

86th District Court 2007-2008 Annual Report



Grand Traverse County
Robert P. Griffin Hall of Justice
280 Washington Street
Traverse City MI 49684

Leelanau County
8527 E. Government Center Dr
Suttons Bay MI 49682

Antrim County
205 East Cayuga
Bellaire MI 49615



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Foreward

The 86th District Court's mission is to ensure that the civil litigants in Grand Traverse, Leelanau and Antrim Counties are accountable to each other and that criminal defendants are accountable to the State of Michigan and to the victims of crime.

The court's criminal docket demands most of the court's attention, with the court having disposed of approximately 4600 cases in 2007 and 4500 cases in 2008. The criminal dispositions are down from the 5500 dispositions in 2006. These included Operating While Intoxicated (OWI), Possession/Use of Controlled Drug Substances, Domestic Violence, Retail Fraud, Embezzlement and traffic matters. The District Court also conducts the arraignments, preliminary examinations and pleas for circuit court in felony cases.

The civil docket has gotten increasingly busier with the lagging economy. While the court disposed of 5900 civil cases in 2006 consisting of General Civil, Landlord/Tenant and Small Claims cases, the number of dispositions rose to 6600 in 2007 and 7300 in 2008.

This court currently has two active specialty courts. Sobriety Court, whose goal is to reduce the incidence of drunk driving in the long term by engaging the individual in treatment, random drug testing and 12-step program supporting sobriety with positive reinforcement and yet holding the individual accountable for relapses and program violations. And the Domestic Violence Court which maintains a fast track for these types of cases and offers programs oriented toward healing relationships and supporting nonviolence rather than emphasizing the sheer imposition of punishment without dealing with the underlying causes of violent behavior. In addition, in 2009 we will be implementing a Mental Health court with monies obtained through a grant written in cooperation with Northern Lakes Community Mental Health.

The court website is under development with the goal of making access to court information, forms, and records easier. This is a work in progress with several court staff members contributing time and expertise.

The Court maintains an extraordinary staff in each of the three counties of the 86th District who consistently provide efficient, discreet and friendly service to the users of the court, including members of the public, attorneys and their staff and the law enforcement community.

John D. Foresman, Chief Judge

Judges

Judge Michael J. Haley was first elected to the District Court in 1996. Judge Haley graduated from the University of Detroit High School and then Wayne State University before completing his law degree requirements at Loyola University School of Law in Chicago in 1974. He served as a law clerk for the Michigan Court of Appeals, assistant public defender in Kent County, and assistant Grand Traverse County prosecutor before maintaining a private law practice from 1980 until his election to the bench. Judge Haley and his wife, Mary, a retired schoolteacher, have three children: Michael, Kathleen and Colleen.



Judge John D. Foresman was elected to the 86th District Court bench in 2004. He previously served as Grand Traverse County Prosecuting Attorney, Tribal Prosecutor for the Grand Traverse Band of Ottawa and Chippewa Indians and Grand Traverse County Probate Judge. He is married to Lindalee, who is an artist, and they have three adult children.

Judge Thomas J. Phillips was elected in 2000 and reelected in 2006 to serve Antrim, Leelanau and Grand Traverse. Prior to election, Judge Phillips was the managing partner for Running, Wise, Ford and Phillips. He joined the firm in 1975 and became a partner in 1977. Judge Phillips grew up in the Detroit area and graduated from the University of Detroit High School. After graduating cum laude from the University of Notre Dame with a Bachelors in Business Administration, he went on to complete his law degree at the University of Michigan Law School. After law school, Judge Phillips served in the Naval Judge Advocate's General Corps as a lieutenant during the Vietnam War.



While a Navy Jag, he was awarded the Freedom Award from the NAACP for his work with black sailors. Judge Phillips is married to Judith Grier Phillips who is a high school teacher. They have four children: Ann, Meghan, Katie and Tom. Their children have undergraduate degrees from University of Michigan and Notre Dame and graduate degrees from Wayne State, DePaul, Western Michigan and University of Michigan.

Court Administrator

Resolve to be a master of change rather than a victim of change.

- Brian Tracy

Change, advancement and growth continue in the District Court. Over the past two years we have had staff changes, procedure changes, technology advancement, program growth and building growth.

It is my vision, as administrator, to ensure that this court is strategically on course to continue to process cases efficiently, serve the public and be responsible to the taxpaying public now and into the future. It is with the full cooperation and expertise of the dedicated staff we employ that enables all of these changes to occur. Some of the more notable items include:

- February 2007, Due to the increase in civil case filings an additional half time position was added to the staffing plan. Case filings in General Civil increased 36% and Landlord/Tenant cases 27% over 2005 numbers.
- August 2007, The Court began the paperless warrant process and entering warrants into the Law Enforcement Information Network (LEIN). This eliminated signed warrants from traveling via interoffice mail to Central Dispatch for entry into LEIN, thus eliminating the possibility of warrants becoming lost. Additionally, it makes warrant entry and cancellations immediate, allowing better accuracy and timeliness of information for law enforcement officers on the road. No paper warrants are passed from the court to law enforcement agencies. This included adding a .1 FTE to court staff for packing the warrants in LEIN.
- January 2008, Judge Haley's Sobriety Court was selected by the National Association of Drug Court Professionals as an Academy Court. This honor recognizes the success of our program and uses our judge, probation officers, and sobriety court documents and processes to teach other courts from around the country how to begin or enhance an existing program.
- February 2008, Leelanau County opened the new Government Center in Suttons Bay. This new facility offers generous office space, adequate parking, large courtrooms with state-of-the-art technology, all located on a beautiful piece of property.
- February 2008, The District Court in cooperation with the Circuit Court began collecting court appointed attorney fees on felony cases that are remanded back to the District Court for disposition. This assisted the Circuit Court to eliminate a labor intensive process of tracking these cases and payments which was done manually because once remanded, the Circuit Court has no case file. More importantly though was the improvement in customer service to the defendant by eliminating the confusion of having to pay both courts.

