

# Overview of the Judicial Branch

Presentation to the  
Michigan House of Representatives  
Judiciary Committee

Matthew Schneider  
Chief of Staff and General Counsel  
Michigan Supreme Court

February 10, 2011

1

Of the three branches of government,  
“the Judiciary, from the nature of its  
functions, will always be the  
least dangerous.”

– Alexander Hamilton  
Federalist Paper No. 78

2

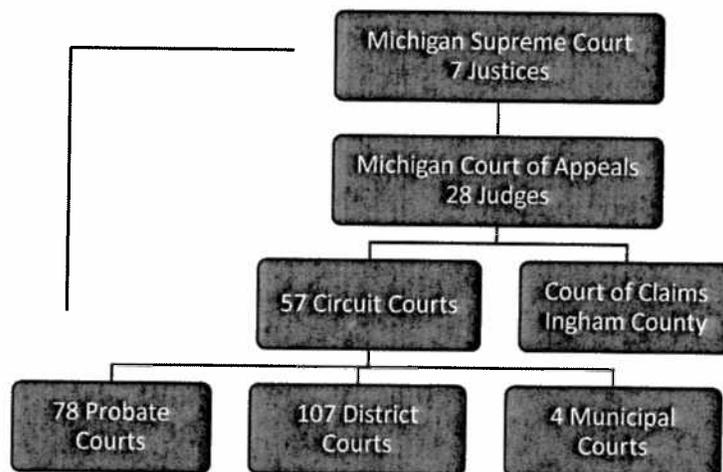


## Judicial Branch Components

- Supreme Court
  - State Court Administrative Office (the “SCAO”)
- Court of Appeals
- 57 circuit courts
- 78 probate courts
- 107 district courts and 4 municipal courts
- Specialty courts / specialty dockets
  - Court of Claims, drug courts, veterans courts, etc.

3

## Judicial Branch Components



4



## The Supreme Court

- Chief Justice Robert P. Young, Jr.  
– *Term expires in 8 years (Jan. 2019)*
- Justice Mary Beth Kelly  
– *Term expires in 8 years (Jan. 2019)*
- Justice Diane M. Hathaway  
– *Term expires in 6 years (Jan. 2017)*
- Justice Michael F. Cavanagh  
– *Term expires in 4 years (Jan. 2015)*

5

## The Supreme Court

- Justice Marilyn Kelly  
– *Term expires in 2 years (Jan. 2013)*
- Justice Stephen J. Markman  
– *Term expires in 2 years (Jan. 2013)*
- Justice Brian K. Zahra  
– *Term expires in 2 years (Jan. 2013)*

6



## The Supreme Court

- Chooses which cases to hear on appeal
- Establishes rules of procedure in all courts
- Supervises all courts
- 2009:
  - 2,224 cases filed
  - Oral arguments heard in 4.1% of the cases
  - 69% criminal, 31% civil
  - All cases disposed

7

## Inside the Supreme Court

- 18 Supreme Court Commissioners
- Court Clerk
- Judicial Clerks
- Court Crier
- Reporter of Decisions
- Board of Law Examiners
- Public Information Officer
- Security and Emergency Management

8



## The State Court Administrative Office (the "SCAO")

- "The Supreme Court shall appoint an administrator of the courts." – Const 1963, art 6, § 3
- Supervises the state trial courts
- Mediates disputes between courts and their funding units or government officials and agencies
- Assesses whether Michigan needs more or fewer judges and shares that information with the Legislature
- Assigns judges and retired judges to fill in temporarily for an absent judge

9

## Inside the SCAO

- Four regional offices
  - Detroit, Lansing, Mt. Pleasant, Gaylord
- Child Welfare Services
  - Supports circuit court family divisions on child welfare issues such as adoption, foster care, child abuse/neglect
  - Manages grant funding
  - Foster Care Permanency Options Workgroup
  - Foster Care Child Death Review Team

10



## Inside the SCAO

- Friend of the Court Bureau
  - Helps circuit courts manage local Friend of the Court offices
  - Establishes and implements child support policies
  - Maintains the child support formula
  - Works with the Office of Child Support in the DHS to analyze legislation and establish policy
- Foster Care Review Board
  - Reviews randomly selected cases of foster children
  - Recommends improvements
  - Hears appeals by parents

