

2006 Annual Report

61st District Court
Grand Rapids, Michigan

Hon. Benjamin H. Logan III
Chief Judge

Hon. Donald H. Passenger
Chief Judge *Pro Tem*

Hon. Patrick C. Bowler
District Judge

Hon. David J. Buter
District Judge

Hon. J. Michael Christensen
District Judge

Hon. Jeanine N. LaVille
District Judge

Fredrick Hartley
Law Magistrate

The 61st District Court serves the City of Grand Rapids. According to the 2000 census, the population is 195,000. While criminal and traffic cases are filed with the court by at least a dozen different law enforcement agencies, the majority of cases (90%) come from the Grand Rapids Police Department and the Michigan State Police.

The district court is often referred to as “The People’s Court,” in part because citizens have more contact with the district court than any other court in the state, and in part because many citizens go to district court without an attorney. The district court has exclusive jurisdiction over all civil claims up to \$25,000, including small claims, landlord-tenant disputes, land contract disputes and civil infractions. The court may also conduct marriages in a civil ceremony.

The district court small claims division handles cases up to \$3,000. In these cases, the litigants waive their right to a jury and attorney representation. They also waive rules of evidence and any right to appeal the district judge’s decision. If either party objects, the case is heard in the general civil division of the court where the parties retain these rights. If a district court attorney magistrate enters the judgment, the case may be appealed to the district judge.

Civil infractions are offenses formerly considered criminal, but decriminalized by statute or local ordinance, with no jail penalty associated with the offense. The most common civil infractions are minor traffic matters, such as speeding, failure to stop or yield, careless driving, and equipment and parking violations. Some other violations in state law or local ordinance may be decriminalized, such as land-use rules enforced by the Department of Natural Resources and blight or junk violations. No jury trial is allowed on a civil infraction, and the burden of proof is by a preponderance of the evidence instead of beyond a reasonable doubt. Most of these cases are handled in informal hearings by district court magistrates.

District courts handle a wide range of criminal proceedings, including misdemeanors where the maximum possible penalty does not exceed one year in jail. In these cases, the court conducts the initial arraignment, setting and acceptance of bail, trial, and sentencing. Typical district court misdemeanor offenses include driving under the influence of intoxicants, driving on a suspended license, assault, shoplifting, and possession of marijuana. The district courts also conduct preliminary examinations in felony cases, after which, if the prosecutor provides sufficient proofs, the felony case is transferred to the circuit court for arraignment and trial. The district courts also handle

extradition to another state for a pending criminal charge, coroner inquests, and issuance of search warrants. The court may appoint an attorney for persons who are likely to go to jail if convicted and cannot afford legal counsel.

District court judges may allow clerks to accept admissions of responsibility to civil infractions, guilty pleas to certain misdemeanor violations, and payments to satisfy judgments. For little or no cost, clerks have a variety of district court forms for the public. Clerks may not give parties legal advice. Many citizens interact most frequently with clerical staff, particularly on traffic civil infractions when no hearing is requested. Clerical employees are required by law to provide information to various state agencies, such as the Department of State on motor vehicle violations and the Department of State Police on criminal convictions.

