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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.

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), Friends of the Southfield Library among 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 2008 she served as President-elect of the Michigan District Judges Association and became its President on January 1, 2009. 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 currently vice-president 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 Special Court Judges and has served in many capacities on the board of the National Association of Women Judges; most recently she served 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," and most recently the 2008 Powerful Woman of Purpose Award In the Legal Profession from the Rhonda Walker Foundation. She has also been recognized in Who's Who Publishing Company's volume of "Black Judges in America."

Judges of the 46th District Court

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 of the Association of Black Judges of Michigan and Vice President of Publications and Board Member of the National Association of Women Judges, where she is 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 22 years.



Judge William J. Richards is the newest Judge of the 46th District Court. Governor Jennifer Granholm appointed him to the bench in 2007 to succeed Judge Stephen Cooper. Judge Richards is a longtime local resident with a distinguished career in government, teaching and private practice. As Senior Policy Advisor for the Michigan Department of Environmental Quality, he was responsible for environmental policy and legal issues. 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. 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 teaches 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 is a volunteer fundraiser for the Susan Komen Breast Cancer Foundation and serves on the Board for the Southfield Centers for Youth, Inc. He is a member of First Congregational Church.

In 2008, voters elected Judge Richards to continue to serve on the 46th District Court.

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 39 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.

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 2008, the Oakland Mediation Center handled 371 small claims cases and resolved 227 of them, which represents a resolution rate of 61%.

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 2008 mediators from the Center handled 302 general civil cases and resolved 135 of them. This represents a resolution rate of 45%. 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 2008, the Oakland Mediation Center mediated a total of 717 cases and resolved 384 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-six (86) defendants participated in the Work Program in 2008, completing 2,424 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 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 31,094 hours of community service completed in 2008. Volunteer Lutrell Coleman is the Community Service Coordinator and is responsible for interviewing, placing and monitoring approximately 750 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 2008, 116,793 people (473 per day) went through the Court’s security screening system, a 20% increase from 2007.

Special Programs and Services

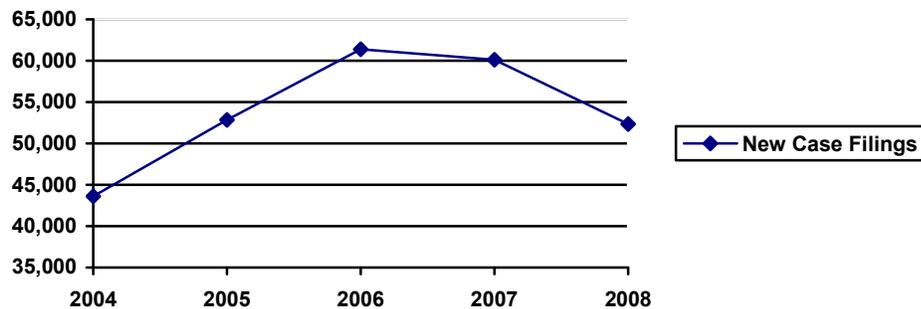
Probation Automated Monitoring System – The Probation Automated Monitoring System (PAM) allows more effective and efficient use of probation resources. To satisfy reporting requirements, probationers use the kiosk, located in the lobby of the Public Safety Building. The Program is used for probationers with minimal reporting requirements, as well as to supplement the reporting of offenders needing additional supervision and monitoring. There are currently 1,100 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 2008, 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 52,362 new cases filed in the 46th District Court in 2008. This represents a 20% increase in the past five years, and a 13% decrease in the last year. There have been significant increases in civil infractions, misdemeanor non-traffic, parking and general civil cases over the past five years.

	2004	2005	2006	2007	2008	1 Year Change	5 Year Change		
Civil Infractions	16,877	23,106	28,499	27,708	22,166	-5,542	-20%	5,289	31%
Misdemeanor Drunk Driving	352	337	330	249	253	4	2%	-99	-28%
Misdemeanor Other Traffic	3,962	4,614	5,286	4,617	4,038	-579	-13%	346	9%
Misdemeanor Non-Traffic	1,391	1,466	1,656	1,629	1,739	110	7%	348	25%
Felonies	761	741	838	910	803	-107	-12%	42	6%
Parking	6,876	8,893	10,818	10,809	8,946	-1,863	-17%	2,070	30%
General Civil	4,715	4,854	5,219	5,872	5,920	48	1%	1,205	26%
Landlord-Tenant, Summary Proceedings	7,237	7,019	7,079	6,768	7,184	416	6%	-53	-1%
Small Claims	1,732	1,802	1,644	1,537	1,313	-224	-15%	-419	-24%
TOTALS	43,633	52,832	61,369	60,099	52,362	-7,737	-13%	8,729	20%



Caseload/Workload Overview

Pending and Disposed Cases – As of January 1, 2008, there were 10,770 cases pending. During the year, there were 52,362 new cases filed, 3,405 cases reopened and 56,286 cases disposed, resulting in an ending pending caseload of 10,251 as of December 31, 2008.

	Beginning Pending	New Filings	Reopened Cases	Disposed Cases	Pending
Total Caseload	10,770	52,362	3,405	56,286	10,251

During 2008, the Court's clearance rate was 101%. This means that the Court disposed of as many cases as were opened and that the Court does an outstanding job of keeping up with its incoming caseload.

Probation – A summary of the Probation Department's 2008 activity is provided below.

- 1,357 new clients were placed on probation, which represents a 7% increase in the past year.
- 1,063 cases were pending on Probation Officer caseloads, which represents a 5% decrease in the past year.
- 307 investigative reports were completed.
- 13,330 appointments were held, which represents a 27% increase in the past five years.

