



2004 Annual Report

Third Judicial Circuit of Michigan

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2004

Mary Beth Kelly, Chief Judge

Bernard J. Kost
Executive Court Administrator

Kelli D. Moore
Deputy Court Administrator

Table of Contents

Letter of Transmittal	2
Third Circuit Judges	4
Organization Chart	5
Judges Appointed to the Bench in 2004	6
Judges Retired from the Bench in 2004	7
2004 Highlights	8
Financial Information	13
Caseload Trends	15
Court Divisions and Statistics	17
Court Administration	21
Court Departments and Programs	25
Friend of the Court	28
Friend of the Court Departments	29



THE THIRD JUDICIAL CIRCUIT OF MICHIGAN

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BERNARD J. KOST
Executive Court Administrator

December 1, 2005

Honorable Mary Beth Kelly
Chief Judge
Third Judicial Circuit of Michigan
701 Coleman A. Young Municipal Center
Detroit, Michigan 48226

Dear Judge Kelly:

I am pleased to transmit the *2004 Annual Report of the Third Circuit Court* for your review. This report includes a brief narrative, a compilation of summary statistics, and an overview of the Court's principal activities and programs in 2004. I would like to highlight three key activities that will stand out in the history of this organization.

First, pre-adjudication jail overcrowding in Wayne County has been eliminated. For over twenty years, the early release of felony defendants was a way of life in Wayne County. For example, an average of 250 defendants were subject to early release each month in 2001. On November 1, 2002, this practice stopped and on November 1, 2004 the Court celebrated the two-year anniversary of no early release of pre-trial felony defendants from the Wayne County jail. Jail overcrowding was eliminated primarily because the Criminal Division Bench adopted and adheres to a 91-day trial-scheduling track.

Second, the Friend of the Court (FOC) Customer Call Center was opened in July 2004. As you know, the ability for employees to handle incoming telephone calls from FOC clients was drastically curtailed in 2001 due to budget cutbacks. As a result, calls to the general FOC phone number were diverted to a voice-response system. The inability of clients to talk directly to an employee of the FOC heightened their frustration and general dissatisfaction with the FOC operation. An earmarked appropriation from the Wayne County Commission in the FY 2004 budget permitted the Court to contract with Policy Studies, Inc. to open the Customer Call Center. The Call Center is staffed with 26 trained information specialists to provide this important service to FOC clients.

Page Two

Honorable Mary Beth Kelly

December 1, 2005

Third, the Court completed the first step in replacing its three 25-year old legacy case management computer systems. This first step actually began in 2003, when the Court contracted with the National Center for State Courts (NCSC) to document the business requirements for a new case management system. This process culminated in the issuance of a Request for Proposal (RFP) in February 2004 with responses submitted to the Court from eight vendors in March 2004. After a rigorous review and evaluation process, the Court selected Tyler Technologies as the preferred vendor. While full implementation will take approximately three years, the new case management system will ultimately enable Court employees to work more efficiently and utilize state-of-the-art technology to better serve the public.

In closing, I believe this Annual Report documents that the judges and employees of the Third Circuit Court had many noteworthy accomplishments in 2004. Please join me in commending them for a job well done.

Sincerely yours,

A handwritten signature in black ink that reads "Bernard J. Kost". The signature is written in a cursive style with a large, prominent initial "B".

Bernard J. Kost
Executive Court Administrator

BJK/hlb
Enclosure

Third Circuit Judges

Mary Beth Kelly, Chief Judge

CRIMINAL DIVISION

Brian R. Sullivan, Jr., Presiding

David J. Allen	Edward Ewell, Jr.	Timothy M. Kenny
Annette J. Berry	Vonda R. Evans	Wade Harper McCree
Gregory Dean Bill	Patricia S. Fresard	Bruce U. Morrow
Ulysses W. Boykin	David A. Groner	Susan Bieke Neilson
Margie R. Braxton	Cynthia Gray Hathaway	Daniel P. Ryan
William Leo Cahalan	Diane Marie Hathaway	Craig S. Strong
James R. Chylinski	Michael Hathaway	Deborah A. Thomas
Sean F. Cox	Richard P. Hathaway	Leonard Townsend
Maggie W. Drake	Thomas E. Jackson	Mary M. Waterstone
Prentis Edwards	Vera Massey Jones	

CIVIL DIVISION

William J. Giovan, Chief Judge Pro Tempore and Presiding

Wendy M. Baxter	John H. Gillis, Jr.	Louis F. Simmons
Susan D. Borman	Pamela R. Harwood	Cynthia D. Stephens
Michael James Callahan	Warfield Moore, Jr.	Kaye Tertzag
Robert J. Colombo, Jr.	John A. Murphy	Edward M. Thomas
Daphne Means Curtis	James J. Rashid	Isidore Torres
Gershwin A. Drain	Michael F. Sapala	Robert L. Ziolkowski

FAMILY DIVISION-DOMESTIC RELATIONS

Kathleen Macdonald, Presiding

Helen E. Brown	Arthur J. Lombard	Richard M. Skutt
Bill Callahan	Kathleen M. McCarthy	Jeanne Stempien
Richard B. Halloran, Jr.	Maria L. Oxholm	Carole F. Youngblood
Amy P. Hathaway	Lita M. Popke	

FAMILY DIVISION-JUVENILE

Virgil C. Smith, Jr., Presiding

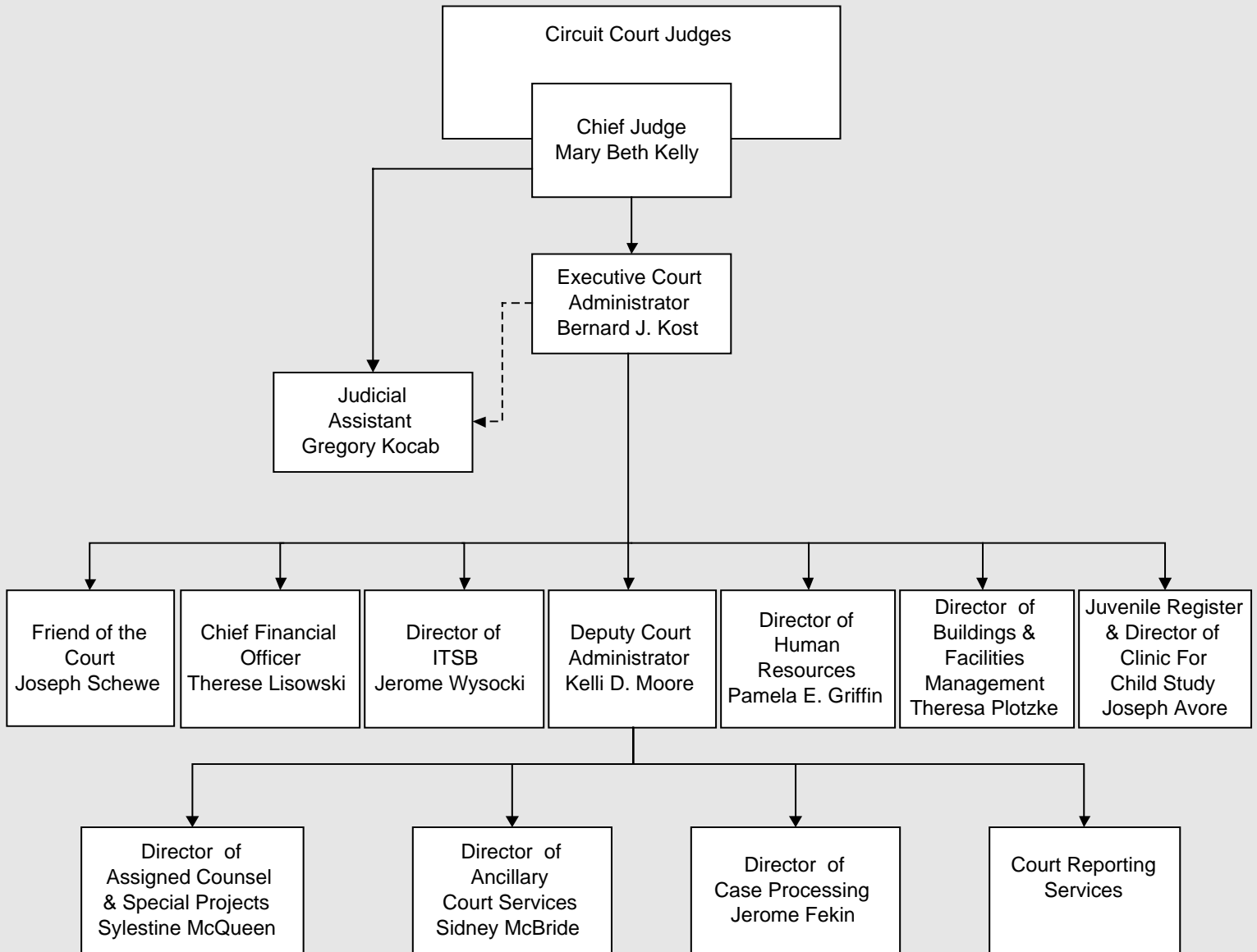
Christopher D. Dingell
Sheila Gibson Manning
Leslie Kim Smith