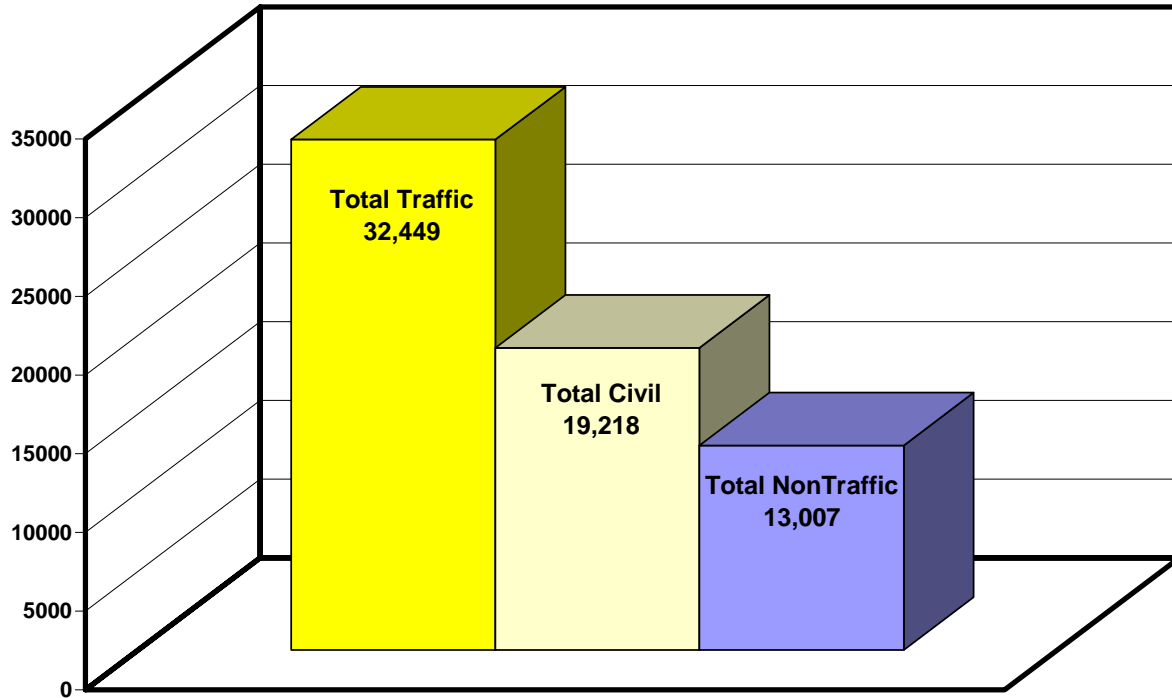
Most district courts have a probation department to follow up with persons who are on probation for an offense. A judge can order a defendant to fulfill various conditions, including fines, classes, and treatment or counseling. With some exceptions, probation cannot exceed two years.

District judges have statutory authority to appoint a district court magistrate. Magistrates may issue search warrants and arrest warrants when authorized by the county prosecutor or municipal attorney. They may also conduct arraignments and set bail, accept guilty pleas to some offenses, and sentence most traffic, motor carrier, and snowmobile violations, as well as animal, game, and marine violations. If the district court magistrate is an attorney licensed in Michigan, the magistrate may hear small claims cases. At the direction of the chief judge, the magistrate may also perform other duties as specified in state law.

District judges are elected to six-year terms on a nonpartisan ballot, subject to the same requirements as other judges. The Legislature sets the salary for district judges.

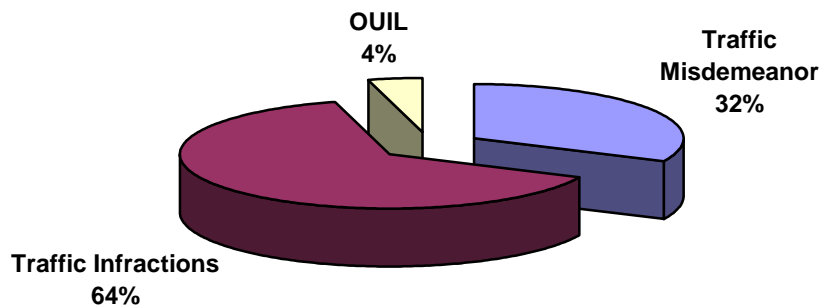
For purposes of this report, cases will be aggregated and disaggregated into various groups depending on the narrative explanation. The following figure, for example, shows the 61st caseload aggregated into Traffic, Civil, and Non-Traffic.

Total Cases Active 2006



As with all district courts in Michigan, the majority of cases involve traffic tickets. Most misdemeanor traffic offenses were decriminalized in the 1970's in Michigan. These are the cases with which most citizens come in contact because of the volume and because law enforcement in most jurisdictions focus heavily on traffic safety. The overwhelming majority of traffic cases involve issuance of a civil infraction. These can be paid easily in person, by mail, or on line. In Michigan in 2005 (2006 data are not yet available), 2,002,763 civil infractions were processed by all district courts; 22,401 in the 61st. This represents 41% of the statewide caseload and 32% of our caseload. The larger the percentage of these cases in a district court, the easier they are to process because fewer court resources are needed.

