

A Proposal for Restructuring the Eastern District of Michigan

By Hon. David M. Lawson and Hon. Thomas L. Ludington

Throughout its history, the United States District Court for the Eastern District of Michigan has attempted to adapt to the changing needs of the population it serves. It has grown from a court with a single judge in Detroit whose makeshift courtroom was situated above a meat market to a court with 20 active and senior judges presiding over cases in five different cities. Only one of those judges, however, serves the Northern Division of the Eastern District, creating administrative inefficiency and the potential for judge shopping. In response, the judges of the Eastern District have proposed eliminating the statutory distinction between the Northern and Southern Divisions, while retaining all the current places of holding court. The resulting configuration will provide a more efficient and fair judicial system of assigning cases and distributing workload in the Eastern District.

When Michigan became a state in 1837, all 97,000 square miles of land and water belonged to a single judicial district and were served by a single district judge holding court in Detroit—Ross Wilkins. But as settlers ventured farther into Michigan's northern and western counties, Congress determined that additional judges and places of holding court were necessary to serve the state's growing population. Congress divided the state into the Eastern and Western Districts of Michigan in 1863, creating a new judgeship in the process. The Western District of Michigan was further divided into Northern and Southern Divisions in 1878. Finally, in 1894, the subdivision of the state into different districts and divisions ended with the birth of the Northern Division of the Eastern District of Michigan. Bay City, the home of a new federal building and courthouse, was selected as the place of holding court for the division. Port Huron, although geographically situated in the Southern Division, was named an alternate place of holding court for the Northern Division. Flint was later added as a place

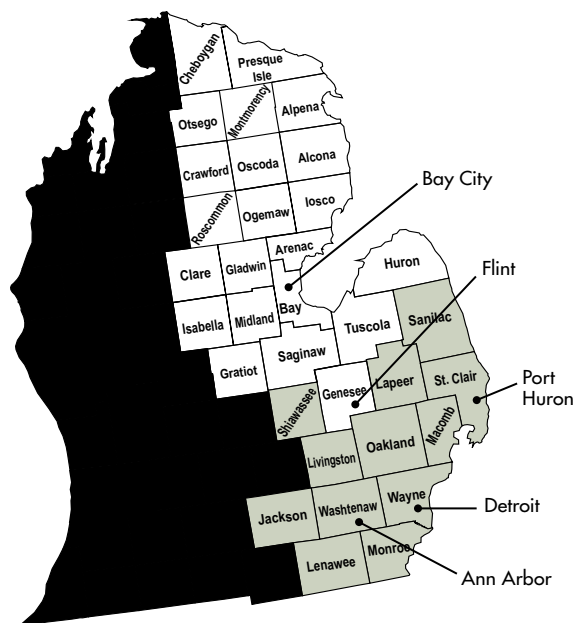
of holding court for the Northern Division, and Port Huron was returned to the Southern Division. In 1964, Genesee and Shiawassee Counties were transferred to the Southern Division, and Bay City was left as the only place to hold court in the Northern Division.

The Eastern District of Michigan remains divided into Northern and Southern Divisions by statute, which names Bay City as the only place of holding court in the Northern

Division.¹ The statute also provides a list of 21 counties that comprise the Northern Division and 13 counties that comprise the Southern Division. For many years, one judge has served the Northern Division from Bay City and the remaining judges have served the Southern Division from Detroit, Ann Arbor, Flint, and Port Huron. Under Eastern District of Michigan Local Rule 83.10, civil cases are typically assigned to a division based on the

Proposed County Configuration Overview

This map illustrates a proposed county configuration based on 2008 and 2009 case data below.



Northern Counties with Three Judges

	2008			2009		
	Civil	Crim	Total	Civil	Crim	Total
Northern counties Totals/judge	136.7	47.0	183.7	129.3	48.3	177.7