Judges of Probate

Patricia Campbell
Judy A. Hartsfield
James E. Lacey
Frances Pitts

2004 Organization Chart

THIRD JUDICIAL CIRCUIT OF MICHIGAN 2004 ORGANIZATION CHART



Third Circuit Court

The Third Judicial Circuit Court is the largest circuit court in Michigan, with 63 judges and three operating divisions. The Third Circuit Court has jurisdiction over civil, criminal, and family matters arising in the County of Wayne. The National Center for State Courts has cited the Third Circuit Court as one of the model urban courts in the United States for case flow management and the timely disposition of the Court's docket. In 2004, only 3% of the Court's pending cases were outside the Michigan Supreme Court case processing time guidelines.

Judges Appointed to the Bench in 2004

Virgil Clark Smith, Jr.

In May 2004, Governor Jennifer Granholm appointed Virgil Clark Smith to the Third Judicial Circuit of Michigan where Judge Smith now serves as Presiding Judge of the Family Division Juvenile Section. Prior to this appointment, Judge Smith served as Chief of Legislation, Grants and Community Relations for the Wayne County Prosecuting Attorney's Office, and later served as Chief Assistant Prosecutor. In 1988, Judge Smith was elected to the Michigan Senate and served as the Democratic Floor Leader, as well as the Minority Vice Chair for several committees. In 1977, Judge Smith began twelve years of public service in the House of Representatives serving the 10th District. In this position, Judge Smith chaired the Economic Development and Energy Committee. He also served on the Finance, Local Government and Veterans Committees; the Special Committee for Court Reorganization; the 21st Century Commission on the Courts; and, the Law Revision Commission.

Judy A. Hartsfield

In June 2004, Governor Jennifer Granholm appointed Judy A. Hartsfield to the Wayne County Probate Court. As a Probate Judge, Judge Hartsfield is cross-assigned to the Family Division-Juvenile Section of the Third Judicial Circuit of Michigan. Prior to this appointment, Judge Hartsfield was promoted by Attorney General Michael Cox in January 2003 to Bureau Chief of the Child and Family Services Bureau and was responsible for overseeing four divisions in Detroit and Lansing. Judge Hartsfield joined the Michigan Department of Attorney General's Office as a staff attorney in 1988. In 1997 Judge Hartsfield became the first African American woman to head a division in the history of the Michigan Attorney General's Office.

Wade Harper McCree

In July 2004, Governor Jennifer Granholm appointed Wade Harper McCree to the Third Judicial Circuit of Michigan. Judge McCree is assigned to the Criminal Division. Prior to this appointment, Judge McCree served eight years as a Judge of the 36th District Court. Before becoming a Judge, Judge McCree was a trial lawyer with Lewis and Mundy, the largest minority owned law firm in the state of Michigan. Judge McCree is a past President of the Association of Black Judges of Michigan, serves as director on the boards of several community organizations, and is a supporter of the State of Michigan's Wade H. McCree, Jr. Incentive Scholarship.

Richard M. Skutt

In July 2004, Governor Jennifer Granholm appointed Richard M. Skutt to the Third Judicial Circuit of Michigan. Judge Skutt is assigned to the Family Division-Domestic Relations Section. Prior to this appointment, Judge Skutt spent 22 years in practice with the law firm of Glotta, Skutt and Associates concentrating primarily in the areas of Workers' Compensation and Social Security. Judge Skutt was inducted into the Workers' Compensation Hall of Fame in 1999, served as President of the Michigan Trial Lawyers Association in 1996, and received the John W. Cummiskey Award for pro bono activities by the State Bar in 1988. Previously Judge Skutt spent 12 years with various legal service programs including the Michigan Migrant Legal Assistance Project, Community Action for Legal Services (New York, NY), Food Research and Action Center (Washington, D.C.), and Michigan Legal Services where Judge Skutt served as Director from 1978 to 1982.

Judges Retired from the Bench in 2004

Kaye Tertzag

Judge Kaye Tertzag retired on May 1, 2004 after 18 years as a member of the bench. Governor James Blanchard appointed Judge Tertzag to the bench on March 24, 1986. Judge Tertzag served on the Civil Docket Review Committee and was a Phase III Individual Calendar System Judge.

Frances Pitts

Judge Frances Pitts retired on June 1, 2004 after 17 years as a member of the Probate bench. Governor James Blanchard appointed Judge Pitts to the bench on July 1, 1987. Judge Pitts was cross-assigned as a Third Circuit Court Judge and served on the Family Domestic-Juvenile Section.

Pamela R. Harwood

Judge Pamela R. Harwood retired on July 1, 2004 after 15 years as a member of the bench. Governor James Blanchard appointed Judge Harwood to the bench on February 19, 1989. Judge Harwood was an innovator of the Asbestos Case Processing Program, served on, as well as chaired the Docket Review Committee. She served as Chief Judge Pro Tempore from January 2002 through December 2003, and was a member of the Executive Committee and the Judicial Tenure Commission.

Richard Hathaway

Judge Richard Hathaway retired on July 10, 2004 after 23 years as a member of the bench. Judge Hathaway was elected on January 1, 1981. Judge Hathaway served in the Criminal Division during a majority of his tenure with the Court where he handled the special Auto Theft Docket (PATU Docket).

James J. Rashid

Judge James J. Rashid retired on August 1, 2004 after 17 years as a member of the bench. Judge Rashid was elected to the bench on January 1, 1987. Judge Rashid was Chief Judge from January 1, 1994 through September 30, 1997 and served as Presiding Judge of the Civil Division and on the Executive Committee.

2004 Highlights

January

Felony Non-Support Docket

County Prosecutors and the Attorney General of Michigan are authorized to charge individuals with a felony for failure to pay child support (MCL 750.165). Historically, these cases were assigned to the Criminal Division; however, the Court began a pilot project in March 2003 that assigned these cases to the Family Division. This pilot was initiated, in part, so that the Friend of the Court could play an active role in monitoring the terms and conditions of plea agreements with respect to child support payments. During the pilot phase, 405 pleas were entered and child support collections totaled \$1.25 million. Deemed a success, the Felony Non-Support (FNS) docket was permanently assigned to the Family Division in January 2004. A total of 875 pleas were entered and collections totaled \$5.8 million from the FNS docket in 2004.

April

Debtor/Creditor Exam Returned to the Civil Division

The Debtor/Creditor Examinations, formerly scheduled and heard on a rotational basis in the District Courts (while jurisdiction remained in the Circuit Court) for over 20 years, are now conducted in the Third Judicial Circuit, Civil Division.

May

Law Day

In 1958, former President Dwight D. Eisenhower issued a proclamation designating May 1st as Law Day USA. The presidential proclamation stressed the importance of law as the vehicle for the preservation of liberty and individual rights. Now in its 46th year, Law Day serves not only as an opportunity for everyone to reflect on the nation's legal heritage and the role of law, but also to rededicate themselves to the ideals of equality and justice under the law.

The Wayne County Circuit Court welcomed U.S. Attorney General Jeffrey Collins, a stellar array of presenters from the legal community, and guests representing 12 Wayne County schools to its 18th Annual Law Day celebration.