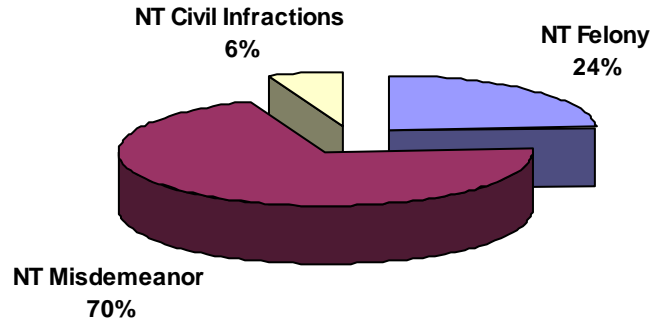
Traffic Cases 2006



Further analysis of the Traffic Cases above, shows the majority of cases are civil infractions (20,777), followed by misdemeanor cases (10,363), and the balance being alcohol-related cases (1309). In 2005 statewide alcohol-related cases accounted for only 1.6% of all district court cases; however, in 61st they accounted for 4.8% in 2005 and 4.0% in 2006. By their very nature drunk-driving cases use considerable court resources, both judicial and supervisory (probation). Such cases create a greater processing burden in those courts where they are found in higher proportion to other cases.

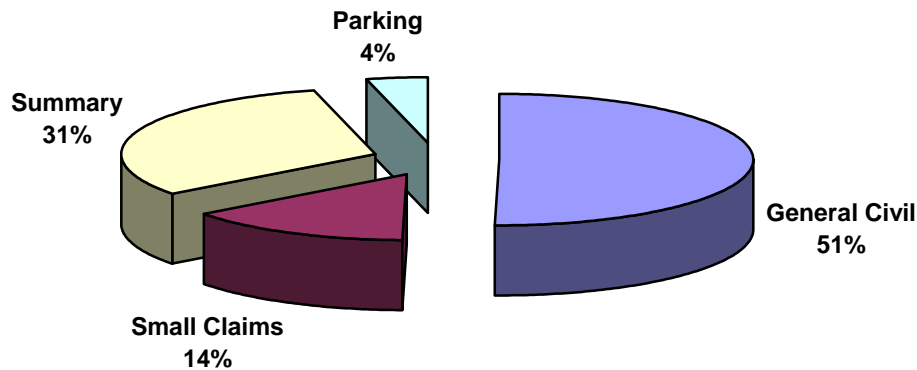
Non-Traffic cases comprise 20% of the 61st total caseload. Most are non-traffic misdemeanors (e.g., simple assault), followed by felonies and then non-traffic civil infractions – which are also called *municipal civil infractions*.

Non-Traffic Cases 2006



Non-traffic misdemeanors include domestic assault, simple assault, larceny, etc. These cases also tend to consume a higher than average amount of court processing resources because the sentences generally involve incarceration and or probation. This group of cases accounted for 51% of 61st jury trials in 2005 and 57% in 2006 (59% statewide in 2005).

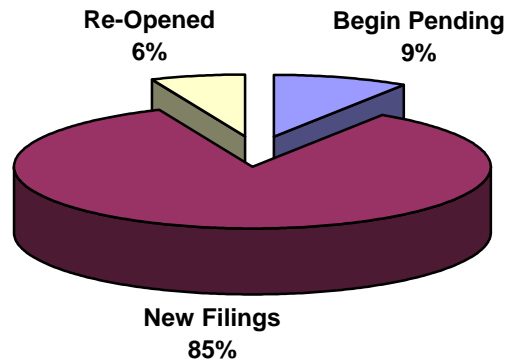
Civil Cases 2006



In 2006 all civil cases – consisting of General Civil, Small Claims, and Summary Judgment -- comprised 29.7% of 61st total caseload and in 2005 the percentage was 23.5% and in 2004 21%. This represents a pattern of consistent growth in litigation. General civil cases, the largest of the three categories, are mostly responsible for driving the numbers upward: 42% of all civil cases in 2004, 49% in 2005 and 50% in 2006.

