



86<sup>th</sup> District Court  
Annual Report  
2012

Grand Traverse County  
280 Washington Street  
Traverse City MI 49684

Antrim County  
205 East Cayuga  
Bellaire MI 49615

Leelanau County  
8527 E. Government Center Dr.  
Suttons Bay MI 49682

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## Foreward

By Judge Thomas J. Phillips, Chief Judge

This past year has been another year highlighted by efforts of increased efficiency through technology. There is need for greater efficiency because of reduced number of staff in both clerical and court recorder positions.

Our staff does an excellent job but they are faced with the stress of change caused by the technological improvements and by reduced staff especially when other clerks or recorders are absent due to vacations and illness.

As to technology changes, the court is online with paperless tickets with both the Grand Traverse County Sheriff's Department and the Traverse City Police Department. Although this took longer than expected, it has helped make the Traffic Division in Grand Traverse County more efficient.

The Civil Division has internally become paperless. This required a considerable amount of training by the clerical staff, court recorders and judges. The court is internally paperless in the civil division in both Leelanau and Grand Traverse Counties and plans on the same status in Antrim County in 2013. Unfortunately, the court cannot presently go to E-filing because the State Court Administrator's Office has stopped approval of additional E-filing courts until there is a new court rule that will allow all courts to E-file. It is anticipated that this should occur next year and this would make the Civil Division more efficient.

The Court has also been active again this year in seeking supplemental funds through grants. Much of the credit for that should go to our Court Administrator, Carol Stocking along with Judges Stepka and Haley.

A \$25,000 Mental Health Court grant was awarded to Judge Haley's Sobriety Court. Judge Stepka's Mental Health Court was awarded a \$133,500 grant.

Finally, regarding savings, the Court Appointed Attorney contracts were bid out resulting in a reduction in the contract price in all these counties.

This years' annual report is dedicated to our staff who have provided excellent service to our counties throughout the years.

## Judges

**Judge Thomas J. Phillips** was elected in 2000 and reelected in 2006 and 2012 to serve Antrim, Leelanau and Grand Traverse. Prior to election, Judge Phillips was the managing partner for Running, Wise, Ford and Phillips. He joined the firm in 1975 and



became a partner in 1977. Judge Phillips grew up in the Detroit area and graduated from the University of Detroit High School. After graduating cum laude from the University of Notre Dame with a Bachelors in Business Administration, he went on to complete his law degree at the University of Michigan Law School. After law school, Judge Phillips served in the Naval Judge Advocate's General Corps as a lieutenant during the Vietnam War.

While a Navy Jag, he was awarded the Freedom Award from the NAACP for his work with black sailors. Judge Phillips is married to Judith Grier Phillips who was a high school teacher. They have four children: Ann, Meghan, Katie and Tom. Their children have undergraduate degrees from University of Michigan and Notre Dame and graduate degrees from Wayne State, DePaul, Western Michigan and University of Michigan.

**Judge Michael J. Haley** was first elected to the District Court in 1996. Judge Haley graduated from the University of Detroit High School and then Wayne State University before completing his law degree requirements at Loyola University School of Law in Chicago in 1974. He served as a law clerk for the Michigan Court of Appeals, assistant public defender in Kent County, and assistant Grand Traverse County prosecutor before maintaining a private law practice from 1980 until his election to the bench. Judge Haley and his wife, Mary, a retired schoolteacher, have



three children: Michael, Kathleen and Colleen.

**Judge Michael S. Stepka** was elected to the 86<sup>th</sup> District Court in November 2010. He grew up in Traverse City and graduated from Traverse City Central High School, Northwestern Michigan College, Central Michigan University, Cum Laude, and the



University of Detroit School of Law. After graduating from law school, Judge Stepka returned to Traverse City to practice law until being elected to the bench. He also served as a Grand Traverse County Commissioner from 2009-2010, served on the Board of the Women's Resource Center, and the Third Level Legal Aid volunteer clinic for many years. He also served as the Grand Traverse, Leelanau and Antrim County Bar Association President, and was the Annual Law Day Chair

for many years. Judge Stepka currently presides over the 86<sup>th</sup> District Court Mental Health Court. His interests include road and mountain biking, running and downhill skiing. Judge Stepka has two children, Michael and Betsie.

## Court Administrator

By Carol Stocking

A lot of my time in 2012 was spent on the Imaging Project in the Civil Division. There was a considerable amount of work in preparation of "going live" which we did in August. Once we were live we encountered a number of issues which caused a lot of frustration for everyone. I want to commend the civil staff, Ella Dreves, Serena Lovendusky, Mary Wenger-Townsend and Tammie McLain, for their patience and fortitude during this process. The judges and recorders were also exceptionally tolerant while this changed the entire way of processing a case. While we are not yet able to accept E-filings, internally we are paperless. We were able to remove all of the shelving units that held paper files, freeing up a lot of floor space and saving money on file folders. This process has eliminated the clerks having to file any paper and has eliminated the need to search for missing files.

The employees of the District Court are very generous. Our Denim Friday collections resulted in \$909 which was used for the Paper Angel's program which was coordinated by Sherise Shively from Community Corrections.



Our 2012 Accomplishments include:

- January 2012, first attorney magistrate hearing held in the 86<sup>th</sup> District Court by Angel Kaley-Wolf.
- March 2012, Bob Brown was appointed as a Magistrate for Informal Hearings.
- January 2012, Security Training involving all District Court staff and other court staff in the Hall of Justice in cooperation with DK Security, Grand Traverse County jail staff, Grand Traverse County Sheriff deputies and Traverse City Police Department.
- March 2012, moved to Google apps for Email and calendars.
- August 2012, began the Imaging project in Leelanau and Grand Traverse County Civil Divisions.
- Jail fees accepted on the Bond screen in Grand Traverse County only when paying by credit card.
- September 2012, E-ticket project implemented with Grand Traverse Sheriff Office and Traverse City Police Department.
- Judge Phillips worked on a SCAO committee to develop court performance measures for the purpose of transparency with implementation planned for 2013.
- Successfully wrote a \$25,000 grant for Mental Health Court Services for Sobriety Court participants.
- Successfully wrote a \$133,500 grant for Mental Health Court.
- The Community Service program continues to be successful. The program

enrolled 418 people, took in \$26,264 and saved 3,135 jail bed days.

- The 86<sup>th</sup> District Court was one of only two counties in the country to be awarded a special grant that offers training from the National Council of Juvenile and Family Court Judges this past summer. The Council offered on-site training in improving District Court Judges' knowledge in setting bond and probation conditions in domestic violence, stalking, sexual assault, and assault crimes in general, and to best protect victims and their children.

