

86th District Court
Annual Report
2014



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

Grand Traverse County
280 Washington Street
Traverse City MI 49684

Antrim County
205 E. Cayuga
Bellaire MI 49615

Photos courtesy of Rebecca Morris

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Foreward

By Michael S. Stepka, Chief Judge

We have recently completed another year of serving the three counties that comprise the 86th District Court which include Grand Traverse, Leelanau and Antrim Counties. We continue to strive to serve the public in the most efficient and cost effective way possible. A recent Satisfaction Survey of court users sponsored by the State Court Administrator's Office determined that 93% of court users either agree or strongly agree that they were treated with courtesy and respect by court staff, magistrate and judges and 77% agree or strongly agree that the case was handled fairly.

The State Court Administrator's Office recently provided the Grand Traverse County Court with updated PolyCom equipment which allows us to arraign individuals in our local jails and jails in other counties, and Michigan prisons. The new technology also has allowed witnesses who reside great distances from the Court to testify by video at trials or other hearings saving them time and cost of their travel to the court to testify. Conducting arraignments, bond hearings and other matters by video reduces the cost of inmate transportation and reduces security risks. This technology is in all three counties, with new updated equipment slated in Antrim in 2015. A recent Michigan Supreme Court publication reported the state saved five million dollars in the last two years in transportation costs of inmates to courts around the state.

The Court's Eviction Diversion Program continues to succeed in keeping tenants in their residences and allows landlords to collect rent in many cases without the need to evict tenants. The program works well for the landlord because payment for rent is received and the tenant is allowed to remain in their home. The Eviction Diversion Program works in conjunction with the Department of Human Services, Northwest Community Action Agency, the Father Fred Foundation, Salvation Army, Goodwill Industries, Northern Lakes Community Mental Health, Legal Services of Northern Michigan, Foundation for Health, Women's Resource Center, HelpLink and Love, Inc., among others. All entities contribute assistance to appropriate cases of funds, other needs of tenants, advice on budgeting and other needed resources. The Eviction Diversion Program operates in Grand Traverse on every civil court day.

As we approach 2015, we know it will be a year of change and challenge. A State recommendation to reduce trial judgeships in Michigan conducted in 2012 recommended to the State Legislature that 40-60 trial judgeships statewide be eliminated by attrition over the next several years as a cost-cutting and efficiency decision. For the 86th District Court, the study resulted in the legislative elimination of Judge Haley's seat as he plans to retire at the end of January 2015. The elimination of district judges has nothing to do with our caseload, which has actually increased over the last three years. Because the District Court was created by the state legislature

in the late 1960's, while the Circuit and Probate Courts were provided for in the Michigan Constitution of 1963, elimination of District Courts by legislation was viewed as much easier than amending the State Constitution to eliminate some of these courts. As we plan for the reduction of one judgeship, we are confident that we will be able to meet the challenges we will face without compromising service to our customers or compromising public safety.

As I approach my second year as Chief Judge, the court administration will continue to make decisions about court policy and the governing of court policy by consensus. I move forward with the good fortune of having the benefit of Judge Michael Haley's experience and wisdom for the last four years and will continue to have the experience and wisdom of my bench mate, Judge Thomas Phillips, Court Administrator Carol Stocking and Chief Magistrate Tammi Rodgers.

The 86th District Court's Sobriety Court program and Mental Health Court continue to successfully treat individuals who have at least two operating while intoxicated convictions and the Mental Health Court continues to assist those whose mental health condition was related to a crime that was committed by the individual. Both courts are intensive treatment courts that treat the person's individual issues such as drug/alcohol counseling and routine appearances before the court at a review hearing to address and monitor performance.

Judges

Judge Thomas J. Phillips was elected in 2000 and reelected in 2006 and 2012 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 has four children: Ann, Meghan, Katie and Tom. The children have undergraduate degrees from University of Michigan and Notre Dame and graduate degrees from Wayne State, DePaul, Western Michigan and University of Michigan.

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 Michael S. Stepka was elected to the 86th District Court in November 2010. He grew up in Traverse City and graduated from Traverse City Central High School, Northwestern Michigan College, Central Michigan University, Cum Laude, and the



University of Detroit School of Law. After graduating from law school, Judge Stepka returned to Traverse City to practice law until being elected to the bench. He also served as a Grand Traverse County Commissioner from 2009-2010, served on the Board of the Women's Resource Center, and the Third Level Legal Aid volunteer clinic for many years. He also served as the Grand Traverse, Leelanau and Antrim County Bar Association President, and was the Annual Law Day Chair

for many years. Judge Stepka currently presides over the 86th District Court Mental Health Court. His interests include road and mountain biking, running and downhill skiing. Judge Stepka has two children, Michael and Betsie.



Carol Stocking

Court Administrator

In June 2014 a Supreme Court decision, *People v Cunningham*, ruled that MCL 769.1k(1)(b)(ii) does not provide courts with the independent authority to impose costs upon criminal defendants. Rather, it gives courts the authority to impose only those costs that the Legislature has separately authorized by statute. This decision required the judges to discontinue ordering costs in cases where it was not specifically authorized by statute. Effective October 17, 2014, Public Act 352 amends MCL 769.1k governing the imposition of criminal fines, costs, and assessments. This summarizes the substantive changes to the law, which include the authority for courts to assess costs; the requirement of courts to make information available to defendants regarding any fine, cost or assessment that is imposed; and required reporting to the State Court Administrative Office (SCAO). A court may impose any cost reasonably related to the actual costs incurred by the court without separately calculating those costs involved in the particular case. Actual costs include, but are not limited to, the following:

- Salaries and benefits for relevant court personnel.
- Goods and services necessary for the operation of the court.
- Necessary expenses for the operation and maintenance of court buildings and facilities.

This amendatory act applies to all fines, costs, and assessments ordered or assessed under MCL 769.1k before June 18, 2014, and after October 17, 2014. The *Cunningham* case may have reduced the court's revenues in 2014.

