

THE ORGANIZATION AND FUNDING OF DISTRICT COURTS IN OAKLAND COUNTY

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South Oakland County Mayors Association**

CHAPTER 1

BACKGROUND ON THE DISTRICT COURT SYSTEM IN MICHIGAN

Adoption of the 1963 Michigan Constitution mandated certain changes in the structure of the state judiciary. Specifically, Article VI, Section 26, of the 1963 Constitution required that the offices of circuit court commissioner and justice of the peace be abolished and a court or courts of limited jurisdiction be created by the Legislature before January 1, 1969. Prior to the 1963 Constitution, justices of the peace were elected township government officials with limited jurisdiction in both criminal and civil matters. Cities in Michigan maintained “municipal” or “police” courts which superseded the jurisdiction of the justice of the peace. In 1968, the Legislature implemented the 1963 constitutional mandate by creating a district court system in Michigan (P. A. 154 of 1968).

The district courts created under P. A. 154 of 1968 were given jurisdiction over the following:

1. Misdemeanor cases where the penalty is a fine and/or a jail term of up to one year;
2. Civil actions when the amount in controversy does not exceed \$10,000;
3. Ordinance & charter violations and traffic cases;
4. Arraignments, fixing bail and accepting bonds; and,
5. Preliminary examinations in all felony and misdemeanor cases not within the jurisdiction of the district court.

Funding The District Courts in Michigan

In addition to specifying the jurisdiction of the district courts statewide, P. A. 154 of 1968 also identified the boundaries of various districts and mandated which local units of government (i.e. cities, townships, and counties) were responsible for funding the activities of the district courts. The funding units are called “district control units.”

The Legislature created three classes of district courts (first-class, second-class, and third-class) which designates the district control unit responsible for funding the operations of the court. A first-class district includes the entire land area of a county or counties and the county government is designated as the district control unit. A second-class district includes some but not all of the political subdivisions (cities and/or townships) within a county and the county government is designated as the district control unit. A third-class district includes one or more political subdivisions and each political subdivision comprising the district is designated as the district control unit.

In addition to creating the district court boundaries, the legislature also subdivided several districts into divisions for the purpose of electing district court judges. In a few instances, first-class multi-county districts included separate election divisions for each county. In a few third-class districts some or all of the political units included in the district were divided into separate election divisions. In a number of cases, each election division within a district court acts as an autonomous or semi-autonomous unit.

P. A. 154 of 1968 originally created a total of 99 district courts. Thirteen of these districts included an additional 16 election divisions, thereby Potentially creating 115 autonomous district court units. The legislation abolished municipal courts and police courts; however, the governing body (or bodies) of any newly created third-class district could retain its municipal or police court by adopting a resolution within 7 days after the effective date of the 1968 act. Several jurisdictions opted to retain their municipal courts rather than allow a new district court to be created.

Of the 99 district courts originally created by the Legislature in 1968, 53 were to be funded by county governments. Forty-one of the 53 county-funded courts were classified as first-class districts (the district encompassing the entire county or more than one county) and 12 districts were classified as second-class districts (the district encompassing only some of the political subdivisions in a county). The remaining 46 district courts were classified as third-class districts (funded by each political subdivision comprising the district).

The twelve second-class district courts created in 1968 were as follows:

DISTRICT COURT	AREA INCLUDED IN DISTRICT		
5	Berrien County	excluding	Cities of St. Joseph and Benton Harbor
8	Kalamazoo County	excluding	Cities of Kalamazoo and Portage
10	Calhoun County	excluding	City of Battle Creek
12	Jackson County	excluding	City of Jackson
14	Washtenaw County	excluding	City of Ann Arbor
42	Macomb County	excluding	Cities of Warren, Center Line, East Detroit, Roseville, St. Clair Shores, Fraser, Mt. Clemens, and Sterling Heights and Lake, Clinton, and Harrison Townships
52	Oakland County	excluding	Cities of Madison Heights, Ferndale, Hazel Park, Royal Oak, Berkley, Huntington Woods, Oak

Park, Pleasant Ridge, Southfield, Lathrup Village, Farmington, Sylvan Lake, Keego Harbor, Orchard Lake Village, Birmingham, Bloomfield Hills, Troy, Clawson, and Pontiac and Royal Oak, Southfield, Farmington, West Bloomfield, Bloomfield, and Waterford Townships

55	Ingham County	excluding	Cities of Lansing and East Lansing
60	Muskegon County	excluding	Cities of Muskegon, Muskegon Heights and Muskegon Township
63	Kent County	excluding	Cities of Grand Rapids, Walker, Grandville, Wyoming, and Kentwood
67	Genesee County	excluding	City of Flint
70	Saginaw County	excluding	City of Saginaw

As a result of the legislation adopted in 1968, seventy counties in Michigan were responsible for funding all district court activities in the county. The funding was split between the county and local unit in the twelve counties identified above, and only one county — Wayne County — had no district court funding responsibilities.

Post-1968 Amendments

The district court enabling legislation has been amended to increase the number of district court judges and change the funding responsibility of several district courts. In five instances, the third-class district in a county was consolidated with the county-funded second-class district, thereby creating one first-class county-funded district in the county. These include: St. Joseph and Benton Harbor consolidated with Berrien County; Battle Creek with Calhoun County; Jackson with Jackson County; Muskegon, Muskegon Heights and Muskegon Township with Muskegon County; and Saginaw with Saginaw County. The legislature created one new third-class district — Ypsilanti Township was removed from the Washtenaw County (excluding Ann Arbor) second-class district.