May 17, 2004 marked the 50th anniversary of the United States Supreme Court's decision in the landmark case, *Brown v Board of Education*. The Brown decision struck down segregation in public education, declaring, "Separate education facilities are inherently unequal." Because this case is the foundation of the civil rights movement, it rightly became the focus of this year's Law Day.

Two distinguished members of the legal community, Wayne State University Law School Professor Robert Sedler and Attorney Kenneth L. Lewis of the law firm Plunkett and Cooney, re-enacted the oral arguments presented to the United States Supreme Court in the Brown case. After the reenactment, students had an opportunity to participate in a question and answer session that examined the effect of Brown 50 years later.

2004 Highlights

May Continued

Court Appointed Special Advocate (CASA) Swearing-in Ceremony

Presiding Judge Virgil Clark Smith administered the oath of office to twenty-one volunteer trainees to become official Court Appointed Special Advocates (CASA). CASAs participate in a three week training program in child welfare and child protection law. CASAs are appointed by a jurist to conduct an independent assessment of an assigned case in child protective proceedings.

Collections Initiative

Beginning in May 2004, the Court's collections efforts expanded to include a pilot program in the Criminal Division. This new program increases efforts to recoup county dollars that are being expended on assigned counsel fees for felony defendants.

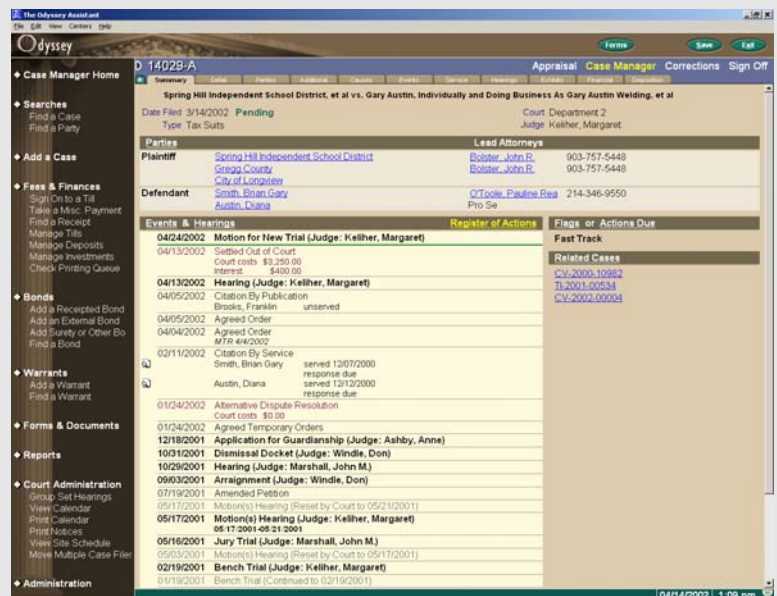
In accordance with state law, non-indigent defendants who receive the services of a publicly funded attorney are required to contribute to the reimbursement of that expense. The pilot program started in two arraignment courtrooms; after 45 days it expanded to the remaining arraignment courtrooms. Since October 2004, all Criminal Division courtrooms have been using interim court orders at the earliest court date possible and final court orders when appropriate to promote reimbursement of publicly funded attorney fees.

June

Selection of a New Case Management System

In late 2002, Chief Judge Mary Beth Kelly authorized court management to initiate a multi-year project to replace the Court's three 25-year-old legacy case management systems. The goal was to replace three independent systems (criminal, juvenile, and civil/domestic relations) with one state-of-the-art system. The Court contracted with the National Center for State Courts (NCSC) in July 2003 to document the Court's business requirements and identify the desired functionality for the new case management system.

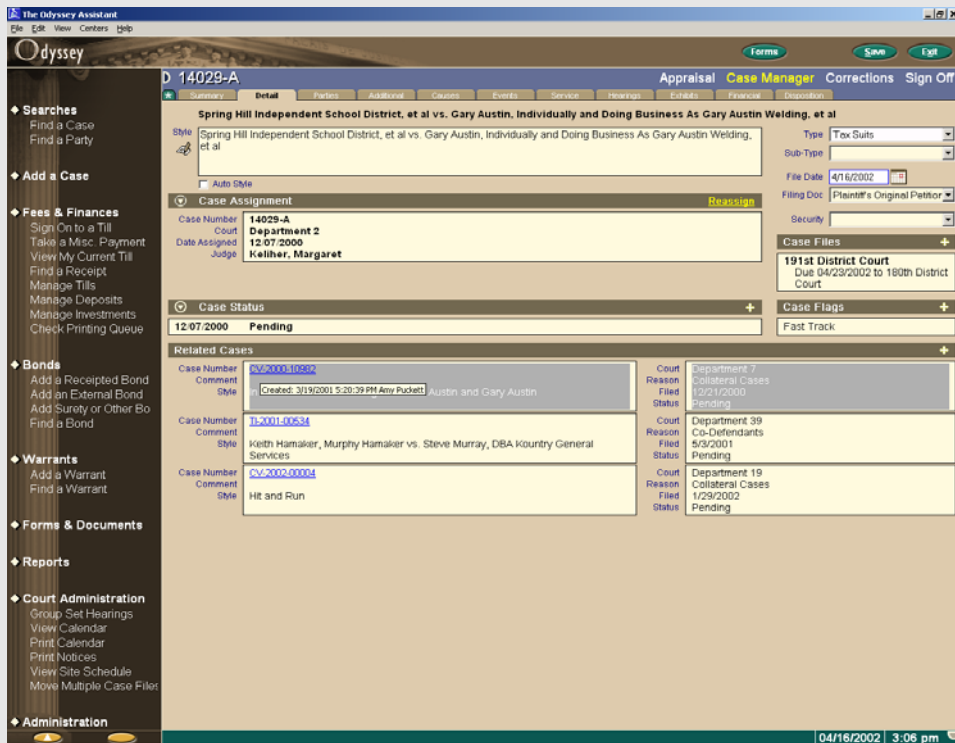
Participants in this effort included employees from Circuit Court, the County Clerk's Office, Wayne County Prosecutor's Office, and the 36th District Court. NCSC staff completed this process in December 2003 and the final report served as the basis for the Request for Proposal (RFP) issued in February 2004.



2004 Highlights

June Continued

A total of eight vendors submitted responses to the RFP in March 2004. After a preliminary review by Court employees, four vendors were invited to provide comprehensive demonstrations of the features and functionality of their products. The same employees who participated in the business requirements documentation attended these demonstrations and completed a comprehensive evaluation survey at the end of each demonstration. The Court ultimately selected Tyler Technologies as the preferred vendor at the conclusion of this rigorous review process in June 2004.



2004 Highlights

July

Wayne County Customer Call Center

In July 2004, Wayne County Friend of the Court (FOC) opened a Customer Call Center to serve its nearly 300,000 domestic relations and child support customers. "This is a great day for the citizens of Wayne County," said Wayne County Commissioner Alicia Bell. Bell was on hand for the ribbon cutting ceremony, held at the center located in Livonia.



Wayne County Commissioner Alicia Bell (left) and Third Circuit Court Chief Judge Mary Beth Kelly cut the ribbon officially opening the Wayne County Customer Call Center.

The Customer Call Center became a reality after the Wayne County Commission began talks with Chief Judge Mary Beth Kelly to reestablish a FOC customer call center. A committee of FOC and Court Administration executives developed requests for proposals, reviewed submissions from 30 vendors, and provided a final recommendation to Chief Judge Kelly. Taking only eight months to complete, Chief Judge Kelly credited the speedy implementation of the call center to the hard work of the committee.

The successful bidder was Policy Studies Inc. (PSI), a Denver-based firm, founded in 1984. PSI partners with state, local, and federal governments in the United States and abroad to implement child support enforcement and other social services programs. The company has also worked on several large child support projects in Michigan.

Since the opening of the call center, FOC has experienced a 63% decrease in daily foot traffic, a 65% decrease in customer e-mails, and a 60% decrease in cases escalated to the court's Ombudsman Unit by legislators and the media. By the end of 2004, the Customer Call Center had responded to 137,400 calls from custodial parents, non-custodial parents, interstate agencies, employers, and other agencies such as the Family Independence Agency. Over 90% of the calls were for information on the FOC's services and post-judgement activities.

