

Barry County Trial Court



- 2007-2008 Annual Report -

Barry County Judicial Council

Honorable William M. Doherty, Family Court Presiding Judge

Honorable James H. Fisher, Chief Judge

Honorable Gary R. Holman, Civil/Criminal Presiding Judge

Katherine J. Holman, Civil/Criminal Administrator

Robert F. Nida, Family Court Administrator

Pamela Jarvis, County Clerk

Barry County Trial Court Employees

Circuit Court

Fisher, Hon. James H. - Chief Judge
Holman, Kathy- Division Administrator

Jones, Judy- Court Recorder
Palmer, Pam- Assignment/ ADR Clerk
Sheldon, Adam- Intern

District Court

Holman, Gary R. - District Court Judge
Homan, Kathy- Division Administrator

Butcher, Sue- Clerk-Criminal Division
Daniel, Karen- Magistrate/Chief Clerk
Dean, Beth- Chief Financial Specialist
Hall, Donna- Clerk- Civil Division
Ingle, Julie- Probation Officer
Kimble, Wendy- Clerk-Criminal Division
Krol, Laurie- Chief Probation Officer
LamBert, Chrystal- Probation Officer
Scott, Janet- Clerk- Criminal Division
Staupe, Glen- Magistrate
White, Cindy- Clerk- Civil Division

Drug Court

Westra, Jeff- Administrator

Brower, Karolyn- OCC Secretary
Miller, Sandra- Drug Court Prob. Officer
Westra, Jim- Drug Court Prob. Officer

Probate Court

Doherty, William M.- Probate Court Judge
Nida, Bob- Division Administrator

Alsbaugh, Vicky- Attorney/Referee
Bower, Angela- Court Recorder/Dep. Clerk
Dawe, Brenda- Chief Financial Specialist
Hoolsema, Judy- Juvenile Drug Ct Secretary
McMahon, Timothy- Dep. Ct. Administrator
Overmire, Sheryl- Wraparound Facilitator
Kotrba, Greg- Caseworker
Price, Tammi- Caseworker
Riley, Kelly- Caseworker
Sellek, Jean- Scheduling Clerk
Straube, Ines- Probate Registrar
Thomas, Pamela- Wraparound/Juv.Secretary
Weeldreyer, Michelle- Juvenile Drug Court
Caseworker

Friend of the Court

Bowerman, Martha- Caseworker/Mediator
Campbell, Annette- Receptionist
Dailey, Jennifer- Caseworker/Mediator
Drumm, Cheryl- Caseworker/Mediator
Haskamp, Mike- Enforcement Officer
Hess, Linda- Enforcement Clerk
Brill, Jennifer- Caseworker/Conciliator
McMahon, Tim- Dep. Adminstrtor/FOC
Mellon, Marcia- Enforcement Clerk
Nida, Bob- Divisional Administrator/FOC
Oakes, Heather- Caseworker/Conciliator
Sample, Karol- Office Manager
Smith, Julie- Account Clerk
Tuomikoski, Dianne- Enforcement Clerk
Wilson, Pam- Sr. Account Clerk



Summary

The Barry County Circuit, District, and Probate Courts have operated together since 1996. The Barry County Trial Court Demonstration Project was the first trial court designated by the Michigan Supreme Court in 1996. The demonstration courts were authorized through 2004, and since that time Barry County's courts have operated together through a plan of Concurrent Jurisdiction, being among the initial group of Concurrent Jurisdiction Plans approved by the Michigan Supreme Court in 2004. The legislation authorizing concurrent jurisdiction plans was based on the success of Barry County and other trial court reform projects.

The consolidation of the administrative operations of the court and the sharing of the various court workloads has yielded many benefits. The court has operated 5-10% under budget every year since 1996. In 2007, the court was approximately \$579,000 under budget (12.4%), and in 2008 the court was approximately \$623,000 under budget (12.9%). The court has an overall compliance rate of about 95% with Michigan Supreme Court case flow

guidelines, which means that cases are heard in a timely manner and there are no old cases on the docket.

The court has not only generated large cost savings annually, it has also been very effective in collecting revenue, placing it in the upper echelon of courts in the State of Michigan. In 2007, the court collected 2,831,000 in revenue for the county, and in 2008 the court collected 2,553,000 in revenue for the county. Total expenditures were \$4,080,000 in 2007 and \$4,213,000 in 2008.

The court's approach of emphasizing community based solutions has allowed the jail to operate with an average prisoner population well under its capacity of 94 inmates, and has provided extensive community service projects. The jail has operated at an average daily population of about 60-70% of capacity, making it possible for the current facility to meet the county's needs for the foreseeable future. This has also allowed the Sheriff to generate revenue by renting out unused beds.

