

# MICHIGAN TRIAL COURTS

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## ***Circuit Court***

The history of the circuit court dates back to 1824 when three judges of the supreme court held annual terms in the counties of Wayne, Monroe, Oakland, Macomb, and St. Clair and were authorized to hold special sessions in Crawford, Brown, and Michilimackinac counties. In 1835, circuit courts were established by name, but were presided over by the judges of the supreme court.

The county courts in all of the counties of the territory east of Lake Michigan, except Wayne, were abolished in 1833 and replaced by “The circuit court of the territory of Michigan.” The state was divided into three circuits in 1836 and the judges of the supreme court performed the duties of circuit judges. The Revised Statutes of 1846 abolished the court of chancery, and the chancery powers were conferred upon the several circuit courts. The Constitution of 1850 made the office of circuit judge elective and the term of office six years.

The Constitution of 1908 provided for judicial circuits. At present, the state is divided into 57 judicial circuits along county lines. The number of judges within a circuit is established by the Legislature to accommodate required judicial activity. In multicounty circuits, judges travel from one county to another to hold court sessions. Circuit judges are elected for terms of six years in nonpartisan elections. A candidate must be a qualified elector, a resident of the judicial circuit, a lawyer, and under 70 years of age. The legislature sets salaries for circuit judges, which may be supplemented by counties.

The circuit court is referred to as the trial court of general jurisdiction in Michigan because of its very broad powers. Circuit court has jurisdiction over all actions except those given by state law to another court. Generally speaking, circuit court has original jurisdiction in all civil cases involving more than \$25,000; in all criminal cases where the offense involves a felony or certain serious misdemeanors; and in all family cases and domestic relations cases such as divorce, paternity actions, juvenile proceedings, and adoptions.

The **Family Division** is a division of circuit court. The Family Division has exclusive jurisdiction over all family matters such as divorce, custody, parenting time, support, paternity, adoptions, name changes, juvenile proceedings, emancipation of minors, parental consent, and personal protection proceedings. The Family Division also has ancillary jurisdiction over cases involving guardianships and conservatorships and proceedings involving the mentally ill or developmentally disabled.

The **Court of Claims** is a court of statewide, limited jurisdiction established to hear and determine all civil actions filed against the State of Michigan and its agencies. The Court of Claims is located in the Michigan Court of Appeals. Four Court of Appeals judges, including a chief judge, are assigned to the Court of Claims by the Michigan Supreme Court. Each Court of Claims case is heard by a single judge. The Court of Claims operates much like any other Michigan circuit court. In the Court of Claims, however, there is no right to a jury trial.

## ***Probate Court***

In 1818, the court of probate was established in each county, the members of which were appointed by the Governor, and from which appeals might be taken to the supreme court. These courts continued in operation until Michigan became a state. The Revised Statutes of 1838 made the office of Judge of Probate elective and the term of office four years. The Constitution of 1850 provided for a probate court in each county, and the Constitution of 1963 expanded the term of office to six years.

The probate court has jurisdiction over cases that involve the admission of wills, administration of estates and trusts, guardianships, conservatorships, and the treatment of mentally ill and developmentally disabled persons.

Each county has its own probate court, with the exception of ten northern counties that have consolidated to form five probate court districts. Each of those probate court districts has one judge. Other probate courts have one or more judges. Probate judges are elected to six-year terms on a nonpartisan ballot, subject to the same requirements as other judges. The Legislature sets probate judges' salaries.

## ***District Court***

District courts were created by Public Act 154 of 1968, to commence functioning January 1, 1969. These courts replaced justice of the peace courts and circuit court commissioners, as mandated by the

Constitution of 1963. The act also abolished municipal and police courts, but contained provisions allowing certain municipalities to retain their municipal courts. Four municipal courts still exist.

The district court is often referred to as “The People’s Court,” because the public has more contact with the district court than with any other court in the state and because many people go to district court without an attorney.

The district court has exclusive jurisdiction over most traffic violations, civil cases where the amount in controversy does not exceed \$25,000, landlord-tenant and land contract matters, and civil infractions. The court may also conduct marriages in a civil ceremony.

The district court’s small claims division handles cases in which the amount in controversy is \$3,000 or less. Small claims litigants represent themselves; they waive their right to be represented by an attorney, as well as the right to a jury trial. They also waive evidence rules and any right to appeal the district judge’s decision. If either party objects, the case is heard in the court’s general civil division, where the parties retain these rights. If a district court attorney magistrate enters the judgment, the decision may be appealed to the district judge.

District courts handle a wide range of criminal proceedings, including misdemeanors, offenses for which the maximum possible penalty does not exceed one year in jail. In misdemeanor cases, the district court judge arraigns the defendant, sets and accepts bail, presides at the trial, and sentences the defendant. Typical district court misdemeanor offenses include driving under the influence of intoxicants, driving on a suspended license, assault, shoplifting, and possession of marijuana. The district courts also conduct preliminary examinations in felony cases, after which, if the prosecutor provides sufficient proofs, the felony case is transferred to the circuit court for arraignment and trial. The district courts also handle extraditions to another state for a pending criminal charge, coroner inquests, and issuance of search warrants. The court may appoint an attorney for persons who cannot afford a lawyer and may go to jail if convicted.

District judges are elected to six-year terms on a nonpartisan ballot, subject to the same requirements as other judges. The Legislature sets district judges’ salaries.

### ***Municipal Courts***

Municipal courts were organized subject to Public Act 5 of 1956, although most were established under either Public Act 279 of 1909 or Public Act 269 of 1933. The District Court Act of 1968 abolished most of the municipal courts, but permitted some municipalities to retain their courts. Four municipal courts remain: Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, and Grosse Pointe Woods, all in Wayne County.

The municipal courts have jurisdiction over most traffic violations, civil cases where the amount in controversy does not exceed \$3,000, landlord-tenant matters, and civil infractions. Municipal courts’ jurisdiction in criminal proceedings includes handling misdemeanors and conducting preliminary examinations in felony cases.

Municipal judges are elected to four-year terms and are paid by the municipalities. Candidates must be lawyers, qualified electors, and residents of their municipalities.