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Last Updated: February 01, 2011 1:00AM

Editorial: Plan to cut judges

Judges, lawmakers should work together to trim the cost of the judiciary

The Detroit News

Michigan Supreme Court Chief Justice Robert Young has renewed the high court's call for downsizing the number of judges. The bottom line is that hard-pressed Michigan taxpayers are paying for more judges than we need.

Young's proposal is a worthwhile initiative and the chief justice has important new allies. The Judicial Crossroads Task Force of the State Bar, the professional association of lawyers, recently issued a report noting that given current caseload trends, the number of judgeships can be reduced over the next decade without hurting access to justice for state residents.

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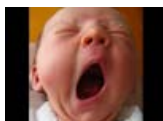
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The task force notes that in the election cycles between 2012 and 2021, 209 current trial court judges will be ineligible to run for reelection. (Under the Michigan Constitution, judges can't seek election if they are 70 years old or older at the time of election.) But there are opportunities to downsize the bench in the current and next budget years. Several judges in Wayne County, for example, will be ineligible for reelection based on the constitutional age limit. The State Court Administrative Office, the judicial administrative arm of the Supreme Court, has already recommended to Gov. Rick Snyder that the Wayne Circuit Court seat formerly occupied by Mary Beth Kelly, who was elected last fall the Supreme Court, not be filled by appointment.

With the right incentives — say a small percentage increase in their pensions — it's likely that a number of judges could be persuaded to retire in the current and next budget years. Even with a small pension increase, there would be savings if the judges' salaries and those of their staffs are subtracted from state and local budgets. (Judicial salaries and other costs are shared. In Wayne County, the state is responsible for a judge's salary plus a retirement and Medicare contribution. The county is responsible for other benefits.) Legislation has already been adopted temporarily keeping vacant judgeships in Macomb and Oakland counties open.

With broader planning and a de-emphasis on the

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segmentation of the trial courts — in which district judges hear only certain kinds of cases, probate

judges hear another kind of cases and circuit judges hear yet another sort of case — the distribution of judges throughout the state can be rationalized and reduced.

Chief Wayne County Probate Judge Milton L. Mack, in a recent column for The Detroit News, gave as one example the possibility that local district courts in certain family matters could appoint guardians for children in cases where a guardianship is uncontested, and save all of the parties a trip to the probate court. Probate and circuit judges might share some other family law cases depending on where the case originated. Family law is just one area where judges could be cross-trained to hear a wider variety of issues. Mack also argued for greater use of technology to save time and money in courts.

Overall, the number of cases filed between 2005 and 2009 in the state's circuit courts declined by nearly 6.3 percent, to 310,235 from 331,076, according to the most recent annual report from the Supreme Court.

Probate and district court filings also have declined.

The judiciary, like all branches of government, has to look for ways to do more with less — and state lawmakers should give the courts the help they need to do so.



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