The Legislature also changed one district court area from a locally funded third-class district to an election division within a county-funded second-class district. The original district court act created the forty-ninth district court, which was to be a third-class district funded by the cities of Troy and Clawson. The cities opted to retain their municipal court until 1978, when the legislature created the fourth election division of the fifty-second district court. The fifty-second district court is a second-class district funded by Oakland County. Each of the four election divisions of the fifty-second district court acts as an autonomous unit. The four divisions include the following political subdivisions:

DISTRICT COURT	AREA INCLUDED IN DISTRICT
52-1	Cities of Novi, South Lyon, Wixom, and Walled Lake and Milford, Highland, Rose, White Lake, Commerce, Lyon, and Novi Townships
52-2	Springfield, Independence, Holly, Groveland, and Brandon Township
52-3	Cities of Rochester, Rochester Hills, Auburn Hills, and Lake Angelus and Oxford, Addison, Orion, and Oakland Townships
52-4	Cities of Troy and Clawson

Within the tri-county area, there is only one other second-class district court — the forty-second district court funded by Macomb County. The forty-second district has two election divisions, and each division acts as an autonomous unit. The two divisions include the following political subdivisions:

DISTRICT COURT	AREA INCLUDED IN DISTRICT
42-1	Cities of Memphis and Richmond and Bruce, Washington, Armada, Ray, and Richmond Townships
42-2	City of New Baltimore and Lenox and Chesterfield Townships

The five other second-class district courts existing in 1987 are as follows:

DISTRICT COURT	AREA INCLUDED IN DISTRICT
8	Kalamazoo County excluding Cities of Kalamazoo and Portage
14	Washtenaw County excluding City of Ann Arbor and Ypsilanti Township
55	Ingham County excluding Cities of Lansing and East Lansing
63	Kent County excluding Cities of Grand Rapids, Walker, Grandville, Wyoming, and Kentwood
67	Genesee County excluding City of Flint

The District Courts in Oakland County: A Unique Situation

Although there are currently seven second-class district courts in Michigan (county-funded courts with less than county-wide jurisdiction), the 52nd District Court geographically includes several highly urbanized municipalities (Troy, Novi, Rochester, Rochester Hills, etc.), as well as rural type townships (Groveland, Oxford, Addison, etc.). The geographic areas of the other six second-class district courts consist almost exclusively of rural townships. The urbanized municipalities in these counties are required to finance their own district courts (third-class districts).

In other words, in every Michigan county except Oakland that operates a county-funded district court, the jurisdiction of the county-funded court is either countywide or includes only the rural townships and small cities within the county. In Oakland County, there are municipalities included in the county-funded court while other municipalities in the county are required to finance their own district courts.

The current district court arrangement in Oakland County creates an inequitable situation because the 52nd District Court (county-funded court) is not a self-supporting enterprise. The county general fund is required to subsidize the operations of the court. As a result, taxpayers in the third-class (locally funded) district courts, in effect, are required to pay for the operation of two district courts. Their local tax dollars are used to finance the operation of the local district court and their county tax dollars are used to finance the operation of the county-funded district court. Taxpayers in the second-class district court, however, only pay for court services once. Their county taxes are used to finance the second-class district court.

Although this double taxation for court services occurs in all "second-class counties," it is most pronounced in Oakland County. In Oakland County, municipal taxpayers are paying for the court services used by other municipalities, as opposed to municipal taxpayers paying for the court services of rural townships in the other second-class counties.

The continuing presence of this inequitable situation led the South Oakland County Mayors Association to request that the Research Council study the problem and identify alternative organizational/funding arrangements to redress this inequity. It is important to note that the current arrangement (part county-funded, part locally funded) is required by state law and any change in that arrangement would require an amendment to state law. In other words, even if an alternative were agreed to by county and local officials, the approval of state policy-makers (i.e. the Legislature and the Governor) would have to be sought before any changes could be made.

The study of the district courts in Oakland County is directed in three major areas: workload (new cases filed and cases disposed by the courts); personnel (number of employees, position classifications, and rates of pay); and, finances (revenues and expenditures of each of the district courts). The results of the analysis in these three areas is contained in Chapter Two of this report.

Alternatives to the present organization are identified in Chapter Three. The parties searching for a more equitable means of financing the district court system in Oakland County should be cautioned that each alternative creates unintended complications. These complications are also explored in Chapter Three. As is customary, there is not one “best alternative” for redressing the current inequitable situation. When attempting to select the alternative to pursue, the unintended complications must be given due consideration.

CHAPTER 2

THE ORGANIZATION, WORKLOAD, AND FINANCES OF THE OAKLAND COUNTY DISTRICT COURTS

There are currently a total of fifteen autonomous district courts in Oakland County. Four of the fifteen are election divisions of the county-funded 52nd District Court. The remaining eleven are third-class, locally-funded district courts. The eleven third-class courts include approximately 25% of the land area and about 65% of the population of the county. The four election divisions of the 52nd District Court include 75% of the land area and about 35% of the population of the county. The fifteen Oakland County district courts and the local units of government included in each district are listed below. (Court rules dictate that cases may be transferred among district courts with a numeric subdesignation [43-1, 43-2, etc.] without state approval. The transfer of cases within alpha subdesignations (45-a, 45-b, etc.) require visiting judge status granted by the State Court Administrator.)

