

Oakland County LEGAL NEWS

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Unveiling recommendations of the State Bar's Judicial Crossroad Task Force were (left to right) Former Supreme Court Justice Alton T. Davis, and co-chairs Edward Pappas, a State Bar past president, and Barry Howard, retired chief judge of the Oakland County Circuit Court. Photo by John Minnis

By John Minnis

Legal News

As Michigan celebrated the state's 174th birthday on Statehood Day, Jan. 26, the State Bar of Michigan's Judicial Crossroads Task Force unveiled its recommendations for transforming the state's courts to meet 21st century realities.

Indeed, Michigan is at a crossroads, according to the task force's 24-page summary of recommendations. With Michigan's share of the U.S. population down to where it was when Henry Ford introduced the Model T, and with the state's industrial base a mere fraction of what it once was, Michigan courts, as with all branches and levels of government, are struggling to provide essential services with ever-decreasing revenue.

"Our court system is frankly outdated and functioning in a way we can no longer afford," said State Bar President W. Anthony Jenkins. "The recommendations, short and sweet, are meant to put the needs of the people front and center."

Edward Pappas, task force co-chair and a State Bar past president, said the report and recommendations come after nearly two years of study by four committees

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comprising 125 lawyers and judges.

Thomas M. Cooley Law School, Auburn Hills, instructor E. Christopher Johnson and Oakland County 46th District Judge Susan M. Moiseev chaired the Access to Justice Committee; attorneys Diane L. Akers, of Bodman, and Andrew S. Doctoroff, of Honigman, Miller, Schwartz, & Cohn, headed the Business Impact Committee; former Michigan Supreme Court Justice Alton T. Davis led the Structure and Resource Committee, and Washtenaw County 14A District Judge Kirk W. Tabbey shepherded the Technology Committee.

Pappas said the goal of the task force is to streamline and modernize the courts “from the ground up.”

“We need to stop thinking of the judicial branch as a stand-alone operation,” he said. “The goals of the task force are consistent with all branches of government: to provide service to citizens at the least cost.”

One of the task force’s goals, to provide a statewide, computerized case management and data system, is also consistent with Gov. Rick Snyder’s priorities.

Pappas cited examples where technology can streamline the judicial system and save time and money. For example, hearings for prisoners—rather than the costly, time-consuming and possibly risky transporting of prisoners to and from court—could be handled via video conferencing. Case files and information can also be filed and accessed electronically, saving trips to the courthouse and filing and copying costs.

“I believe the task force recommendations, when taken as a whole, will be transformational,” Pappas said.

Fellow task force Co-Chair Barry Howard, retired chief judge of the Oakland County Circuit Court, pointed to the savings that could occur through attrition. Some 30 judges a year retire or leave the trial courts, he said. At \$300,000 to \$500,000 a year to support a judge, the savings can be substantial.

Where caseloads warrant, the State Bar will recommend that the governor not fill some vacancies. Permanently reducing the number of judges, however, would require legislative action.

Howard singled out the successful efforts of fellow task force member Milton L. Mack, chief judge of Wayne County Probate Court. Through the use of technology and streamlining processes, Mack was able to cut his court’s costs by \$3 million, or 25 percent.

“Technology and processes were really the keys,” said Mack, who attended the task force’s press conference.

Howard also pointed to another task force recommendation, the creation of business docket pilot programs in Wayne and Oakland Counties, which would expedite business cases that currently are being pushed back to make room for the criminal docket.

“The goal is to make the state more business friendly,” he said.

Howard, too, mentioned the economic attraction of attrition.

“Not filling vacancies will achieve savings immediately,” he said.

When asked whether the number of justices on the state’s high court was considered,

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Davis quipped, "In my opinion, the Supreme Court could use one more justice."

Davis was appointed last summer to fill the vacancy of Elizabeth Weaver, who resigned. He failed to keep the seat, however, when he was defeated by challenger Mary Beth Kelly in November.

Appellate and Supreme Court judgeships would be considered in future reports, Davis and Barry said.

While all the task force recommendations are designed to maintain or improve services and cut costs, some upfront investment will be required.

One recommendation is to make trial judges' salaries and benefits uniform across the state. The cost to equalize salaries would be \$460,788. The cost of providing health care to all trial court judges ranges from \$4.1 million to \$11.4 million.

Another recommendation is to use the Next Generation JIS case management system as the backbone of a statewide system. The system would be modeled after the federal court information technology system which some consider "the most well developed of court technology systems in the United States."

The total IT upgrade would cost an estimated \$24 million.

The first year planning cost of a statewide system would cost \$540,000. Creating an e-filing system would cost \$3 million. Portals for public access would add another \$1 million. Language assistance technology would cost \$250,000; document imaging, \$10 million, and video conferencing, \$9.2 million

To implement all the changes, the task force is recommending the creation of two advisory bodies. Members of the Trial Court Judicial Council and Justice Advisory Board would serve without compensation and would be reimbursed for actual and necessary expenses.

Michigan Supreme Court Chief Justice Robert P. Young Jr., who said the focus of his term will be to streamline, modernize and reduce the cost of the judicial system, welcomed the task force's recommendations.

"The State Bar's 'Judicial Crossroads' task force has produced a thoughtful and detailed report that merits serious consideration," Young said in a statement. "I thank the task force for their efforts.

"As the report notes, some of our state courts simply have more judges than they need to keep up with their workload; also, many of our courts could benefit from consolidating some functions with other courts in the same judicial circuit.

"The Supreme Court has long urged the right-sizing of our court system and appropriate court consolidation. As chief justice, I very much appreciate having the State Bar's support for these measures as I continue to advocate for them."

Judicial Crossroads Task Force

Chairs:

Barry L. Howard

Edward H. Pappas

Members:

- Diane L. Akers
- Judge James M. Alexander
- Judge Marylin E. Atkins
- James S. Brady
- Thomas W. Cranmer
- Judge Alton T. Davis
- Nancy J. Diehl
- Judge Susan L. Dobrich
- Andrew S. Doctoroff
- Judge Pat M. Donofrio
- George A. Googasian
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- E. Christopher Johnson
- Judge Marilyn J. Kelly
- Judge James C. Kingsley
- Judge Milton L. Mack
- Richard D. McLellan
- Judge Susan M. Moiseev
- Judge Denise Langford Morris
- Margaret J. Nichols
- Judge Maria L. Oxholm
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