Our Court is always open to school groups for educational visits. The judges are happy to have students observe and will meet with groups afterwards if time permits. Please contact me if you are interested in visiting our court.

The District Court staff is an exceptional group of people. They are very dedicated to their work and are professional, caring civil servants.

## General Overview

The 86<sup>th</sup> District Court is part of the judicial branch of government as provided for by the Michigan Constitution in 1963 and created by the Michigan Legislature in Public Act 154 of 1968. The purpose of the District Court is to provide a system of justice for the citizens of Grand Traverse, Antrim and Leelanau Counties. The District Court has jurisdiction over all civil cases where the amount in controversy is \$25,000 or less, all criminal misdemeanors and arraignments and preliminary examinations in felony matters.

Judges hold court in Traverse City five days per week. Court is held in Antrim County every Tuesday and Thursday and every Friday in Leelanau County. Judges travel to Antrim and Leelanau on a rotating schedule.

Our Court office is divided into three divisions: criminal/traffic, civil and probation. The criminal/traffic division handles violations of the States Criminal Code and local ordinance violations. It is responsible for scheduling all matters, opening and closing cases, communicating with the jail regarding sentenced inmates and notifying the Department of State Police Records Division of case dispositions. In addition, they are responsible for entering traffic tickets into the computer system, taking payments for both traffic and criminal cases, receiving and disbursing bonds and notifying the Secretary of State of case dispositions. This division also handles weddings that are performed by the court.

The civil division processes all general civil, small claims and summary proceeding (landlord-tenant) cases. It schedules civil hearings and trials, processes civil writs, garnishments and receives money for cases filings.

The probation department performs two functions: (1) meeting with criminal defendants and preparing pre-sentence reports for the judges and (2) supervising probationers.

Our staffing level in 2012 included 32 full-time employees and five (5) part-time employees.



# 86<sup>th</sup> District Court Staff

## Court Administrator - Carol Stocking

### Grand Traverse County Staff

Tammi Rodgers – Magistrate  
Tina Lehn – Office Coordinator  
Pam Blue – Chief Probation Officer

### Criminal/Traffic Division/Cashiers

Dawn Rector\*  
Sue Schaub  
Kendra Wise  
Andrea Cooper

### Civil Division

Ella Dreves  
Serena Lovendusky  
Mary Wenger-Townsend  
Tammie McLain\*

### Recorders

Angel Kaley  
Coleen Rocker  
Sheila Hale

### Probation Clerks

Claudette Tarr  
Beth Lajko

### Collections

Suzy Barsheff\*  
Trish Moore\*

### Accounting

Marissa Switalski

### Case Manager

Tony Carolan\*\*\*

### Community Corrections

Greg Somers - Manager  
Margaret Drury  
Sherise Shively  
Ralph Schultz \*\*

### Probation Officers

Dawn Wagoner  
Becky Morris  
Heidi Gilde\*  
Bob Brown  
Lin Loomis-Rutt  
Ralph Schultz\*\*

### Leelanau County Staff

Norene Kastys – Magistrate/Office Coordinator  
Cindy Schaub – Traffic/Civil Clerk  
Mike Cochran – Probation Officer

### Antrim County Staff

Shirley Dewitt – Magistrate/Office Coordinator  
Jerri White – Traffic Clerk  
Cindy Visnaw – Civil Clerk  
Elizabeth Stanichuk – Probation Officer  
Shannon Johnson – Probation Clerk

\* Part-time employee

\*\* Split position

\*\*\* Part-time employee – contracted with NLCMH

## Magistrate Activity

The 86<sup>th</sup> District Court employs one full-time magistrate in Grand Traverse County and one half time magistrate in each of the other two counties. Magistrates conduct informal hearings on traffic tickets, perform weddings, issue arrest warrants, conduct arraignments, set bonds and accept pleas for misdemeanors that have a maximum penalty of 93 days in jail. All magistrates are appointed by the Chief Judge.



Shirely Dewitt, Tammi Rodgers, Norene Kastys

### **Grand Traverse County Magistrate Activity**

	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Arraignments	1025	984	1098	1056
Informal Hearings	337	430	374	310
Search Warrants	121	109	94	77
Marriages	118	126	108	102

### **Antrim County Magistrate Activity**

	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Arraignments	40	76	117	88
Informal Hearings	75	128	154	140
Search Warrants	43	34	27	21
Marriages	32	49	32	33

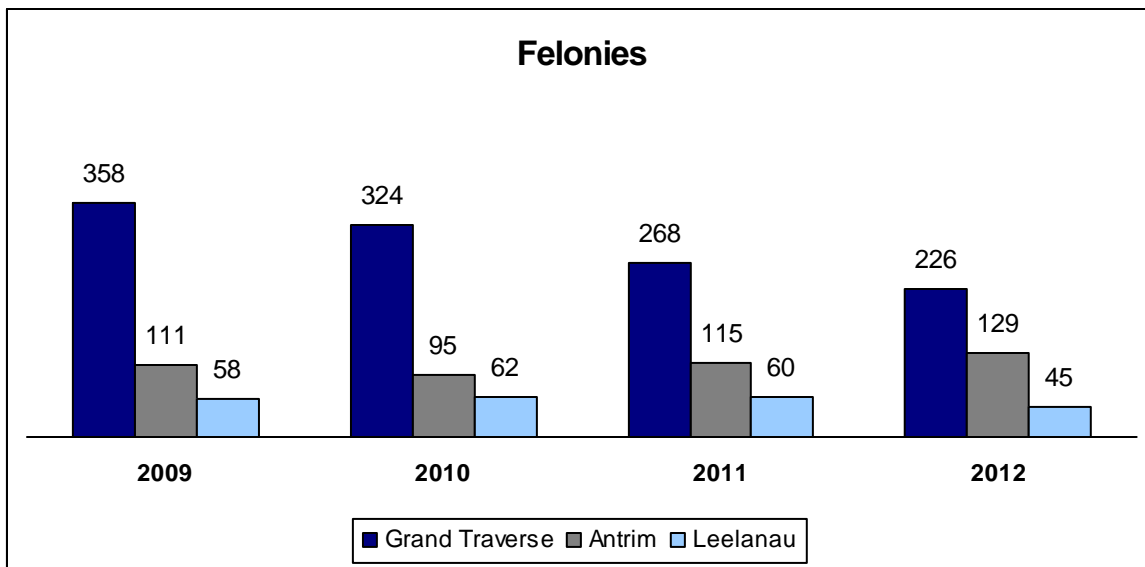
### **Leelanau County Magistrate Activity**