The court has been able to anticipate trends and respond to changing conditions rapidly, avoiding problems which have occurred elsewhere in our state. Community based solutions have been widely implemented across the court system to address problems of Substance Abuse, Child Abuse and Neglect, and Delinquency. The court has also integrated mediation services into its operations, reducing the level of conflict between litigants, particularly in domestic relations cases. These programs and policies have allowed the court to deliver better service to the public, improved public safety, and

reduced taxpayer costs. The court has formed a number of partnerships with other public service providers in the community to make these programs a reality.

Maintaining financial support for these community based programs is a primary concern for the court in 2009 and beyond. Problems with the state and federal budgets threaten several of these programs after October 1st 2009.

The Adult Drug Court is one program which is threatened. It has operated for six years with little or no support required locally. It has received state and federal grants totaling over \$1,200,000 for its operation, which costs about \$220,000 per year.

The Adult Drug Court program continued its outstanding performance in 2007 and 2008. A comprehensive study commissioned by the Michigan Supreme Court and completed by NPC Research from Portland, Oregon in 2006 concluded that the Drug Court dramatically reduced substance abuse and recidivism, and saved over \$350,000 over a two year period.

The Juvenile Court's Drug Court, Wraparound, Home Intensive Care, and Home Detention programs produced similar results and savings in the areas of child welfare, resulting in the Child Care Fund being \$240,000 under budget in 2007 and \$271,000 under budget in 2008. These results are quite remarkable, considering that many counties have experienced huge cost overruns in their Child Care Fund.

The Juvenile Court programs have been primarily funded through the Child Care Fund, which are 50% local funds and 50% state funds. State

funding is of course questionable given the state's budget problems, and further cost shifting policies at the state level and settlement of a lawsuit against the Department of Human Services by a child welfare group will increase the cost of local funding in the future.

The state and federal governments have also threatened to modify the cooperative reimbursement program, which has provided about 2/3 of the funding for Friend of the Court programs. Thus far, efforts to reduce the CRP funding have not been successful. Maintaining support for the Friend of Court and its services to families is vital. It provides enormous support to low and middle income families in our community.

In 2008, the county commission authorized funding of \$36,200 for a community service job training program operated under the control of the Community Corrections Board. This program has provided opportunities for inmates and probationers to learn job skills and work ethics, while providing tangible benefits to local governments and community organizations.

A challenge for the Court and the County Board going forward will be maintaining financial support for all of the Court's programs in the face of state and federal budget problems. As an example, the jail is under capacity and other substantial savings result from the Adult Drug Court program, but if federal and state support is decreased and the Adult Drug Court is eliminated, added jail funding will be needed in future years.

The state government has come to realize what we in the Barry County Trial Court have long recognized: community based solutions offer the best and least expensive solution to the societal problems the courts confront.

A major effort of the Court in 2008 involved improvement of the management of the Circuit Court's records by the County Clerk. The Michigan Constitution provides that the County Clerk is the custodian of the Circuit Court's records, and a Michigan Supreme Court decision in 2003 made it clear that the court has no authority to abrogate the Clerk's authority.

It was discovered in early 2008 that employees of the County Clerk had embezzled about \$60,000 from the Court's jury reimbursement fund. Under a program started by the County Clerk, jurors were paid in cash from court funds kept and controlled by the County Clerk.

The Court stopped this practice immediately after learning of the embezzlement, and adopted an Administrative Order requiring the County Clerk to implement adequate management controls to prevent a recurrence of this problem in the future. This Administrative Order was approved by the State Court Administrative Office and has been implemented. A new County Clerk took office on January 1st, and we have worked effectively with her to establish a new Jury Plan in 2009 to make jury service less burdensome for our citizens.

Another major project of the Court that was started in 2008 involved separating the Court's Information Management System from the County's

system. The Court's system has experienced a number of problems by being "attached" to the County system, and since the separation was completed in early 2009 all users have experienced improved internet performance. The court will also be able to provide more secure storage of its confidential records with the new system in place.

The Court has enjoyed an excellent partnership with the County Board in the past, and we look forward to building on that relationship in 2009, as we confront the issues we will all be facing in these challenging economic times.

Civil/ Criminal Division



The Civil/ Criminal Division is administered by Kathy Holman, who has 30 years of experience with Barry County. This division is responsible for District Court and Non-Family Circuit Court Cases. The 2007 budget was approximately \$1,547,000 and the 2008 budget was approximately \$1,517,850.

This division was \$156,000 under budget in 2007 and \$103,000 under budget in 2008. In addition, total revenues collected amounted to approximately \$1,360,000 in 2007, and 1,393,000 in 2008. A report from the State Court Administrators Office (SCAO) indicates that Barry County ranks well above average in percentage of assessments collected. The court instituted a formal collection process several years ago which dramatically improved collections and reduced unpaid receivables.