- August 2008, In an effort to manage the number of cases delinquent on payments, the magistrates began conducting collection show cause hearings. In Grand Traverse County it is not unusual to set 50 show cause hearings each month. Having one judicial officer conduct the hearings allows for consistency among defendants and has proven to be very successful.
- Fall 2008, In cooperation with Northern Lakes Community Mental Health, this court wrote a grant for a pilot Mental Health Court. We were one of nine courts statewide awarded money for this effort. Planning and implementation is scheduled for 2009.

In addition to work related change, court staff continue to try to make an impact with their generosity through Denim Friday donations to various charities. In 2007-2008, a total of \$1020.00 was collected and donated to 15 different organizations.

Major goals for 2009 include updating the website for on-line payments, access to court records and court calendars. Implement imaging in an effort to make workflow more efficient and reduce paper usage. And, get the Mental Health Court operational. These are big projects, but all three will have a positive affect for the general public, defendants in the system, attorneys and staff.

Carol Stocking, Court Administrator

General Overview

The 86th District Court is part of the judicial branch of government as provided for by the Michigan Constitution in 1963 and created by the Michigan Legislature in Public Act 154 of 1968. The purpose of the District Court is to provide a system of justice for the citizens of Grand Traverse, Antrim and Leelanau Counties. The District Court has jurisdiction over all civil cases where the amount in controversy is \$25,000 or less, all criminal misdemeanors and arraignments and preliminary examinations in felony matters.

Judges hold court in Traverse City five days per week. Court is held in Antrim County every Tuesday and Thursday and every Friday in Leelanau County. Judges travel to Antrim and Leelanau on a rotating schedule.

Each Court office is divided into four divisions: criminal, traffic, civil and probation. The criminal division handles violations of the State's Criminal Code and local ordinance violations. It is responsible for scheduling all matters, opening and closing cases, communicating with the jail regarding sentenced inmates and notifying the Department of State Police Records Division of case dispositions.

The traffic division is responsible for entering tickets into the computer system, taking payments for both traffic and criminal cases, receiving and disbursing bonds and notifying the Secretary of State of case dispositions. This division also handles weddings that are performed by the court.

The civil division processes all general civil, small claims and summary proceeding (landlord-tenant) cases. It schedules civil hearings and trials, processes civil writs, garnishments and receives money for case filings.

The probation department performs two functions: (1) meeting with criminal defendants and preparing pre-sentence reports for the judges and (2) supervising probationers.

The court employs 37 full-time employees and three part-time employees.

86th District Court

Judge Haley
Judge Phillips
Judge Foresman

Court Administrator - Carol Stocking

Magistrate

T. Rodgers (GT)
S. Dewitt (A)**
N. Kastys (L)**

Chief P.O.

P. Blue (GT)

Chief Recorder

L. Venzuch (GT)

CC Coord

T. Keenan

Office Coordinator

T. Lehn (GT)
S. Dewitt (A)**
N. Kastys (L)**

Traffic

D. Rector (GT)
K. Wise (GT)
S. Schaub (GT)
J. White (A)

Probation

S. Lovendusky (GT)
C. Douglass (GT)
S. Clapp (A)
R. Richards (GT)
B. Brown (GT)
J. Boyce (L)
R. Schultz (GT)***
J. Elmblad-Boyce (GT)
E. Stanichuk (A)
T. Willson (GT)
H. Gilde (GT)
M. Cochran (GT)

Recorders

C. Rocker
A. Kaley
S. Hale

CC Officers

G. Somers
R. Schultz***
S. Shively

Offc. Spec.

E. Dreves (GT)
G. Demarco (GT)
J. Wellman (GT)
C. Austin (A)
C. Tarr (GT)
M. Switalski (GT)
C. Schaub (L)
J. White (A)
T. McLain (GT)*

Acct. Tech.

J. Broad (GT)

Collections

T. Moore (GT)*
S. Barsheff (GT)*

* Part time

** Split position, Magistrate/Chief Clerk

*** Split position, Probation Officer/Community Corrections Officer

Magistrate Activity

The 86th District Court employs one full-time magistrate in Grand Traverse County and one half time magistrate in each of the other two counties. Magistrates conduct informal hearings on traffic tickets, perform weddings, issue arrest warrants, conduct arraignments, set bonds and accept pleas for misdemeanors that have a maximum penalty of 93 days in jail. Three probation officers in Traverse City also have limited magistrate authority to assist on a rotational basis with bond setting on weekends in Traverse City. All magistrates are appointed by the Chief Judge.