Chief Judge Mary Beth Kelly, Executive Court Administrator Bernard Kost, Friend of the Court Joseph Schewe, and Assistant Friend of the Court Doris Ryans handle oversight of the Call Center.

2004 Highlights

October

Clinic for Child Study Awarded Three Year Accreditation

The Commission on Accreditation of Rehabilitation Facilities (CARF) announced that the Third Circuit Court, Clinic for Child Study has been accredited for a period of three years for several Mental Health programs: Assessment and Referral for adults, children, and adolescents; Case Management/Services Coordination; and Outpatient Treatment for children and adolescents. This accreditation represents the highest level that can be awarded to an organization and shows the substantial conformance to the standards established by CARF. The latest is the second consecutive Three Year Accreditation that the International Accrediting Commission has awarded to the Third Judicial Circuit of Michigan, Clinic for Child Study.

November

Michigan Adoption Day

Michigan Adoption Day is a state-sponsored event established in 2003 to bring attention to the fact that many children are available and seeking adoption into stable, nurturing and permanent homes. On November 23, 2004, Presiding Judge Virgil C. Smith finalized twenty-one adoptions.



Chief Justice Maura Corrigan (above left) and Presiding Judge Virgil C. Smith congratulate adoptive families.



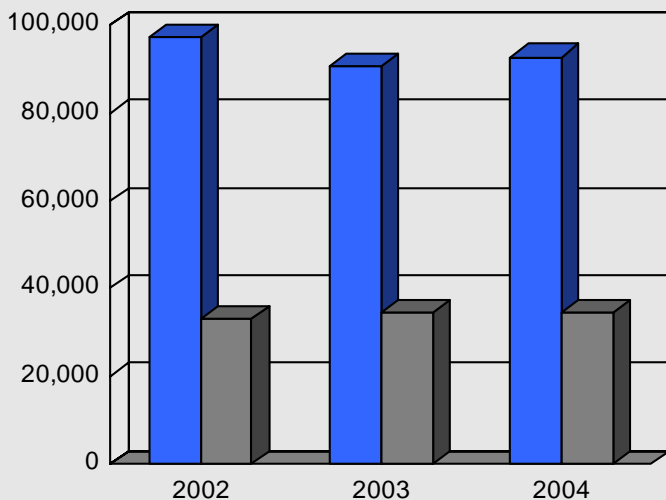
Caseload Trends

Between 2002 and 2004, the Court experienced a decrease of 5% in the number of new filings and a 5% increase in the number of pending cases. The Civil Division experienced a decrease of 11% in new cases filed, and a 5% decrease in the number of cases pending between 2002 and 2004. During that same time period, the number of new personal protection matters filed decreased by approximately 16%. Also during that same time period, the Juvenile Section of the Family Division experienced a 3% decrease in the number of new filings and a 12% increase in the number of pending cases. The Criminal Division experienced little change in new filings and pending cases between 2002 and 2004, whereas the Domestic Relations Section of the Family Division experienced large fluctuations in filings and pending cases during that time period. For example, the Criminal Division experienced only a 6% decline in new cases filed and a 9% decrease in pending cases between 2002 and 2004. The Domestic Relations Section of the Family Division experienced a 24% decrease in the number of new filings and very little change in the number of cases pending between 2002 and 2003. But between 2003 and 2004, there was an increase of 42% in the number of new filings and a 20% increase in the number of pending cases.

All Cases

	<u>2002</u>	<u>2003</u>	<u>2004</u>
New Filings	97,304	90,673	92,783
Cases Pending	33,027	34,403	34,525

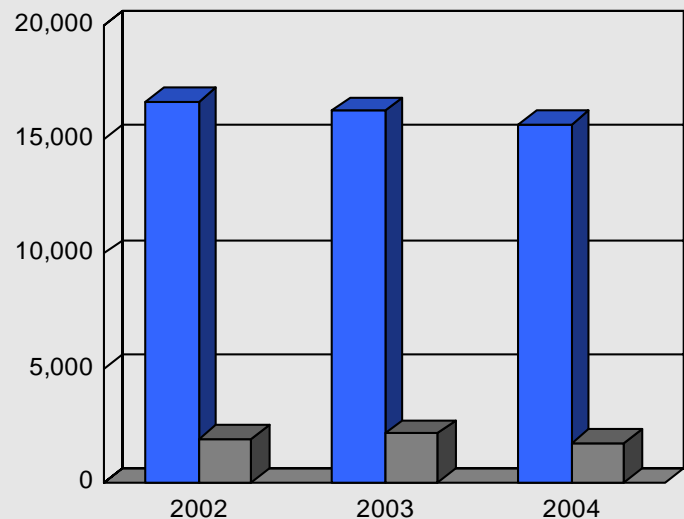
■ New Case Filings ■ Cases Pending



Criminal Cases

	<u>2002</u>	<u>2003</u>	<u>2004</u>
New Filings	16,620	16,215	15,644
Cases Pending	1,891	2,146	1,722

■ New Case Filings ■ Cases Pending

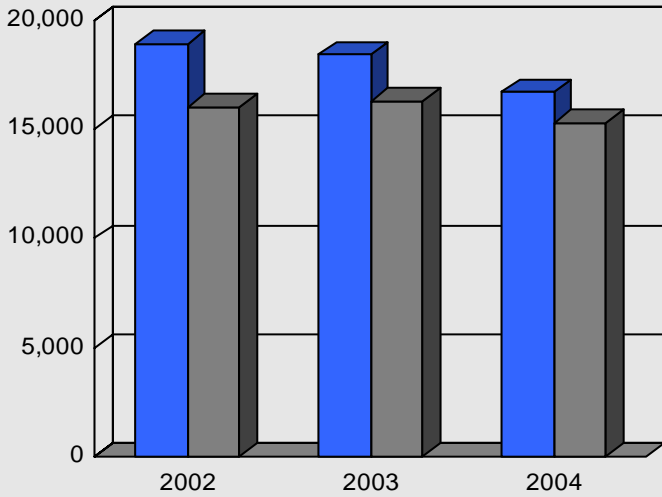


Caseload Trends

Civil Cases

	<u>2002</u>	<u>2003</u>	<u>2004</u>
New Filings	18,863	18,398	16,694
Cases Pending	16,032	16,245	15,261

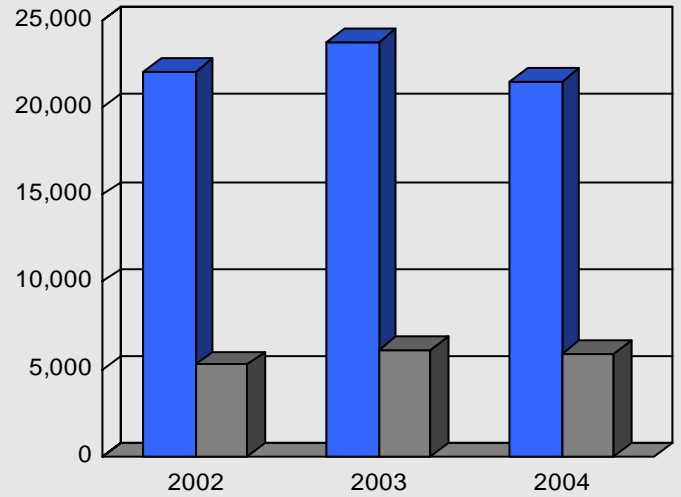
■ New Case Filings ■ Cases Pending



Family-Juvenile Cases

	<u>2002</u>	<u>2003</u>	<u>2004</u>
New Filings	22,010	23,760	21,444
Cases Pending	5,274	6,162	5,882