The Supreme Court Video Project's goal was to have a Polycom Unit in at least one courtroom in every county. The project's primary goal was / is to reduce Michigan Department of Corrections transportation costs and to improve the productivity of Michigan State Police Forensics experts through the use of video. Use of video by the courts for other reasons is permitted and encouraged. We were able to get updated Polycom units in all three Grand Traverse County courtrooms, with a new Polycom

unit scheduled in Antrim in 2015. The Courts Video Directory includes over 700 video units in courts, local and county jails, Michigan Department of Correction (MDOC) prison facilities, Michigan State Police (MSP) Forensic Labs, and State Community Health Facilities.

In 2013 the 86th District Court began awarding the Robert P. Griffin Award to individuals who have had a significant impact on the 86th District Court and/or the legal community served by this court. The award is made in the fall near Justice Griffin's birthday. Receiving the award in 2013 were Howard King and Valborg Ritola. In 2014 the award went to Virginia Olds and Mary Lee Lord.

Each year employees are allowed to wear denim on payroll Fridays. The money is then donated to a cause decided on by unanimous vote. In 2014 we donated approximately \$800 to Traverse City Police Sergeant Kevin Dunklow's family. Sergeant Dunklow's young son, Drayton, has health issues that have required several out of state trips for medical treatment. We were happy to offer this small contribution to help with travel expenses.

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 was held in Antrim County every Tuesday and Thursday and every Friday in Leelanau County. Judges travel to Antrim and Leelanau on a rotating schedule.

Our Court office is divided into three divisions: criminal/traffic, civil and probation. The criminal/traffic 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. In addition, they are responsible for entering traffic 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 filing fees for cases filings.

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

Our staffing level in 2014 included 31 full-time employees and seven (7) part-time employees.

86th District Court Staff

Court Administrator - Carol Stocking

Grand Traverse County Staff

Tammi Rodgers - Chief Magistrate

Tina Lehn - Office Coordinator

Pam Blue - Chief Probation Officer

Criminal/Traffic Division/Cashiers

Sara Deschler

Sue Schaub

Kendra Wise

Andrea Cooper

Civil Division

Ella Dreves

Serena Lovendusky

Claudette Tarr

Tammie McLain*

Recorders

Mary Wenger-Townsend

Coleen Rocker

Sheila Hale

Probation Clerks

Tammy Odom

Beth Lajko*

Suzy Barsheff**

Collections

Suzy Barsheff*/**

Dawn Rector*

Accounting

Marissa Switalski

Community Corrections

Sherise Shively - Manager

Margaret Drury

Damon Herman

Pat Prevo

Probation Officers

Dawn Wagoner

Becky Morris

Heidi Gilde*

Bob Brown

Todd Bredin

Trisha Moore*

Leelanau County Staff

Norene Kastys - Magistrate/Office Coordinator

Cindy Schaub - Traffic/Civil Clerk

Mike Cochran - Probation Officer

Antrim County Staff

Shirley Dewitt -Office Coordinator

Jerri White - Traffic Clerk

Cindy Visnaw - Civil Clerk

Shannon Johnson - Probation Clerk

Elizabeth Stanichuk - Probation Officer

Angel Kaley-Wolfe - Magistrate*

* Part-time employee

** Split position

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. All magistrates are appointed by the Chief Judge.



Grand Traverse County Magistrate Activity

	2011	2012	2013	2014
Arraignments	1098	1056	1261	
Informal Hearings	374	310	341	297
Search Warrants	94	77	121	131
Marriages	108	102	121	128



Antrim County Magistrate Activity

	2011	2012	2013	2014
Arraignments	117	88	68	117
Informal Hearings	154	140	86	47
Search Warrants	27	21	25	
Marriages	32	33	25	18



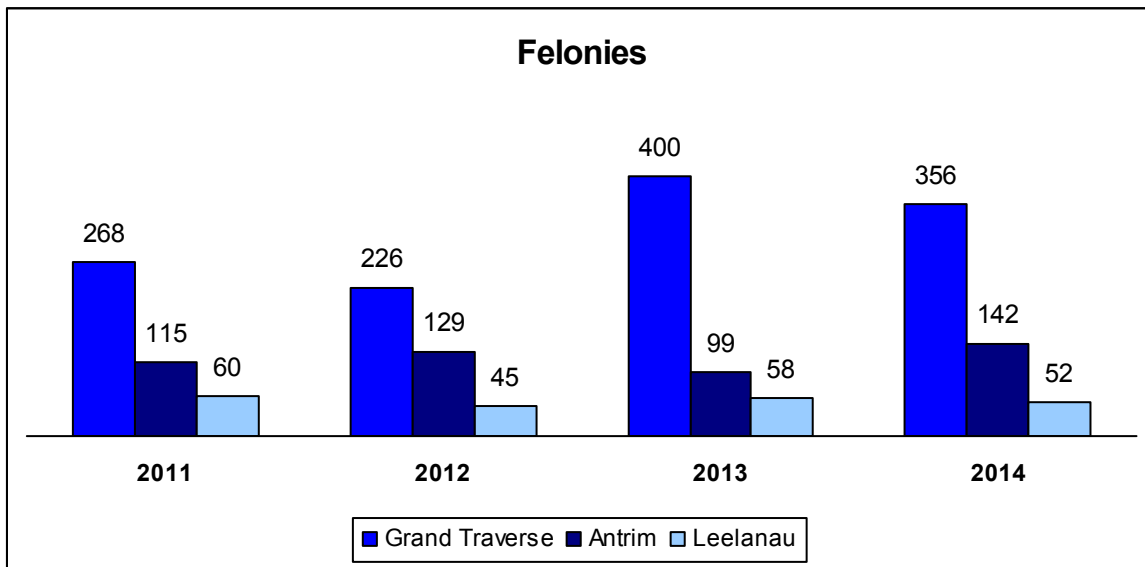
Leelanau County Magistrate Activity

	2011	2012	2013	2014
Arraignments	109	115	130	126
Informal Hearings	46	39	33	22
Search Warrants	32	41	12	27
Marriages	16	19	9	20