Grand Traverse County Magistrate Activity

	2005	2006	2007	2008
Arraignments	647	709	1231	985
Informal Hearings	556	642	550	466
Search Warrants	156	132	129	141
Marriages	149	154	149	156

Antrim County Magistrate Activity

	2005	2006	2007	2008
Arraignments	60	94	58	41
Informal Hearings	86	107	41	77
Search Warrants	62	52	27	45
Marriages	35	44	35	22

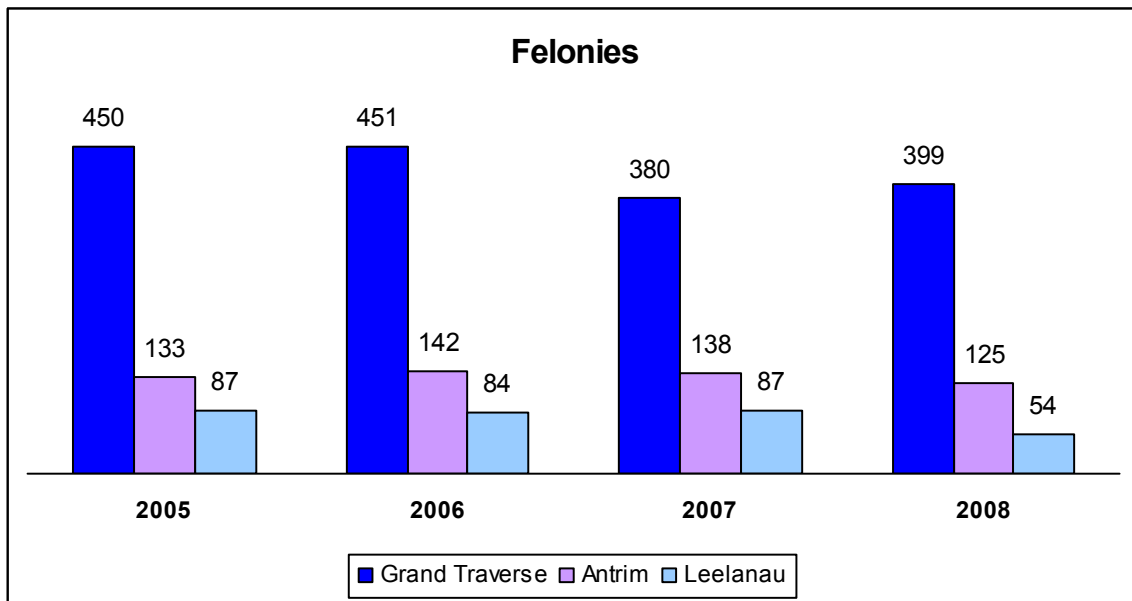
Leelanau County Magistrate Activity

	2005	2006	2007	2008
Arraignments	104	90	97	139
Informal Hearings	69	60	44	50
Search Warrants	63	79	72	98
Marriages	36	26	10	11

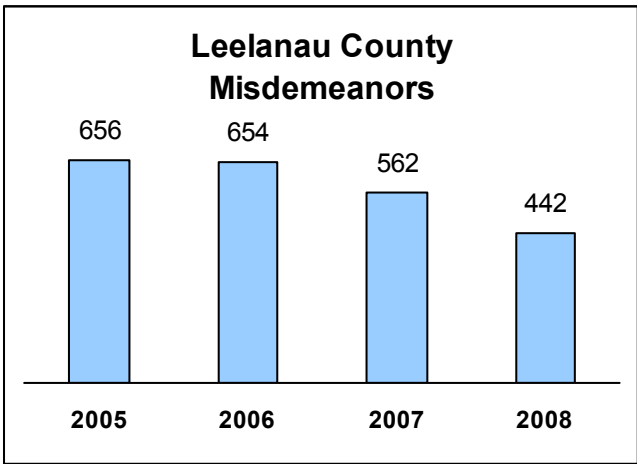
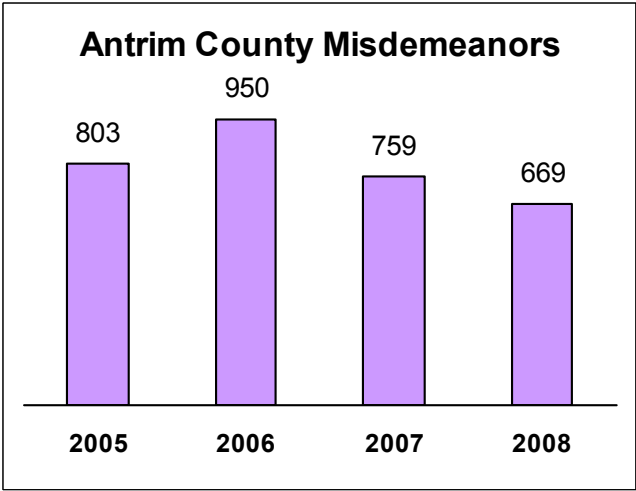
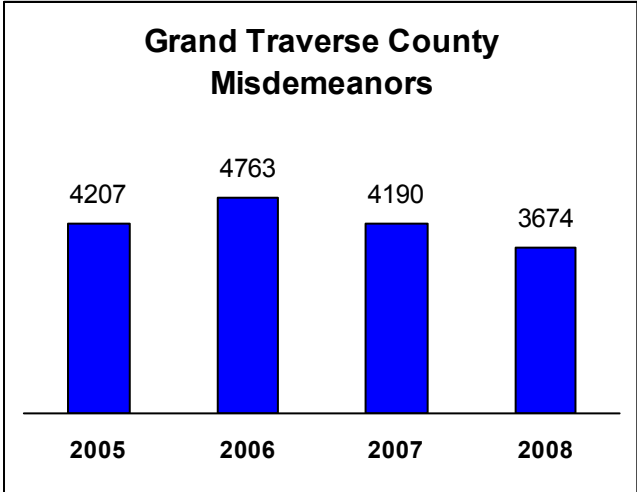
Criminal Division

The criminal division in Grand Traverse County is comprised of two full-time court clerks and the office coordinator. In Antrim and Leelanau the criminal case load is processed mainly by the half-time office coordinator. Their tasks involve tracking from beginning to end, every criminal case filed in the District Court. This job requires a thorough understanding of the court system, knowledge of hundreds of codes, and requires data entry, accuracy and attention to detail. Customer service is a big part of these positions as they have constant interaction with defendants, attorneys, law enforcement and the public, both face-to-face and on the telephone. Our court is proud of the fact that we consistently meet the required time guidelines for case disposition.

