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State Bar group says Mich. courts are inefficient

Jan. 26, 2011, 4:18 p.m. EST
Associated Press

DETROIT (AP) — Michigan's court system operates under a 19th-century model and needs to be overhauled at a time when the population is shrinking and tax dollars are scarce, lawyers and judges said Wednesday as they recommended changes.

A task force created by the State Bar of Michigan acknowledged that some of its proposals would cost millions, but argued they would save money in the years ahead. The group said "radical change" is not needed but noted that the state's 83-county court system is so fragmented that it's impossible to collect critical data to identify all areas for improvement.

"Our patchwork quilt of overlapping responsibilities, funding and reporting too often results in duplication of effort and costs, widely disparate workloads and confusion," the task force said in its report.

The 29-member group, led by former Oakland County Judge Barry Howard and former State Bar President Edward Pappas, will give its report to elected officials and the state Supreme Court, which has the power to implement some changes within Michigan's court system.

The task force recommends eliminating judgeships when a judge retires or dies, depending on the caseload in that court. The Michigan Supreme Court has long proposed dropping some jobs but lawmakers have refused to go along.

The group recommends a statewide case-management system for all county courts accessible by computer, much like the one used in federal court. It also wants a special docket just to handle business lawsuits in the state's two largest counties, Wayne and Oakland.

Supreme Court Chief Justice Robert Young Jr., who serves as head of the Michigan judiciary, said the report deserves serious consideration.

"As the report notes, some of our state courts simply have more judges than they need to keep up with their workload," Young said in a written statement. "Many of our courts could benefit from consolidating some functions with other courts in the same judicial circuit."

Some changes, such as a business court, could be ordered by the state Supreme Court. Others, however, would require approval by the state Legislature and the governor.

The group said criminal defense for the poor is getting worse and should be replaced by a statewide system. Court-appointed lawyers now are handled by each county with various levels of compensation and expertise. There is a pending lawsuit that seeks to force changes.

The task force also found that Michigan has 118 different legislative bodies — from city councils to the Michigan Legislature — making financial decisions that affect courts. Data is stored on 150 different computer servers.

The group recommends that another group of judges should be created to oversee the implementation of changes in the report.

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