11

## Inside the SCAO

- Trial Court Services
  - Establishes, implements, and maintains standards and guidelines for trial courts
  - Implements Supreme Court administrative policies
  - Develops and implement forms
  - Manages the interpreter, court collections, court reporting, and specialty court programs
- Office of Dispute Resolution
  - Designs, implements, and evaluates Alternative Dispute Resolution (ADR) programs
  - Oversees the legislatively created Community Dispute Resolution Program

12



## Inside the SCAO

- Michigan Judicial Institute
  - Provides continuing education to judges on ever-changing case law
  - Researches, writes, and updates legal reference publications for judges and courts
- Judicial Information Systems
  - Provides technical and automated information system support for the Supreme Court, SCAO, and trial courts
  - Maintains the telecommunication network and caseload reporting system for state courts

13

## The Court of Appeals

- One court
- 28 judges
- Four electoral districts
- Elected to six-year terms
- Hears cases in panels of three

14



## Circuit Courts

- 57 circuit courts
- 221 circuit judges
- Elected to six-year terms
- Jurisdiction:
  - Felony crimes and high misdemeanors
  - Civil matters over \$25,000
  - Appeals from district and probate courts
  - Agency appeals
- Family division:
  - Divorce, child custody, child support, paternity, adoptions, name changes, juvenile proceedings, emancipation of minors, parental consent, and PPOs

15

## Probate Courts

- 78 probate courts
- 103 probate judges
- Elected to six-year terms
- Jurisdiction:
  - Handles disputes over wills
  - Administers estates and trusts
  - Orders treatment for mentally ill
  - Appoints guardians and conservators

16



## District Courts

- 107 district courts
- 258 district judges
- Elected to six-year terms
- Jurisdiction:
  - Felony preliminaries
  - Traffic violations
  - Criminal cases in which the punishment is less than one year in jail (misdemeanors)
  - Civil cases below \$25,000
  - Landlord-tenant disputes
  - Small Claims Division: Hears civil cases of \$3,000 or less

17

## Court of Claims

- One court
- Located in Lansing
- Cases are assigned to a 30<sup>th</sup> Circuit Court judge
- Jurisdiction:
  - Hears civil lawsuits of more than \$1,000 against the state of Michigan or a state department
  - No jury trials

18



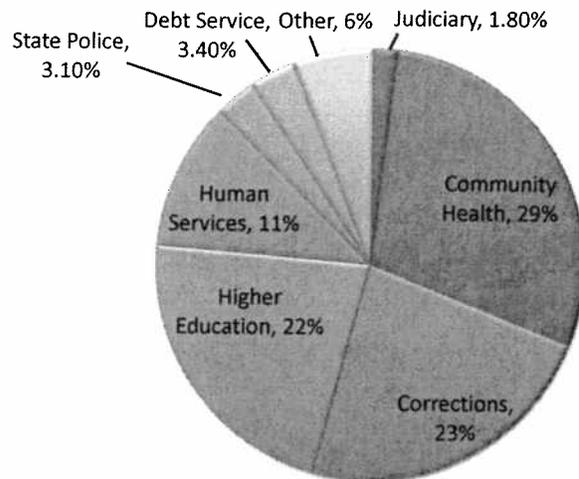
## Municipal Courts (not state funded)

- Four municipal courts / four judges
  - Grosse Pointe
  - Grosse Pointe Farms
  - Grosse Pointe Park
  - Grosse Pointe Woods
- Jurisdiction:
  - Generally, civil and landlord-tenant under \$1,500
  - Conciliation division up to \$100
  - Misdemeanors, traffic and ordinance violations with fines less than \$500 and sentence less than 1 year
  - Felony preliminaries
  - Jury trials

19

## Judiciary Share of GF/GP Budget

Source: House Fiscal Agency January 2011  
FY 2010-11



20



## Future Issues

- Supreme Court technology issues
  - Case management
  - Electronic filing
  - Electronic docketing
- Concurrent jurisdiction

21

## Future Issues

- Judicial Resource Recommendation (JRR)
  - Every odd-numbered year, the SCAO issues a report on whether Michigan has the appropriate number of judges
  - 2009 JRR report recommended the elimination of 15 judgeships
  - 2011 JRR report is expected by the end of summer
  - Changes in the number of judgeships must be passed by Legislature/signed by Governor

22



## Questions

Matthew Schneider  
Chief of Staff and General Counsel  
Michigan Supreme Court  
(517) 373-0128  
[SchneiderM@courts.mi.gov](mailto:SchneiderM@courts.mi.gov)

23