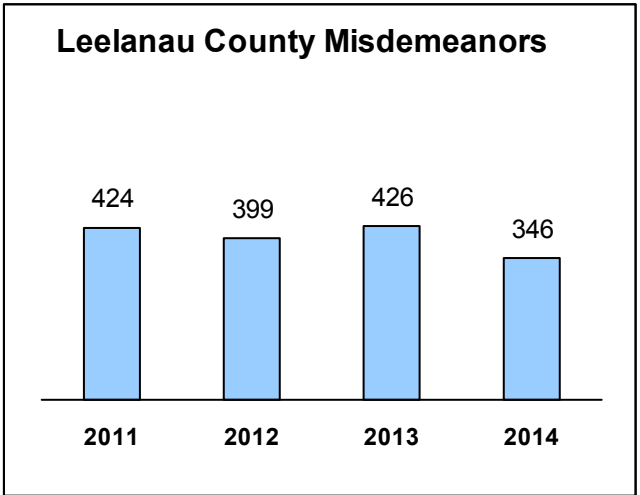
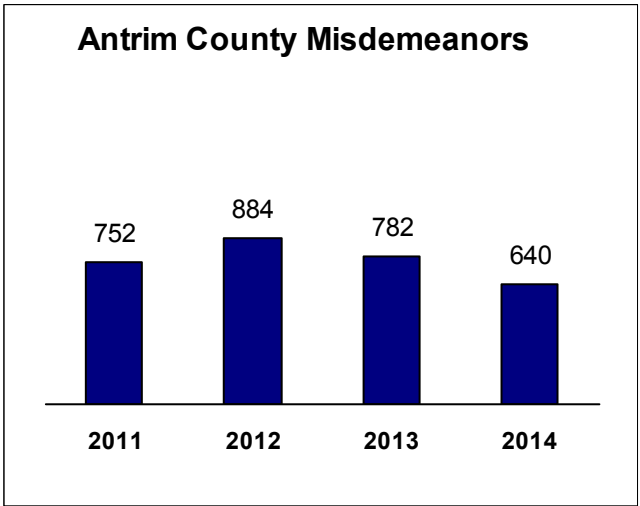
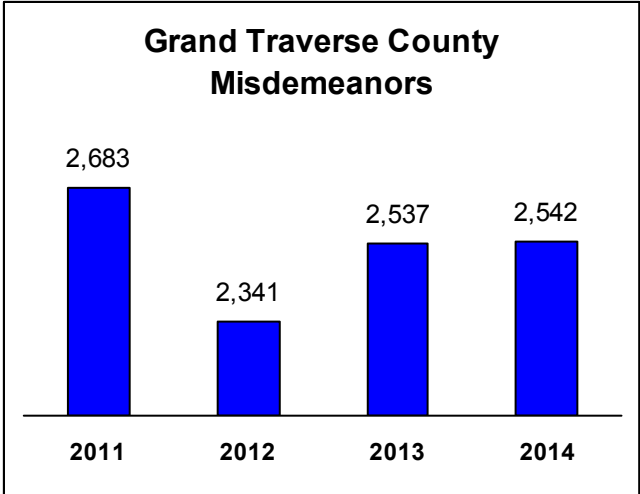
Criminal Division

In Grand Traverse County four full time court clerks and the office coordinator share the work in the criminal and traffic divisions. 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 misdemeanor 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. The following graphs demonstrate the trend in each county as it pertains to these assignments.

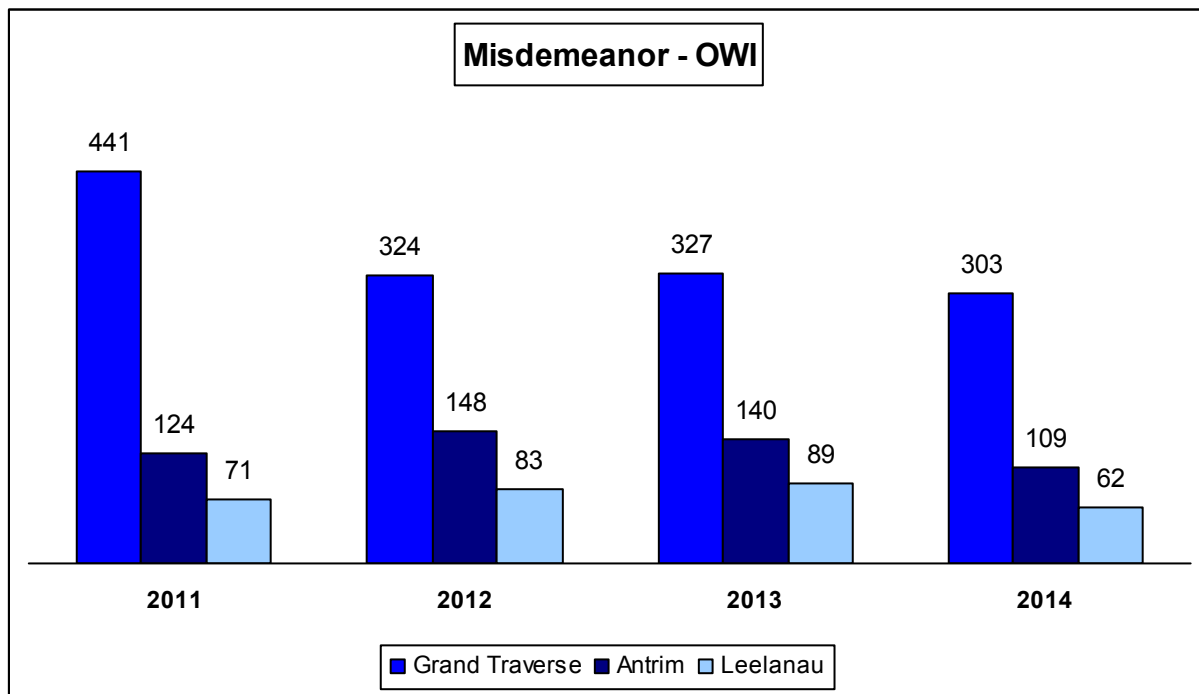


Operating While Intoxicated (OWI) - In 2003 the state legislature reduced the level of intoxication from .10% to .08%. It was in response to the threat to public safety posed by the repeat OWI offender that Judge Haley created the Sobriety Court in December 2001. This special docket follows a nationally 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.

