Oakland Mediation Center as a method of resolving cases. In 2015, the Oakland Mediation Center mediated 218 small claims cases and resolved 117 of them for a resolution rate of 54%. In addition, 188 general civil cases were mediated, and 73 were resolved, a resolution rate of 39%.

Community Work Program – The Work Program provides the Judges with a sentencing alternative, whereby low-risk misdemeanor offenders may perform manual labor as an alternative to incarceration. The offenders pay the Court’s cost for supervision and are assigned to work projects in the City of Southfield’s Public Works and Parks and Recreation Departments. Specific work projects include collecting trash on our community’s streets and highways and general maintenance projects. Fifty-eight (58) defendants participated in the Work Program in 2015, completing 1,376 hours of work.

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 fines and costs, if they are indigent. Placements are found in governmental or community non-profit agencies and are supervised by the Probation Department. In 2015, 526 probationers completed 27,624 hours of community service.

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 have visited the Court, including local students from grade school

through high school, several local college programs, and various community and civic organizations. For more information on court visits, please call Administration at (248)796-5800.

Caseload/Workload Overview

Pending and Disposed Cases:

	Beginning Pending	New Filings	Reopened Cases	Disposed Cases	Pending at Year End
Total Caseload	7,735	49,681	3,156	53,281	7,291

Filings: Following is a summary of new cases filed in 2015, by case type:

Felonies	2011	2012	2013	2014	2015		
Criminal	490	488	464	378	339		
Traffic	29	17	26	26	20	<i>1 Year Change</i>	
Drunk Driving	24	28	25	33	28		
Total	543	533	515	437	387	-50	-11%

Misdemeanors

Criminal	1,352	1,200	1,121	1,022	871		
Traffic	3,004	2,478	2,898	2,950	2,924	<i>1 Year Change</i>	
Drunk Driving	324	273	275	381	356		
Total	4,680	3,951	4,294	4,353	4,151	-202	-5%

Civil Infractions

Traffic	17,780	17,639	19,410	18,723	18,815		
Non-Traffic	1,775	1,482	1,486	1,299	1,445	<i>1 Year Change</i>	
Total	19,555	19,121	20,896	20,022	20,260	238	1%

1 Year Change

Parking	17,598	19,089	17,869	15,721	13,562	-2159	-14%
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Civil

General Civil & Miscellaneous	4,985	5,467	5,629	4,806	4,890		
Landlord Tenant/ Land Contract	6,638	7,010	7,221	6,296	5,780	<i>1 Year Change</i>	
Small Claims	937	809	869	735	651		
Total	12,560	13,286	13,719	11,837	11,321	-516	-4%

1 Year Change

Grand Total	54,936	55,980	57,293	52,370	49,681	-2689	-5%
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Probation Caseload/Workload Overview

A summary of the Probation Department's 2015 activity is provided below.

Probation Caseload and Workload Overview	2011	2012	2013	2014	2015
Cases Pending	1,135	915	866	884	893
Number of Probation Officers	3.5	3*	3*	3*	3*
Average Caseload Per Probation Officer	324	305	289	295	298
New Cases	1,319	986	934	866	970
Investigative Reports	399	328	309	312	404
Appointments	12,521	10,611	9,297	8,900	9196
Violation of Probation Hearings Conducted	1,036	815	742	777	811

*There are two probation officers who carry full-time caseloads and two probation officers who carry part-time caseloads, roughly the equivalent of three full-time probation officers.

Special Announcements

Retirement of Honorable William J. Richards - Judge Richards retired in July 2015, after serving on the bench for a little over 8 years. He was appointed in February 2007 by Governor Jennifer Granholm to succeed Judge Stephen Cooper who had retired. Before joining the bench, Judge Richards served as Senior Policy Advisor for the Michigan Department of Environmental Quality. He was 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. We thank Judge Richards for his outstanding service to the Court and to the citizens of the communities served by the Court, and wish him well in retirement.