DISTRICT

COURT	AREA INCLUDED IN DISTRICT
43-1	City of Ferndale
43-2	City of Hazel Park
43-3	City of Madison Heights
44th	City of Royal Oak
45-a	City of Berkley
45-b	Cities of Huntington Woods, Oak Park, & Pleasant Ridge and Royal Oak Twsp.
46th	Cities of Southfield & Lathrup Village and Southfield Twsp.
47th	Cities of Farmington & Farmington Hills
48th	Cities of Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor, Orchard Lake Village & Bloomfield & W. Bloomfield Twsp.
50th	City of Pontiac
51st	Waterford Township
52-1	Cities of Novi, South Lyon, Wixom, and Walled Lake and Milford, Highland, Rose, White Lake, Commerce, Lyon, and Novi Townships
52-2	Springfield, Independence, Holly, Groveland, and Brandon Twsp.
52-3	Cities of Rochester, Rochester Hills, Auburn Hills, and Lake Angelus and Oxford, Addison, Orion, and Oakland Townships
52-4	Cities of Troy and Clawson

Workload of the Courts: New Cases and Dispositions

As the data in Table 1 indicate, new cases filed in the Oakland County district courts have risen substantially in recent years. Over the four-year period 1984-1987, new filings increased by approximately 100,000 cases. The 37 percent increase in new cases filed in Oakland County is slightly above the four-year statewide district court increase of 34 percent. It is important to note that the growth in new filings was not spread uniformly among the district courts in the County. The growth of new cases exceeded 50 percent in five of the fifteen courts, while the increase in new filings was less than 15 percent in five district courts. At one end of the spectrum, new case filings in the 50th (Pontiac) District Court almost doubled, whereas new case filings declined slightly in the 52-4 (Troy/Clawson) District Court.

TABLE 1

NEW CASES FILED IN OAKLAND COUNTY DISTRICT COURTS — 1984-1987

DISTRICT COURT NUMBER	NEW CASES FILED IN 1984	NEW CASES FILED IN 1985	NEW CASES FILED IN 1986	NEW CASES FILED IN 1987	PERCENTAGE CHANGE 1984-87
43-1	11,518	10,182	11,949	12,779	10.9%
43-2	4,558	4,249	5,549	5,380	18.0%
43-3	9,001	9,115	13,218	15,854	76.1%
44th	20,535	18,894	19,023	20,875	1.7%
45-A	5,290	4,513	3,985	5,574	5.4%
45-B	15,944	20,326	21,565	22,614	41.8%
46th	27,750	24,390	31,757	42,945	54.8%
47th	20,573	21,320	27,811	30,434	47.9%
48th	30,796	36,731	40,191	51,305	66.6%
50th	13,627	20,845	27,901	25,454	86.8%
51st	17,879	12,653	12,763	18,083	1.1%
52-1	27,568	31,860	32,020	36,942	34.0%
52-2	13,662	14,306	14,358	17,560	28.5%
52-3	23,682	27,588	30,574	36,486	54.1%
52-4	26,331	24,168	25,625	26,313	-0.1%
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TOTAL	268,714	281,140	318,289	368,598	37.2%

The data in Table 2 present the number of cases processed by the district courts in Oakland County during the four-year period 1984-1987. The data indicate that despite a 36 percent increase in the number of cases disposed of by the courts over the four-year period, the inventory of pending cases has risen by almost 34 000 cases. As with new filings, the increase in dispositions was not spread uniformly among the district courts in the County. Disposition rates increased in excess of 50 percent in five districts, less than 10 percent in three districts, and two districts disposed of fewer cases in 1987 than in 1984.

TABLE 2

DISPOSITIONS BY OAKLAND COUNTY DISTRICT COURTS — 1984-1987

DISTRICT COURT NUMBER	DISPOSITIONS 1984	DISPOSITIONS 1985	DISPOSITIONS 1986	DISPOSITIONS 1987	CHANGE 1984-87
43-1	11,902	11,789	13,104	12,651	6.3%
43-2	4,941	4,023	5,192	5,355	8.4%
43-3	8,173	8,140	14,257	15,483	89.4%
44th	21,737	17,553	16,316	21,041	-3.2%
45-A	4,944	4,417	4,115	5,387	9.0%
45-B	14,561	17,573	19,252	19,818	36.1%
46th	27,773	24,675	32,101	44,059	58.6%
47th	17,559	19,733	25,414	28,663	63.2%
48th	37,211	32,419	40,803	52,123	40.1%
50th	16,325	19,662	22,129	26,113	60.0%
51st	17,796	13,269	13,267	15,586	-12.4%
52-1	28,345	32,158	31,781	36,080	27.3%
52-2	13,334	14,143	14,234	16,981	27.4%
52-3	24,064	25,803	29,427	35,166	46.1%
52-4	16,860	24,840	24,749	26,406	56.6%
TOTAL	265,525	270,197	306,141	360,912	35.9%

Although the use of gross totals (new cases and dispositions) measures the sheer volume of the workload facing each of the district courts, recasting the data on a common basis permits comparisons to be made on the demand for court services (new case filings), and the productivity of (dispositions) each of the fifteen district courts in Oakland County. For this analysis two measurements to establish a common basis will be used: new cases/dispositions per judge; and, new cases/dispositions per full-time equivalent employee (FTE). These measures will indicate if the assignment of judges and court staff is in line with the demand for district court services, and if there is any relationship between the resources available to the court (judges and court staff) and the number of cases annually disposed of by each court. In order to avoid any one-year aberrations, two years of data (1985 & 1986) were used for this comparison. The fifteen district courts in Oakland County showed a remarkable consistency in the relative rankings during the two-year period.