	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Arraignments	62	93	109	115
Informal Hearings	32	24	46	39
Search Warrants	27	28	32	41
Marriages	11	18	16	19

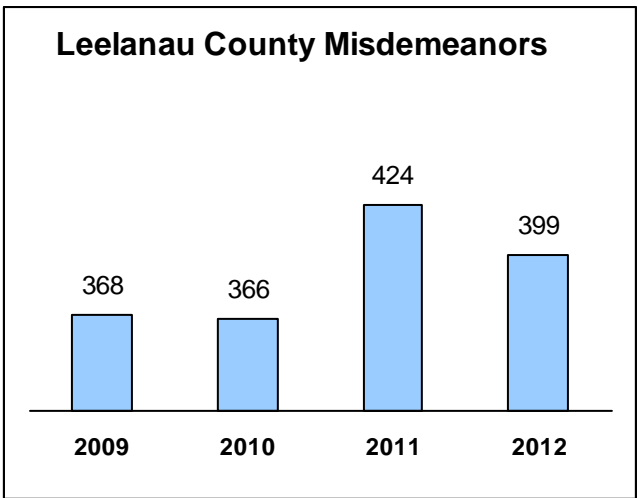
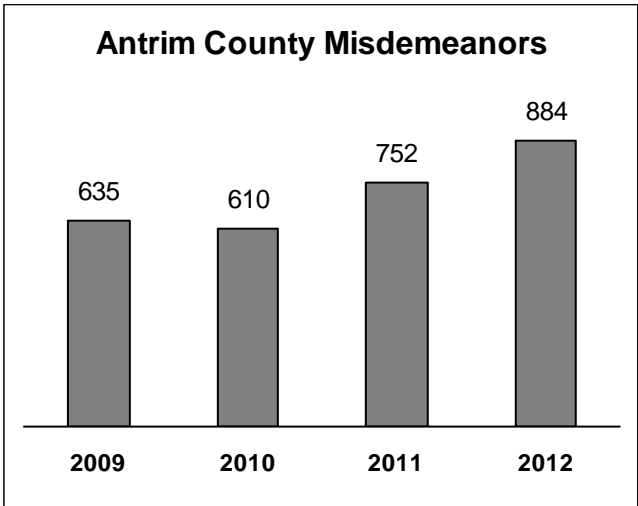
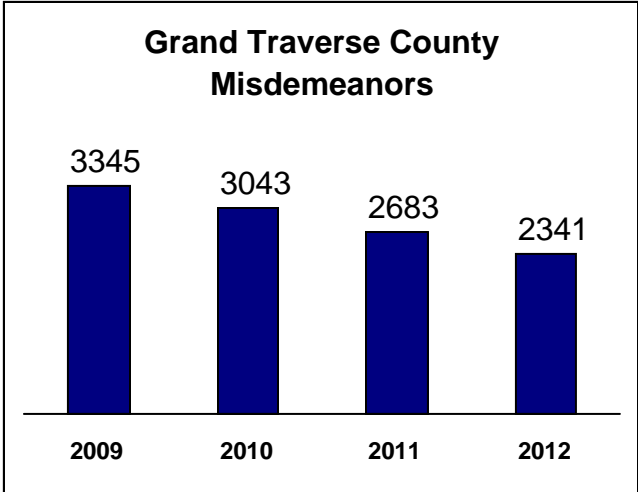
## Criminal Division

In Grand Traverse County four full time court clerks and the office coordinator share the work in the criminal and traffic divisions. In Antrim and Leelanau the criminal case load is processed mainly by the half time office coordinator. Their tasks involve tracking from beginning to end, every criminal case filed in the District Court. This job requires a thorough understanding of the court system, knowledge of hundreds of codes, and requires data entry, accuracy and attention to detail. Customer service is a big part of these positions as they have constant interaction with defendants, attorneys, law enforcement and the public, both face-to-face and on the telephone. Our court is proud of the fact that we consistently meet the required time guidelines for case disposition.

**Felonies** - The first court appearance for each defendant charged with a felony is the District Court arraignment. The preliminary exam that follows must be held within 14 days after the arraignment. If probable cause is established then the defendant is bound over for further proceedings in the Circuit Court.



**Misdemeanors** - The District Court has jurisdiction over all crimes that are punishable by not more than one year in jail. The following statistics include all misdemeanor offenses; traffic and criminal including Operating While Intoxicated. Indigent defendants are entitled to a court appointed attorney if their crime could result in a jail sentence. The following graphs demonstrate the trend in each county as it pertains to these assignments.