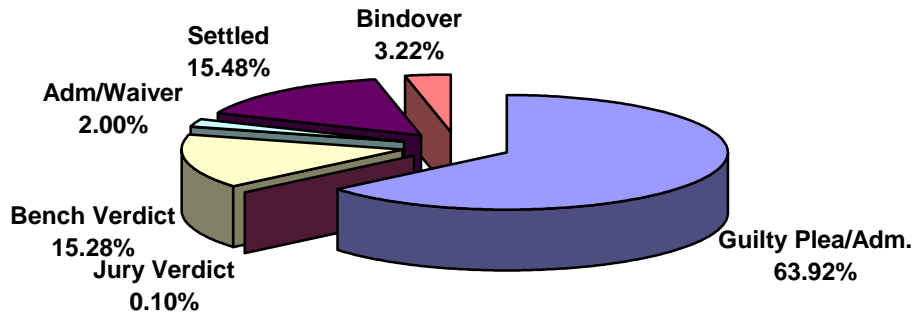
Statewide, civil cases comprised 17.2% and 16% of all cases filed in 2004 and 2005, respectively. The trend statewide is also different with respect to General Civil cases with 51.5% and 50% in 2005 and 2004, respectively. This is important because the disposition of civil cases generally requires a judicial involvement. Using bench trials for civil cases only as a proxy measure of judicial involvement, 68.6% of all civil cases were so resolved in 2006 (54.3% in 2005). Statewide, civil cases were disposed of this way in only 17.7% in 2005.

Case Activity 2006



In order to provide an accurate picture of a court's total caseload, all case activity must be presented. The above figure shows the distribution of all 64,674 cases processed in 2006. Six percent (4,144) are cases that were re-opened during the year. This generally refers to cases involving bench warrants issued for defendants who failed to appear for court at some prior time. When they are apprehended, the court must complete the processing. In many cases there was no arraignment, thus the case is at step one in the process, identical to a newly filed case. Nine percent (5,995) have been carried over from 2005. The goal is to keep the Pending number as small possible. Statewide in 2005, for example, 17% of the cases processed were carried over from 2004; for 61st 6% were pending from 2005. For the 61st, 85% of all cases processed were newly filed in 2006.

Case Disposition 2006



Cases are disposed of in a wide variety of ways. In the above figure, for example, it is clear that the overwhelming majority of cases, 63.92%, are disposed of by guilty plea or admission of responsibility. In the guilty plea category are 834 felony cases disposed of for the 17th Circuit Court by judges in the 61st District Court; this represents 28% of the felony cases disposed of in 2006. Civil cases are generally disposed of by settlements and in 2006 this amounted to 15.48% of all disposed cases. Bench trials and jury trials are not perhaps as common as people believe, but they do require a fair amount of judicial time. In 2006 there were 8,179 bench trials (15%) and 54 jury trials (0.10%). Statewide in 2005, less than 5% of cases were disposed of this way, with only 0.04% resolved by jury trials. In 2005 for the 61st District Court, these numbers were 11% and 0.10%, respectively. The larger the percentage of courtroom-based proceedings, then more work must be done by judges and court employees.

State Caseload Reports

The following statistical data are from the Caseload Detail report for the 61st District Court as reported to the State Court Administrator's Office for calendar year 2006.

There are currently twenty-one different case types in District Court. In order to help you read the table more effectively, the following definitions may be helpful.

Case Type Definitions

Criminal Non-Traffic

EX: Extradition warrants.

FY: Felony charge. These cases must be scheduled within fourteen days for a hearing (preliminary exam) and are then bound-over to Circuit Court.

OM: These are non-traffic misdemeanor offenses (e.g. simple assault, larceny, etc.) charged by the City Attorney under the ordinances of the municipality served by the District Court.

SM: Just like **OM** above, except the charges are filed under state law, usually by the County Prosecuting Attorney.

Traffic – Misdemeanor and Civil Infractions

FD: This designation is exclusively for felony drunk driving charges.

FT: Felony traffic charges not involving alcohol.

OD: Drunk driving offenses charged under municipal ordinances.

OI: Non-criminal civil infractions (e.g. speeding, etc.) charged under municipal ordinances.

OT: Misdemeanor traffic offenses charged under municipal ordinances.

SD: Drunk driving offenses charged under state statutes, not local ordinances.

SI: Non-criminal civil infractions charged under state statutes.

ST: Criminal traffic misdemeanors charged under state statutes.

Non-Traffic Civil

OK: Parking tickets written under municipal ordinances.

ON: Non-traffic civil infractions issued under local ordinances.

SK: Parking tickets written under state statute.

SN: Non-traffic state civil infractions.

Civil

GC: General civil litigation, not to exceed \$25,000 in claimed damages.