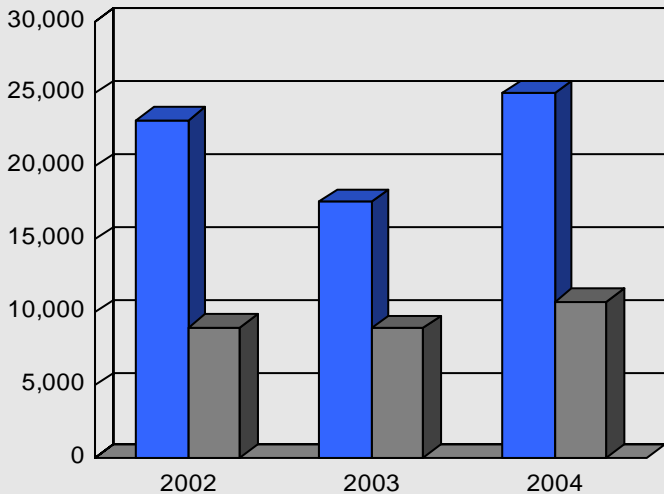
■ New Case Filings ■ Cases Pending



Family-Domestic Relations Cases

	<u>2002</u>	<u>2003</u>	<u>2004</u>
New Filings	23,225	17,553	25,004
Cases Pending	8,935	8,906	10,704

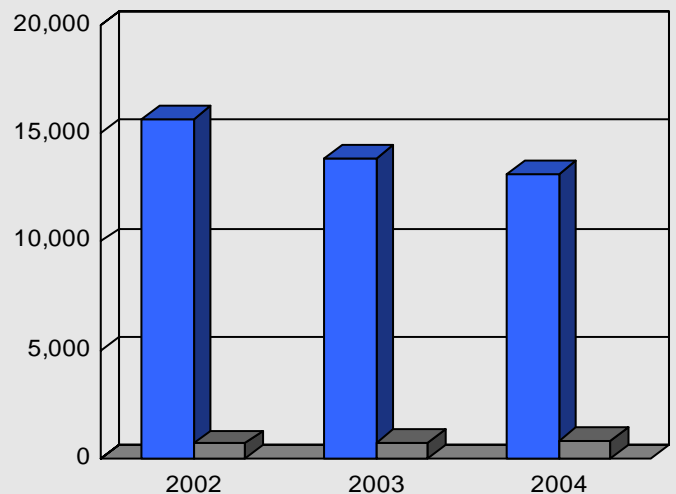
■ New Case Filings ■ Cases Pending



Personal Protection Cases

	<u>2002</u>	<u>2003</u>	<u>2004</u>
New Filings	15,643	13,850	13,136
Cases Pending	708	755	829

■ New Case Filings ■ Cases Pending



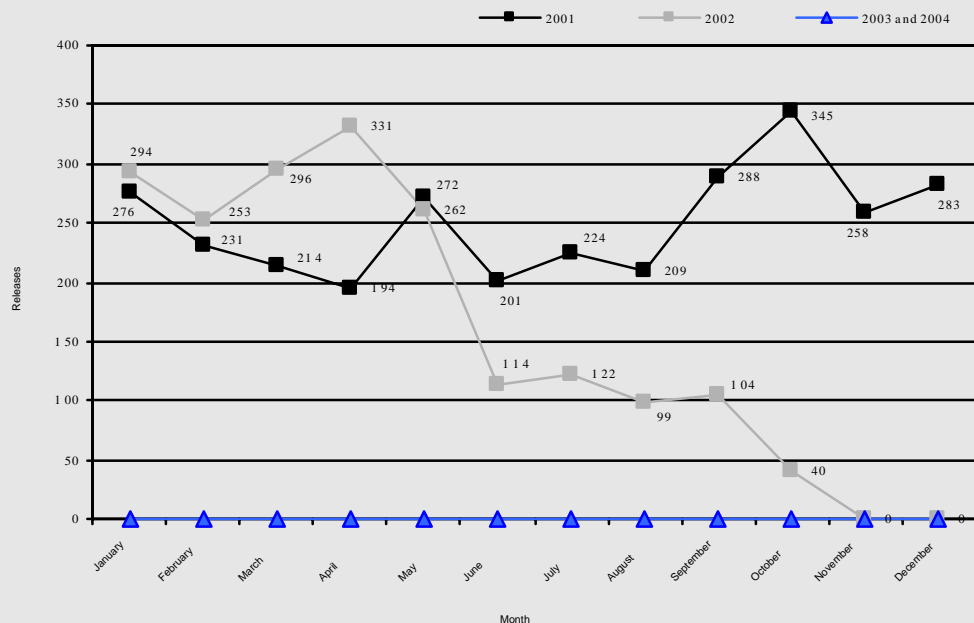
Criminal Division

In 2004, twenty-nine Circuit Court Judges were assigned to the Criminal Division. All felony cases that are bound over from the district courts in Wayne County as well as district court criminal appeals are heard in the Criminal Division. More than 15,500 felony cases were bound over to the Criminal Division in 2004, representing 25.5% of the statewide total. To aid with the high volume of cases, some matters are eligible for an expedited docketing process where all proceedings except arraignment on warrant are held at the Circuit Court level.

Criminal 2004 Statistics

	Capital	Non-Capital	Felony Juvenile	Criminal Appeals	Total
Beginning Pending	229	1,915	0	35	2,179
New Filings	1,167	14,386	0	91	15,644
Re-Opened Cases	54	2,113	2	0	2,169
Total Caseload	1,450	18,414	2	126	19,992
<u>Dispositions Resulting From:</u>					
Jury Verdicts	195	319	0	0	514
Bench Verdicts	123	469	0	0	592
Order Entered	0	0	0	80	80
Guilty Pleas	669	12,164	0	0	12,833
Defaults, Uncontested, Settled	0	0	0	0	0
Transferred	17	188	0	0	205
Dismissed by Party	10	346	0	0	356
Dismissed by Court	136	1,513	0	3	1,652
Inactive Status	41	1,283	1	0	1,325
Local Diversion	0	713	0	0	713
Case Type Change	0	0	0	0	0
Total Dispositions	1,191	16,995	1	83	18,270
Ending Pending	259	1,419	1	43	1,722

Pre-Trial Felons Released Due to Jail Overcrowding



In November 2004, the Court celebrated the two year anniversary of the elimination of early pre-trial jail releases. The Wayne County Jail averaged 100-150 empty beds daily in 2004. This was achieved by the collective efforts of the Criminal Division Judges, Prosecutor's Office, and Defense Bar in adjudicating cases within the 91-day time standard.

Civil Division

In 2004, eighteen Circuit Court Civil Division Judges were assigned to the Civil Division. Matters that involve claims of more than \$25,000, which include medical malpractice, auto negligence, personal injury, contracts, employment discrimination, and receiverships are heard in the Civil Division. In addition, civil matters appealed from Wayne County district courts and from administrative agencies are also handled by the Civil Division Judges. There were approximately 16,700 new case filings in the Civil Division in 2004, representing 34.4% of the statewide total.

General Civil and Tort Case 2004 Statistics

	General Civil	Auto Negligence	Other Civil Damage	Other Civil	Civil Appeals	Agency Appeals	Other Appeals	Total
Beginning Pending	6,352	4,273	4,863	183	83	94	35	15,883
New Filings	7,533	4,022	3,883	565	277	347	67	16,694
Re-Opened Cases	604	290	287	16	6	10	3	1,216
Total Caseload	14,489	8,585	9,033	764	366	451	105	33,793
<u>Dispositions Resulting From:</u>								
Jury Verdicts	34	42	61	1	0	0	0	138
Bench Verdicts	58	4	6	0	0	0	0	68
Order Entered	0	0	0	0	74	194	11	279
Guilty Pleas	0	0	0	0	0	0	0	0
Defaults, Uncontested, Settled	3,428	383	444	330	0	0	0	4,585
Transferred	250	149	167	1	0	0	0	567
Dismissed by Party	4,244	3,461	2,899	159	0	0	0	10,763
Dismissed by Court	765	235	156	56	220	161	70	1,663
Inactive Status	174	41	66	22	0	0	0	303
Local Diversion	0	0	0	0	0	0	0	0
Other Dispositions	118	0	0	0	0	0	0	118
Case Type Change	12	9	20	0	2	2	3	48
Total Dispositions	9,083	4,324	3,819	569	296	357	84	18,532
Ending Pending	5,406	4,261	5,214	195	70	94	21	15,261

Family Division-Domestic Relations

In 2004, twelve Circuit Court Judges were assigned to the Family Division-Domestic Relations Section. Cases handled include divorce, paternity, personal protection, emancipation of minors, name changes, parental waivers, and infectious disease matters. Each of these case types may include matters concerning custody, support, parenting time, property, and other issues. There were approximately 38,100 new case filings in the Family Division-Domestic Relations Section in 2004, representing 28.5% of the statewide total.