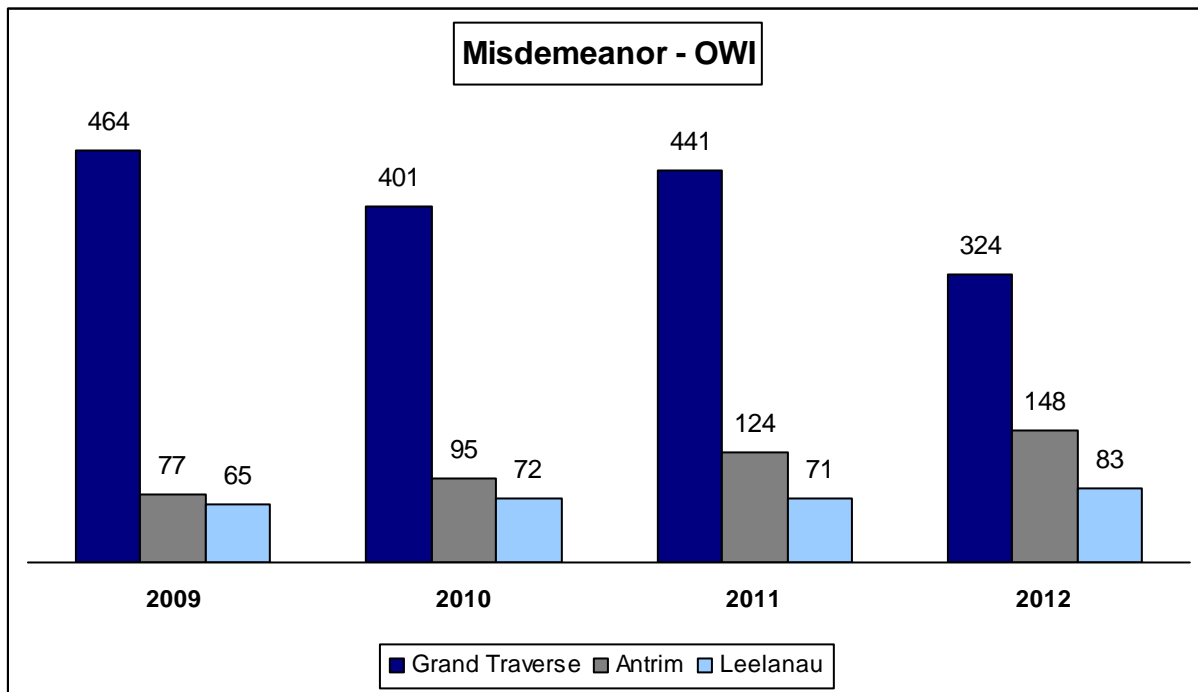


**Operating While Intoxicated (OWI)** - In 2003 the state legislature reduced the level of intoxication from .10% to .08%. It was in response to the threat to public safety posed by the repeat OWI offender that Judge Haley created the Sobriety Court in December 2001. This special docket follows a nationally developed model of Drug Treatment Courts and is designed to provide treatment alternatives to repeat drunk drivers in order to promote rehabilitation and recovery in lieu of jail. With intensive supervision by a case manager and judicial monitoring throughout probation, these chemically dependent offenders may avoid incarceration by pleading guilty and successfully completing an intensive 2-year probation period, with regular court appearances and case manager meetings throughout.

The program was expanded in 2009 to include OUIL 3<sup>rd</sup> offense defendants. These defendants, in year one, are on a delayed felony sentence. If they are successful in year one, they get sentenced to a 2<sup>nd</sup> offense and have up to two additional years of intense probation. Failure results in an immediate felony conviction.

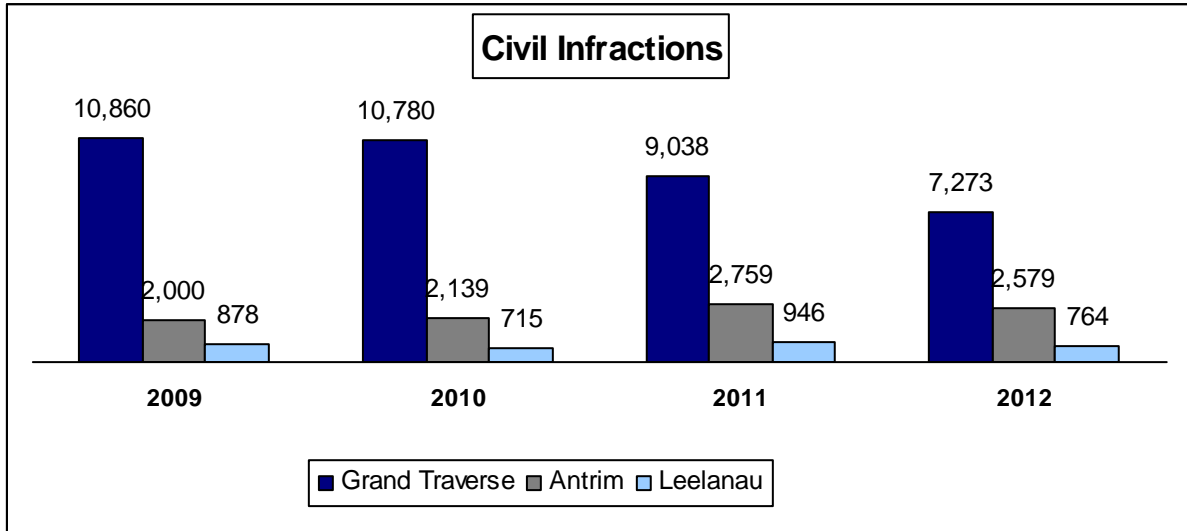
The ultimate goal of this program is to reduce the repeat offender rate for drunk driving. In 2005 there were nearly 1000 drunk driving arrests in the three counties of the 86<sup>th</sup> District. In 2012, there were 643 misdemeanor and felony drunk driving convictions.

This program was an academy court used by the National Association of Drug Court Professionals in training other Sobriety Courts nationwide between 2008-2010.



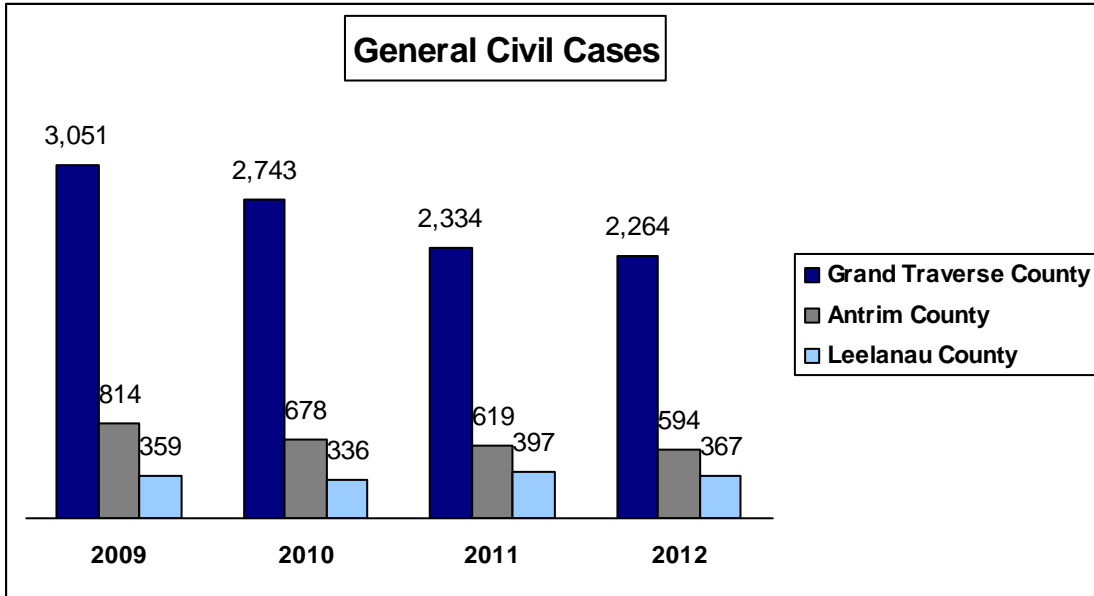
## Traffic Division

**Traffic - Civil Infractions** - Most violations of the Michigan Vehicle Code are civil infractions. Probably the most common civil infraction is the speeding ticket. An informal hearing before a magistrate is scheduled if a person denies responsibility for a civil infraction. The decision of the magistrate may be appealed to the District Judge.