The program was expanded in 2009 to include OUIL 3rd felony offense defendants. These defendants, in year one, are on a delayed felony sentence. If they are successful in year one, they get sentenced to a 2nd offense and have up to two additional years of intense probation. Failure results in an immediate felony conviction.

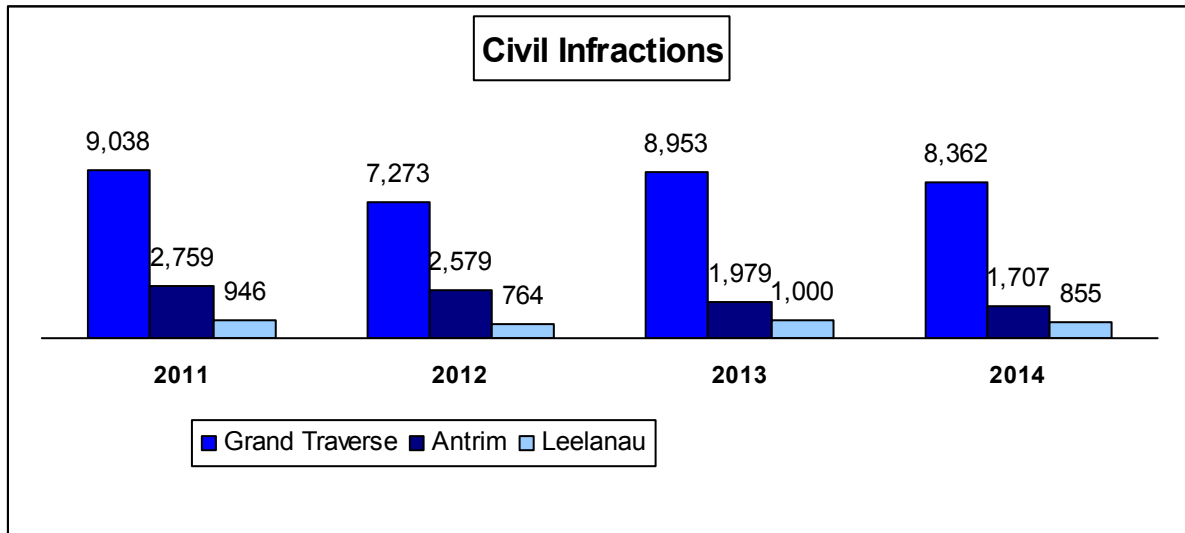
The ultimate goal of this program is to reduce the repeat offender rate for drunk driving. In 2005 there were nearly 1000 drunk driving arrests in the three counties of the 86th District. In 2014, there were 571 misdemeanor and felony drunk driving convictions.

This program was an academy court used by the National Association of Drug Court Professionals in training other Sobriety Courts nationwide between 2008-2010.



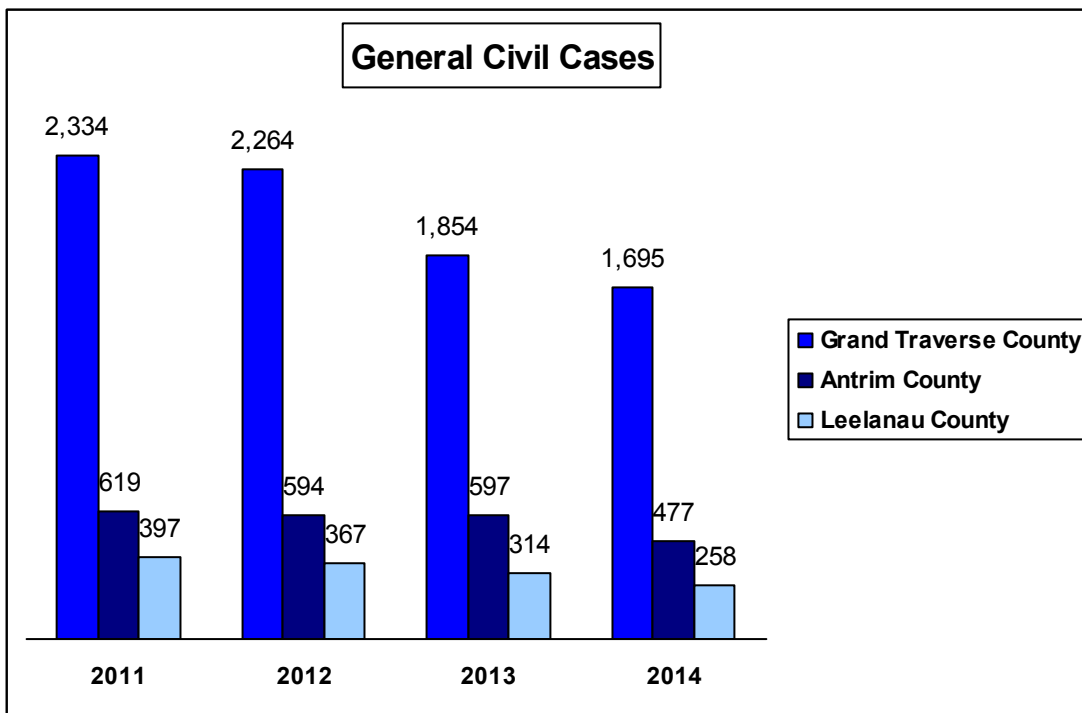
Traffic Division

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.

