



**BOARD OF COMMISSIONERS
MEMORANDUM**

TO: Board Chair Dan Koorndyk

FROM: Judicial Resources Subcommittee – Commissioner VanderMolen (Chair), and Commissioners Bolter, Bulkowski, Morgan and Saalfeld

SUBJECT: Subcommittee Recommendation – Additional Judgeships for Kent County

DATE: November 16, 2015

Every two years, the State Court Administrative Office (SCAO) conducts a review of judicial resources throughout the State. The 2013 Report included a recommendation of two additional judgeships for Kent County – one in each the 17th Circuit and 63rd District courts. Implementation of any recommendation to add additional judges is subject to approval of the Board of Commissioners and the State of Michigan. Although the State enacted legislation adding the judgeships (Public Acts 58 and 60 of 2014), a subcommittee of the Board of Commissioners recommended that the County not approve the judgeships at that time, and revisit the issue in two years, pending the findings of the 2015 SCAO review.

The 2015 SCAO analysis was prepared as if the 2013 recommended judgeships were already in place. The 2015 Report found that if those additional judgeships were included, the workload per judge within Kent County was within an acceptable range and did not warrant further analysis or recommendation.

The Subcommittee convened three times to review data regarding case load and processing trends, review the personnel and facility costs associated with the proposed judgeships, and to meet with Chief Circuit Court Judge Donald Johnston, Family Division Presiding Judge Patricia Gardner, Circuit Court Judge Paul Sullivan, Chief Probate Court Judge David Murkowski, and Chief District Court Judge Sara Smolenski, Prosecutor Bill Forsyth, Sheriff Larry Stelma, and SCAO Regional Administrator Jill Booth. The members of the Judiciary and the Prosecutor all spoke in favor of adding the positions. Other points made to the Subcommittee include (i) the County is growing and more cases are a natural result, (ii) this is a mandated service that the

County must provide, and (iii) the opportunity to add judges may be more difficult in the future due to the difficulty of the State legislature to pass legislation.

The Subcommittee makes the following recommendations:

1. That an additional Circuit Court judgeship, and two Circuit Court Clerks be added effective January 1, 2017. The Subcommittee noted that the recent and projected growth in psychiatric in-patient facilities in the County was contributing to significant increases in the Probate Court caseload. Although the County currently has four Probate Court judges, three of those judges have been assigned to the Circuit Court with the creation of the Circuit Court Family Division in 1997 and the reassignment of certain case types from Probate to Circuit Court. An additional Circuit Court Judge will allow the Chief Circuit Court Judge and Chief Probate Court Judge to reassign certain case types back to Probate Court, and/or provide additional resources for the probate court matters. Current Circuit Court staffing requirements call for two clerks per judge in courtrooms equipped with video recording capability, which is included in the facilities planned for this addition.
2. That an additional Assistant Prosecuting Attorney I position be added effective January 1, 2017, and that an existing Clerk II position in the Prosecutor's Office be re-classified to Clerk III to allow for efficient use of the additional judicial resources and to support the case processing needs of the expanded judiciary.
3. That two additional Corrections Officer positions be added to the court security detail effective January 1, 2017. The Subcommittee noted that no additional court security positions had been included with the most recent additional judgeship in 2007, and that since that time the Sheriff has also been required to provide transport to the various district courts. The additional positions will allow for more flexibility, better coverage during peak times, and reduced overtime.
4. That the County begin the build-out of the remaining two courtrooms and judicial suites on the sixth floor of the Courthouse, and that funding for the build-out be included in the financial planning already in process for the Implementation of the 2015 Space Needs Study. Recognizing that the build-out will require approximately 21 months from approval to completion, the County should enter into a short-term lease with the City of Grand Rapids to use the vacant courtroom and judicial suite on the 7th floor until the completion of construction.

