

46th District Court

2018

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 2018 *Annual Report*. 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.

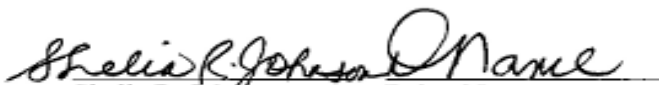
During difficult economic times, it is particularly important that we emphasize our commitment to using taxpayer dollars wisely. Over the years, the Judges and staff of the 46th District Court have focused on maintaining a high standard of public service by increasing productivity through internal operational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

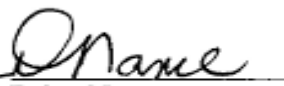
In terms of case flow management, the Court continues to operate in a highly efficient manner and is meeting or exceeding nearly all of the Michigan Supreme Court's case processing time guidelines. Our collections program, now in its fifteenth year, generated \$609,000 from unpaid tickets in 2018 with additional expansion planned for 2019, for a total of over \$10,000,000 since implementation. The Court has continued the successful income tax garnishment project to collect outstanding funds owed to the Court on civil infraction and misdemeanor cases. Over \$164,000 has been collected from garnishments issued in 2018, bringing the total collected since this program started in 2012 to \$1,012,000.

We would like to 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.

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 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 in July 2015 to fill the vacancy created by the retirement of Chief Judge William Richards. She was elected to a six-year term in November 2016.

Judge Arvant worked at the 46th District Court for years before becoming one of its Judges. She was initially hired in 2009 by Judges Shelia Johnson, Susan Moiseev, and William Richards to serve as their Research Attorney, and those Judges promoted her to serve as Magistrate in 2010. In 2012, Judge Arvant was promoted to Court Administrator in charge of all operations, budget, staffing, and case management for the Court. She served in the dual roles of Court Administrator and Magistrate until her appointment to the

bench in July 2015.

Judge Arvant's legal experience began in 1995 in Southfield as an Associate Attorney with the Mooney & Condino, P.C., where she represented many local families and businesses. Judge Arvant pursued a path of public service when then-Attorney General Jennifer Granholm appointed her to serve as an Assistant Attorney General for the State of Michigan in 2000, and later as a Special Assistant Attorney General protecting the interests of at-risk children in the court system.

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

In 2016, Judge Arvant was awarded the Joan Young Judicial Excellence Award from the Women's Bar Association, recognizing her commitment to securing the rights of women in society, promoting equality and social justice for all, and demonstrating the highest caliber of judicial integrity.

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.

Judges of the 46th District Court



Judge Shelia R. Johnson was elected in November 2002 and is the first African American to serve as Judge in the 46th District Court and the first African American female District Judge in Oakland County. The Court serves the communities of Southfield, Lathrup Village, Bingham Farms, Beverly Hills, Franklin and Southfield Township. In November 2014, she was re-elected for an unopposed third term and she currently serves as Chief Judge of the Court. Judge Johnson was also selected as a 2012 Democratic Party 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 community and civic affiliations are: the Southern Oakland Chapter of the NAACP, where she served as an Executive Committee member and chair of the Health Committee; founding member of the former Southfield Community Foundation Women's Fund, which was an endowment of the non-profit Community Foundation that was dedicated to supporting women in need of assistance in Southfield and Lathrup Village and which sought to advance equity and to ensure social justice for women and children in the community; First Vice-President, program chair and committee chair, Dr. Martin Luther King, Jr. Task Force, Inc., which commemorates the MLK Holiday in Southfield and works to establish community events to promote Dr. King's philosophy of nonviolence and positive social change; mistress of ceremonies for the annual Dr. Martin Luther King, Jr. Peace Walk and Program in Southfield; charter member and former Board member of the Oakland County Chapter of the National Congress of Black Women, a non-profit organization which encourages the empowerment of African American women and their families through education, political, economic and cultural development.