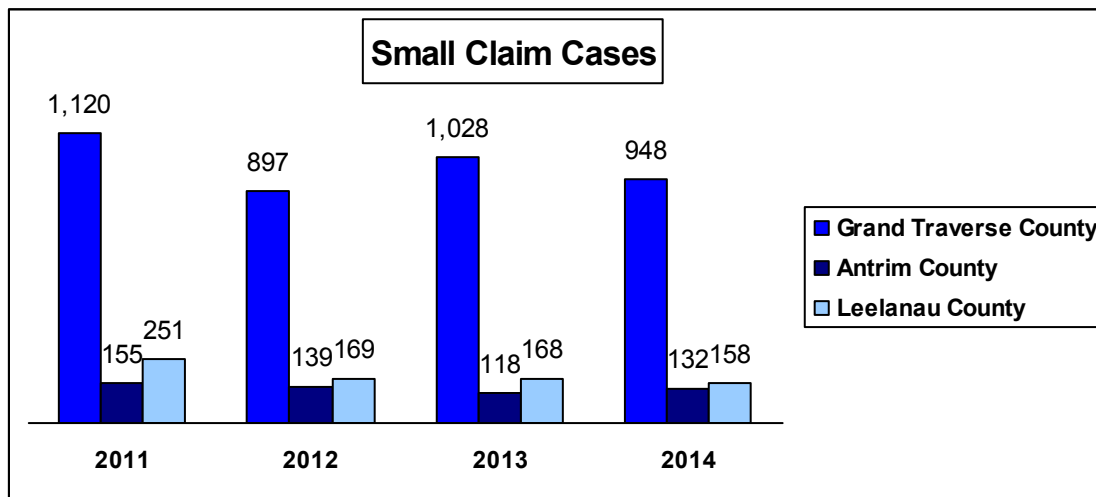


Civil Division

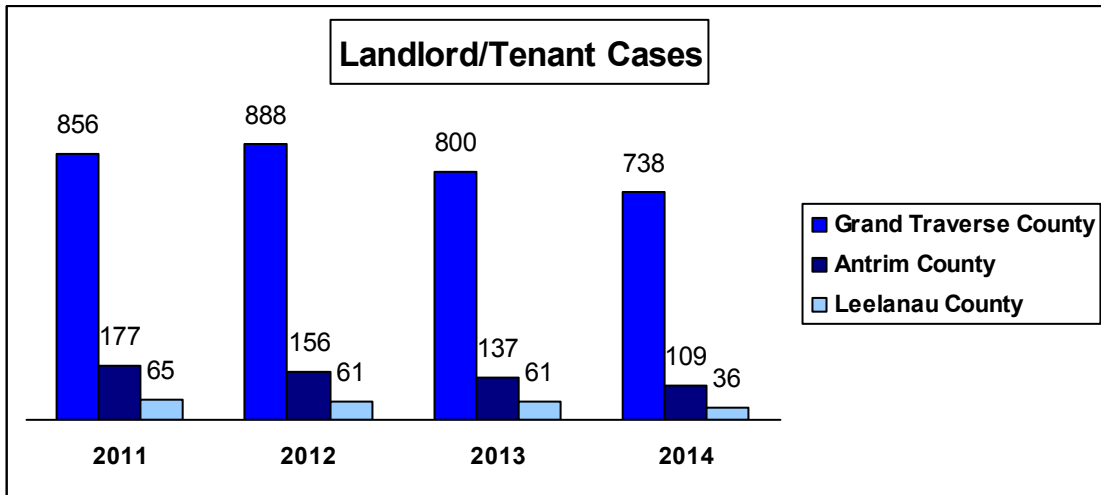
General Civil - The District Court has jurisdiction over disputes involving individuals and businesses where the amount in controversy is \$25,000 or less.



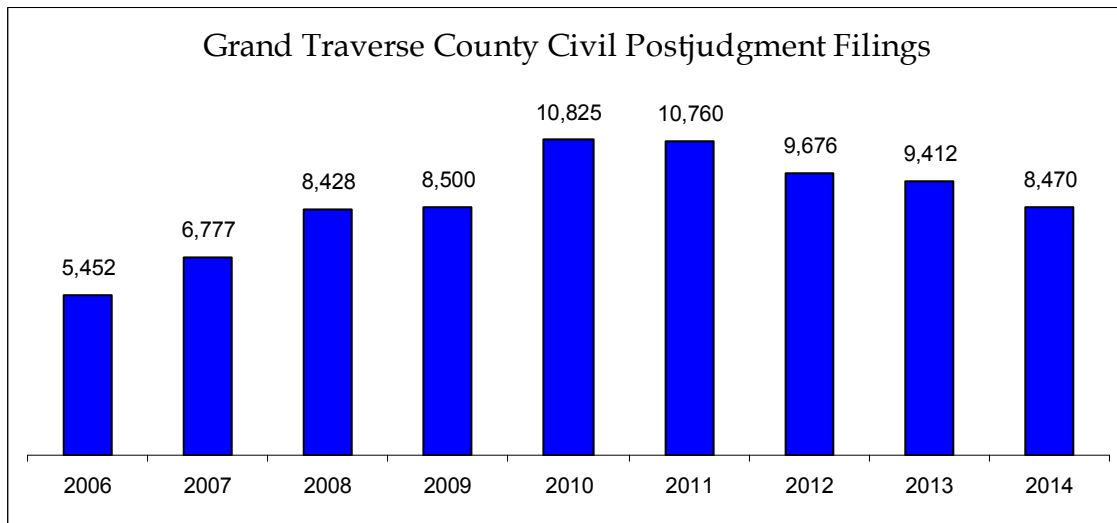
Small Claims - The plaintiff in a case that has an amount in controversy of not more than \$5,000 can elect to file in small claims. Lawyers cannot represent either party in a small claims case and the rules of evidence during a small claims trial are much less formal than in a general civil case trial.

