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December 6, 2011

Honorable John J. Walsh
Judiciary Committee Chair
N-698 Anderson House Office Building
124 N. Capitol
Lansing, MI 48933

Re: Opposition to HB 5093

Representative Walsh:

The Judicial Resources Report recommended that Van Buren County lose a Circuit Court judgeship by attrition, that attrition already having occurred on January 1, 2011. Accommodations were made to deal with the anticipated loss by eliminating employees and restructuring court operations. For nearly a year we have been operating efficiently. There has been no adverse effect on the criminal docket, and I have not heard of any instances where the civil docket has been negatively affected. Our Circuit Judge, Paul Hamre, who is the only judge that is statistically impacted, has repeatedly stated that if legislation will result in the loss of a judgeship, then it should be the Circuit Court position that is already vacant.

The only opposition that I have heard is from those who maintain that Van Buren County should not be affected, and should remain at five judges. In short, their position is, let's stick our heads in the sand and buy time which HB 5093 will allow, and then hope that when the time comes to lose a District Judge, somebody will reconsider and it won't happen. Even they would have to acknowledge that if we were to lose a District Judge position at some unknown time, it would create a chaotic situation. There has been no chaos from the loss of a Circuit Judge position, nor is there any reason to believe that there would be in the foreseeable future.

I believe that Van Buren County is the only location where the JRR recommendations are not being followed. Why is that? Legislation has been introduced that is contrary to the wishes of the overwhelming majority of Van Buren County elected officials. The office of the legislator who introduced this bill is unable to explain the anomaly. They also deny authoring the bill and cannot identify who did, or why it was written as it was. Myself and a number of other county elected officials have met with our state legislators, and they also cannot explain how and why this occurred. We met with Sen. Tonya Schuitmaker and Rep. Aric Nesbitt on December 2 to discuss these issues. They both categorically denied having

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anything to do with HB 5093 being written in its present form and further denied having any knowledge of how it occurred. What was even more disturbing was that neither of them could answer the question regarding how we could go about determining the identity of the author of this legislation. I would have hoped that they would have greater insight into the legislative process. They refused to offer any assistance in ascertaining the answers to our questions.

This bill, if passed, will cost the taxpayers an estimated \$350,000 a year for an indeterminable period of time. If amended to eliminate a Circuit Judge by attrition, it will save that expense to the taxpayers. I assume the whole purpose of the JRR and its recommendations was an initiative by the Governor and our legislators to streamline government and reduce expenditures. It is inexplicable that there is a potential that this study will be ignored only as to Van Buren County, resulting in expenditures perhaps into the millions of dollars in the coming years. This legislation makes absolutely no sense.

This comes at a time when other legislation will impact local government and its employees. It appears that I, along with other Van Buren County employees, will soon be contributing 20% of our health insurance premiums, something that will be particularly devastating to the lower paid employees. I can't say that we exactly embraced the concept, but we also recognize that it appears inevitable, and have accepted it as such. In light of the sacrifices being made by these employees, who are also your constituents, it seems rather cavalier to dismiss the potential savings of \$350,000 a year.

HB 5093 affects primarily Van Buren County and its residents. This legislation did not somehow magically materialize. Despite the claims of our state legislators, it seems odd that someone with no interest in Van Buren County would create legislation that is contrary to JRR recommendations, fiscal responsibility, and the position of the great majority of Van Buren County officials. The fact that no one is willing to claim ownership of this bill is disturbing and illustrates an alarming lack of transparency in our government. I would sincerely hope that would cause you to pause in supporting this bill, and would further urge you to amend this bill to conform to SCAO recommendations.

HB 5093 was sponsored by Rep. Kate Segal. I find it extremely ironic that on her website, on December 1, 2011, she is quoted, in part, as follows regarding HB 5160:

"When the State Court Administrative Office recommended that we cut Court of Appeals judgeships because decreased workloads and case filings support that recommendation, the legislature should listen. The Governor did not fill vacant Court of Appeals judgeships at the beginning of the year in order to save taxpayers from unnecessary costs. The House voting to use scarce state dollars to fill unnecessary judgeships in such a frivolous manner is unconscionable."

This argument is equally appropriate regarding HB 5093. Regardless of whether we are talking about a Court of Appeals judgeship, or a judgeship in Van Buren County, both involve taxpayer dollars and the standard applied should be the same.

Sincerely,

Juris Kaps
Prosecuting Attorney