GZ: Designation for civil infraction appeals resulting in an informal or formal hearing.

LT: Landlord/Tenant disputes.

SC: Small claims cases.

SP: Summary proceedings.

Case Disposition Definitions

Jury Verdict: Cases that have been disposed of by holding a jury trial

Bench Verdict: Cases disposed of by a Judge or Magistrate, sitting alone, as the fact finder.

Guilty Plea/Admission: Cases disposed of when a defendant simply enters a plea of guilty or responsible before a Judge or Magistrate.

Admission/Waiver: Cases disposed of when a defendant admits responsibility.

Settled: Restricted to civil cases and refers to cases disposed of by the parties when they come to an agreement.

Bindover: Refers only to the disposition of felony cases where a Judge has determined there is sufficient cause to transfer the case to Circuit Court for further processing (e.g. trial).

Dismiss by Party: In criminal and traffic cases, this refers to cases disposed of by action of the prosecuting authority when he/she dismisses the charges. In civil cases this refers to an action by the plaintiff to withdraw her/his claim.

Dismiss by Court: The charges or dispute are dismissed by a Judge in these cases.

Default: This disposition refers to the failure of the defendant to respond to a notice to appear in court and the court imposing penalties.

Inactive Status: Cases here have been stopped in the processing for various actions (e.g. bankruptcy, bench warrants, and forensic evaluations).

Other Dispositions: This is simply a miscellaneous category that is not used very much at all.

Case Type Change: This refers to those very rare occasions when a case is incorrectly coded by the Court when first it is filed.

2006																								
	Criminal -- NonTraffic				Traffic -- Misdemeanor and Civil Infractions								NonTraffic Civil				Civil							
Caseload	EX	FY	OM	SM	FD	FT	OD	OI	OT	SD	SI	ST	OK	ON	SK	SN	GC	GZ	LT	SC	SP	TOTAL		
Begin Pending	0	128	555	243	4	3	95	607	624	54	133	228	45	18	0	7	2431	9	398	375	38	5995		
New Filings	2	2736	4491	2417	58	55	611	16374	5652	337	3559	1800	691	606	0	28	7139	33	5349	2357	240	54535		
Reopened	0	208	817	590	0	1	105	85	1609	45	19	450	1	102	0	0	48	0	21	43	0	4144		
TOTAL	2	3072	5863	3250	62	59	811	17066	7885	436	3711	2478	737	726	0	35	9618	42	5768	2775	278	64674		
Dispositions																								
Jury Verdict	0	1	9	22	0	0	3	0	6	2	0	2	0	0	0	0	9	0	0	0	0	54		
Bench Verdict	0	0	163	118	0	0	65	1310	176	32	463	71	71	72	0	4	172	11	3290	1960	130	8108		
Guilty Plea/Adm.	0	834	4227	2435	1	0	622	14295	6229	305	2951	1846	0	0	0	0	0	0	0	0	0	33745		
Adm/Waiver	0	0	0	0	0	0	0	0	0	0	0	0	472	575	0	23	0	0	0	0	0	1070		
Settled	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6767	22	1154	264	78	8285		
Bindover	2	1604	0	0	56	54	0	0	0	0	0	0	0	0	0	0	0	0	0	9	0	1725		
Dismiss by Party	0	101	374	114	0	0	6	11	369	3	3	136	11	2	0	1	31	0	54	21	3	1240		
Dismiss by Court	0	198	137	117	1	0	6	129	72	30	63	53	55	18	0	0	41	0	772	173	16	1881		
Default	0	0	0	0	0	0	0	712	0	0	95	0	81	41	0	0	0	0	0	0	0	929		
Inactive Status	0	199	397	200	0	2	14	2	407	10	3	142	1	0	0	0	155	0	50	33	1	1616		
Other Disp.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	50	0	6	18	0	74		
Case Type Chg.	0	1	1	1	0	0	0	0	2	0	0	0	0	0	0	0	1	0	0	1	0	7		
TOTAL	2	2938	5308	3007	58	56	716	16459	7261	382	3578	2250	691	708	0	28	7226	33	5326	2479	228	58734		
PENDING	0	134	555	243	4	3	95	607	624	54	133	228	46	18	0	7	2392	9	442	296	50	5940		