Funding requirements associated with the above recommendations are included on Attachment A. The Subcommittee recommends that the additional personnel costs, if approved by the Board of Commissioners, be included in the personnel estimates for the impacted departments in the 2017 budget process. Recognizing that this will likely result in a reduction of general fund resources available for all County operations, the Subcommittee also requests that the impacted departments closely review their operating expenses and explore

any new revenue opportunities in an effort to minimize the impact of the additional costs to the general fund.

The Subcommittee is not recommending, at this time, that the Board approve the additional judgeship for the 63rd District Court, noting that caseloads are continuing to decline and the Chief Judge has indicated that they are able to keep up with current workload. Still, the Subcommittee recommends that the Board continue to monitor the caseload and associated SCAO analysis in future reports, particularly in light of the population increases in the geographic area covered by the 63rd District Court. The Subcommittee acknowledged that by not approving the judgeship at this time the County may not be able to take advantage of the fact that the position has already been legislatively authorized, and recommends that if an additional judgeship is recommended by the SCAO and approved by the County in a subsequent review, that the County and Judiciary work with the local legislative delegation to advocate for legislative approval.

Two additional recommendations, not directly related to the question of adding additional judgeships, resulted from the Subcommittee's work. These recommendations, if adopted, could directly affect the need for additional judicial resources in the future.

First, it was noted that the two District Court judges of the 63rd District Court cover 43 percent of the population of the County, with the remaining 57 percent spread among 4 other districts with 10 District Court judges. Jurisdictional rules do not permit cases from one district within the County to be reassigned to another district. This creates inequality in workload among the districts within the County. Echoing the findings of the Community Collaboration Work Group in March 2013 that the consolidation or co-location of court operations could create efficiencies in operations and cost savings, the Subcommittee recommends that the County explore the potential of convening a task force to review the issue. It was noted that the issue could be simply solved by allowing cases to be transferred among the various district courts within the County (i.e., concurrent jurisdiction among the District Courts within a County), or allowing judges to hear cases from outside of their district. State legislative action would be required to enable these change. The Subcommittee recommends that the Legislative and Human Resources Committee consider adding the issue to the County's Legislative Priorities.

Second, the Subcommittee recommends that the County's Legislative and Human Resources Committee consider asking the Michigan Legislature to review the requirement that mental commitments taking place within a medical or psychiatric facility located in a county, be heard by that county's Probate Court – regardless of the residency of the individual. Under the current legal structure, county probate courts adjudicate mental commitments for individuals housed in facilities located within their county's boundaries without reimbursement from the county of the individual's domicile. This requires the hosting county's judicial systems and funding unit to absorb the additional costs for the mental commitment of non-county resident individuals. If reimbursement of costs were permitted, this could ease the added burden of the hosting county.

Cost Estimates for Additional Circuit Court Judge

Facilities Costs for Additional Circuit Court Judicial Offices/Suite and Courtroom - Estimate		
	Build-out of 6th Floor; Furnish and Equip for only 1 Judge	Lease vacant 7th floor courtroom and suite from City of GR
Build out /Construction	\$2,562,231	
Architect	\$10,000	
Hearing Assist Loop	\$24,000	
Computer Technology (1) Technology and Lighting Controls	\$4,500	\$4,500
Judicial Office Furniture (1)	\$24,000	
Staff Furniture (1)	\$19,000	\$19,000
Courtroom Furniture (1)	\$25,000	\$25,000
Video Court Recording (1)	\$50,000	
	\$4,000	\$4,000
One-Time Total	\$2,722,731	\$52,500
Annual Lease Payment		\$35,000

(1) Price reduced to equip suite and Courtroom for only 1 Judge.
If suite/courtroom completed for visiting judge or back-up use, line item price would double.

Additional Annual Personnel and Costs Associated with Additional Judgeship	
<u>Circuit Court</u>	
1 Judge (County portion only)	\$24,033
2 Circuit Court Clerks	\$167,291
<u>Prosecutor</u>	
1 Asst. Prosecuting Attorney I	\$104,264
Reclassify Clerk II to Clerk III	\$3,345
<u>Sheriff</u>	
2 Corrections Officers	\$210,131
Total Annual Cost	\$509,064