

Testimony of William C. Buhl, Retired Circuit Judge

House Judiciary Committee Hearing November 14, 2013

On SB 653

My name is William C. Buhl and I am a retired Circuit Judge from Van Buren County. Senate Bill 653 includes a provision restoring five judges to Van Buren County. By 19 PA 2012 Van Buren County lost one district judge, after an initial proposal to lose a circuit judge. The reduction of judicial numbers in Van Buren County, in district or circuit court was ill-advised.

I am uniquely equipped to comment on Van Buren County's judicial history and needs. I was Assistant Prosecutor for the County when the first two district judges were elected in 1968, served as Prosecuting Attorney from January 1, 1969 to December 9, 1974 when I was appointed District Judge, and served in that capacity until I was elected to Circuit Court in 1988. I retired at the end of 2010.

Judicial Resource Recommendations were made in 1999, 2003, 2005, 2007 and 2009. Van Buren County had its lowest rating in 2009 at 4.4 judges needed, yet not one of these studies suggested that the county lose a judge.

One of the easiest ways to demonstrate trends in case load is to study District Court traffic misdemeanor and civil infraction new case filings and drinking driving new case filings:

<u>Year</u>	<b>STATEWIDE</b>		<b>VAN BUREN COUNTY</b>	
	<u>Traffic misd. and civil infractions</u>	<u>OWI/OUIL</u>	<u>Traffic misd. and civil infractions</u>	<u>OWL/OUIL</u>
2002	2175625	60572	14443	619
2003	2177786	59809	13240	552
2004	2011146	56140	12589	586
2005	2062952	55668	13185	572
2006	2101832	54096	11855	560
2007	2128535	50966	11230	497
2008	1983146	48443	8578	552
2009	1858254	46550	9685	566
2010	1787769	41531	8578	552
2011	1634736	36493	9050	476
2012	1588357	36084	10157	506

These figures show that from 2002 to 2010 traffic misdemeanors and civil infractions statewide dropped 18%, while OWI/OUIL filings were down 37%. In Van Buren traffic misdemeanors and civil infractions were down 41% and OWI/OUIL filings 11%.

This decline wasn't just a Van Buren County phenomenon but a statewide drop because of the 2008 recession. Why was Van Buren hit harder? MSP Post 55 was shut down in South Haven because of the fiscal crisis, on January 1, 2008. Traffic filings went from 11,230 in 2007 to 8578 in 2008.

If a case could be made for a judicial reduction in the 2009 Judicial Resources Recommendations (which did NOT so recommend) it would have been in District Court.

In 2010, Senator Jelinik sponsored SB 1452, reducing the number of Circuit Judges in Van Buren County from two to one by attrition. That would have been on January 1, 2011, as I had already announced my retirement. When the Senator found that four of the five judges in the county knew nothing of this plan, and the Van Buren County Bar Association strongly opposed it, he withdrew his support and the bill died.

#### **WHY DID VAN BUREN COUNTY LOSE A DISTRICT JUDGE?**

What changed from 2009 to 2010 to cause anyone to recommend what wasn't recommended in 2009 in the Judicial Resources Recommendations with an apparent 4.4 judicial need? Politics. For reasons too numerous and irrelevant to list, certain factions in the county wished to see South Haven District court closed, and all judges located in Paw Paw. First an attack on the District Court venue rule was launched. That failed. By reducing the number of judges from five to four, the county would be forced to close the District Court facility in South Haven. The problem was that reduction had to be by attrition, and if both District Judges served until the Michigan Constitution aged them out, it could be 2028 before the reduction took place! So these factions misled Senator Jelinik into sponsoring a bill that would have an immediate reduction.

Despite the increasing needs of Circuit Court in Van Buren County (in 2010 a record 482 felony convictions occurred, even in the advent of diversions to the newly established Drug Treatment Court that wasn't even factored into the 2009 Judicial Resources Recommendations) the legislation proposed to reduce judgeships in the state (SB 832 2011) called for the County losing a circuit judge, and the Governor had refused to fill my vacancy for over a year. Finally the bill was substituted to lose a district judge.

#### **WHY SHOULD THE LOST JUDGE BE RESTORED?**

Since 2010 the statewide figures show that we are still feeling the effects of the economic downturn. Traffic case new filings from 2010 to 2012 dropped another 11% with OWI/OUIL case down another 13%. **But in Van Buren County traffic new filings for the same period are up 18%. OWI/OUIL filings dropped only 8%.** The Seventh District Court reports to me that 2013 new filings continue to rise. It is very possible that with the economic recovery, slow as it is, MSP Post 55 could be restored.

It is also unhealthy to have a county living on a time bomb. Will we continue with five judges until 2028, or will one of our judges decide to retire, or will an unexpected death reduce the county to four judges?

For all these reasons, SB 653 should become law.