New Cases. As the data in Tables 3 & 4 indicate, there exists a wide disparity among the Oakland County district courts in the number of new cases filed per district court judge and per district court FTE. The most active court in the county receives 3 to 4 times as many new case filings each year as the least active court. The most active court generally exceeds the state average by 50 percent, while the least active court's new case volume is about half the state average.

The district courts in Oakland County actually represent a microcosm of the state district court system. Of the 112 district courts for which data were available for both years, the most active court in Oakland County ranked in the top ten in the state, while at least three courts in the county ranked near the bottom in the state.

WORKLOAD OF THE OAKLAND COUNTY DISTRICT COURTS IN 1985 & 1986

TABLE 3

NEW CASES PER DISTRICT COURT

DISTRICT CT. #	NEW CASES PER JUDGE 1985	STATE-WIDE RANK	DISTRICT CT. #	NF.W CASES PER JUDGE 1986	STATE-WIDE RANK
52-2	14,306	4	52-3	15,287	6
52-3	13,794	6	52-2	14,358	11
48th	12,244	13	47th	13,906	14
47th	10,660	24	48th	13,397	16
52-1	10,620	26	43-3	13,218	18
43-1	10,182	36	43-1	11,949	31
45-B	10,163	37	STATE AVERAGE	11,112	
STATE AVERAGE	9,570		45-B	10,783	47
44th	9,447	55	52-1	10,673	49
43-3	9,115	59	46th	10,586	51
46th	8,130	73	44th	9,512	67
52-4	8,056	77	52-4	8,542	82
51st	6,327	99	50th	6,975	96
50th	5,211	103	51st	6,382	101
45-A	4,513	106	43-2	5,549	103
43-2	4,249	107	45-A	3,985	109

As the data indicate, the volume of new cases per district court judge in the 52-2 (Clarkston) and 52-3 (Rochester) district courts is approximately 3.5 times the volume of new cases in the 43-2 (Hazel Park) and the 45-A (Berkley) district courts. The volume of new cases per full-time equivalent district court employee in the 45-B (Oak Park) and 52-3 (Rochester) district courts is approximately 3.75 times the volume of new cases in the 43-2

(Hazel Park) and the 51st (Waterford Township) district courts. In fact, the 51st and 43-2 district courts ranked last and next to last, respectively, in the number of new cases filed per court FTE among the 112 district courts throughout the state for which 1986 data were available.

TABLE 4

NEW CASES PER FULL-TIME EQUIVALENT DISTRICT COURT EMPLOYEE

DISTRICT CT. #	NEW CASES PER FTE 1985	STATE- WIDE RANK	DISTRICT CT. #	NEW CASES PER FTE 1986	STATE- WIDE RANK
45-B	1,564	8	52-3	1,699	9
52-3	1,452	10	45-B	1,659	12
52-1	1,448	11	52-1	1,363	20
44th	1,181	28	48th	1,218	32
52-4	1,151	34	52-4	1,192	36
48th	1,148	36	47th	1,159	43
52-2	1,100	41	43-1	1,138	47
47th	992	54	52-2	1,104	49
STATE AVERAGE	941		43-3	1,102	50
43-3	912	67	STATE AVERAGE	1,079	
43-1	849	78	46th	992	68
46th	800	86	44th	865	88
45-A	752	94	50th	715	104
50th	534	106	45-A	613	106
43-2	500	107	43-2	483	111
51st	460	109	51st	440	112

Dispositions. There is also a significant degree of disparity among the fifteen Oakland County district courts in the number of disposed cases per judge and per court FTE. This is similar to the disparity that exists among the courts in the new case filings. As the data in Tables 5 & 6 indicate, the most productive district courts in Oakland County dispose of approximately 50% more cases per judge and per court FTE than the statewide average. The least productive courts in the county dispose of about one-half the number of cases per judge and per FTE than the statewide average.

A comparison of disposition rates among the district courts in the county reveal similar results as the comparison of new case filings per judge and per court FTE. Once again, the 52-2 (Clarkston) and 52-3 (Rochester) courts disposed of approximately 3.5 times the number of cases per judge as the 43-2 (Hazel Park) and 45-A (Berkley) courts (see Table 5). The 45-B (Oak Park) and 52-3 (Rochester) courts disposed of approximately 3.5 times the number of cases per court FTE as the 43-2 (Hazel Park) and the 51st (Waterford Township) courts (see Table 6).

TABLE 5
DISPOSITIONS PER DISTRICT COURT JUDGE

DISTRICT CT. #	DISPOSITIONS PER JUDGE 1985	STATE- WIDE RANK	DISTRICT CT. #	DISPOSITIONS PER JUDGE 1986	STATE- WIDE RANK
52-2	14,143	5	52-3	14,714	9
52-3	12,902	8	43-3	14,257	11
43-1	11,789	16	52-2	14,234	12
48th	10,806	24	48th	13,601	14
52-1	10,719	25	43-1	13,104	16
47th	9,867	39	47th	12,707	19
STATE AVERAGE	9,149		46th	10,700	42
45-B	8,787	58	52-1	10,594	46
44th	8,777	59	STATE AVERAGE	10,248	
52-4	8,280	64	45-B	9,626	61
46th	8,225	66	52-4	8,250	82
43-3	8,140	67	44th	8,158	83
51st	6,635	96	51st	6,634	99
50th	4,916	105	50th	5,532	102
45-A	4,417	106	43-2	5,192	103
43-2	4,023	107	45-A	4,115	108