Judge Johnson is also a member of Hope United Methodist Church, where she served as Chairperson, from 2006-2008 and Vice Chair from 2004-2006, of the Church and Society Ministry, which apprises the congregation of political and social issues which affect the church and community. She has also worked with the Communications Ministry, serving as host of the local cable television program, "What's Happening At Hope United Methodist Church." Judge Johnson is also a proud member of Delta Sigma Theta Sorority, Inc., Southfield Alumnae Chapter, where she serves as chair of the Social Action Committee.

Judge Johnson is the recipient of numerous professional and community service awards, including the 2018 "Community Service Award" from the Detroit Urban League, the 2014 "Pioneer African American Leader Award" from the Michigan Democratic Party, 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 is the immediate Past President of the statewide Michigan District Judges Association (MDJA) and is the former editor of the MDJA newsletter, "Benchmarks." She currently serves as Recording Secretary of the Judicial Council of the National Bar Association and she is a member of the Judicial Council of the State Bar of Michigan. Judge Johnson has also served as a member of 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 served as a 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 32 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. She was re-elected, by a land-slide, to her second term on November 6, 2018 and began her second six-year term on January 1, 2019. Judge Nance received her Bachelor of Arts degree from the University of Detroit. She began her career as an Assistant Personnel Superintendent at the Hudson’s Northland Store before serving as Personnel Superintendent for several other Hudson’s Stores throughout Michigan. She also worked in various Human Resource Management capacities in the automotive industry 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 gained invaluable experience while working in the Oakland County Prosecutor’s Domestic Violence Unit and the Wayne County Prosecutor’s Child & Family Abuse Bureau. After graduating, she worked on assignment to the Office of the General Counsel at Ford Motor Company. In 2001, she went into private practice at a mid-sized 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 volunteered in numerous projects prior to taking the bench. She volunteered 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 Alternatives for Girls coming out of foster care. She worked as an “Election Protection Attorney” in a number of elections to ensure the fairness and integrity of the election process. Judge Nance also worked as a Volunteer Attorney Mediator for small claims, consumer and commercial disputes, and landlord/tenant matters in District Court. Prior to taking the bench, Judge Nance served on the Michigan State Bar Character & Fitness Committee which reviews the suitability of law graduates seeking to obtain a license to practice in Michigan,

Since taking the bench, Judge Nance developed and presented *Careers in the Courtroom* to encourage elementary and high school students to pursue careers as defense attorneys, prosecutors, civil attorneys and judges. The program also introduces students to the importance of jury service. In addition, for adults, Judge Nance has designed and presented *How to Prepare for Your Day in Court* and *Tips for Landlords and Tenants* which she shares with neighborhood/condo associations, church groups and veteran’s groups. Judge Nance visits churches, synagogues, schools, neighborhood/condo associations, scholarship programs, graduations, etc. In community forums and townhalls, she has spoken on topics such as *Breaking the Cycle of Incarceration* and *Breaking the Silence on Domestic Violence*. Judge Nance conceived and presented the City of Southfield’s first *Opioid Crisis Townhall* in cooperation with fire, police, and other elected officials. In addition, Judge Nance was instrumental in developing *From Expungement to Entrepreneurship: The Pipeline to Possibilities* to help ‘returning citizens’ start small community based businesses. Judge Nance has been featured, proudly, as Alumni of the Month by the Wayne State University Law School. In 2018 Judge Nance was invited to Host a weekly radio show, *Your Best Chance with Judge Nance*, designed to provide the listener with access to justice by increasing

the public's understanding of the criminal justice system, the court process and the people who serve there. The show broadcasts throughout the State of Michigan.

Currently a member of the Michigan State Bar Association, the Michigan District Judges Association, the Oakland County District Judges Association, The Association of Black Judges of Michigan, The National Association of Women Judges, the National Bar Association Judicial Council, the Wolverine Bar Association, the Straker Bar Association, the Women Lawyers Association of Michigan and the Black Women Lawyers Association of Michigan.

