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Experts believe 'apolitical' task force report could make legislative, executive in-roads

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TAGS: [46th District Court in Southfield](#), [Commission on Courts in the 21st Century](#), [D-East Lansing](#), [Gov. Jennifer M. Granholm](#), [Gov. Rick Snyder](#), [Hon. Susan M. Moiseev](#), [Judicial Crossroads Task Force Access to Justice Committee](#), [Judicial Crossroads Task Force Report](#), [Judicial Resources Recommendations reports](#), [Michael Gadola](#), [Michigan Business Tax](#), [Michigan House Judiciary Committee](#), [SCAO](#), [Sentencing Guidelines Commission](#), [State Bar of Michigan](#), [State Bar of Michigan Executive Director Janet Welch](#), [State Court Administrative Office](#), [State Rep. Mark Meadows](#), [Trial Court Assessment Commission](#)



This Thursday, Feb. 17, the State Bar of Michigan will make a presentation on its recently released Judicial Crossroads Task Force Report before the state House Judiciary Committee.

That same day, Gov. Rick Snyder will present his 2011 budget proposal.

When it comes to what the task force report is recommending, the signs are pointing more toward the legislative and executive branches saying "yes" than "we'll think about it."

Michael Gadola, Snyder's director of legal affairs, said that the diverse participation of the group, which came up with the report, coupled with state financial interests, means it has a better chance of being acted upon than previous suggestions.

"It has to, given the budget situation that we're facing, and, of course, the judicial branch shares a part in that," Gadola said.

"The report acknowledges that [judicial] restructuring and consolidation are necessary, and probably long overdue, quite honestly," he added. "It will have to be given serious consideration and, ultimately, acted upon in one form or another. ... Some of the recommendations are for efficiencies and savings that will turn out to be irresistible in the present climate."

Among ideas the report suggests are eliminating and/or consolidating judge positions through retirement, death, and term limits where population and caseloads have declined; shifting indigent defense funding responsibility from the counties to the state; and establishing a standardized, statewide computer case-management system.

But State Rep. Mark Meadows, D-East Lansing, said if there's one thing he's most concerned about, it's trying to figure out Snyder's thinking in advance.

"We really don't have any knowledge of where the governor's going," he said. "If he's correct in saying that he wants to drop the Michigan Business Tax and implement the flat corporate tax but that it will be revenue neutral in the sense that somehow he's going to find \$1.5 billion [to make up for the resulting dropped revenue], we kind of have an idea of where he must go to make additional changes.

"We still have a \$1.8 billion [deficit] we have to fill, and I don't think the judiciary will be targeted, but it could influence some of the things that are recommended in this report."

For example, he said, how Michigan can't and shouldn't be constitutionally deficient on indigent defense.

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"There will be a cost involved in that," Meadows said. "I don't think it will initially be a great cost, but we have to find that money someplace, and it may be harder to do that depending on what the governor proposes."

But he said he's very positive on the legislative front, even though task force reports in the past haven't had a great history of producing significant legislation in Michigan.

"The nature of the recommendations here, though, and the timing of the report go into what I call the 'reform era,' would indicate to me that this would have much more of an impact than a lot of reports do," he said.

For instance, he said, then-Gov. Jennifer M. Granholm's 2006 report on senior protection has led to six years and three reintroductions of legislation. It still hasn't passed.

Then there are the State Court Administrative Office's (SCAO) biannual Judicial Resources Recommendations reports. Historically, none of the recommendations, such as the 2009 suggestion to eliminate 15 trial court and four Court of Appeals judgeships by attrition (based on a weighted caseload analysis), has resulted in legislative action.

"Anecdotally, what we share is, individual representatives are worried about letting a judgeship go - the idea being if you let it go you won't ever get it back again, and you might need it someday," said Marcia McBrien, public information officer for the Michigan Supreme Court.

Hon. Susan M. Moiseev of 46th District Court in Southfield, who co-chaired the Judicial Crossroads Task Force's Access to Justice Committee, agreed.

"For years, [the SCAO] has been recommending certain judgeships be reassigned or eliminated," she said, "and no one's had the political courage to eliminate seats, even when there have been openings."

Meadows said that it's more about the interference of politics in the SCAO reports.

"Not that [the SCAO] is influenced by politics; they're making the best recommendations they can possibly make," he said. "But implementing those recommendations takes legislative action ... and politics interfere with the implementation of that report."

That can lead to conflict, he said. For example, recommending that Macomb County's judges be expanded could mean lawmakers representing that county would be told by the county's commissioners that it's a bad idea because of budget woes.

However, Meadows said, the Judicial Crossroads Task Force report is "a different animal" in that it's "apolitical. It is really a report that is based on a tremendous amount of fact-finding. ... I think this has a great chance of finding its way into real changes that can benefit everybody."

Gadola said that history could repeat itself. He recalled that initiatives such as ones presented by the Sentencing Guidelines Commission and Trial Court Assessment Commission in the late 1990s led to changes in the judicial balance.

More significantly, he added, initiatives from the Commission on Courts in the 21st Century, presented 20 years ago, were similar to the Judicial Crossroads Task Force's recommendations, and were embraced by the Legislature.

State Bar Executive Director Janet Welch said the fact that there are new members on the Judiciary Standing Committee means hoping for the best, but also preparing for potential reactions ranging from skeptical to condemning.

"I think it's a challenge that we welcome," she said. "The timing is good in terms of receptivity to new ideas and innovations. I really don't see it as an insurmountable obstacle."

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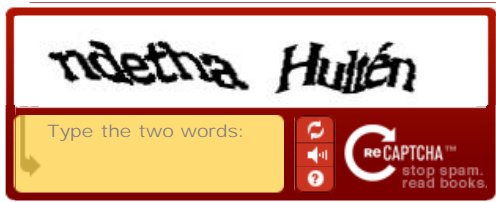
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