The court operates under a Plan of Concurrent Jurisdiction approved by the Michigan Supreme Court, which allows all of the judges to share the workload to provide more balance among the three courts. This has allowed all of the courts to achieve a very high compliance rate with case flow guidelines adopted by the Michigan Supreme Court.

The S.C.A.O. calculates judicial resource needs every two years, and in 2006 S.C.A.O concluded that Barry County needs 1.7 circuit judges, 1.2 district court judges, and 0.7 probate judges. Under the current caseload assignment system, each judge performs the work of about 1.2 judges under the S.C.A.O. methodology.

Caseload data indicates that since 2000, felony cases in circuit court have increased 50%, and the balance of the circuit caseload is relatively stable. There are about 500 new domestic relations cases filed each year in circuit court

The district court caseload has also been relatively stable since 2000. There are about 2500 civil cases files annually, along with 300 domestic violence cases and 300-500 new felonies. The biggest increase has been in general civil cases and landlord tenant cases. The general civil increased 61% between 2006 and 2008. That increase reflects the difficult economic times.

Traffic citations have seen a major reduction, from over 8000 in 2000 to roughly 3000 in 2008. This has adversely impacted the revenues collected by the district court, although in 2007 and 2008 the district court collected slightly over budget projections for court costs.

S.C.A.O. statistics indicate that both Circuit and District court are performing extremely well both in terms of resolving cases in a timely manner, and also in collection of assessments.

Adult Drug Court/Community Corrections



The Adult Drug Court is part of circuit court and has been in operation since 2001. Until now, it has been funded almost exclusively by state and federal grants. Our Drug Court was one of two in Michigan, which were selected by the Supreme Court for a study conducted by a national research firm, NPC Research from Portland, Oregon.

The NPC Research report was released late in 2006. It can be viewed by typing “Barry County Adult Drug Court” into a Google search. It concluded that the Adult Drug Court in Barry County greatly reduced recidivism and substance abuse and that it saved over \$350,000 over the two years studied. It also concluded that the savings are cumulative and will increase each year into the future.

The cost to operate this program was approximately 235,000 in 2007 and 2008. Funding is always an issue, from one year to the next. Federal grants were eliminated by the Bush administration but restored by the Obama administration, but the effect on our funding is unclear. We received state grants of 197,000 in 2007 and 192,000 in 2008. In 2009 the state is funding 50.6% of the cost, which means that the local cost would be about \$112,000. The federal stimulus spending may not help us, because the increases are tied to increases in program size. We already run the largest felony Drug Court in

the State of Michigan on a per capita basis, so adding more staff is not a priority for us.

This program also saves the county many jail bed days at the county jail, and is a large reason why our county jail population is typically 60-70% of capacity. If this program was discontinued the jail could be at or over capacity in a short period of time. There are currently 82 participants in this program. By contrast, Oakland County, with 20 times the population of Barry County, only has 35 participants and Wayne County has only 166.

The Community Corrections program operates independently of the court, but is important to the court's operations. Jeff Westra is the Adult Drug Court administrator for 50% of his time, and the Community Corrections Administrator the other 50% of his time.

The Community Corrections Board is created by statute, with some members appointed by the commission, and some specified by the statute. Its funding of \$94,083/year is entirely from a grant from the Department of Corrections. Its main programs are Day Reporting, Cognitive Behavioral Therapy, GED attainment and Community Service/Collections. In 2008, the commission provided \$36,200 for a work training program geared toward job and work skill training. This program has gotten off to a good start, and promises to provide benefits to the community and to its participants.

We believe that it is essential to the county to continue the Drug Court program even in the unlikely event that there is no state support for it in the future.

Management Information System



The court's computer network is maintained by Kathy Holman, administrator of the Circuit/District division. The network was greatly improved last year, through a purchase of a new server. This increased the system's speed and increased capacity. Individual computers and printers are periodically replaced, so that overall, the system maintains a reasonable level of performance. The court contracts with Analysts International for maintenance and consulting, allowing a high level of service and competence at a much lower cost than attempting to maintain the system with in-house employees.

The court now does all of its business with the state electronically, so maintenance of this system is of critical importance to the court. Electronic filing of court documents is now on the horizon, so this system will be even more important to the court as we move further into the 21st century.

The court has also implemented website improvements, primarily through the efforts of Adam Sheldon, a college student who has worked for the court during his school recesses.

The court has just completed splitting its network from the county network. This will greatly improve our efficiency, by reducing the internet traffic through our network server. It will also allow the court to maintain much better network security.



Family Division

The Family Division of the Court is administered by Bob Nida, who has 32 years of experience with Barry County. The Family Division includes the Probate, Juvenile Court, and Friend of the Court. In 2007, the Family Division had budget of \$2,894,000 and was \$421,000 under budget. In 2008, it had a budget \$3,109,000 and was \$520,000 under budget. The Friend of the Court portion of this total was \$929,779 in 2007, and it was under budget by \$73,750.97. In 2008 the Friend of court budget was \$954,000 and it was under budget by \$83,000.00.