Felonies - The first court appearance for each defendant charged with a felony is the District Court arraignment. The preliminary exam that follows must be held within 14 days after the arraignment. If probable cause is established then the defendant is bound over for further proceedings in the Circuit Court.



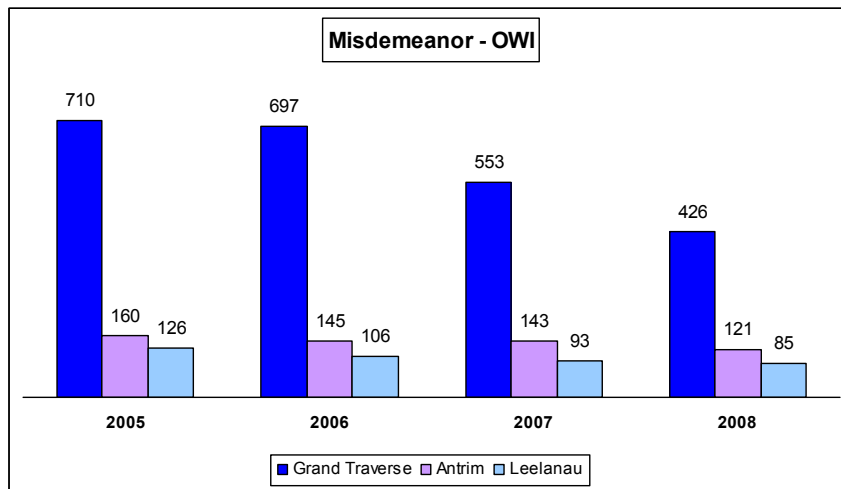
Misdemeanors - The District Court has jurisdiction over all crimes that are punishable by not more than one year in jail. The following statistics include all misdemeanors offenses; traffic and criminal including Operating While Intoxicated. Indigent defendants are entitled to a court appointed attorney if their crime could result in a jail sentence. While minimal cases go to jury trial, those that do are most commonly domestic violence cases. The following graphs demonstrate the trend in each county as it pertains to these statistics.



	2008		2007	
Jury Trials	Criminal	Civil	Criminal	Civil
Grand Traverse	33	1 *	32	2
Antrim	11	0	5	0
Leelanau	4	0 *	6	0
Total Jury Trials	48	1	43	2

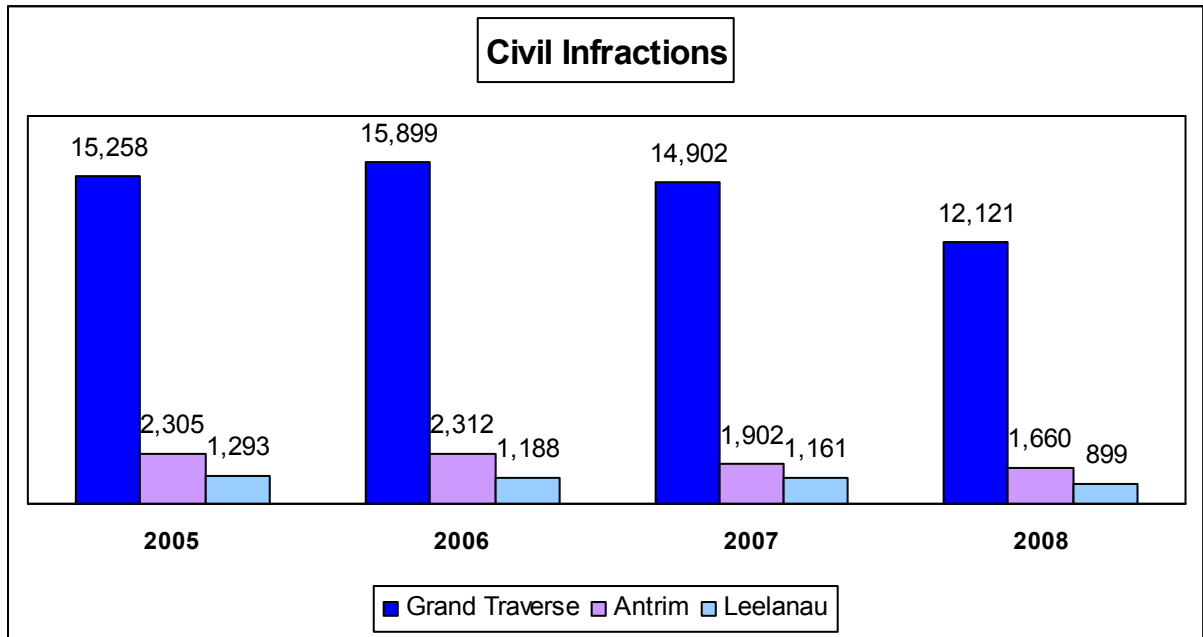
* These numbers differ from those reported to SCAO.

Operating While Intoxicated (OWI) - In 2003 the state legislature reduced the illegal level of intoxication from .10% to .08%. In 2005 there were nearly 1000 drunk driving arrests in the three counties of the 86th District. It was in response to the threat to public safety posed by the repeat OWI offender that Judge Haley created the Sobriety Court in December 2001. This special docket follows a nationally developed model of Drug Treatment Courts and is designed to provide treatment alternatives to repeat drunk drivers in order to promote rehabilitation and recovery in lieu of jail. With intensive supervision by a case manager and judicial monitoring throughout probation, these chemically dependent offenders may avoid incarceration by pleading guilty and successfully completing an intensive 2-year probation period, with regular court appearances and case manager meetings throughout. Since its inception, 635 individual defendants have participated in this voluntary program, with 316 successfully completing and graduating. The ultimate goal of this program is to reduce the repeat offender rate for the OWI 2d offender population.