TABLE 6
DISPOSITIONS PER FULL-TIME EQUIVALENT DISTRICT COURT EMPLOYEE

DISTRICT CT. #	DISPOSITIONS PER FTE 1985	STATE- WIDE RANK	DISTRICT CT. #	DISPOSITIONS PER FTE 1986	STATE- WIDE RANK
52-1	1,462	8	52-3	1,635	10
52-3	1,358	11	45-B	1,481	15
45-B	1,352	12	52-1	1,352	20
52-4	11183	24	43-1	1,248	26
44th	1,097	36	48th	1,236	28
52-2	1,088	39	43-3	1,188	33
48th	1,013	52	52-4	1,151	38
43-1	982	55	52-2	1,095	48
47th	918	62	47th	1,059	53
STATE AVERAGE	908		STATE AVERAGE	1,003	
43-3	814	80	46th	1,003	60
46th	809	81	44th	742	97
45-A	736	95	45-A	633	104
50th	504	107	50th	567	106
51st	483	108	51st	457	111
43-2	473	109	43-2	451	112

New Case Filings per 10,000 Population. In addition to analyzing the workload of the courts in relation to the resources available to the courts, it is useful to compare the workload of the courts to some benchmark outside the court system. For this purpose, the number of new cases filed in each of the Oakland County district courts was compared to the population located within the geographic boundaries of each district court. The new case data for each district court was converted into the common basis measurement of filings per 10,000 population to determine if a relationship exists between population and new case filings.

As the data in Table 7 show, there is significant variation in new case filings among the district courts in Oakland County. For example, in 1986 there were over twice as many new cases filed in the 43-1 (Ferndale) District Court in relation to the resident population than the new cases filed in the 51st (Waterford Township) District Court. The most active district courts in the county exceeded the statewide average by about 50%, while the least active courts in the county received new case filings at about two-thirds the rate as the statewide average.

TABLE 7

NEW CASES PER 10,000 POPULATION — BY TYPE OF CASE

DISTRICT CT. #	ALL NEW CASES 1985	STATE-WIDE RANK	DISTRICT CT. #	ALL NEW CASES 1986	STATE-WIDE RANK
45-B	4,281	4	43-1	4,556	7
43-1	3,882	7	45-B	4,542	9
48th	3,130	19	47th	4,026	13
47th	3,086	21	43-3	3,737	17
52-4	2,940	29	50th	3,637	20
52-2	2,753	34	48th	3,425	26
50th	2,717	36	46th	3,334	28
44th	2,665	40	52-4	3,117	36
STATE AVERAGE	2,592		STATE AVERAGE	3,012	
43-3	2,577	47	52-3	2,809	50
52-1	2,576	48	52-2	2,763	55
46th	2,561	51	44th	2,683	59
52-3	2,534	52	43-2	2,653	63
45-A	2,422	60	52-1	2,589	66
43-2	2,032	85	45-A	2,138	93
51st	1,964	92	51st	1,981	99

Population per Judge. It is of interest to note that the number of judges in each of the district courts in Oakland County also bears little relationship to the population of the judicial district. As shown in Table 8, there is an average of 36,900 Michigan residents for

every judicial seat in the statewide district court system. In Oakland County, the 52-3 (Rochester) District Court has almost 54,500 residents per district court judge (6th largest district in the state), while the 45-A (Berkley) District Court has only about 18,500 residents per district court judge (a rank of 105th out of 115 districts in the state). In other words, there are about three times as many people for each district court judge in the 52-3 District Court as there are in the 45-A District Court.

TABLE 8
NUMBER OF JUDGES AND RESIDENT POPULATION PER JUDGE IN OAKLAND COUNTY DISTRICT COURTS

DISTRICT CT. #	NUMBER OF JUDGES	RESIDENT POPULATION*	POPULATION PER JUDGE	STATEWIDE RANK
52-3	2	108,857	54,429	6
52-2	1	51,958	51,958	10
52-1	3	123,657	41,219	38
48th	3	117,342	39,114	45
STATE AVERAGE			36,900	
44th	2	70,893	35,447	62
43-3	1	35,375	35,375	64
47th	2	69,078	34,539	69
51st	2	64,437	32,219	80
46th	3	95,238	31,746	82
52-4	3	82,205	27,402	91
43-1	1	26,227	26,227	93
45-B	2	47,475	23,738	96
43-2	1	20,914	20,914	102
50th	4	76,715	19,179	104
45-A	1	18,637	18,637	105

* 1980 census data

Distribution of Case Load by Type of Case. As noted on page 1, district courts in Michigan are courts of limited jurisdiction and that jurisdiction is specifically spelled out in state statute. The jurisdiction of the district courts can be classified into three general areas: criminal; civil; and, traffic. As the new case data for the three-year period 1985-1987 indicate, there is a substantial degree of variation in the types of cases the district courts in Oakland County are responsible for resolving (see Table 9). For example, only about 1.5 percent of the new cases in the 48th (Birmingham, et. al.) District Court were classified as criminal, while almost 22 percent of the new cases in the 43-2 (Hazel Park) District Court were criminal cases. Almost one-third of the new cases in the 50th (Pontiac) District Court were civil cases, compared to less than 10 percent in 43-3 (Madison Heights), 48th (Birmingham, et. al.), and 52-2 (Clarkston) district courts.