In service to the legal community, Judge Nance has lectured to lawyers at the Institute of Continuing Legal Education, and new lawyers at the Oakland County Bar Association. She has also lectured to students at Cooley Law and the University of Michigan Law School. She served as a Board Member for the D. Augustus Straker Bar Association, served on the Oakland County Bar Association Judicial Candidates Committee, and was a long-serving member of the Adoption subcommittee of the Family Law Division of the Michigan State Bar Association. Judge Nance was elected by her peers to serve as President of the Association of Black Judges of Michigan for 2016-2017.

Judge Nance has lived in Southfield for over 30 years. She is a member of Alpha Kappa Alpha Sorority Incorporated, and a parish member at Our Lady Queen of Martyrs Catholic Church in Beverly Hills and Sacred Heart Catholic Church in Detroit. Judge Debra Nance 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 \$6,000.
- **Landlord-tenant disputes**, land contract and mortgage forfeitures and eviction proceedings.

Caseload Summary

			1 Year Change	
Felonies	2017	2018	# of Filings	%
Criminal	402	383	-19	-5%
Traffic	36	23	-13	-36%
Drunk Driving	20	17	-3	-15%
Total	458	423	-35	-8%

			1 Year Change	
Misdemeanors	2017	2018	# of Filings	%
Criminal	780	700	-80	-10%
Traffic	2116	2011	-105	-5%
Drunk Driving	210	212	2	1%
Total	3,106	2923	-183	-6%

			1 Year Change	
Civil Infractions	2017	2018	# of Filings	%
Traffic	12,321	14518	2,197	18%
Non-Traffic	967	996	29	3%
Total	13,288	15514	2,226	17%

			1 Year Change	
Parking	2017	2018	# of Filings	%
Parking	10,175	9961	-214	-2%
Total	10,175	9961	-214	-2%

			1 Year Change	
Civil	2017	2018	# of Filings	%
General Civil and Miscellaneous	4,942	4988	46	1%
Landlord Tenant/Land Contract	5,386	5795	409	8%
Small Claims	644	573	-71	-11%
Total	10,972	11356	384	3%

			1 Year Change	
Grand Total	2017	2018	# of Filings	%
Total	37,999	40,177	2,178	6%

			1 Year Change	
Probation Caseload and Workload Overview	2017	2018	# of Filings	%
Cases Pending	577	563	-14	-2%
Number of Probation Officers	3	3	0	0%
Average Caseload per PO	192	188	-4	-2%
New Cases	731	672	-59	-8%
Investigative Reports	206	218	12	6%
Appointments	6941	5949	-992	-14%
VOP's Conducted	622	518	-104	-17%

Programs and Services

Mediation Program – The Court continues to utilize the services of the Oakland Mediation Center as a method of resolving cases. The OMC has an office on-site and schedules mediators to be present for civil, small claims and for landlord tenant hearings.

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, cleaning parks and general maintenance projects.

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.

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.

Highlights

On August 21, 2018, the 46th District Court hosted an event celebrating the 50th anniversary of District Courts in Michigan. The 1963 Michigan Constitution was passed containing an article requiring the state to establish a court system of limited jurisdiction within five years. On June 17, 1968, the Legislature created the district court system to hear misdemeanor criminal cases and some civil matters. 150 District Court Judges took the bench on January 1, 1969, establishing the district court system.

“The District Court is known as ‘The People’s Court,’ since citizens have more contact with the district court than any other court in the state,” stated Chief Judge Shelia Johnson. “The 46th District Court prides itself on having professional and competent staff that help maintain our court’s high standard of public service.”

The celebration highlighted the achievements of the 46th District Court and provided an opportunity for the public to view memorabilia from the court’s history. The current Judges conducted a Q&A session along with former Judges who were also present.

Programs, Projects and Participation

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. We are proud to have a staff that is actively engaged in learning and recognize our staff members who have participated in various programs and committees including but not limited to:

- the Certified Court Manager program, offered in collaboration with the National Center for State Court's Institute for Court Management
- the State Court Administrative Office's (SCAO) forms committees for both civil and criminal.
- * the Michigan Judicial Institute's Court Support Certification program

In addition, our employees are members of several professional organizations including the Michigan Court Administrator Association, Southeast Michigan Court Administrator Association, Michigan Association for District Court Magistrates and Michigan Association for District Court Probation Officers.