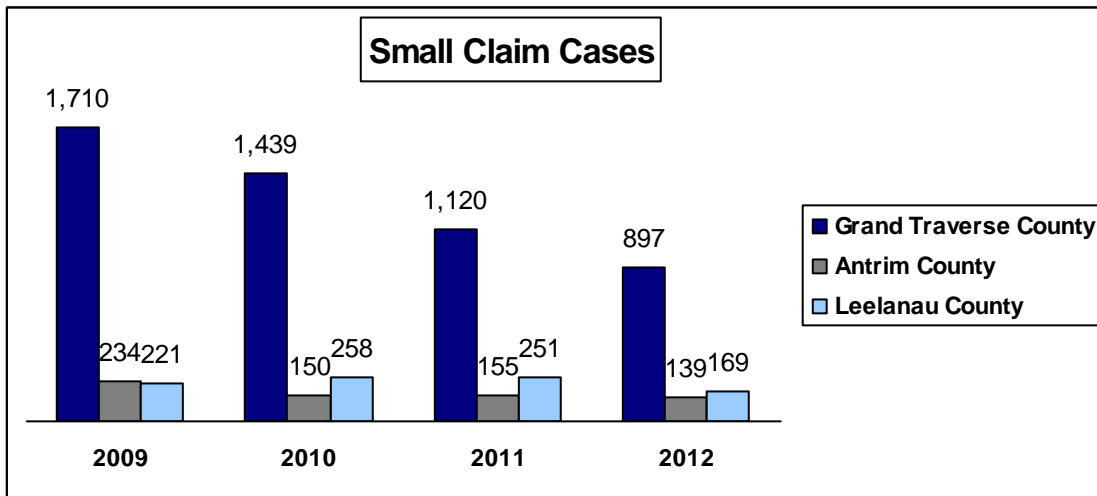


## Civil Division

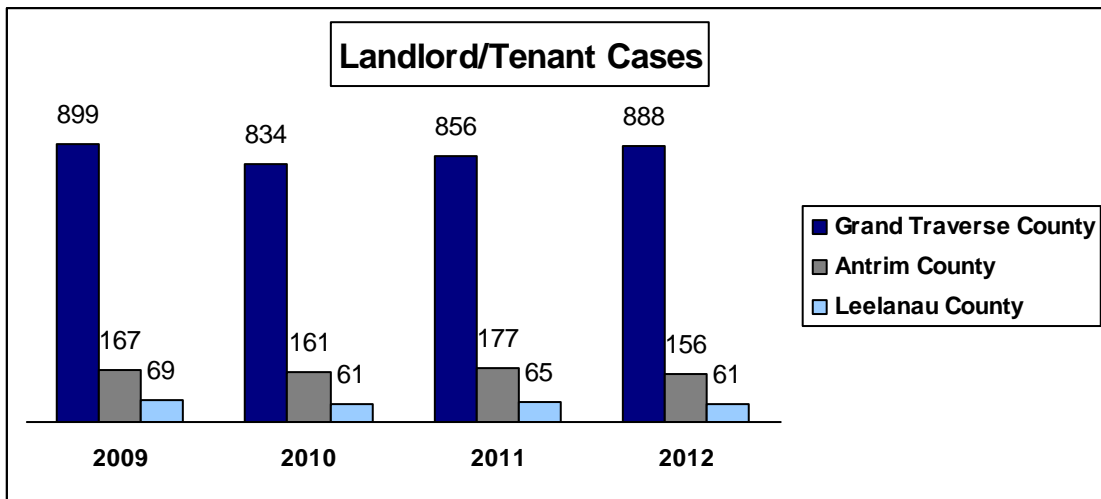
**General Civil** - The District Court has jurisdiction over disputes involving individuals and businesses where the amount in controversy is \$25,000 or less.



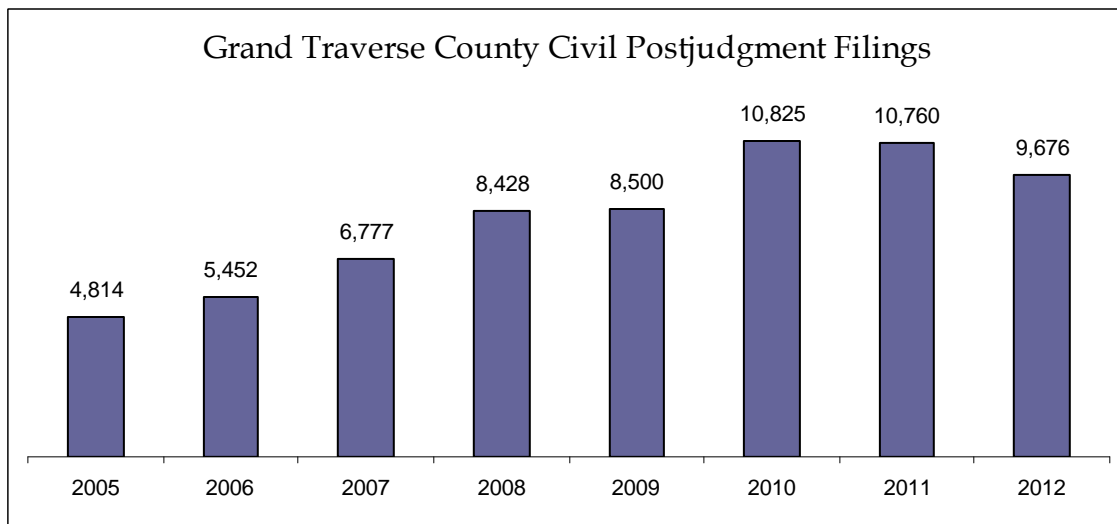
**Small Claims** - The plaintiff in a case that has an amount in controversy of not more than \$5,000 can elect to file in small claims. Lawyers cannot represent either party in a small claims case and the rules of evidence during a small claims trial are much less formal than in a general civil case trial.



