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Tuesday, March 1, 2011

# SBM's Judicial Crossroads Task Force Recommends Streamlining State Courts

The lawyers saw it coming long ago. With waves of deep budget cuts crashing down upon the public sector, how could the judiciary keep-up with the ever higher demand for its high-quality service we have come to expect? Judicial reform.

At the direction of the Michigan Supreme Court, the State Bar of Michigan selected a task force of attorneys and judges from across the state back in early-2009. The task force met for a full-day each month from September 2009 through last May, gathering ideas, discussing problems and suggested solutions, and debating various cost-cutting strategies.

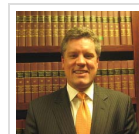


Former Oakland Circuit Judge Barry Howard (left) and Attorney Edward Pappas co-chaired the task force.

Last week, the task force announced its findings and recommendations. The following are the more significant findings and recommendations of the task force:

- Our state courts have a mixed-funding structure rather than a state-funded system, with municipalities and court-generated revenues contributing heavily to each county court's operational costs. This patch-work is having a disparate impact on various courts throughout the state, with some areas getting hit much harder than others;

## About Me



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Timothy P. Flynn has practiced law for 20 years, the last five as a partner with the Clarkston-based law firm Karlstrom Cooney, LLP. Flynn is a general practitioner licensed in Michigan, advising clients in criminal law, divorce and family law, and probate litigation.

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- Our 83 counties are served by 585 full-time trial court judges at the district, circuit and probate levels. The number of judgeships should be reduced according to up-to-date demographic data and historic caseload data;
- The recommended reduction in judgeships must only take place upon the retirement of currently sitting judges in order to maintain judicial independence;
- Judicial services should be coordinated and consolidated by region after the "best practices" are identified;
- Increased flexibility among court administrators in the reassignment of workload must occur once the recommended judicial downsizing and service coordination begins;
- Full and effective use of available technology to assist in the delivery of judicial services will reduce costs in the long-run; and
- Continued use of innovative community-based programs in the trial court setting that address mental health and substance abuse problems will continue to yield significant cost savings.

Basically, the courts will have to do more with less resources. A familiar song among the state workers and teachers spread throughout the counties and across the nation.

The good news for attorneys practicing in Oakland County is that we have already have most of the docket converted to an e-file system. There are still some dockets -criminal and some family law cases- that do not currently accommodate electronic filings.

Another innovation to take hold in some of the county circuit courts in Southeast Michigan is electronic file retrieval or Internet-based databases that are searchable by members of the public. A good example of this system is Oakland County's [Court Explorer](#) where you can search the docket entries in a case and, for a very nominal fee, order a copy of any document filed in the case. Usually, in a few hours, the document show-up in your email.

Another (even better) example of electronic access is the Wayne County Probate Court where the documents are imaged and available for viewing electronically with the click of your mouse. As for the Wayne Circuit Court, however, not so much...

Roster attorneys for the Michigan Appellate Assigned Counsel System (MAACS), for example, physically have to be present on the 9th floor of the Frank Murphy Hall of Justice in order to access our client's register of actions in Wayne County. This amounts to difficult "access to justice" when, on an appeal, you are simply trying to piece together the procedural history of your client's case.

Electronic docket access differs widely from county to county. In Genesee, the docket entries of a case is displayed in fragmented screen images. If you print-out the register of actions in the case, you get several pages of chopped-up, difficult-to-read DOS-style text. A waste of paper, and definitely not user-friendly.

While the idea behind the task force was to identify some of the "best practices" at the county level and implement them state-wide, this blog wonders whether this will be possible at the political level.

Our law firm's attorneys and paralegals access county court records everyday across the State of Michigan. From our perspective, standardization of electronic access would greatly improve our efficiencies in the delivery of legal services.

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Labels: [attorneys](#), [Barry Howard](#), [Edward Pappas](#), [judges](#), [judicial reform](#), [MAACS](#), [Michigan Appellate Assigned Counsel System](#), [Michigan Supreme Court](#), [State Bar of Michigan](#)

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