

**LAW SCHOOL FOR LEGISLATORS**  
**Structure and Function of Michigan's Courts**

**I. “One Court of Justice”**

1. “The judicial power of the State is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by two-thirds vote of the members elected to and serving in each house.”  
*Const. 1963, Art VI, §1*

**II. Appellate Courts**

**A. Supreme Court**

1. The Supreme Court consists of seven justices who are elected in non-partisan elections to eight-year terms.  
*Const. 1963, Art VI, §2*
2. The primary purpose of the Supreme Court is to hear appeals from cases decided by the Court of Appeals.
  - There is no right to appeal from a decision of the Court of Appeals. The Supreme Court must grant permission or "leave" to a party seeking review of a Court of Appeals' decision.
  - The decisions of the Supreme Court have the force of law and are binding on all of the lower courts.
3. In addition to deciding cases, the Supreme Court:
  - manages the functioning of the entire court system;
  - establishes rules of procedure for itself and the lower courts;
  - establishes rules of evidence for the trial courts; and
  - establishes rules of professional conduct for judges and lawyers.

**B. Court of Appeals**

1. The Court of Appeals currently consists of 28 judges, who are elected in non-partisan elections to six-year terms.  
*Const 1963, Art VI, §9*
2. For election purposes, the court of Appeals is divided into four districts. However, the judges hear appeals from throughout the state.

3. The judges sit in panels of three, which rotate on a monthly basis. Each panel hears from about 20 to 40 cases each month.
4. The primary function of the Court of Appeals is to hear appeals by right from final judgment of the circuit courts.
5. A final judgment in a civil case is one that disposes of all the claims and adjudicates the rights and liabilities of all the parties.  
*MCR 7.202(7)(a)*
6. The Court of Appeals may also hear appeals from rulings of the circuit courts that are not final. These are called "interlocutory" appeals and are heard only if the court grants leave.
7. Unlike the Supreme Court, the decisions of the Court of Appeals do not necessarily have the force of law. It depends on whether or not the Court decides to publish its decision.
  - Unpublished decisions have no precedential value, bind only the parties and do not control the lower courts. Most Court of Appeals' decisions are unpublished.
  - Published decisions, however, have the force of law and are controlling on the lower courts.
8. Resolution of conflicts within the Court of Appeals
  - For the first 25 years of the Court of Appeals' history, different panels were permitted to take conflicting positions on the same point of law. Only the Supreme Court could resolve the conflict.
  - In 1990, a new procedure was established to avoid and resolve conflicts. Under this procedure, any panel must follow the rule of law established by a prior published decision of another panel that was issued on or after November 1, 1990. There are two exceptions. The rule of law was reversed or modified by:
    - (1) the Supreme Court; or
    - (2) a special "conflicts" panel of seven Court of Appeals judges.  
*MCR 7.215 (J)*

### III. Trial Courts

#### A. Circuit Courts

1. The circuit courts are courts of general jurisdiction. This means that they have all the powers of the English courts of record at common law and the English court of chancery as of March 1, 1847 except as modified by the State's Constitution and Statutes.  
*MCL 600.601, 600.605, 600.611, 600.621*
2. The most significant limitations placed upon the jurisdiction of the circuit courts is that they can hear only civil cases where the amount in controversy is \$25,000 or greater and only criminal cases involving felonies.
3. The circuit courts have full equitable power. Equity is a form of relief other than money damages. These include an injunction requiring or prohibiting certain conduct and declaration of the parties' rights.
4. The circuit courts hear family law cases.
5. The circuit courts conduct trials, where the fact-finder is either the judge (a "bench" trial) or a jury. In trials of either type, it is the role of the judge to determine the legal principles that govern the case.
6. The circuit courts hear appeals from the district courts.
7. Emerging Issues Concerning Jury Trials
  - In the last session, there were several bills intended to expand the populations from which potential jurors were drawn.
  - Currently, potential jurors are drawn from drivers license recipients and State ID card holders. The rationale was that this would produce a diverse pool of potential jurors. Critics, however, said that diversity did not occur, especially in Detroit.
  - Recent bills have expanded the jury pool to include:
    - Registered voters and state income tax filers.  
*HB 4755, HB 4859*
    - Recipients of public assistance or unemployment benefits.  
*HB4931 - 4934*

- Issues
- The pool of potential jurors will be expanded and diversified by including these groups in the pool.
- Problem is not size or diversity of jury pool but that some populations within the jury pool fail to return jury questionnaires.
- Increase burden on Departments of Treasury and Human Services.
- Increase the costs to county governments to the extent that the bills increase the workload of local jury boards, whose members and staff are compensated by the county.

## **B. District Courts**

1. The district courts were created by the Legislature as courts of limited jurisdiction.  
*MCL 600.8101 et seq*
2. The district courts hear civil cases where the amount in dispute is under \$25,000.  
*MCL 600.8301*
3. Generally, the district courts do not have equitable power.
4. A division of the district court is the small claims court. The small claims court hears civil cases where the amount in dispute is \$3,000 or less.  
*MCL 600.8401*
5. Parties in small claims actions waive their right to an attorney, to a jury trial and generally to an appeal. *MCL 600.8408, 600.8411, 600.8412*
6. In the last session, the Legislature raised the jurisdictional amount to \$4,000, beginning July 1, 2009, to \$4,500 beginning July 2010, and to \$5,000 beginning July 1, 2011. *Enrolled Senate Bill No. 786*. The bill did not become law, however, because it was the subject of a pocket veto by the Governor.

## **IV. Specialized Courts**

### **A. Probate Courts**

1. These courts handle the administration of trusts and estates.
2. They also handle matters relating to protected individuals, such as the appointment of guardians and conservators.
3. The key statute is the Estates and Protected Individuals Code  
*MCL 700.1101 et seq.*

**B. Court of Claims**

1. The Court of Claims has exclusive jurisdiction to hear contract claims and tort claims against the State over \$1,000.
2. The Court of Claims is a function of the Ingham County Circuit Court.
3. The key statute is the Court of Claims Act  
*MCL 600.6401 et seq.*