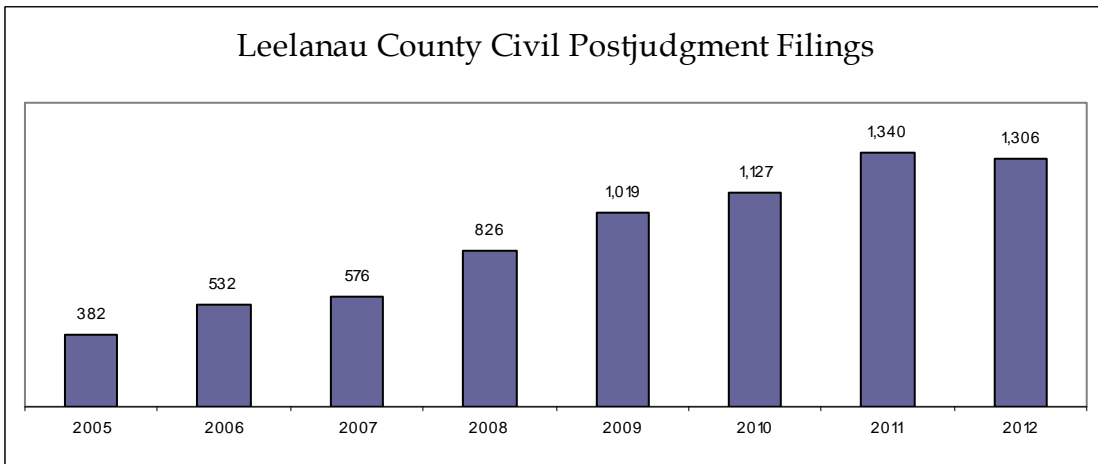
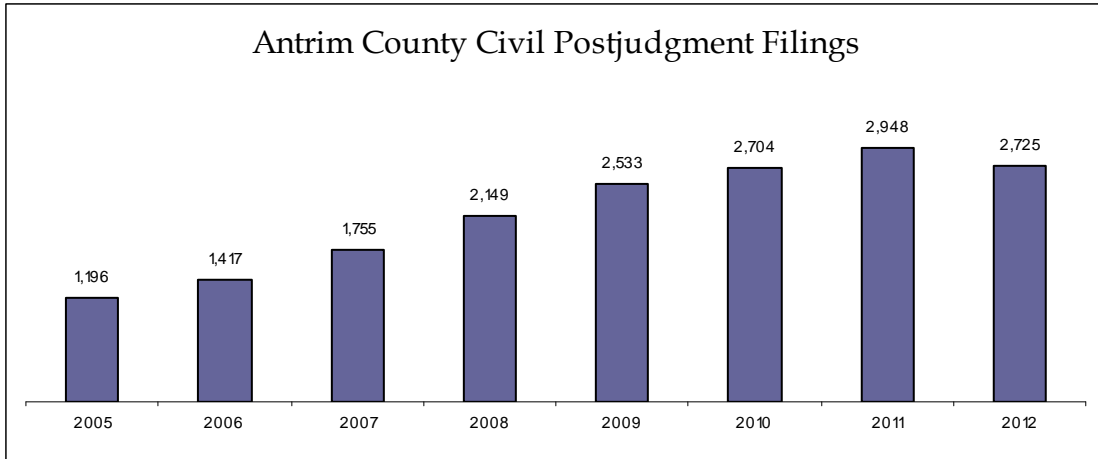
**Landlord/Tenant** (Summary Proceedings) - Landlord/Tenant cases were created to provide real property owners a quick method to recover their property from a tenant or land contract vendee that is not complying with the terms of the lease or contract. These cases are usually originated by apartment owners, land contract holders, mobile home park operators and even boat slip owners.



**Post Judgment Filings** - These filings mean that plaintiffs are filing garnishments, motions, writ of execution or writ of restitution in cases after obtaining a judgment in an effort to collect what is due to them. All of these filings require a fee be paid, a portion which stays local and a portion that goes to the state.







\*\* Postjudgment data in the 2011 Annual Report was inaccurate. The graph numbers included new case filings and post judgment filings in error.

## Probation Department

The mission of the 86<sup>th</sup> District Court Probation Department is to provide quality services to judges, victims, probationers and the communities of Grand Traverse, Antrim and Leelanau counties. These services include pretrial release programs, pre-sentence investigations, probationer supervision and therapeutic programs. These services are necessary to restore victims and communities, protect the public, promote probationer accountability and create a climate for probationer behavioral change.

<b>Probation Caseload</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Grand Traverse</b>	1032	1220	1006	847
<b>Antrim</b>	199	177	266	264
<b>Leelanau</b>	169	167	156	196

<b>PSI Totals</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>All Three Counties</b>	1137	800	826	<b>Not Available</b>

## Community Corrections

The Community Corrections program has served both the 13<sup>th</sup> Circuit Court and 86<sup>th</sup> District Courts in Antrim, Leelanau and Grand Traverse Counties since 1991. The program offers alternatives to jail and/or prison for offenders in our communities. District Court offenders must be sentenced to a jail term of at least 30 days to possibly receive services from the program. The offender must agree to address the reason(s) s/he is incarcerated to be eligible (i.e. substance abuse issues, domestic violence, theft, etc.) The services include community based case management, jail based case management, transitional house living, probation residential services and day reporting, to name a few. Amended orders of probation and/or sentencing are formed through an in-depth assessment and given to jail staff, probation and ultimately the sentencing judge for approval.

The Community Corrections Program is funded by a state grant, tether revenues and appropriations from each county, Grand Traverse, Antrim and Leelanau.

Total Jail beds saved for the FY, 16,779.

<b>2011-2012</b>	<b>Grand Traverse</b>	<b>Antrim</b>	<b>Leelanau</b>
<b>Assessed</b>	187	32	26
<b>Approved &amp; Enrolled</b>	161	30	24
<b>Positive Completions</b>	119	27	23
<b>Failed the Program</b>	37	7	1
<b>Successful Completions %</b>	76.3%	79.4%	95.8%
<b>Average Daily Jail Beds Saved</b>	29.50	11.43	5.59



Sherise Shively, Ralph Schultz, Greg Somers, Margaret Drury

## Court Recorders

Court Recorders have the responsibility of making a permanent record of court proceedings and providing a transcript of these proceedings upon request. Along with the efforts of other clerical staff and a court officer, they assist the judge in providing efficient docket movement. They are also responsible for filling out court disposition sheets as each case is heard, which indicates what transpires during a case from time of arraignment to final conclusion.

With the installation of video recording equipment in Antrim County in 2010, all three counties are now equipped with advanced technology allowing for all court proceedings to be captured on video. In addition, each courtroom can do video arraignments, which means that defendants do not have to be physically transported from the jail to the courthouse making this process more efficient and safe.

Each judge has a recorder that is certified by the State of Michigan. The recorders also act as judicial secretary to the judge they serve.