TABLE 9
DISTRIBUTION OF 1985-1987 NEW CASES FILED IN OAKLAND
COUNTY DISTRICT COURTS BY TYPE OF CASE

DISTRICT COURT NUMBER	CRIMINAL % OF ALL NEW CASES 1985-87	TRAFFIC % OF ALL NEW CASES 1985-87	CIVIL % OF ALL NEW CASES 1985-87
43-1	11.9%	77.1%	11.0%
43-2	21.9%	51.5%	26.6%
43-3	6.3%	84.0%	9.6%
44th	3.2%	84.2%	12.6%
45-A	6.1%	73.4%	20.4%
45-B	8.3%	81.5%	10.1%
46th	7.5%	73.6%	18.9%
47th	7.3%	81.5%	11.2%
48th	1.5%	89.1%	9.5%
50th	16.8%	51.3%	32.0%
51st	14.1%	67.0%	18.9%
52-1	10.4%	74.6%	15.0%
52-2	9.9%	80.3%	9.8%
52-3	10.5%	74.9%	14.6%
52-4	7.9%	76.4%	15.7%
COUNTY TOTAL	8.6%	76.4%	15.0%

It is easy to see why the Legislature generally assigned district court responsibilities to municipal units of government in the urbanized areas of the state. On average, over 75 percent of the district court caseload in Michigan involves traffic offenses. These offenses are generally moving violations issued to motorists by local law enforcement officers. An additional 15 percent of the district court docket is classified as civil. Civil cases at the district court level generally includes landlord-tenant suits, small claims cases and legal disputes involving residents or persons conducting business in the community. The remaining 10 percent of the district court docket involves arraignments, bail hearings, and preliminary examinations in criminal felony and misdemeanor cases committed within the community boundaries. Thus, a district court docket can be generally classified as "local" in nature. The distribution of cases on the combined docket of the district courts in Oakland County over the three-year period 1985-1987 is approximately the same as the state-wide district court docket.

NOTE: Appendix A provides a detailed listing of the new criminal, civil, and traffic cases per 10,000 population filed in each of the district courts in Oakland County. The variation among the courts is noteworthy.

FY 1987 OAKLAND COUNTY DISTRICT COURT REVENUES & EXPENDITURES

As noted earlier, eleven of the fifteen district courts in Oakland County are funded by municipalities and four courts are funded by the County. The chief judge/court adminis-

trator is responsible each year for submitting a proposed budget for court operations to the local district control unit. In theory, the proposed district court budget is subject to the same budget process as all other departments (police, fire, public works, etc.) of the district control unit. Namely, that the chief administrative officer, after careful scrutiny of the court's budget request (along with all other departments budget requests), submits a comprehensive budget for the district control unit to the legislative body. After careful review of the recommended budget, the legislative body appropriates funds to finance the operations of the various departments (including the court) for the ensuing fiscal year. The amounts appropriated may, or may not, be the amounts proposed by the departments and/or recommended by the chief administrative officer.

In practice, however, the chief administrative officer usually includes the budget request of the court, without change, in the comprehensive budget of the district control unit. The legislative body appropriates the funds requested by the court with little or no review. This arrangement among the three branches of government prevails in large part, in deference to the "separation of powers" and to avoid unseemly governmental squabbling. After the budget process is completed, the chief judge/court administrator is supposed to operate the court within the funds appropriated by the legislative body.

Total expenditures for district courts services in Oakland County were approximately \$13.9 million in FY1987 (see Table 10). (All financial data in this

TABLE 10
COMPARISON OF FY1987 DISTRICT COURT REVENUES & EXPENDITURES

DISTRICT COURT NUMBER	TOTAL REVENUES	TOTAL EXPENDITURES	EXCESS OF REVENUES OVER EXPENDITURES	EXCESS OF TOTAL REVENUE
43-1	\$871,000	\$535,000	\$336,000	38.6%
43-2	490,000	422,000	68,000	13.9%
43-3				
44th	886,000	570,000	315,000	35.7%
45-A*	269,000	213,000	55,000	20.6%
45-B*	1,033,000	916,000**	117,000	11.3%
46th	2,400,000	1,960,000	441,000	18.4%
47th	1,477,000	845,000	631,000	42.8%
48th	1,972,000	1,590,000	382,000	19.4%
50th*	1,304,000	2,288,000	-985,000	-75.5%
51st	929,000	881,000	49,000	5.2%
52-1	1,588,000	1,095,000**	493,000	31.0%
52-2	774,000	556,000**	218,000	28.1%
52-3	1,490,000	963,000**	527,000	35.4%
52-4	1,496,000	1,043,000**	453,000	30.3%
TOTAL	\$16,977,000	\$13,876,000	\$3,101,000	18.3%

*7/1/86-6/30/87 — all others calendar 1987

** excludes probation services for which no data was supplied

report excludes the 43-3 District Court — Madison Heights chose not to participate in this study.) Expenditures in five district courts exceeded \$1.0 million, and these five courts accounted for almost 60 percent of all district court expenditures in Oakland County.