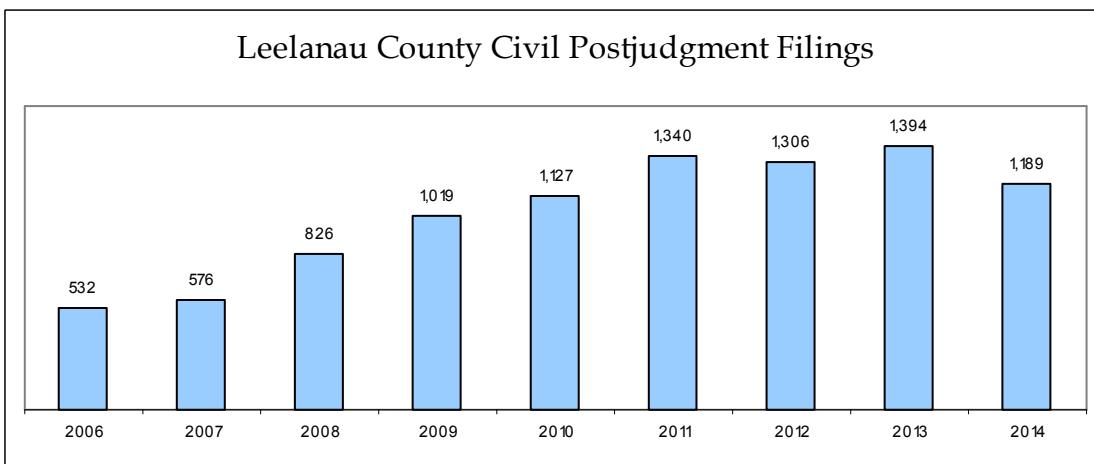
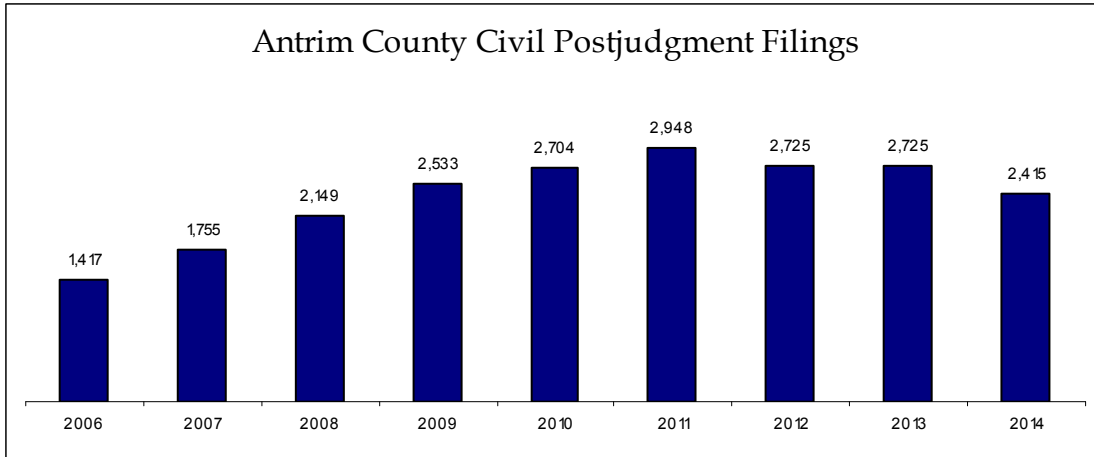


Landlord/Tenant (Summary Proceedings) - Landlord/Tenant cases were created to provide real property owners a quick method to recover their property from a tenant or land contract vendee that is not complying with the terms of the lease or contract. These cases are usually originated by apartment owners, land contract holders, mobile home park operators and even boat slip owners.



Post Judgment Filings - These filings mean that plaintiffs are filing garnishments, motions, writs of execution or writs of restitution in cases after obtaining a judgment in an effort to collect what is due to them. All of these filings require a fee be paid, a portion which stays local and a portion that goes to the state.





** Post judgment data in the 2011 Annual Report was inaccurate. The graph numbers included new case filings and post judgment filings in error.

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	2011	2012	2013	2014
Grand Traverse	1006	847	889	978
Antrim	266	264	262	249
Leelanau	156	196	211	186

PSI Totals	2011	2012	2013	2014
All Three Counties	826	Not Available	1251	1120



Back row: Dawn Wagoner, Mike Cochran, Bob Brown, Todd Bredin, Beth Lajko

Front row: Becky Morris, Tammy Odom, Pam Blue, Trisha Moore, Heidi Gilde

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 jail and/or prison for offenders in our communities. District Court offenders must be sentenced to a jail term of at



least 30 days to possibly receive services from the program. The offender must agree to address the reason(s) for their incarceration to be eligible (i.e. substance abuse issues, domestic violence, theft, etc.) The services include community based case management, jail based case management, recovery house living, probation residential services and day reporting, community service work, to name a few. Amended orders of probation and/or sentencing are formed through an in-depth assessment and given to jail staff, probation and ultimately the sentencing judge for approval.

Damon Herman, Pat Prevo, Sherise Shively and Margaret Drury

The Community Corrections Program is funded by a state grant, tether revenues and appropriations from each county, Grand Traverse, Antrim and Leelanau.

2012-2013	Grand Traverse	Antrim	Leelanau
Assessed	205	41	28
Approved & Enrolled	182	37	24
Positive Completions	140	21	27
Failed the Program	42	4	7
Successful Completions %	76.92	90.24	85.57
Average Daily Jail Beds Saved	48.67	10.61	9.04
Jail Bed Days Saved Yearly	11,271	1,490	2,598
Community Service Work			
Enrolled	624	268	63
Successful	587	247	66
Failures	51	5	5
Jail Bed Days Saved	3,778	1,929	438

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 installation of video recording equipment in Antrim County in 2010, all three counties are now equipped with advanced 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.



Mary Wenger-Townsend, Coleen Rocker and Sheila Hale

Collections

The court has a formal Collections Policy and collection efforts have been implemented in every county. Staff members actively work to set up payment agreements, time is spent working delinquent cases and probation officers have a more active role in collecting with active probationers.