Probation Caseload and Workload Overview

	2004	2005	2006	2007	2008	% Change	
						1 year	5 year
Cases Pending	1,277	1,105	1,147	1,116	1,063	-5	-17%
Number of Probation Officers	3.5	3.5	3.5	3.5	3.5	0	0%
Average Caseload per Probation Officer	365	316	328	319	303	-5	-17%
New Cases	1,513	1,313	1,359	1,268	1,357	7	-10%
Investigative Reports	388	437	369	390	307	-21	-21%
Appointments	10,988	11,623	13,928	13,816	13,330	-4	21%
Violation of Probation Hearings Conducted	876	865	745	699	859	23	-2%

*Estimate based on 11 months actual

Workload Issues - The following factors continue to place 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) and the difficult economic times, 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. In just the past five years, the number of civil cases filed for damages over \$10,000 increased 36%; the number of civil motions increased 28%; the number of garnishments increased 23% and the number of writs increased 11%. There has been a significant increase in the complexity of cases as well as pre- and post-judgment activity levels.
- **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 21% increase in probation appointments held.

Caseload/Workload Overview

- **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 2008, 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 31 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 31 years due to new legislation, more complex procedures and new programs and services.

	<u>1977</u>	<u>2008</u>	<u>% of Change</u>
New Cases Filed	24,324	52,362	115%
Judges	3	3	0%
Magistrates	.5	1	100%
Administrative Support Staff	19.5	20.5	5%
Probation Officers	5.5	3.5	-36%
Other	11	12.5	14%
Total Court Staff	39.5	40.5	2%
Average # of Cases Per Judge	8,108	17,454	115%
Average # of Cases Per Admin Support Staff	415	851	105%

Special Programs and Projects – This year, there were several areas of note:

- **Collections Program** – Under this Program, the Court sends out reminder notices to violators with unpaid traffic tickets to increase compliance with court orders. In 2008, a total of \$598,564 in additional revenues were collected which is an increase of \$116,872 or 24% over 2007. This brings the total amount collected since the program began in 2003 to \$3,299,413. This year, additional staff was trained to perform the noticing functions providing additional flexibility.

Major Accomplishments

- **Bench Warrant Collection Project** – Over the summer, the Court conducted a special project. With the assistance of a summer intern, approximately 1200 letters were sent to those with outstanding warrants for violation of their probation giving them an opportunity to resolve their warrant. Special dockets were scheduled for the judges in order to handle the increased workload. 75 violators appeared and had their warrants cancelled and over \$30,000 in additional unbudgeted revenues were collected under this project.
- **Judges Assisted with Sunday Arraignments during Magistrate Transition** – The Judges rotated coverage of Sunday arraignments to help offset costs and provide assistance during the period of magistrate transition.
- **Jail Transition** – After a 30 year relationship with the Oakland County Jail ended, a private contractor was hired to provide Southfield lock up services. There was a considerable amount of coordination and training required during the transition.
- **Proposed Court Rule Revision Regarding Debt Collection Procedures** – The 46th District Court continued its efforts to revise the Michigan Court Rules regarding debt collection procedures.

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. One of the best ways to reduce costs or reduce the need for additional resources is to find more efficient ways of performing our duties. This year, there were numerous operational and procedural improvements that helped to streamline procedures and/or reduce costs.

- **New Check Writing Software** – The Court implemented new check writing software that interfaces with its case management system. Clerks no longer have to hand type bond refund or restitution checks. In addition to eliminating a significant amount of paperwork, the new system also helps to prevent clerical errors because the identifying information is taken directly from the case management system. The software also includes a reconciliation function that will eliminate a significant amount of redundant data entry that had previously been required.
- **New Sunday/Holiday Arraignment Procedures** – New procedures were implemented to minimize Sunday and holiday arraignments and their associated costs for the Court and local police departments. It is estimated that the Court will save over \$6,000 per year, in addition to savings realized by the various police departments.
- **Changed Financial Institutions** – The 46th District Court changed banks and estimates savings of \$10,000 to \$15,000 in bank service fees and increased earnings.
- **Changed Law Library Subscription Vendor** – The Court changed its on line legal research services and related subscriptions. This will result in savings of approximately \$3,500 per year.
- **Security Improvements** – Security improvements were made in 2008 to increase surveillance.

Major Accomplishments

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 most recent 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

		Current <u>Judgeships</u>	Weighted <u>Judgeships</u>	Weighted <u>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

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 2008, 99% of general civil cases were adjudicated within 365 days of filing; 95% of civil infractions were adjudicated within 56 days of filing and 98% 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	2007	2008
Judicial Salary Reimbursement ¹	\$137,172	\$137,172
Fines, Costs, Fees ²	\$7,086,741	\$6,648,456
Total Revenues	\$7,223,913	\$6,785,628

DISTRIBUTIONS³	2007	2008
State of Michigan	\$2,039,163	\$1,936,523
County of Oakland	\$150,011	\$126,506
City of Southfield	\$4,799,664	\$4,499,890
City of Lathrup Village	\$146,980	\$139,060
Village of Beverly Hills	\$57,950	\$56,969
Village of Bingham Farms	\$12,653	\$11,969
Village of Franklin	\$17,492	\$14,711
Township of Southfield	\$0	0
Total Distributions	\$7,223,913	\$6,785,628

BUDGETED EXPENDITURES⁴	2007	2009
For Direct Operational Costs	\$3,474,341	\$3,512,560

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 2007 and 2008. 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.