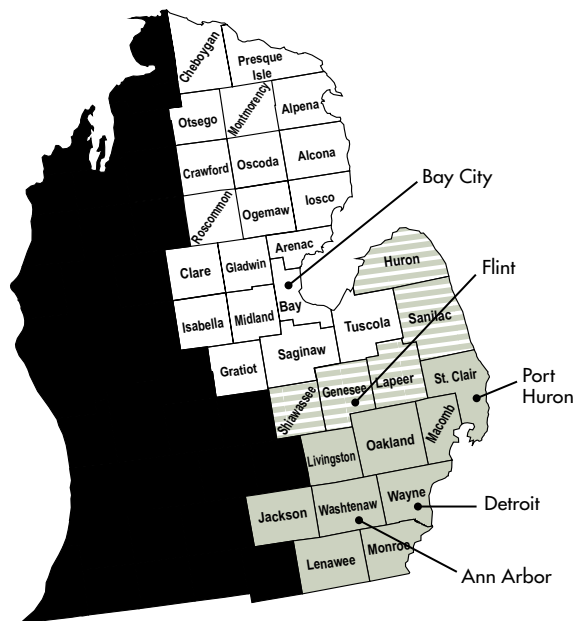
Southern Counties

	2008			2009		
	Civil	Crim	Total	Civil	Crim	Total
Southern counties Totals/judge	117.9	32.0	149.9	133.5	34.0	167.5

Maps courtesy of Dave Weaver

Future Possible Configurations

The map below illustrates counties (striped) that may change regions depending on future case data.



county in which the plaintiff resides or in which the claim arose. Under Local Criminal Rule 18.1, criminal cases are assigned to a division based on the county in which the offense was committed.

In recent years, the separation of the Eastern District into distinct geographical divisions has created two problems. First, parties with knowledge of the local rules can manipulate the court's case-assignment system to ensure that their case will or will not be assigned to the Northern Division judge. In some cases, choosing between divisions is as simple as determining which plaintiff to list first on the complaint. Second, as the population shifts over time, caseloads of the Northern and Southern Division shift with it. Recently, shifting caseloads have resulted in a higher number of cases being assigned to the single Northern Division judge than to the judges of the Southern Division. The Northern Division caseload may be further impacted by a recent consent judgment entered into by the state of Michigan and Saginaw Chippewa Indian Tribe, which could increase the number of criminal cases arising from the Eastern District's only Indian reservation in Isabella County.

Importantly, the court is unable to restructure itself to remedy judge shopping and

caseload concerns because the court divisions are established by Congress; it takes an act of Congress to reallocate the counties—and corresponding workload—between the divisions. The current courthouse in Bay City cannot physically accommodate an additional judge, and the expense to the taxpayers of building a new facility is prohibitive.

To address the current problems in the most cost-effective way and provide maximum flexibility for future changes, the judges of the Eastern District have proposed eliminating the statutory distinction between the Northern and Southern Divisions. The revised statute would provide for a 34-county Eastern District of Michigan, maintaining the five current places of holding court, and permit the judges to equitably manage case assignments and resource division as necessary. The solution would retain the geographic efficiencies associated with several places of holding court, eliminate the potential for judge shopping, and balance the caseloads of district judges without creating any new infrastructure costs.

According to Court Administrator Dave Weaver, one proposed solution would be to assign an additional judge to holding court in Flint and have the Flint judges—plus the Bay City judge—accept assignment

of cases from counties located in the present Northern Division and Genesee County. Following that change, three judges would preside over cases arising from Genesee County and the current Northern Division counties—two in Flint and one in Bay City—and those judges would have caseloads similar to their colleagues in Port Huron, Ann Arbor, and Detroit.

This is just one example of the greater efficiencies that could be realized. Cases originating in counties that are equidistant from multiple places of holding court could be divided among those locations without having to honor statutory divisional boundaries. With proper information, the court will be able to improve service by assigning cases in ways that increase convenience for litigants and lawyers, equitably divide the workload among its judicial officers, and maintain the integrity of its blind-draw assignment system. Weaver's office is designing a computer program that will track the information the court will need to monitor case allocation to maintain these geographic and docket efficiencies.

This proposal provides the Eastern District of Michigan with a prompt solution to an identified problem. It also provides the administrative tools the court needs to grow and adapt to a changing state without new infrastructure costs. It will enable the court to continue its distinguished tradition of serving litigants efficiently and fairly. ■



The authors serve on the United States District Court for the Eastern District of Michigan. Judge David M. Lawson served the Northern Division from 2000 through 2006, when he moved his chambers to Detroit. Judge Thomas L. Ludington was appointed to the position in 2006 and continues to serve the Northern Division from Bay City. The authors would like to thank Michael Schoepf, law clerk to Judge Ludington, for his assistance with this article.

FOOTNOTE

1. See 28 USC 102(a).