Domestic Relations 2004 Statistics

	Divorce w/Child	Divorce No Child	Paternity	Family Support	UIFSA	Other	Total
Beginning Pending	2,068	1,359	2,515	2,055	274	208	8,479
New Filings	3,993	3,897	8,200	6,913	1,494	507	25,004
Re-Opened Cases	379	212	80	41	1	33	746
Total Caseload	6,440	5,468	10,795	9,009	1,769	748	34,229
<u>Dispositions Resulting From:</u>							
Bench Verdicts	2,303	1,682	7	11	0	56	4,059
Defaults, Uncontested, Settled	809	1,373	3,283	2,676	236	228	8,605
Transferred	4	0	2	0	0	2	8
Post-Judgment Orders	0	0	0	0	910	0	910
Dismissed by Party	885	759	954	746	371	150	3,865
Dismissed by Court	190	153	2,903	2,667	35	57	6,005
Inactive Status	3	1	0	1	0	1	6
Case Type Change	15	28	4	0	0	20	67
Total Dispositions	4,209	3,996	7,153	6,101	1,552	514	23,525
Ending Pending	2,231	1,472	3,642	2,908	217	234	10,704

Personal Protection 2004 Statistics

	Domestic Relations	Non-Domestic Relations	Total
Beginning Pending	457	242	699
New Filings	8,648	4,488	13,136
Re-Opened Cases	1	2	3
Total Caseload	9,106	4,732	13,838
<u>Dispositions Resulting From:</u>			
Orders Issued Ex Parte	6,211	2,237	8,448
Orders Issued after Hrg.	605	474	1,079
Transferred	0	0	0
Dis./Denied Ex Parte	743	871	1,614
Dis./Denied after Hrg.	480	527	1,007
Dismissed by Party	541	319	860
Order Issued After Denial	0	0	0
Case Type Change	1	0	1
Total Dispositions	8,581	4,428	13,009
Ending Pending	525	304	829

Family Division-Juvenile

In 2004, seven Circuit Court Judges (including three cross-assigned Probate Judges) were assigned to the Family Division-Juvenile Section. A staff of thirteen referees prepare written recommendations and findings of fact. Cases handled in this Division include juvenile delinquency, child abuse and neglect, adoption, and guardianship. Probation officers conduct hearings on the informal dockets, which include traffic and ordinance violations, and consent matters. There were approximately 21,444 new case filings in the Family Division-Juvenile Section in 2004, representing 25.3% of the statewide total.

Juvenile 2004 Statistics

	Designated	Delinquency	Traffic	Child Protective	Personal Protection	Total
Beginning Pending	7	1,427	3,870	500	36	5,840
New Filings	43	9,666	8,294	1,829	473	20,305
Re-Opened Cases	2	274	0	0	0	276
Total Caseload	52	11,367	12,164	2,329	509	26,421
<u>Dispositions Resulting From:</u>						
Jury Verdicts	0	17	0	1	0	18
Bench Verdicts	1	963	1,639	765	0	3,368
Guilty Pleas/Admissions	29	2,637	331	545	0	3,542
Prosecutor Waiver	0	6	0	0	0	6
Traditional Waiver	0	0	0	0	0	0
Dismissed by Party	0	0	0	0	57	57
Dismissed by Court	17	1,015	2,349	0	0	3,381
Dismissed/Withdrawn	0	0	0	197	0	197
Consent Calendar	0	798	0	0	0	798
Transferred	0	151	280	27	0	458
Diversion/Not Authorized	0	2,630	4,230	287	0	7,147
Designation Granted	0	0	0	0	0	0
Inactive Status	0	458	940	0	0	1,398
Not Charged	0	0	0	0	0	0
Cast Type Change	0	2	0	0	0	2
Dis./Denied After Hrg.	0	0	0	0	78	78
Dis./Denied Ex Parte	0	0	0	0	96	96
Orders Issued After Hrg.	0	0	0	0	75	75
Order Issued Ex Parte	0	0	0	0	188	188
Total Dispositions	47	8,677	9,769	1,822	494	20,809
Ending Pending	5	2,690	2,395	507	15	5,612

Court Administration

Several departmental functions within the Court support all divisions.

Ancillary Court Services

The Ancillary Court Services Department coordinates programs and policies involving outside agencies such as the Wayne County Prosecutor's Office, Wayne County Clerk's Office, Wayne County Sheriff's Department, Michigan Department of Corrections, Michigan State Police, Attorney General's Office, and the State Court Administrator's Office, as well as other circuit and district courts. The Director of Ancillary Court Services oversees the following Court departments: Adult Drug Court, Court Collections, Jury Services, and Pretrial Services.

Assigned Counsel Services and Special Projects

The Office of Assigned Counsel Services (ACS) is responsible for appointing counsel to represent indigent parties appearing before the Court. In 2004, the three divisional units that performed assigned counsel functions were consolidated into one unified department. There are ACS offices in the Criminal (Frank Murphy Hall of Justice) and Family-Juvenile (Lincoln Hall of Justice) Divisions. The Case Processing Department in the Coleman A. Young Municipal Center performs many of the ACS functions for the Family Division-Domestic Relations Section.

In 2004 the Court partnered with the Institute of Continuing Legal Education to provide the Court's annual assigned counsel training for the Family Division. The Detroit-Wayne County Criminal Advocacy Program develops and administers attorney training for the Criminal Division.

The Special Projects Unit performs statistical analysis and special projects for the Court Administrator's Office.

Budget and Finance

The Budget and Finance Office consists of seven operating units:

The Cost Allocation and Audit Unit is responsible for the Court's fiduciary functions, overseeing not only fiscal operational processes and procedures, but also the allocation of shared administrative costs. A courtwide cost allocation plan, resulted in \$2.1 million in additional reimbursement of administrative costs under the Cooperative Reimbursement Program funding for the Friend of the Court.

The General Fund Budget and Financial Accounting Unit provides budget monitoring and general accounting services related to the funding received from the County.

The Grant Budgets and Financial Accounting Unit provides financial services to courtwide grant programs to ensure program spending compliance including contract management, program budget monitoring and projections, preparation and review of financial reports, and expense billings.

The Grant Program Planning and Evaluation Unit provides assistance in program monitoring and compliance, pursuing grant funding opportunities, and grant proposal/application writing.

Court Administration

Budget and Finance Continued

The Fiduciary Funds Accounting and Reconciliation Unit is responsible for the financial accounting of the Court bank accounts, including the fiduciary funds collected by the Friend of the Court (FOC). It also has oversight responsibility of the financial activities of the FOC. This Unit became responsible for the receipting, disbursement, and accounting of future collections in 2004, which exceeded \$3.7 million.

The Payroll Reconciliation and Reporting Unit is responsible for maintaining and reconciling the Court's master payroll and fringe benefit accounting worksheets and records for all areas of the Court. This information is used for a variety of purposes, including grant billings, payments to the State Retirement System, and for general reporting.

The Accounts Payable Unit is responsible for processing payments for goods and services rendered to or on behalf of the Court.

Buildings and Facilities Management

The Department of Buildings and Facilities Management is responsible for the procurement of office supplies, office equipment, furniture, and printed material for all divisions of the Third Circuit Court. This Department is also responsible for reconfiguration of workspaces, all mail functions including inter-office mail and metered mail, transportation, office equipment repair, and building services.

Case Processing

The Case Processing Department maintains an effective and efficient case management plan for all litigation filed in the Court. The Department provides central support to the Bench through its development and distribution of statistical and management reports, oversight and maintenance of automated case flow management programs, training of judicial staff members, and the scheduling and noticing of hearings. The Department also serves as a primary resource to judges and staff on case flow methods and procedures, as well as providing general information to litigants, attorneys, and the public on case management issues.