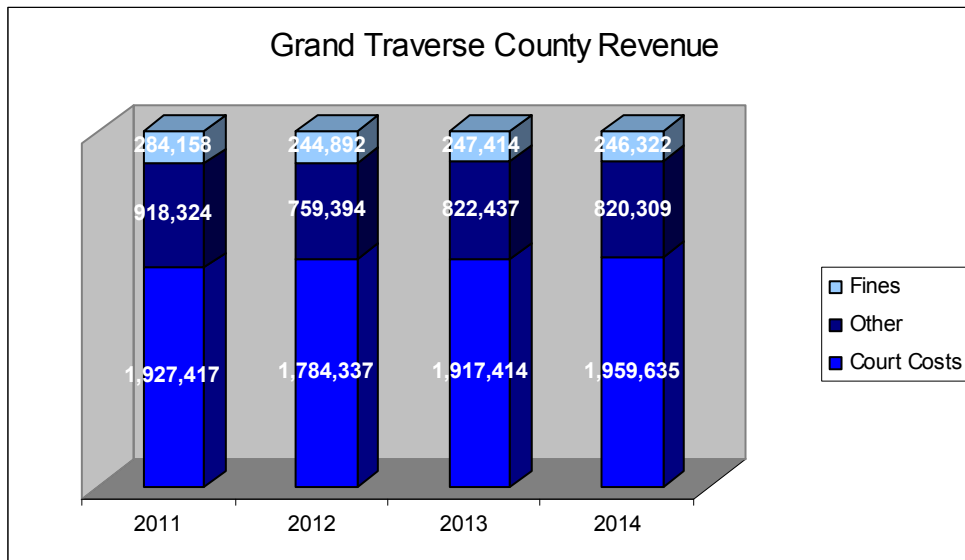


Suzy Barsheff and Dawn Rector

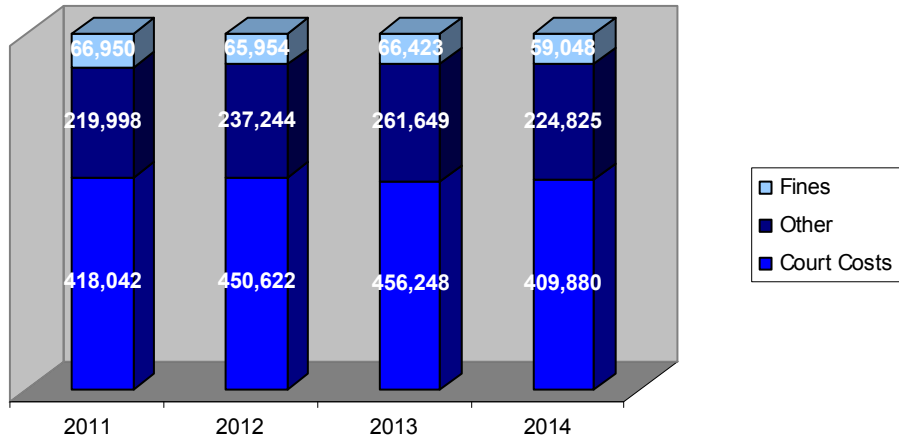
Between 100-150 show cause hearings are set each month on cases with money past due. Additionally, Grand Traverse County alone issued approximately 434 State Income Tax Garnishments. These methods have proven to be very effective.

The money collected is deposited with the County Treasurer and dispersed monthly according to state guidelines. Some money stays with the local county, fines collected go to the local libraries, and other monies are distributed to the State of Michigan, local townships, and victims.

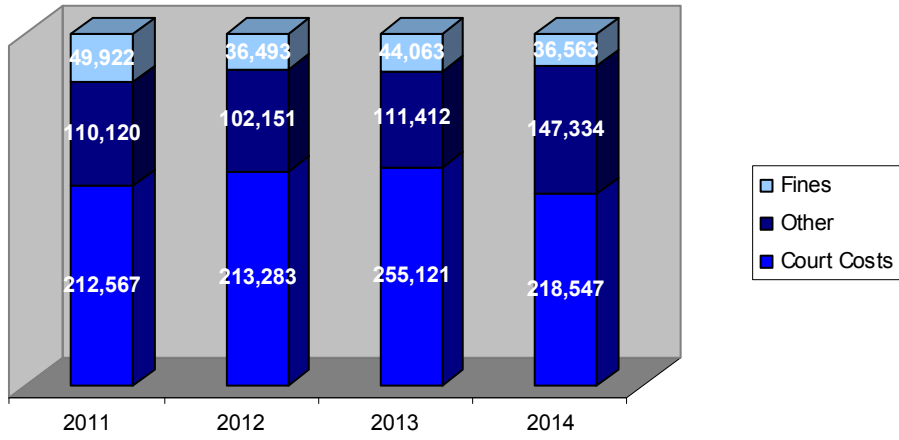
Revenues have remained steady in all three counties, even in this poor economy.