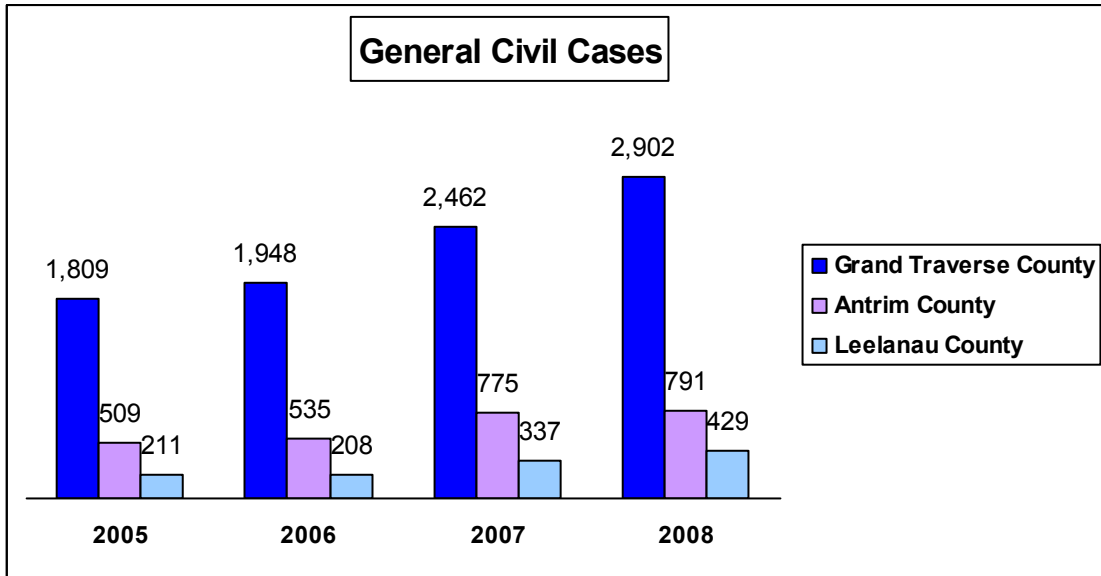
Traffic Division

Traffic - Civil Infractions - Most violations of the Michigan Vehicle Code are civil infractions. Probably the most common civil infraction is the speeding ticket. An informal hearing before a magistrate is scheduled if a person denies responsibility for a civil infraction. The decision of the magistrate may be appealed to the District Judge. A formal hearing before a judge may be scheduled, if requested.

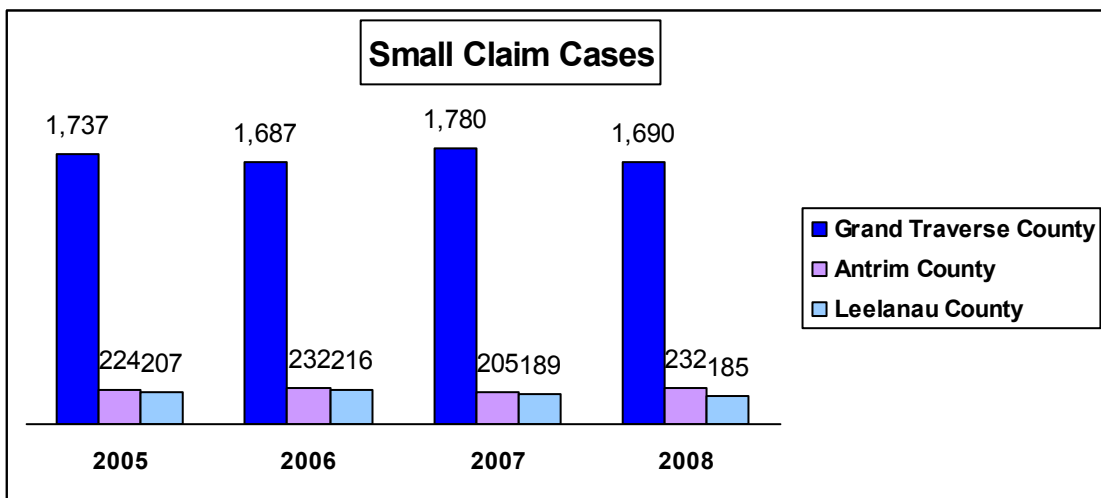


Civil Division

General Civil - The District Court has jurisdiction over disputes involving individuals and businesses where the amount in controversy is \$25,000 or less.