Since 2004, the Friend of the Court has been combined with Probate and Juvenile administratively, and the Friend of the Court staff has been reorganized to improve service to the public. Barry County was the first county in the State of Michigan to combine its Friend of Court and Juvenile Court administratively. This makes great sense, given their similar missions of working with families in crisis.

The Friend of the Court has an active caseload of 4,400 cases, so if each case involves 2 children and 4 adults, its operation affects the lives of nearly 40% of Barry County residents. The Friend of the Court has evolved over the last 30 years from a small staff, primarily concerned with collection of child support into a larger staff offering a full array of services to families and children. In a very real sense, it is the legal aid office for Barry County residents.

The Friend of the Court provides an orientation program for all new clients, and mediation services in all new cases. This allows 80-90% of all new cases to be resolved without resorting to the adversarial process of formal court proceedings. In addition, due to a pretrial process adopted as a result of a recommendation from our Friend of Court staff, most disputes in older cases are resolved quickly, at the first pretrial conference.

The Friend of the Court Referee hears most new disputes regarding custody, support, and parenting time, and the processes put in place allow most disputes to be heard very quickly.

One major trend over the last few years has been an explosion in numbers of litigants proceeding without the benefit of legal counsel. This has coincided with a large increase in disputes involving children born out of wedlock. The result has been that the Friend of the Court staff has had an increased demand for services both in processing orders and motions, as well as in counseling and mediation of disputes.

The Friend of the Court has handled this transition very well, as evidenced by the fact that contentious cases are heard quickly after the vast majority are resolved peacefully through mediation.

There will inevitably be criticism of the Friend of the Court because it deals with parents in conflict. Those hundreds of conflicts are not always resolved in ways that satisfy both parents, so there is bound to be some level of

dissatisfaction. It is easy to criticize the Friend of the Court, but the real questions should be these:

1. Are needed services reasonably available?
2. Can most disputes be resolved relatively quickly with as little conflict as possible?
3. Are the courtrooms readily accessible for those few cases where agreement may not be achieved?
4. Does the court and its staff adhere to the law, which requires a focus on the best interests of the children?

The answer to all of these questions in Barry County is a resounding “YES”, but we recognize the limitations on the level of services available. We continue to examine ways to improve services and we continue to implement changes that allow us to do so. This process is ongoing.

The Probate and Juvenile filings within the Family Division remained at roughly the same level in 2008 as the previous year, although neglect and abuse petitions declined for a second straight year. Looking back over the last seven years, neglect and abuse petitions have fluctuated from a low 27 in 2003 to a high of 57 in 2004. There were 37 petitions in 2008.

Probate filings were at their lowest level in the last seven years (357), and juvenile petitions were down slightly to 304, which also was the lowest level in the last seven years.

There have been far fewer methamphetamine cases in court since 2005, and this may account for the downward trend we have seen in juvenile petitions the last two years.

Whatever the reason, it is good news. The Child Care Fund, a 50-50 state/local responsibility was 240,000 under budget in 2007 and \$271,000 under budget in 2008. This is a very difficult expense to manage, but for several years we have had a number of community bases programs in place which have allowed us to operate under budget most years. This stands in stark contrast to the situation faced by most counties in Michigan.

These programs include the Juvenile Drug Court, Wraparound, Home Intensive Care and In-Home Detention. It is difficult to calculate with precision what savings result from these programs, but we estimate it to be in excess of \$500,000 each year.

The Juvenile Drug Court for example, costs about \$100,000 - \$130,000 per year. While the number of participants is small, most of those enrolled would be placed outside of their family homes if this program was not available. Such out of home placements typically cost \$60-70,000 per participant per year, so while the cost of the program may appear high, the alternative is much more expensive. When the Commission considers requests for funding for these community based programs, it is important to bear in mind that the alternatives are always much more expensive.

Conclusion

The court continued operating under budget in 2007 and 2008, as it has for the last 14 years. The judges have continued to work together, and they share shifting caseload and assist one another. Our staff remains highly motivated and well adapted to change. We have maintained a reasonable level of technology and we continue to operate innovative programs allowing us to provide a high level of service at a very reasonable cost to the taxpayer.

The court remains very well positioned to adapt to changing conditions in a positive way. We thank the Board of Commissioners for providing us with the resources that have enabled us to make this a reality.

We appreciate the positive relationship we have enjoyed with Michael Brown, County Administrator, and the commission. It is inevitable that disputes regarding control will arise periodically, but we have been able to work through these separation of powers issues because of mutual respect. Our continued success depends on a continuation of that mutual respect, and we pledge to the commission that we will uphold our end of that bargain.

May ____, 2009

James H. Fisher, Chief Judge