Innovative Programs and Projects

The Judges, Administration and Staff of the 46th District Court welcome the opportunity to explore and participate in innovative programs and projects that allow the Court to operate efficiently and effectively. A summary is listed below:

Public Satisfaction Survey - For the third year in a row, court users say they are satisfied with their experiences in the 46th District Court. Using a survey that was administered in courts statewide, the 46th District Court asked court users questions about their level of satisfaction with court services. Across the board, court users said that the 46th District Court was accessible, timely, fair, and that they were treated with courtesy and respect by court staff.

Highlights from the survey include:

- 94% of people surveyed strongly agreed or agreed that their court business was conducted in a reasonable amount of time
- 95% of people surveyed strongly agreed or agreed that they were treated with courtesy and respect by court staff
- 87% of people surveyed strongly agreed or agreed that their case was handled fairly
- 89% of people surveyed strongly agreed or agreed that the judge/magistrate treated everyone with courtesy and respect

Tax Garnishment Project – This is an ongoing effort to collect outstanding funds owed to the Court through issuance of Tax Garnishment writs. Over 2,500 garnishments were filed in 2015, and to date, nearly \$80,000 has been collected. The tax garnishment project was undertaken with minimal cost to the Court, no additional staff, and no overtime expenses.

GarnIT – In 2015 the Court, in conjunction with SCAO, served as a pilot to launch the GarnIT program, an automated system for issuing Request and Writ for Garnishment (Income Tax Refund/Credit). For the period of August 2015-March 2016, the court issued a total of 5,049 writs. Of those, 1,059 were issued through GarnIT, simplifying the process for plaintiffs and reducing the amount of staff time to process the writs.

Intensive Domestic Violence Probation Program – In response to concerns about the increasing number of domestic violence cases in the 46th District Court, and recognizing the unique risk of harm posed by such cases, the Court started an intensive domestic violence probation program in May of 2012. This 52-week program, called the H.E.A.L. program (“Helping Explore Accountable Lifestyles”), is a partnership with our Probation Department and private practitioners. One probation officer is assigned to handle all domestic violence probationers, and the cases are subject to regular review by the assigned Jjudge. In 2015, 47 participants started the program in five different groups. In 2015, 27 individuals graduated from the program. It is hoped this intensive program of supervision and education will help break the cycle of violence.

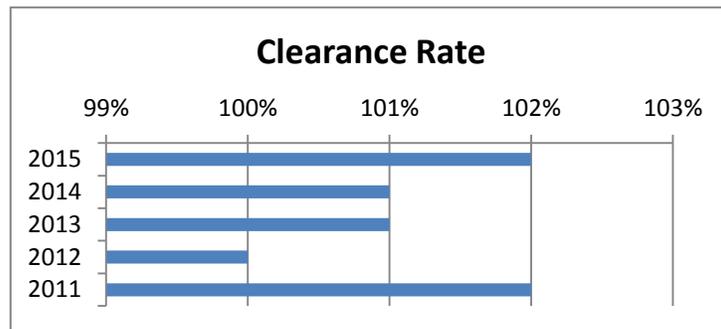
Electronic Ticket Payment Program –The program provides citizens with a convenient and efficient method for paying tickets on-line so they do not have to come to court. It also provides the Court with a more efficient processing alternative because payments are automatically posted to the Court’s case management system, JIS, driver license suspensions are cleared and the case automatically disposed. In addition, the Court uses various software applications to upload parking violations issued by Southfield’s Parking Enforcement division and citations issued by Michigan State Police eliminating the need for staff to manually enter the data.

COLLECT Program – In 2003, the Court launched the Collect program, in an effort to increase our collection rates. Reminder notices are regularly sent to individuals with outstanding fines and costs owing on parking, traffic and civil infraction matters. The program has been extremely successful. In 2015, a total of \$694,138.40 was collected through this program. This brings the total amount collected since the program began in 2003 to \$8,076,141.

Case Flow Management

- **Efficient Case Processing** – Clearance rates measure a court’s case flow management performance and efficiency. It indicates the degree a court is able to keep up with incoming caseload. A clearance rate of less than 100% means that more cases were filed than disposed and a clearance rate of more than 100% means that more cases were disposed than filed.

