

JUDICIAL CROSSROADS TASK FORCE COURT STRUCTURE AND RESOURCES COMMITTEE

Findings:

- Michigan is in a period of economic transition likely to continue for a significant period of years. As a result, there will be relatively fewer public resources available to meet demand for services, especially economic aid and health services, which in turn will affect the nature and volume of demands on the court system.
- The total cost of operating the court system at the close of 2008 was \$1.525B, of which approximately \$1.451B represents the cost of operating the trial courts. Approximately \$333M is from state sources; \$106M from federal sources, \$252M from court-collected revenue; and \$762M from local government. The committee believes that the recession has had a serious negative, but disparate, impact on local government funding, but that the impact on local funding overall appears to lag the state impact somewhat.
- Although courts account for less than 2% of the state's general fund/general purpose appropriations, they will continue to face severe budgetary pressure at both the state and local level for the foreseeable future. The committee's discussions recognized that some states have achieved operational advantages and efficiencies from conversion to a state-funded system, but makes no recommendation concerning the sources of court funding overall. The committee's recommendations are equally applicable to the current mixed-funding system or a state-funded system.
- A key element in providing appropriate and cost-effective court services is ensuring that judicial services are distributed appropriately throughout the state, based on need. The committee believes that given the prevailing demographic and caseload trends, with careful planning the number of judgeships in Michigan can be reduced over the next two decades without degrading the quality of court services. There are currently 585 full-time trial court judgeships in Michigan: 221 circuit; 258 district; 102 full-time and 1 part-time probate; and 4 municipal.
- There is no consensus on the correct number of judges for current trial court needs, but there is consensus on the development of a methodology to determine current and future needs. That methodology, using up-to-date statewide data and the resources of the National Center for State Courts, will be completed in the spring of 2011.
- To maintain stability and judicial independence, reductions in judgeships must only take effect when a judge dies, retires, or is ineligible to run for reelection because the constitution prohibits the election or appointment of someone age 70 or older. Even with these limitations on the timing of reductions, there are certain to be sufficient opportunities in the five election cycles between 2012 and 2021 to "right-size" the court system; within that period, for example, 209 trial judges presently sitting will become ineligible to run for reelection for age-based reasons alone.
- Court consolidation and coordination of services between the various types of courts within judicial districts and regions offer the potential for significant savings but should be undertaken only after careful planning based on best practices, the successful experience of other courts, and reliable data.
- As judgeships are reduced and court services consolidated, court management must be more flexible in reassigning the workload to continue to provide a high quality of service. The judges and court staff remaining must be willing and trained to assume more and different responsibilities.

- The greatest budgetary savings statewide will only be possible by making full and informed use of technology and proven techniques for case management.
- The absence of a statewide plan for phased-in consolidation and coordination of court services would not only prevent the state from capitalizing on the opportunity presented by the large number of impending judicial retirements, it would cause widespread degradation of court services throughout the state.
- Additional resources expended for innovative, community-based services in the trial court setting addressing substance abuse and mental health problems have yielded dramatic reductions in costly institutional placements and ancillary foster care expenses.