Sheila Hale, Coleen Rocker, Angel Kaley-Wolfe

## Collections

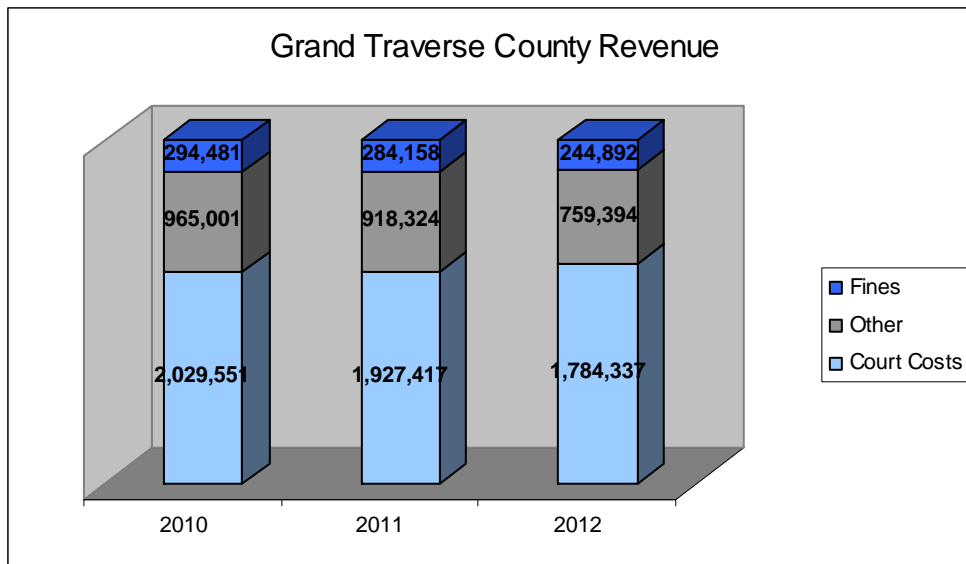
The court has a formal Collections Policy and collection efforts have been implemented in every county. Staff members actively work to set up payment agreements, time is spent working delinquent cases and probation officers have a more active role in collecting with active probationers.



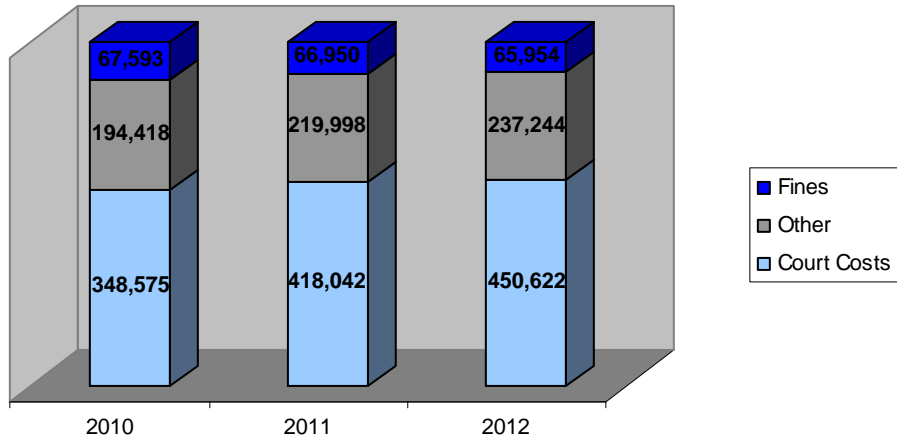
Between 100-150 show cause hearings are set each month on cases with money past due. Additionally, Grand Traverse County alone issued approximately 400 State Income Tax Garnishments. These methods have proven to be very effective.

The money collected is deposited with the County Treasurer and dispersed monthly according to state guidelines. Some money stays with the local county, fines collected go to the local libraries, and other monies are distributed to the State of Michigan, local townships, and victims.

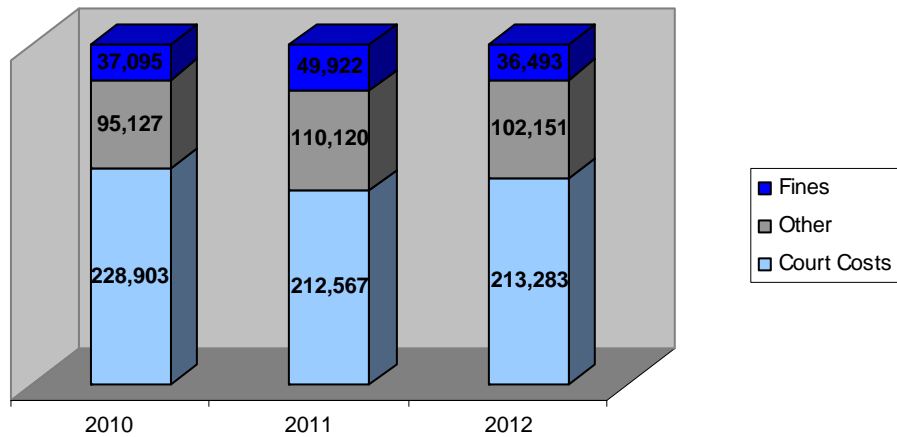
Revenues have remained steady in all three counties, even in this poor economy.