The Court has continued to utilize several programs that have proven successful including:

Court Innovations – The Court has continued its initiative to expand access to justice, allowing court users a method to resolve violations online. Parties can resolve civil infractions and some warrants for failure to appear or failure to pay online. This program is a collaboration with local law enforcement agencies to allow respondents an opportunity to resolve certain types of pending matters without having to come to the Court building. In 2018 the program was expanded to include online resolution of parking infractions.

Judicial Information System's Electronic Ticket Payment Program – this program allows parties an option to pay tickets online, providing more efficient processing by automatically posting payments, clearing license suspensions and disposing cases.

Tax Garnishment Project - This is an ongoing effort to collect outstanding funds owed to the Court through the issuance of tax garnishment writs. Over 2,900 garnishments were filed in 2018, and to date \$164,000 has been collected. The tax garnishment project was undertaken with minimal cost to the court, no additional staff, and no overtime expenses.

COLLECT Program – the Court continues to expand its collection efforts. In 2018 the Court added a collections clerk position dedicated to working with individuals to collect on current and past debts.

GarnIT – the court has continued to collaborate with SCAO to provide an automated system for issuing Requests and Writ for Garnishment on certain civil judgments.

Intensive Domestic Violence Probation Program – The H.E.A.L. program was implemented in 2012 and continues to provide intensive supervision to domestic violent defendants. H.E.A.L., a 52-week program (“Helping Explore Accountable Lifestyles”) is a partnership with our Probation Department and private practitioners; the intent is to provide supervision and education to break the cycle of violence.

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 more than 100% means that the court is reducing the pending caseload and more cases were disposed than filed. A clearance rate of less than 100% means the court is adding to its pending caseload and more cases were filed than disposed.

In 2018, the 46th District Court’s clearance rate was 99% with 42,913 new and reopened cases and 42,662 disposed cases.



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 43,875 abstracts of conviction to the Secretary of State, of which 43,439 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>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>Total</u>
# Abstracts Reported	10,748	10,658	8,949	6,430	7,090	43,875
# Abstracts Reported Timely	10,598	10,525	8,879	6,397	7,040	43,439
Percent Timely	99%	99%	99%	99%	99%	99%

Timely Case Scheduling – Most traffic and criminal cases are scheduled for hearing and held within three weeks. Informal and formal hearings and civil infraction conferences are scheduled two to three weeks from the date a hearing is requested. 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 2018, the Court performed within the following guidelines:

46th District Michigan Supreme Court Time Guidelines

95%	90% of General Civil cases disposed within 273 days of filing
100%	98% of General Civil Cases disposed within 455 days of filing
97%	95% of Summary Civil cases without jury demand disposed within 126 days from case filing
94%	90% of Civil Infraction cases disposed within 35 days from case filing
99%	98% of Civil Infraction cases disposed within 84 days of filing
91%	85% of Misdemeanor cases disposed within 63 days of first appearance
98%	95% of Misdemeanor cases disposed within 126 days of first appearance
50%*	75% of preliminary examinations held within 28 days of arraignment

* 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.

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 regarding 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 2018:

REVENUE	2018
Gross Fines, Costs, Fees Collected	5,894,284
(-) Escrow, Restitution, Bonds	911,025
(+/-) Processing Cost, Interest, Misc.	4,314
Net Fines, Costs, Fees Distributed	4,987,573
DISTRIBUTIONS¹	
State of Michigan	1,410,432
County of Oakland	127,074
City of Southfield	3,205,684
City of Lathrup Village	98,930
Village of Beverly Hills	84,111
Village of Bingham Farms	49,899
Village of Franklin	11,443
Township of Southfield	-
Total Distributions	4,987,573
BUDGETED EXPENDITURES²	
Direct Operational Costs	3,576,145

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 budgeted expenditures for fiscal year ending 2018. Budgeted expenditures do not represent the total cost of the Court. Costs incurred by the City of Southfield, the Court’s funding unit, for debt service, facility charges, insurance, telephone, printing and postage, etc., are not included.