In 2015, the 46th District Court’s clearance rate was nearly 102% with 52,837 new and reopened cases and 53,281 disposed cases. Over the past five years, the Court has continually had a clearance rate of 100% or greater.



- **Timely Case Scheduling** – Most traffic and criminal cases are scheduled for hearing and held within three weeks. Informal and formal hearings are scheduled two to three weeks from the date a hearing is requested and pre-trials are scheduled within three weeks of arraignment, unless the defendant is in custody. If the defendant is in custody, an expedited pretrial is scheduled within three to five days.

Civil cases are also scheduled in a timely manner. Landlord tenant cases are scheduled within three weeks of the case being filed; small claims trials 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 State Court Administrative Office (SCAO) sets timelines for adjudication of cases. The 46th District Court is substantially meeting or exceeding nearly all of the guidelines specified by SCAO. In 2015, the Court performed within the following guidelines:

46th District Court**Michigan Supreme Court Time Guidelines**

87%	90% of General Civil cases adjudicated within 273 days of filing
99%	98% of General Civil Cases adjudicated within 455 days of filing
98%	95% of Summary Civil cases without jury demand adjudicated within 126 days from case filing
92%	65% of Summary Civil cases with jury demand adjudicated within 154 days from case filing
94%	90% of Civil Infraction cases adjudicated within 35 days from case filing
99%	98% of Civil Infraction cases adjudicated within 84 days of filing
91%	85% of Misdemeanor cases adjudicated within 63 days of first appearance
97%	95% of Misdemeanor cases adjudicated within 126 days of first appearance
36%	60% of preliminary examinations held within 14 days of arraignment
61%	75% of preliminary examinations held within 28 days of arraignment [Note: the Guidelines do not take into consideration that a substantial number of defendants waive the 14-day rule because defense attorneys need more time for discovery.]

- Outstanding Performance in Secretary of State Conviction Reporting** - The 46th District Court continues to have an exemplary record in this area. Over the past five years, the Court processed and reported 54,010 abstracts of conviction to the Secretary of State, of which 53,343 or 99% have been timely received within 10 days. This demonstrates the Court's ability to process an extremely high volume of cases with a high degree of accuracy and timeliness.

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>Total</u>
# Abstracts Reported	10,701	10,245	11,658	10,748	10,658	54,010
# Abstracts Reported Timely	10,544	10,144	11,532	10,598	10,525	53,343
Percent Timely	99%	99%	99%	99%	99%	99%

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 operations are reviewed and approved through a budget process and are authorized by the courts' funding unit.

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

REVENUE	2014	2015
Gross Fines, Costs, Fees Collected	7,609,899	7,523,960
(-) Escrow, Restitution, Bonds	(1,147,813)	(1,170,539)
(+/-) Processing Cost, Interest, Misc	(9,598)	(11,839)
Net Fines, Costs, Fees Distributed	6,452,488	6,341,582

DISTRIBUTIONS¹

State of Michigan	1,621,173	1,613,335
County of Oakland	131,734	167,499
City of Southfield	4,490,184	4,352,149
City of Lathrup Village	113,655	91,896
Village of Beverly Hills	57,079	65,019
Village of Bingham Farms	24,523	35,503
Village of Franklin	14,140	16,130
Township of Southfield	-	50
Total Distributions	6,452,488	6,341,581

BUDGETED EXPENDITURES²

	FY 13-14	FY 14-15
For Direct Operational Costs	3,072,869	3,255,065

¹ Formula is established by state law. These figures reflect how monies collected by the Court were distributed between the various governmental agencies and may not reflect exact disbursements for the periods indicated.

² Based on actual expenditures for fiscal years ending in 2014 and 2015. Budgeted expenditures do not represent the total cost of the Court. Costs incurred by the City of Southfield – our funding unit – for debt service, facility charges, insurance, telephone, printing and postage, etc., are not included.