Court Reporting Services

The Court Reporting Services Department is responsible for coordinating court reporting coverage for all divisions of the Court. The Department also processes all transcript requests in each division, schedules reporters and recorders for courtrooms, maintains archival storage of all records of court reporters and recorders, provides staff support to video courtrooms, and orders interpreters for proceedings. In addition, the Department is responsible for assigning appellate attorneys and producing transcripts for criminal appeals.

Court Administration

Human Resources

The Office of Human Resources manages all human resource related activities for the Court's sixty-three judges and 656 employees. The mission of the Office of Human Resources is to ensure that vacancies are filled in compliance with both federal and state laws and prevailing labor agreements. It works to ensure that employee time records are accurate; to ensure that employees are paid accurately and in a timely manner; to administer employee benefits plans; to provide employee training and development; and to negotiate and then administer labor agreements that allow the Court to function within a unionized environment. Of the 112 persons filling vacant positions in 2004, 51 were newly hired, 48 were promoted, 3 were recalled, and 10 were transferred.

Information Technology Systems Bureau

The Information Technology Systems Bureau (ITSB) provides reliable, cost effective information systems solutions that meet the Court's evolving business needs. ITSB supports the Court's three legacy mainframe case management systems, the wide-area network connecting the Court's four locations, the Friend of the Court's document imaging system, and the office automation tools on the desktop PCs of all Court employees. The Department provides the application and technical operating environment necessary to meet the operating and administrative business objectives of the Third Judicial Circuit of Michigan. In order to achieve this, the Department is organized into several operating entities. These entities include Network Services, Imaging and Document, Case Management Systems Development, and Operations.

Jury Services

The Jury Services Department provides full services for the Circuit and Probate Court in Wayne County, as well as prospective jury selection and qualification services for all district courts in Wayne County. Jury Services, along with Court Administration, develops processes and procedures to efficiently and effectively utilize the services of citizens called to serve on jury duty. The Department's responsibilities also include all aspects of qualifying, evaluating, selecting, summoning, and processing payroll for jurors. The Jury Services Department also reports and records the progress of each jury trial and provides other statistical information to Court Administration.

Jury Services 2004 Statistics

Total Questionnaires Mailed	949,489
Total Questionnaires Returned	438,328
Total Summons Mailed	100,350
Total Jury Panels Requested	2,433
Total Jurors Utilized	49,231

The Office of the Judicial Assistant

The Office of the Judicial Assistant serves as official legal advisor to the Court and provides services across all Court divisions to members of the Bench and Court department managers. The office conducts research on legal issues and prepares proposed opinions, orders, and memoranda of law; provides oral consultations and points of law; drafts and/or reviews and advises on various vendor/service contracts; serves as liaison between the Court and Lexis-Nexis; coordinates notification to the Court's professional liability insurer of claims brought against the Court or members of the Bench; provides analyses of any newly released noteworthy appellate court decisions; provides a full range of law library services; provides a legislative tracking service for current and archived sessions of legislation; provides case summaries of recent Michigan Supreme Court, published Court of Appeals opinions, and syllabi of U.S. Supreme Court decisions; edits and provides to the Bench a research topic index on a dedicated network drive.

Court Departments and Programs

Adoptions

The Adoptions Unit is responsible for processing all adoptions for Wayne County residents. The Unit helps ensure permanently bonded family units through the timely termination of parental rights, formal placement of children into approved homes, adoption finalization, and the delivery of efficient post-adoption services. The Unit also processes voluntary releases of parental rights stemming from neglect and abuse cases for the purpose of adoption.

Adoptions 2002 to 2004 Statistics

	<u>2002</u>	<u>2003</u>	<u>2004</u>
Adoption Petitions Filed	1,211	1,140	1,139
Dispositions	1,175	1,205	1,175
Releases	174	191	152
Consents	241	192	229
Reports: Non-Identifying & Identifying Reports	41	34	44

Adult Drug Court

The Adult Drug Court Program curtails drug and alcohol abuse, thereby reducing related criminal activity. Adult Drug Court offers a sentencing alternative to many otherwise prison-bound non-violent addicted felons whose criminal justice involvement stems from alcohol and/or drug use. This comprehensive program provides intensive judicial supervision, frequent and random drug testing, graduated incentives and sanctions, along with access to needed community resources. The successful completion of the program results in dismissal of the original charge, sentence reduction, lessened penalty, or a combination of the above.

Adult Drug Court 2004 Statistics

Total Participants in Program	181
New Admissions	131
Returning Participants	50
Graduating Participants	93
Removed Participants	61

Court Departments and Programs

Clinic for Child Study

The Clinic for Child Study provides families and youth who come to the attention of the Third Circuit Court with timely comprehensive assessments and effective treatment, early intervention, mediation, and client services management. It also provides the Court with psycho-domestic evaluations, recommendations, reports, and expert witness testimony. The Clinic for Child Study has six service delivery units, which are funded by the Detroit-Wayne County Community Mental Health Agency. These six units are Family Assessment Unit, Child/Adolescent Assessment Unit, Juvenile Social Assessment Unit, Clinic Treatment Unit, Intensive Probation Unit, and Status Offenders Unit.

Clinic for Child Study 2002 to 2004 Statistics

Cases Referred to Clinic for Assessment	<u>2002</u>	<u>2003</u>	<u>2004</u>
Family Assessment for Protective Hearings	960	966	866
Child/Adolescent Assessment	1,056	989	989
Guardianships	13	13	21
Adoption Studies	40	0	0
Total	2,088	1,968	1,876
Early Intervention (Walk-in Parent Complaints)	1,345	1,436	1,487
Client Services Management (Intensive Probation)	656	876	794
Treatment	5,829	3,895	4,270

Court Appointed Special Advocate Program

The Court Appointed Special Advocates Program (CASA) for the Third Circuit Court plays a valuable role in child protective proceedings and services children in out-of-home placement in Wayne County. The program provides trained community volunteers who are appointed by the jurists. Their responsibilities include gathering information on the children by reviewing records, interviewing parents, talking to teachers, neighbors, and most importantly the children. The volunteers also appear in court to make recommendations regarding what is in the best interest of the children.

Court Appointed Special Advocate Program 2002 to 2004 Statistics

Program Activity	<u>2002</u>	<u>2003</u>	<u>2004</u>
Cases Assigned	25	25	22
Cases Closed	28	20	23
Active Cases	50	52	51
Volunteers Trained	28	16	21
Children Served	150	127	136
New Children	77	52	42
Children Whose Case Closed	77	44	43

Court Departments and Programs

Juvenile Drug Court

Juvenile Drug Court is formally named the Supervised Treatment for Alcohol and Narcotics Dependency Program (STAND). The program utilizes therapeutic jurisprudence and case management to develop, coordinate, and monitor a juvenile's treatment. STAND uses a system of graduated incentives and sanctions to encourage progress toward compliance, negative drug screens, school attendance or employment, and no additional delinquency petitions. When a juvenile in the program successfully completes all requirements and graduates, the Court dismisses the original charge.

Juvenile Drug Court 2004 Statistics

Total Participants in Program	74
New Admissions	36
Returning Participants	0
Graduating Participants	19
Removed Participants	22

Pretrial Services

The Pretrial Services Department serves as the pretrial release agency for Wayne County. This Department provides pertinent information regarding the defendant's criminal, personal, and employment history to the judicial officer at the earliest possible time to enhance the Court's decision-making process; thus upholding Michigan Court Rule 6.106 for pretrial release independent of political pressures and without discrimination based on race, sex, or economic status. The county and community benefit from the cost savings of decreased pretrial detention by identifying those defendants who can be safely released to the community pending disposal of felony court matters. Furthermore, the Department provides a preliminary Sentencing Guideline assessment to the Court to identify those defendants eligible for non-jail or non-prison sentences, and to defense counsel and the prosecutor as an aid to plea consideration.

