

# Critical Condition



Janet K. Welch

**A**s is often the case, the good news at first blush sounds like bad news: Michigan's economic condition is so dire, with needs rising steadily and state and local budgets hemorrhaging revenues, that the funding needs of the judicial branch have barely been an afterthought in policymakers' deliberations. This is, to be sure, not a new phenomenon; traditionally receiving just 1.7 percent of the state's general fund obligations, the third branch of government tends to fall off the radar screen in Michigan, as in most states. Understandably, in the face of an economic crisis more profound than any since the Great Depression, legislative and executive branch attention is focused on big-ticket items like the school aid fund and Medicaid, and the growing evidence of structural deficiencies in our tax system.

So how is that *good* news?

The good news for lawyers is that the health and well-being of Michigan's judicial branch is best assured when its future is determined by those who know it best and have a professional and personal stake in its well-being: Michigan's judges and lawyers. The fact that policymakers' focus is elsewhere lets us quietly occupy the field. With a 20 percent reduction in the state's overall budget rumored to be on the table, this is the moment for the state's bench and bar to offer a serious, informed, and hard-headed assessment of the needs of the court system—now and in the foreseeable future—and to make long-term recommendations about how the needs of justice can be served as the state's economy and demographics change.

And that is exactly what we are in the process of doing through the newly established Judicial Crossroads Task Force and the contributions of lawyers and interested stakeholders throughout the state. Chaired by Edward H. Pappas, immediate past pres-

ident of the State Bar, and Barry L. Howard, former chief judge of the Oakland County Circuit Court, the task force held its first meeting in Lansing on October 23, and expects to wrap up its work by next fall.

The four committees whose work will lay a critical foundation for the task force's deliberations are Structure and Resources, Access to Justice, Technology, and Business Impact.

We are encouraged and humbled by the stature of the people who have agreed to serve on the task force and its committees—proven leaders who bring a wealth of wisdom and experience to this formidable assignment—and by the support and cooperation of the Michigan Supreme Court and State Court Administrative Office. But even with an all-star cast, an optimal result requires broader input—yours. Our membership is immensely talented, diverse, and contentious, and the more voices we hear from, the stronger our recommendations will be. Furthermore, this is a diverse state, which means that the best solutions to the problems we face will be locally informed and flexible. That's why we have designed a web page to provide easy access to all the studies and testimony provided to the task force and its committees, allowing you to follow their deliberations and making it easy to contribute your own thoughts and recommendations. Bookmark <http://www.michbar.org/generalinfo/judicialcrossroads.cfm>; the page will offer new information on a regular basis.

Here are just a few of the questions the task force and its committees are being challenged to answer:

- Are there tasks being performed or procedures required within the system that fail to advance or even impede the operation of justice?
  - Do we have the most effective and efficient mix of judges, judicial officers, and court staff to meet the changing case-load needs of the state?
  - How do we best respond to the growing number of potential litigants who show up at the courthouse door without the benefit of a lawyer?
  - To what extent can technology help the judicial branch become more efficient and user-friendly, and what are the economic alternatives for implementing a statewide system operable throughout our One Court of Justice?
  - What service delivery changes would make Michigan's judicial system the most attractive in the nation for businesses and serve as an incentive for locating or continuing to do business in Michigan?
- We need *your* answers and *your* questions. The stakes for justice in Michigan couldn't be higher.
- If we fail, the current problems of the court system—lack of standards and chronic underfunding of indigent criminal defense and juvenile justice, and the lack of a coherent statewide information system, to name just few—will grow even worse. And the strengths of our court system—especially a strong, experienced bench and court staff—will quickly erode. If, with your help, we live up to our ambitious agenda, we will capitalize on our judiciary's many strengths and also provide a safe haven for innovative ideas to reinvent Michigan's third branch of government as a national model for efficient, comprehensive, and sensible justice for all.

Join us. ■