Court-generated Revenue

Procedural activity and the final disposition of cases by the district courts generate revenue, some of which is used to finance the operations of the courts. The revenue generated by the courts is generally classified as fines, fees, forfeitures, and court costs. As shown in Table 10, total revenue generated by the district courts in Oakland County from all sources was approximately \$17.0 million in FY1987. In the aggregate, total revenue of the district courts exceeded total expenditures by about \$3.1 million. There was only one district court in Oakland County, the 50th (Pontiac) District Court, in which total revenues did not exceed total expenditures.

Due to constitutional and statutory requirements, some court-generated revenue is earmarked for purposes other than court operations. For example, the Constitution (Article VIII, Section 9) requires all penal fines be used to support public libraries. Approximately \$850,000 in penal fines (5 percent of total revenue) was collected by the Oakland County district courts in FY1987.

Various state statutes earmark a portion of the court-generated revenue to the state treasury to be used for specific purposes (judicial retirement, legislative retirement, Michigan Justice Training Fund, etc.). As recently as last year, the State Legislature increased the speed limit on some highways in the

TABLE 11
DISTRIBUTION OF FY1987 COURT-GENERATED REVENUE

DISTRICT COURT NUMBER	RETAINED LOCALLY	PAID TO THE STATE	PAID TO THE LIBRARY	TOTAL ALL COURT REVENUE
43-1	\$687,000	\$115,000	\$68,000	\$871,000
43-2	391,000	75,000	24,000	490,000
43-3				
44th	730,000	125,000	31,000	886,000
45-A	228,000	33,000	8,000	269,000
45-B	900,000	123,000	10,000	1,033,000
46th	1,913,000	344,000	143,000	2,400,000
47th	1,206,000	215,000	56,000	1,477,000
48th	1,558,000	342,000	72,000	1,972,000
50th	1,134,000	170,000	0	1,304,000
51st	827,000	88,000	14,000	929,000
52-1	1,226,000	248,000	114,000	1,588,000
52-2	399,000	259,000	116,000	774,000
52-3	1,100,000	254,000	136,000	1,490,000
52-4	1,245,000	194,000	56,000	1,496,000
TOTAL	\$13,544,000	\$2,584,000	\$849,000	\$16,977,000

state, imposed an additional \$5.00 assessment on speeding violations, and earmarked the revenue increase to hire additional state police officers. Revenue collected by the district courts in Oakland County and earmarked for state purposes totaled approximately \$2.6 million in FY1987. Thus, penal fines and earmarked revenues collected by the Oakland County district courts totaled \$3.4 million, or approximately 20 percent of the total revenue collected by the courts (see Table 11).

As shown in Table 12, in the aggregate the court-generated revenue (\$13.5 million) retained by the district control units in Oakland County was about 2.5 percent less than the total expenditures (\$13.9 million) of the district courts. One-half of the district courts in Oakland County required a subsidy from the district control unit, while the other one-half contributed revenue to the general fund of the district control unit. At one end of the spectrum, the 50th District Court required a \$1.1 million subsidy from the City of Pontiac. At the other end, the cities of Farmington and Farmington Hills split a \$361,000 surplus generated by the 47th District Court.

TABLE 12

COMPARISON OF FY1987 LOCALLY RETAINED REVENUES & EXPENDITURES

DISTRICT COURT NUMBER	NET REVENUE	TOTAL EXPENDITURES	SURPLUS/ DEFICIT
43-1	\$687,000	\$535,000	\$153,000
43-2	391,000	422,000	(31,000)
43-3			
44th	730,000	570,000	160,000
45-A	228,000	213,000	15,000
45-B	900,000	916,000	(16,000)
46th	1,913,000	1,959,000	(46,000)
47th	1,206,000	845,000	361,000
48th	1,558,000	1,590,000	(32,000)
50th	1,134,000	2,288,000	(1,154,000)
51st	827,000	881,000	(54,000)
52-1	1,226,000	1,095,000	131,000
52-2	399,000	556,000	(157,000)
52-3	1,100,000	963,000	137,000
52-4	1,245,000	1,043,000	202,000
TOTAL	\$13,544,000	\$13,876,000	(\$332,000)

County-funded District Courts & Ordinance Violations. State law requires that one-third of all ordinance fines collected by first- and second-class (county funded) district courts be paid to the political subdivision (city or township) whose ordinance was violated. The law authorizes the county to retain the remaining two-thirds of the ordinance fines. The net effect of this provision allows political subdivisions in second-class district courts to share

in the revenue generated by the district court but not be required to share in the expense of funding the district court except to the extent that all county taxpayers contribute to the operation of the court (including those county taxpayers located in third-class district courts). In a somewhat simplistic illustration, taxpayers in a third-class district pay local taxes to support the operation of their local court and also pay county taxes so that the political subdivisions in the county-funded court can receive revenue from the court. Thus, the already inequitable situation that exists in a county with both second- and third-class district courts is exacerbated by the pass-back requirements on ordinance violations. In first-class (county-wide county funded) district courts all county taxpayers contribute equally to the operation of one district court, and all political subdivisions within the district are treated equally with respect to ordinance fines. (It should also be noted that in third-class districts with more than one political subdivision, state law permits the political subdivisions to negotiate a distribution of ordinance fines.)

As shown in Table 12, only one division of the 52nd District Court (52-2 -Clarkston) required a county general fund subsidy in FY1987 when all revenue not earmarked for state or library purposes is included in the analysis. After Oakland County passes back one-third of the ordinance fines, however, all four divisions of the 52nd District Court require a county general fund subsidy. In FY1987, the Oakland County general fund subsidy to the 52nd District Court (all four divisions) totaled \$537,000 (see Table 13).