Antrim County Revenue

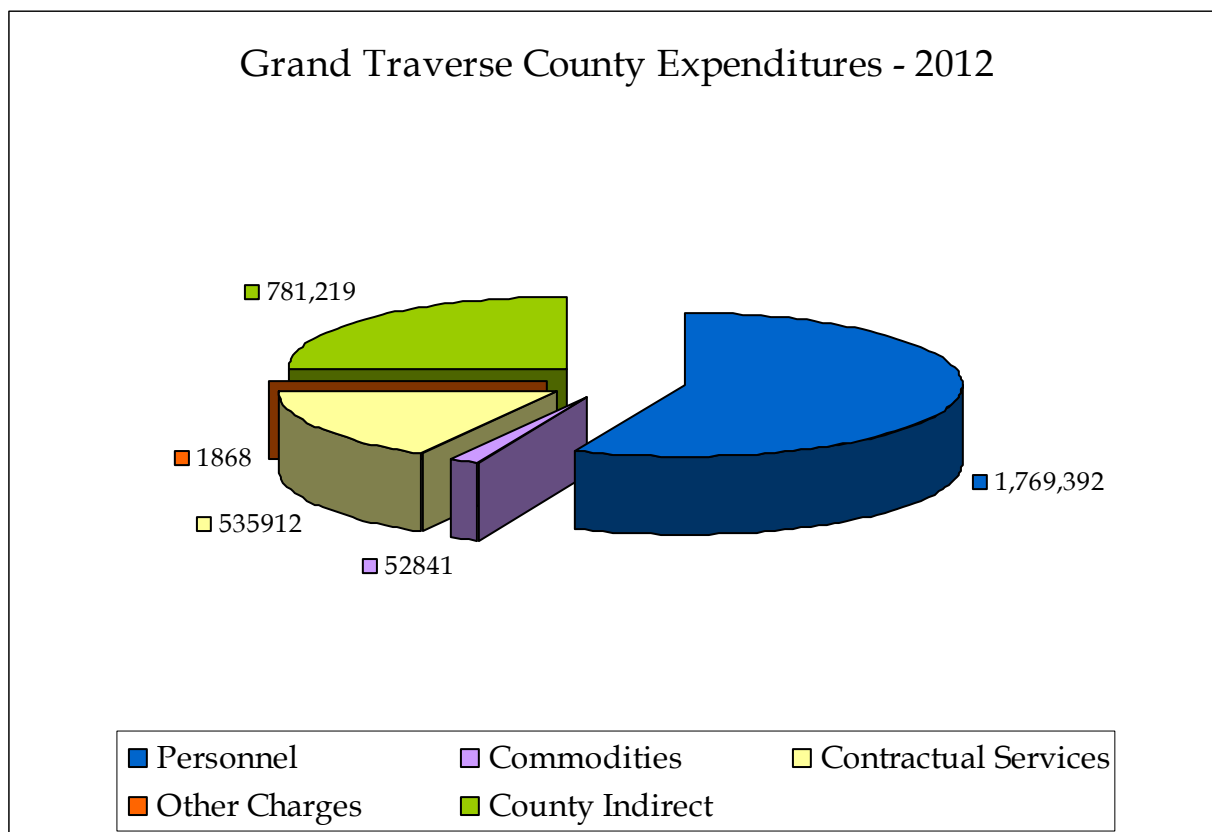


Leelanau County Revenue



## Finances

Grand Traverse County is the fiscal agent for the 86<sup>th</sup> District Court. Grand Traverse County is responsible for the processing, audit, verification, and payment of all operating expenses. The District Court maintains three separate budgets for each of the counties and one shared-cost budget. Separate budgets are also created for the Mental Health Court and Community Corrections.



**Commodities** include office supplies, printing, postage and similar expenses

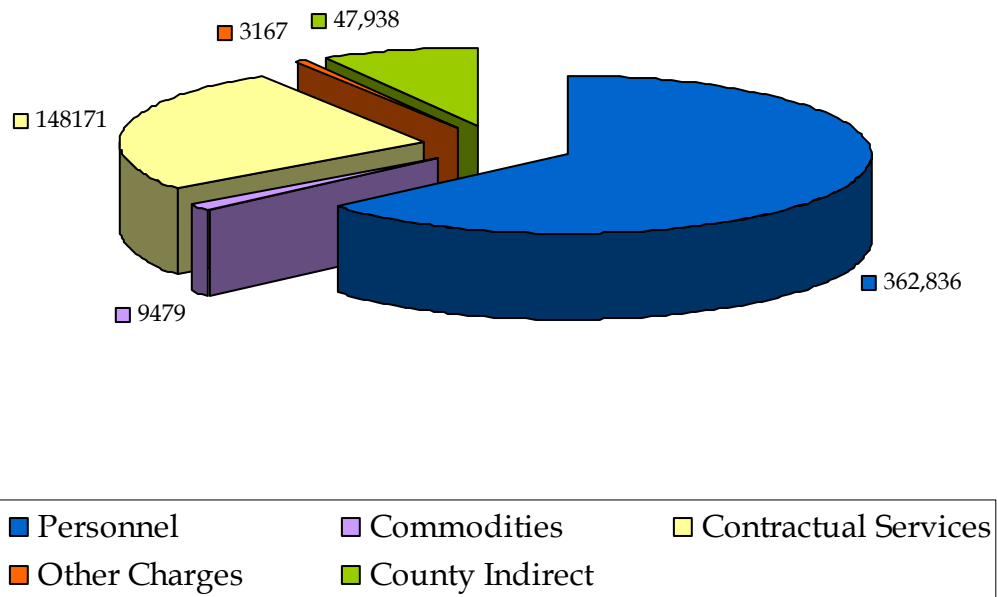
**Contract Services** include transcript fees, jury and witness fees, court appointed attorney, interpreter, and IT expenses

**Other Charges** include office equipment repair and maintenance, books, tuition reimbursement and employee training

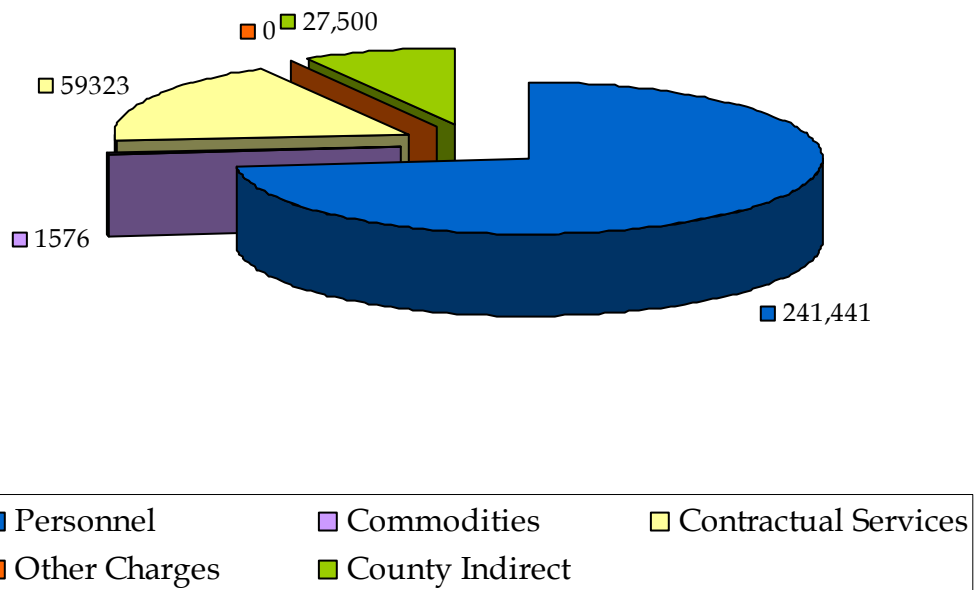
**County Indirect** is the amount charged by Grand Traverse County for indirect costs such as space, heat, electric, facilities maintenance, etc.



### Antrim County Expenditures - 2012



### Leelanau County Expenditures - 2012



## Staff Photos



Grand Traverse Civil Division

Ella Dreves, Mary Wenger-Townsend, Serena Lovendusky



Grand Traverse Criminal/Traffic Division

Dawn Rector, Sue Schaub, Andrea Cooper, Kendra Wise



Leelanau Staff

Norene Kastys and Cindy Schaub



Marissa Switalski, Accounting Technician



Antrim Staff

Shannon Johnson, Jerri White, Cindy Visnaw  
Elizabeth Stanichuk and Shirley Dewitt



Tina Lehn, Office Coordinator