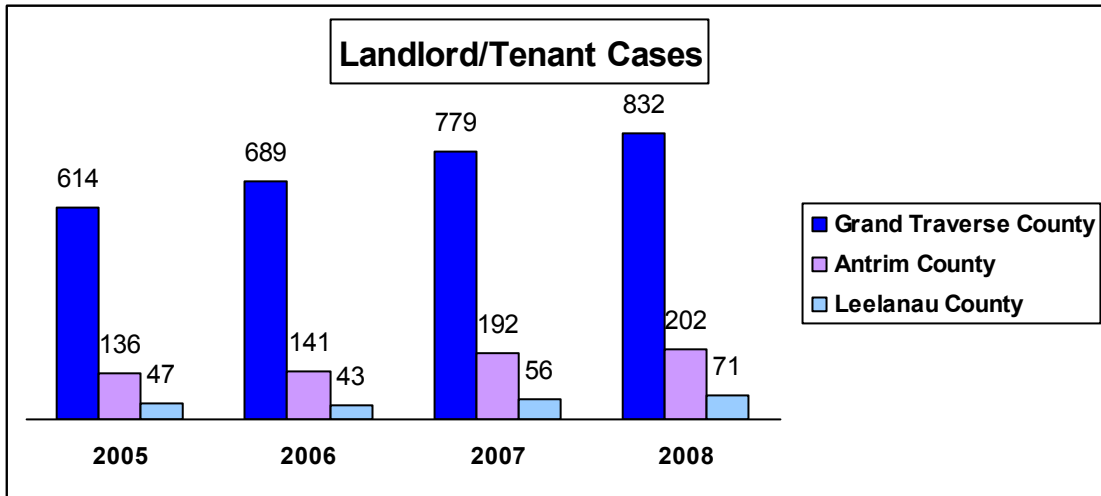


Small Claims - The plaintiff in a case that has an amount in controversy of not more than \$3,000 can elect to file in small claims. Lawyers cannot represent either party in a small claims case and the rules of evidence during a small claims trial are much less formal than in a general civil case trial.



Landlord/Tenant (Summary Proceedings) - Landlord/Tenant cases were created to provide real property owners a quick method to recover their property

from a tenant or land contract vendee that is not complying with the terms of the lease or contract. These cases are usually originated by apartment owners, land contract holders, mobile home park operators and even boat slip owners. The number of cases filed in the District Court will probably continue to rise as the population in our region increases.



Probation Department

The mission of the 86th District Court Probation Department is to provide quality services to judges, victims, probationers and the communities of Grand Traverse, Antrim and Leelanau counties. These services include pretrial release programs, pre-sentence investigations, probationer supervision and therapeutic programs. These services are necessary to restore victims and communities, protect the public, promote probationer accountability and create a climate for probationer behavioral change.

Probation Caseload	2007	2008
Grand Traverse	1109	1037
Antrim	261	246
Leelanau	201	166

PSI Totals	2007	2008
All three counties	1268	1200

Community Corrections

The Community Corrections program has served both the 13th Circuit Court and 86th District Courts in Antrim, Leelanau and Grand Traverse Counties since 1991. The program offers alternatives to incarceration for offenders in our communities. District Court offenders must agree to address the reason(s) for their incarceration to be eligible (i.e. substance abuse issues, domestic violence, theft, employment, etc.) The services include jail-based case management, community-based case management, transitional house living, probation residential services and day reporting to name a few. Amended orders of probation and sentencing are formed through an in-depth assessment and given to jail staff, probation and ultimately the sentencing judge for approval.

A new program for 2009 is Community Service Work being performed at many of the non-profit organizations in the three-county area. The program is administered by Community Corrections and work completed is done in lieu of the offender spending time in jail.

The Community Corrections Program is funded by a state grant, tether revenues and appropriations from the three counties.

2005-2006	Grand Traverse	Antrim	Leelanau
Assessed	403	64	39
Approved & Enrolled	346	50	35
Positive Completions	261	47	33
Failed the Program	97	8	9
Successful Completions %	72.91%	85.45%	78.57%
Average Daily Jail Beds Saved	50.51	10.06	6.79