Antrim County Revenue

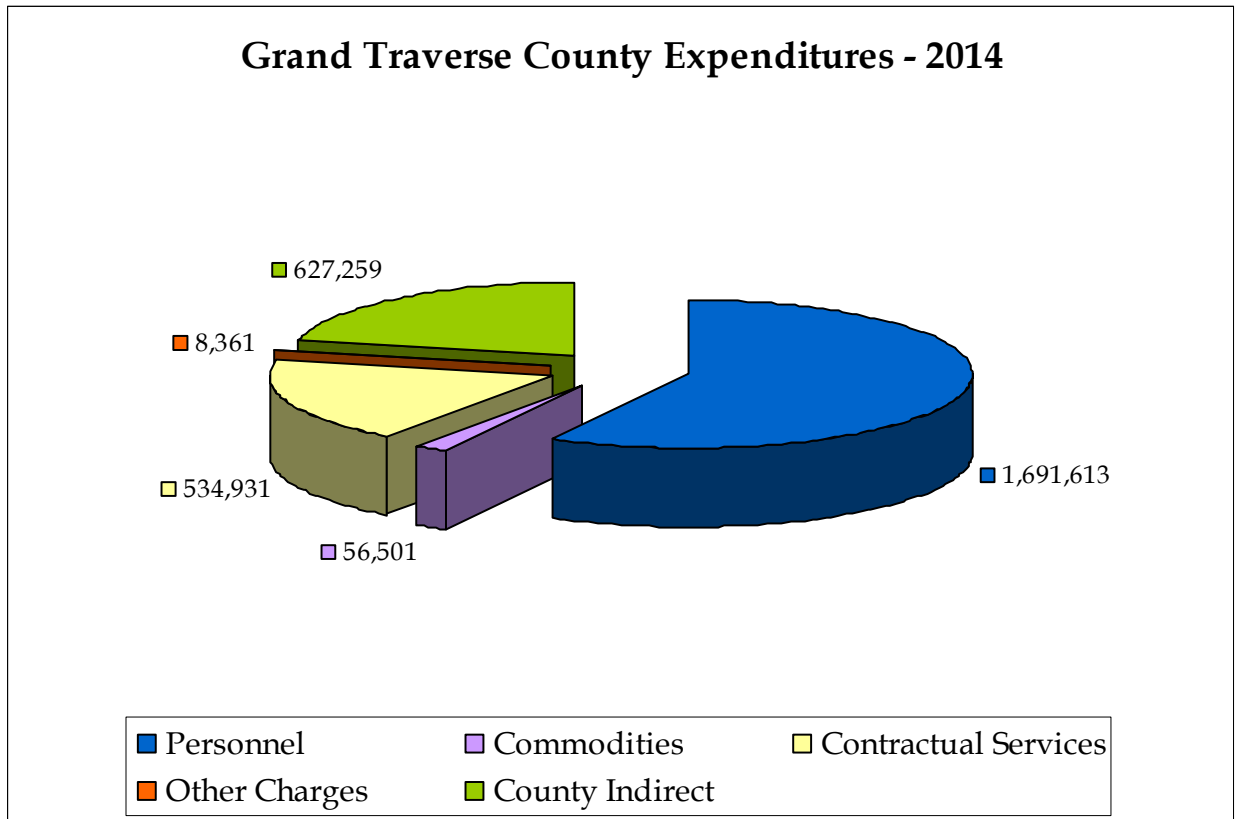


Leelanau County Revenue



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 Mental Health Court and Community Corrections.



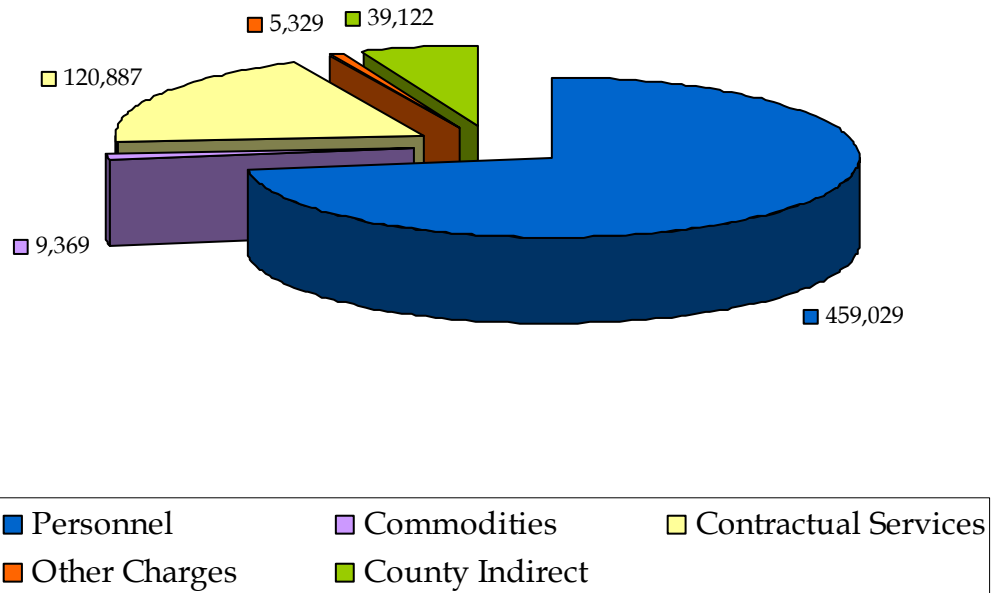
Commodities include office supplies, printing, postage and similar expenses

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

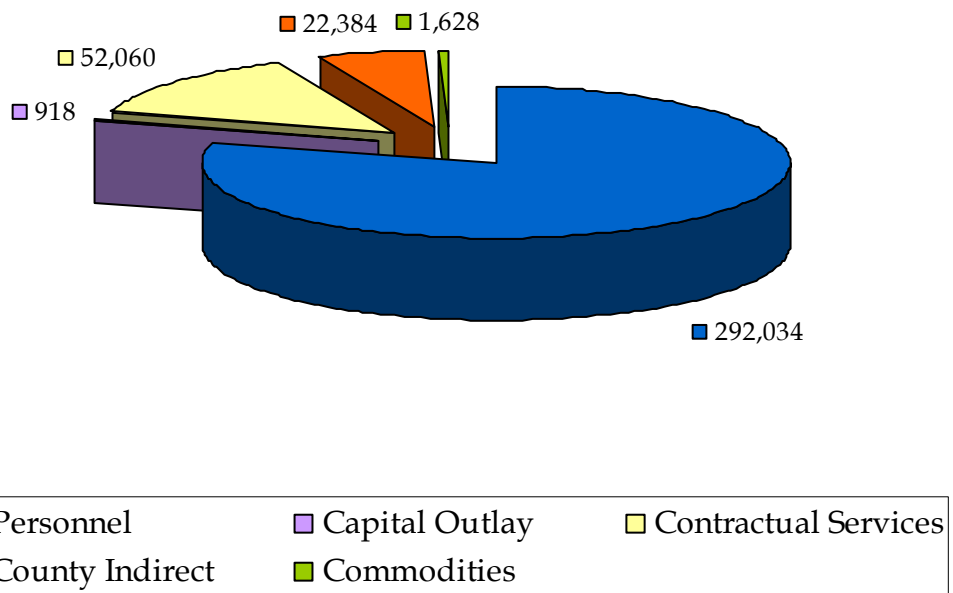
Other Charges include office equipment repair and maintenance, books, tuition reimbursement and employee training

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

Antrim County Expenditures - 2014



Leelanau County Expenditures - 2014



Staff Photos



Grand Traverse Civil Division
Tammie McLain, Ella Dreves,, Serena Lovendusky
Not pictured: Claudette Tarr



Grand Traverse Criminal/Traffic Division
Andrea Cooper, Sue Schaub, Kendra Wise, Sara Deschler



Leelanau Staff
Norene Katsys and Cindy Schaub



Marissa Switalski, Accounting Technician
Tina Lehn, Office Coordinator



Antrim Staff
Shannon Johnson, Elizabeth Stanichuk
Jerri White, Shirley Dewitt, Cindy Visnaw