Pretrial Services 2002 to 2004 Statistics

	<u>2002</u>	<u>2003</u>	<u>2004</u>
Defendants Interviewed	15,495	13,691	12,239
Total Bond Recommendations Submitted	14,804	13,604	13,029
Written Recommendations	2,669	2,327	2,498
Oral Recommendations	12,135	11,277	10,531
Supervision (Yearly Averages)			
Total Defendants Monitored	5,775	4,648	7,347
Compliance Rate	81%	82%	83%
Capias Rate	9%	10%	10%
Sentencing Guidelines Submitted	13,819	13,246	12,954
Percentage of Cases Guidelined	88%	88%	93%
L.E.I.N. Queries	19,843	19,764	25,809

Friend of the Court

The Wayne County Friend of the Court (FOC) is the largest FOC in Michigan, with over 250,000 active domestic relations cases. The FOC is an adjunct of the Circuit Court, which has as its primary responsibilities to investigate, report, and make recommendations to the Court on matters of custody, visitation, and support of minor children; and to provide mediation as an alternative dispute resolution.

Child Support Enforcement 2004 Fiscal Year Statistics

IV-D Cases Open with Support Orders Established

Total	227,558
Active Temporary Aid to Needy Families (TANF)	39,730
Non Active TANF	187,828
Total Support Ordered	\$454,958,026
Total Support Collected	\$336,920,303
Income Withholding	\$239,230,445
Federal Tax Intercepts	25,510,517
Unemployment Compensation	16,163,661
Financial Institution Data Match (FIDM)	7,103,531
Received from Other States	4,481,638
State Tax Intercepts	3,189,315
Receiverships	42,850
Worker's Compensation	16,170
All Other Payments	41,182,176
Total Support Disbursed	\$339,553,671
Custodial Parents	\$285,799,139
State of Michigan-TANF	38,883,987
State of Michigan-Medicaid	7,720,671
Out-of-State Agencies	1,029,258
Other Recipients	6,120,616

Friend of the Court Departments

Case Establishment

The Case Establishment Department is responsible for the initiation of paternity, family support and interstate cases, which result in the establishment of paternity and child support orders. The Department is responsible for a variety of tasks. These tasks include creating documents, recording and docketing events, scheduling all interviews, hearings, and genetic testing appointments, interviewing litigants to determine child support obligations, and appearing at hearings before the Referee and Judge. The Department completes its tasks by dividing the responsibilities into three areas. These areas are the Clerical Support staff, the Domestic Relations staff, and the Special Assistant Prosecuting Attorney (SAPA) staff.

Family Assessment, Mediation, and Education

The Family Assessment, Mediation, and Education Department is comprised of the Family Evaluation, Mediation, and Counseling (FEMC) Unit and the Dispute Resolution Unit (DRU). The FEMC Unit provides court-ordered evaluations and mediation for families where the parents are in conflict regarding custody and/or parenting time. FEMC also occasionally provides supervised parenting time and courtesy home assessments for other jurisdictions. The DRU serves the increasing need for mediation services in domestic relations. It provides a variety of mediation services to the Friend of the Court and to domestic relations judges. DRU also coordinates both court-funded and grant-funded family education programs.

Financial Services Unit

The Financial Services Unit (FSU) has three main functions. The Unit processes payments into the Michigan Child Support Enforcement System (MiCSES). It manages money in the suspense accounts. Money in these accounts cannot be disbursed for a number of reasons. The Financial Services staff reviews why the money is not being disbursed and then takes the necessary action to ensure the appropriate disbursement. The FSU conducts research and assists the various agencies in resolving financial issues.

Interstate Communications Unit

The Interstate Communications Unit handles all post-judgement requests from interstate and intrastate IV-D agencies. These agencies include Interstate Central Registry, Internal Regional Offices, and Interstate Foreign Offices. This Unit responds to inquiries concerning case status, certified payment records, arrearage affidavits, interstate payment processing issues, tax intercept credits received by out-of-state agencies, payment redirects, and case closure reviews.

Friend of the Court Departments

Investigation and Modification Review

The Investigation and Modification Review Department issues recommendations to the Court regarding custody, parenting time and child support on pending divorce and child custody matters. It also issues recommendations on all post-judgement child support matters. Wayne County was one of eight pilot counties in Michigan participating in the 2004 MiCSES Review and Modification Project.

Legal Department

The Legal Department is responsible for handling all internal legal matters for the Friend of the Court (FOC). The Legal Department is presently comprised of four units. The Litigation Unit includes a team of FOC attorneys and clerical staff responsible for handling such actions as workers' compensation claims, litigating court-ordered liens on large sums, employer contempt actions, bankruptcy issues, estates, and property matters. The attorneys are also assigned to judicial dockets in processing show cause proceedings and handling all de novo reviews arising out of FOC referee hearings.

The Bench Warrant Unit handles all bench warrant matters, including contempt hearings held before the Court, processing of bond orders, and bench warrant resolution of individuals held as a result of failure to appear at a show cause hearing.

The Court Services Unit is responsible for processing all FIDM issues, transfer cases, and all matters held before the Court regarding statute limitation issues, and motions to cancel support arrears.

The Case Establishment Unit has Special Assistant Prosecuting Attorneys (SAPA) who are responsible for processing those cases that require a hearing before a Referee regarding establishment of a paternity or support case. SAPAs are also responsible for handling de novo requests before the Court, and pro per motions to set aside Orders of Filiation and Support.

Ombudsman Office

The Wayne County Friend of the Court has an Ombudsman Unit that is responsible for expediting and resolving complex child support issues that may occur as a result of a system or operations error. The office also responds to and resolves all grievances filed by the public with the State Court Administrative Office.

Referee Department

The Friend of the Court (FOC) Referee Department includes eight referees who hear domestic relations disputes and make recommendations to the judges. The referee dockets consist of in-pro per motions, private bar motions, FOC child support modifications, medical show causes, parenting time motions and show causes, license suspensions, and interstate support actions. Referees also hold consent hearings when parties agree on a domestic relations or support matters.

Support Enforcement Department

The Support Enforcement Department's primary focus is to enforce child support obligations. The Department monitors and maintains major enforcement remedies with the intention of increasing collections and reimbursements for the Court. Enforcement programs managed by this Department are Tax Intercept, License Suspension, Passport Denial, Credit Reporting, Auditing, Interstate Child Support Enforcement, and Medical Support Enforcement. The Enforcement staff also assists with the Felony Non-Support Programs. The Medical Enforcement staff ensures that obligors maintain court-ordered health insurance coverage and pay uninsured medical expenses.

Friend of the Court Departments

EXECUTIVE COURT ADMINISTRATOR

Bernard J. Kost

THIRD CIRCUIT COURT MANAGERS

DEPUTY COURT ADMINISTRATOR
Kelli D. Moore

DIRECTOR
CASE PROCESSING
Jerome Fekin

DIRECTOR
ASSIGNED COUNSEL SERVICES &
SPECIAL PROJECTS
Sylestine McQueen

DIRECTOR
ANCILLARY COURT SERVICES
Sidney McBride

DIRECTOR
JURY SERVICES
Mary Kay Wimsatt

DIRECTOR
PRE-TRIAL SERVICES
Alisa M. Shannon

CHIEF FINANCIAL OFFICER
Therese M. Lisowski

JUDICIAL ASSISTANT
Gregory Kocab

DIRECTOR
INFORMATION TECHNOLOGY &
SYSTEMS BUREAU
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Theresa Plotzke

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CLINIC FOR CHILD STUDY
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CHIEF REFEREE
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Kay Farrell

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Michelle Esterbrook

COURT LIAISON
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FRIEND OF THE COURT
Joseph Schewe

ASSISTANT FRIEND OF THE COURT
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ACKNOWLEDGEMENTS

I wish to express thanks to the following people for contributing materials and working on this annual report: Dia Gilbert, Michael Navin, Sylestine McQueen, Violet Leonard, Cheryl Gibson, Denise Davis, Debra McGinnis, Denise Fitzhugh, Carolyn Rhymes, Winston Brewster, Lisa Robinson, John Frasik, as well as all other supervisors and managers. I would also like to thank Elizabeth Shumate for formatting the final document. Finally, a special thanks to Kelli Moore for assuming overall responsibility for the content, design, editing, and layout of the report. I truly appreciate her dedication and hard work.

Bernard J. Kost

Executive Court Administrator