Total jail beds saved for the FY = 24,587

Court Recorders

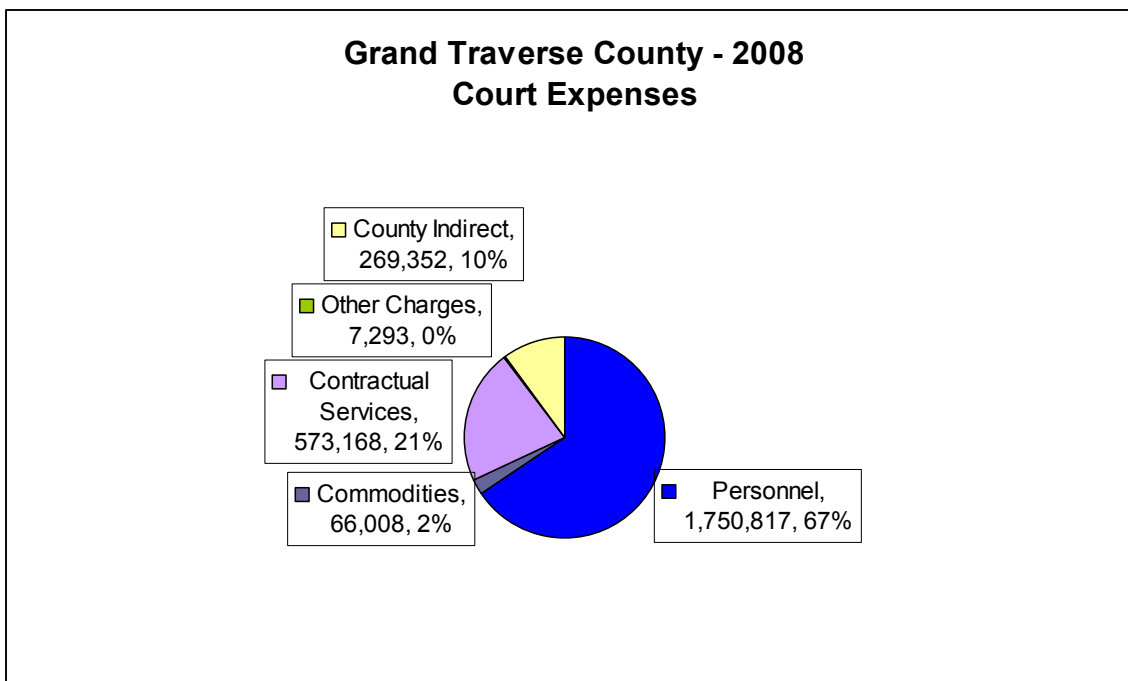
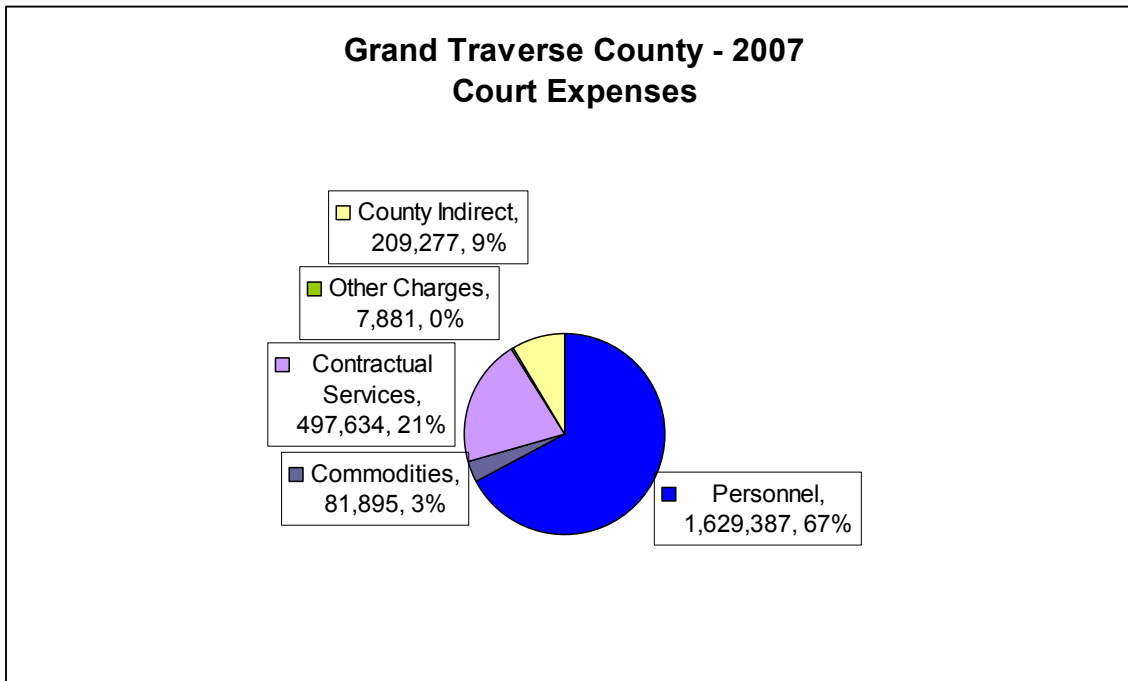
Court Recorders have the responsibility of making a permanent record of court proceedings and providing a transcript of these proceedings upon request. Along with the efforts of other clerical staff and a court officer, they assist the judge in providing efficient docket movement. They are also responsible for filling out court disposition sheets as each case is heard, which indicates what transpires during a case from time of arraignment to final conclusion.

With the move into the new courthouse in Traverse City, the courtrooms were equipped with advance technology allowing for all court proceedings to be captured on video. In addition, each courtroom can do video arraignments, which means that defendants do not have to be physically transported from the jail to the courthouse making this process more efficient and safe.

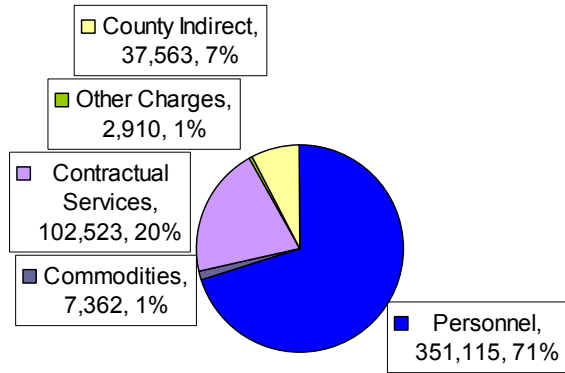
Each judge has a recorder that is certified by the State of Michigan. The recorders also act as judicial secretary to the judge they serve. In 2005, staffing changes allowed for the designation of a Chief Recorder. The Chief Recorder is responsible for all scheduling including criminal matters, judges and recorders, summoning jurors to court for jury selection and preparing quarterly reports.

Finances

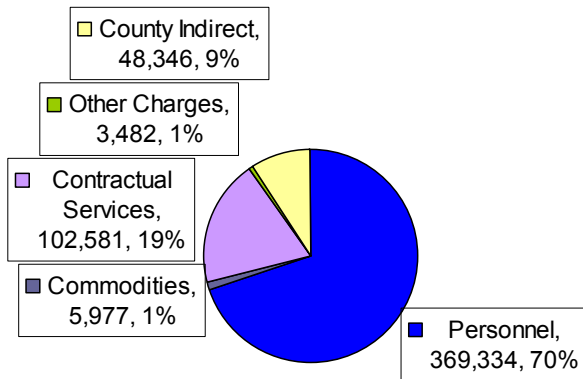
Grand Traverse County is the fiscal agent for the 86th District Court. Grand Traverse County is responsible for the processing, audit, verification, and payment of all operating expenses. The District Court maintains three separate budgets for each of the counties and one “shared-cost” budget. Separate budgets are also created for the Sobriety Court and Community Corrections.



