



**House  
Legislative  
Analysis  
Section**

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**NEW JUDGESHIPS  
RECEIVED**

**OCT 08 1990**

**House Bill 5500 as enrolled  
Second Analysis (7-9-90)**

**Sponsor: Rep. David M. Gubow**

**House Committee: Judiciary**

**Senate Committee: Appropriations**

**Mich. State Law Library**

***THE APPARENT PROBLEM:***

Many trial courts are having difficulty managing with existing resources, as case filings increase and backlogs develop. While clogged dockets can be eased by the use of judges temporarily assigned from other jurisdictions, it sometimes becomes necessary to create new judgeships in order to meet needs. The constitution requires that new judgeships be filled by election, which means that there is a biennial deadline for the necessary statutory changes and local resolutions to be enacted in time for candidates to file for election. (The Revised Judicature Act establishes deadlines for statutory creation and local approval of new judgeships, while the Michigan Election Law places a deadline on filing for the primary election.) With the approach of the biennial deadline for action, the State Court Administrative Office (SCAO) analyzed current judicial resources, caseloads (in the sense of caseload trends, and in the sense of comparisons between courts), and projections on future need. To develop a model for analyzing future need, the SCAO examined various objective factors that might serve as indicators for the number of judges needed, and settled on the number of new cases filed as the most useful single factor in predicting the need for new judgeships. Using statistical analysis in conjunction with indications of local support and consideration of special circumstances, the SCAO developed recommendations for additional judgeships for various courts. Many urge that new judgeships, including those recommended by the State Court Administrative Office, be created and that various changes in procedures be made to facilitate elections for those judgeships.

***THE CONTENT OF THE BILL:***

The bill would amend the Revised Judicature Act to authorize the creation of new circuit and district judgeships as explained below. It also would delete an existing authorization for an extra circuit judge for Macomb County, change the effective dates for various other existing authorizations, delete provisions for the consolidation of the 48th and 52nd districts, provide for distribution of fines upon consolidation of the 45th-B district into the 52nd, and authorize the fifth judicial circuit (Barry-Eaton) to be split into two circuits, and the third district (St. Joseph and Branch counties) to be split into two districts.

**New judgeships.** The creation of each new judgeship would require local approval, by the appropriate boards of the county commissioners (for circuit judgeships) or the governing bodies of appropriate district control units (for district judgeships). For a new judgeship to be filled, a resolution adopted by the appropriate local body must be filed with the state court administrator. The bill would specify that a resolution filed before the effective date of the amendatory act authorizing a judgeship would be valid if filed during the two-year legislative session during which the amendment was made. The deadline for filing a resolution approving of a circuit or district judgeship would

be changed from the thirteenth to the sixteenth Tuesday preceding the August primary for the election to fill the additional judgeship. (This conforms to other recent legislation moving up filing deadlines for primaries to allow earlier ballot preparation.)

Some of the new judgeships would be effective January 1, 1991, while others would be authorized commencing January 1, 1993. In some cases, initial terms would be limited to four years in order to provide for staggered terms with existing judgeships. One additional judgeship would be authorized for each of the circuits and districts listed below. New judgeships would be authorized as follows:

Circuit	Effective Date
20th (Ottawa)	1-1-93
34th (Arenac, Ogemaw, Roscommon)	1-1-91
37th (Calhoun)	1-1-93
48th (Allegan)	1-1-91
District	
19th (Dearborn)	1-1-91
31st (Hamtramck)	1-1-91
34th (Romulus, Belleville)	1-1-91
35th (Northville, Plymouth)	1-1-91
47th (Farmington, Farmington Hills)	1-1-91
48th (Birmingham, Bloomfield Hills)	1-1-93
52nd, 1st div. (Novi, S. Lyon, Wixom, Walled Lake)	1-1-91
58th (Ottawa county)	1-1-91
64th-A (Ionia county)	1-1-93
82nd (Alcona, Oscoda, Ogemaw counties)	1-1-91
87th (Kalkaska, Antrim, Otsego counties)	1-1-91

**Existing authorizations.** The bill would delete a provision that authorized a ninth judge for the twentieth circuit (Macomb county) effective January 1, 1981. The effective date for an existing authorization for an additional judgeship for the thirty-fifth circuit (Shiawassee county) would be postponed from January 1, 1981 to January 1, 1991, and one for the fifteenth district (Ann Arbor) would be postponed from January 1, 1991 to January 1, 1993.

**Forty-eighth/Fifty-second district consolidation.** The bill would delete provisions authorizing the forty-eighth district (Birmingham, Bloomfield Hills, et al.) to become the eighth division of the fifty-second district (Oakland county, except for certain municipalities).

**Barry-Eaton circuit court.** The bill would authorize the division of the fifth judicial circuit, which covers Barry and Eaton counties, into two circuits. With approval from both counties, the fifth circuit would consist of Barry County, while the fifty-sixth circuit would be created for Eaton County, effective January 1, 1991. The circuit at present has two judges, with a third authorized effective January 1, 1991. Under the bill, each county would have one judge, with Eaton County retaining the authorization to approve the creation of one additional judgeship.

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St. Joseph-Branch district court. The bill would authorize the third district, consisting of St. Joseph and Branch counties, to be split into two districts corresponding to the two election divisions that now exist for the district. With the approval of both counties, the 3rd-A district would be created for Branch and the 3rd-B for St. Joseph. Each district would retain one judge (each division has one judge now), and one additional judge would be authorized for St. Joseph effective January 1, 1991.

Consolidation of 45th-B and 52nd districts; fines. The act at present authorizes the consolidation of the 45th-B district (Huntington Woods, Oak Park, Pleasant Ridge, Royal Oak) into the 52nd district, where it would become that district's seventh division effective January 1, 1991. Should this consolidation take place, special provisions would apply under the bill in the 52nd district for the distribution of fines and costs, other than those imposed for the violation of a state penal law or ordered in a civil infraction action for the violation of a state law. Ten percent of fines and costs would be paid to the political subdivision whose law was violated, and 90 percent would be paid to the county in which that subdivision was located.

Consolidation of second and third class districts. The law at present says that a district of the third class may not be consolidated into a district of the second class unless each district control unit in both districts approved. The bill would instead require approval from each unit in the second class district, plus each unit in the third class district that contributed to the maintaining, financing, and operating of the court.

MCL 600.550 et al.

## ***FISCAL IMPLICATIONS:***

The State Court Administrative Office puts the annual state cost, based on 1990 rates, of a circuit court judgeship at about \$100,000, and of a district court judgeship at about \$101,000. In addition, the creation of each new district court judgeship presents a one-time cost to the state of about \$5,000 for recording equipment. (Judicial Resource Recommendations, January 1990)

## ***ARGUMENTS:***

### ***For:***

Consistent with existing and projected needs, the bill would provide for new circuit and district court judgeships, thus helping to ease clogged dockets and improving the administration of justice. Unwanted judgeships would not be forced on any local units of government, for the bill would preserve requirements for local approval before a judgeship authorized by the state could be created and filled. The bill also would address a number of related matters concerning judicial needs; among other things, it contains provisions on splitting or consolidating various courts, and adjusting deadlines for local approval of authorized judgeships.