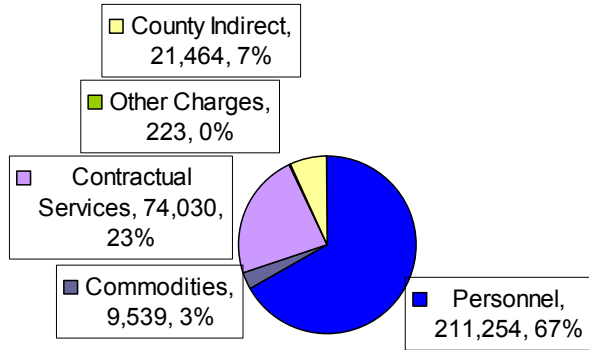
Antrim County - 2007 Court Expenses



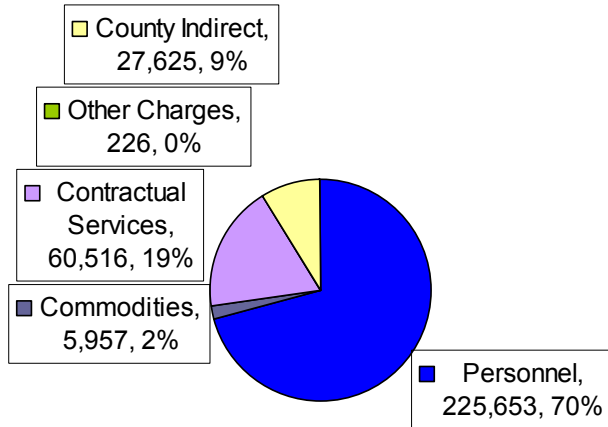
Antrim County - 2008 Court Expenses



Leelanau County - 2007 Court Expenses



Leelanau County - 2008 Court Expenses



Commodities include office supplies, printing, postage and similar expenses

Contract Services include transcript fees, jury and witness fees, court appointed attorney, interpreter, MIS expenses

Other Charges include office equipment repair and maintenance, books, tuition reimbursement and employee training

County Indirect is the amount charged by Grand Traverse County for indirect costs such as space, heat, electric, facilities maintenance, etc.

Dedication

Tim Keenan began his career in the criminal justice system working for the Northwest Michigan Council of Governments. While at NMCOG, Tim assisted people transitioning from jail and/or prison back into the community in the Community Justice Alternatives program. In 1990, Tim and Tammi Rodgers launched Community Corrections Services, a private community corrections program serving Grand Traverse and Antrim counties. Once again, Tim provided the transition services for inmates coming from prison or jail assisting them in job seeking skills, entering treatment programs, developing living plans and providing support to these individuals. Tim worked closely with the Circuit and District Court Judges providing early release alternative sentences, addressing the needs of the community and the individual offenders. Through a comprehensive assessment, identifying the issues directly affecting the offender's needs and with strict supervision, Tim provided the offenders an opportunity to successfully re-integrate back into the community.

In 1995, Grand Traverse, Leelanau and Antrim Counties combined to form a local Community Corrections Board and hired Tim Keenan as the director of that program. Since then, hundreds of inmates from jails and prisons have been directly affected by Tim's work. The community has saved hundreds of thousand of dollars by releasing low risk offenders to his program. The offenders have benefited in so many ways, addressing substance abuse issues, work and living problems and life issues.

Tim always worked quietly and modestly. He never took credit for the achievements of the program, rather Tim gave the judges and offenders the honors they deserved for making the program so successful.

The Community Corrections program lost a very special employee when Tim Keenan retired. Tim treated all people with respect and dignity. He always kept in mind that each person was somebody's child, brother, sister, son, daughter, wife, husband, etc. He believed in devoting the time necessary to answer all questions, no matter who you were or what brought you to the court. He returned all phone calls each day before he left. He treated each person as if he was unaware of their past. Tim truly had hope and faith in each person he served and focused on the individual and what they could become. Tim always stood up for those who couldn't or wouldn't fight for themselves. He has endless love and compassion for everyone he meets. Trust, honesty, and respect are a few of his core values and he tried to instill those values in others. Tim genuinely wants the best for everyone. He has left, but many of his co-workers still reflect on "what would Tim do" when dealing with clients. His unique, nonjudgmental attitude along with his entertaining personality are sorely missed.



Becky Richards, Jenny Elmlad-Boyce, Tim Keenan, Sherise Shively, Heidi Gilde

Who knew that my 8th grade volleyball coach would later become one of my favorite co-workers and such a wonderful friend. – Becky Richards

I feel privileged and honored that Tim chose to hire me and gave me the wonderful opportunity to learn from him. I learned values and ideas that I will use for the rest of my life, both professionally and personally. – Sherise Shively

Tim Keenan has taught me about being compassionate with the people our community has given up on. – Jenny Elmlad-Boyce

Tim has a gift for keeping things in perspective. He would always say, “this is not a big deal”. The future for our children is a much bigger issue. Peace. – Carol Stocking

Although I didn’t work directly with Tim, he is a great guy and would do anything necessary to help anyone. He is, and will always be, a good friend of mine. – Lorraine Venzuch

I never heard Tim say a bad word about anyone – client or coworker. I miss him. – Gale Demarco

Tim was outgoing and a blast. He loved being one of the girls on “girls night out”. – Crystal Douglass

Friends are angels who lift us to our feet when our wings have trouble remembering how to fly. –Jean Broad

When I was going through a difficult time in my life, I was blessed with the friendship of Tim Keenan. When even on my darkest days he could make me laugh with pure joy. I will always be thankful for our friendship. – Heidi Gilde

I’m lucky to have worked with Tim. Luckier still to have him as a friend. – TJ Phillips

More than anything, Tim helped me see the good in everyone and that everyone is capable of change. – Greg Somers

Tim is very adventurous. – Marissa Switalski

Peacemaker and friend to all. – Tom Willson

By the time this annual report is finally published, you and I will be at the Pavilions looking for our teeth. Good Luck. – Mike Haley