TABLE 13

COMPARISON OF FY1987 D52 EXPENDITURES & COUNTY RETAINED REVENUES

	ORDINANCE VIOLATION REVENUE ALL LOCALLY RETAINED REVENUE	REVENUE SENT TO CITIES/ TOWNSHIPS	RETAINED BY 0 COUNTY	TOTAL EXPENDITURES	SURPLUS/ (DEFICIT)
52-1	\$1,226,000	\$255,000	\$970,000	\$1,095,000	(\$125,000)
52-2	399,000	86,000	314,000	556,000	(242,000)
52-3	1,100,000	240,000	860,000	963,000	(103,000)
52-4	1,245,000	270,000	975,000	1,043,000	(67,000)
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TOTAL D52	\$3,971,000	\$851,000	\$3,120,000	\$3,657,000	(\$537,000)

District Court Expenditures

As shown in Tables 10 & 14, the FY1987 expenditures for the district courts in Oakland County totaled approximately \$13.9 million. As with most government operations, employee salaries and fringe benefits consume a substantial portion of the total. The district courts in Oakland County employ a total of approximately 310 full-time equivalent employees. In FY1987 personal services costs (salaries and fringe benefits) totaled approximately \$9.6 million, or 69 percent of the Oakland County district courts expenditures.

Major categories of operating expenses include: jury fees, witness fees, and attorney fees (so-called "due-process" costs); computer expenses; and building operation and maintenance. It should be noted that several district control units do not include the cost of the court facility in the district court budget. In most instances, the district court is located in the city hall and it is difficult to identify and budget the direct cost of the courtroom facility and court staff work areas.

TABLE 14
COMPARISON OF FY1987 DISTRICT COURT EXPENDITURES

DISTRICT COURT NUMBER	SALARIES	FRINGE BENEFITS	OPERATING EXPENSES	TOTAL EXPENDITURES	MEMO: FACILITIES
43-1	\$232,000	\$83,000	\$220,000	\$535,000	\$25,000 (1)
43-2	248,000	101,000	73,000	422,000	0
43-3					
44th	356,000	125,000(2)	89,000	570,000	0
45-A	130,000	55,000	28,000	213,000	0
45-B	419,000	197,000	300,000	916,000	21,000
46th	867,000	258,000	835,000	1,959,000	240,000
47th	516,000	121,000	209,000	845,000	21,000 (1)
48th	896,000	305,000	390,000	1,590,000	21,000
50th	1,043,000	487,000	759,000	2,288,000	0
51st	535,000	172,000	174,000	881,000	16,000
52-1	581,000	198,000	316,000	1,095,000	96,000
52-2	269,000	92,000	195,000	556,000	83,000
52-3	456,000	162,000	345,000	963,000	182,000
52-4	532,000	181,000	330,000	1,043,000	78,000
TOTAL	\$7,078,000	\$2,537,000	\$4,262,000	\$13,876,000	\$784,000

(1)Utilities only

(2)Estimated — 35% of salaries

Court Employee Salaries

The State Court Administrative Office (SCAO) annually collects and publishes information on the compensation paid to court employees throughout the state. Although job titles may differ among the courts, SCAO recasts the court positions into generic position title classifications based upon the duties and responsibilities of each position. As a result, the annual compensation survey can be used to compare salaries paid to employees by the various courts, despite the differences among the courts in job titles.

Based upon the 1987 compensation survey, approximately 85 percent of all employees of the fifteen district courts in Oakland County fall into 12 SCAO position title classifications. A detailed examination of these 12 positions reveal that the 52nd (Oakland County-funded) District Court tends to be at the low end of the salary range, although the County only uses six of the 12 Position classifications (see Table 15). The 46th (Southfield) and 50th (Pontiac) district courts tend to pay at the high end of the range for most positions.

TABLE 15

**COMPARIISON OF MAXIMUM SALARIES PAID BY COUNTY DISTRICT COURTS IN
1987 — BY POSITION CIASSIFICATION**

POSITION TITLE	MAXIMUM SALARIES BY OAKLAND COUNTY DISTRICT COURTS		OAKLAND COUNTY (52 DISTRICT) SALARY	OAKLAND COUNTY (52 DISTRICT) RANK
	LOWEST	HIGEIEST		
District Court Administrators	\$34,450	\$53,563	\$35,008	ninth
Court Recorder/ Reporter	21,059	26,575	26,030	second
Court Officer/ Bailiff	14,750	27,439	14,750	tenth
Deputy Clerk/ Supervisor	19,614	40,738	21,561	sixth
Deputy Court Clerk I	10,850	24,238	19,454	third
Deputy Court Clerk II	18,619	29,423	21,561	sixth
Assignment Clerk	21,251	27,936		
Account Clerk	19,018	21,251		
Chief Probation Officer	17,500	41,873		
Chief Account Clerk	15,950	29,900		
Probation Officer	16,791	29,664		
Secretary	19,760	26,575		

The four election divisions of the 52nd (county-funded) District Court have a unified position classification and salary schedule for all court employees of the 52nd district. It is likely that before efforts to create a county-wide county-funded district court system in Oakland County were successful, the County would insist upon a unified position classifi-

cation and salary schedule for all court employees county-wide. A principal reason for the County to insist upon a unified system is to avoid the problems associated with discontented workers receiving different rates of pay for the same work (or lesser rates of pay for superior or more demanding work). It is quite natural for workers to react negatively to an essentially unfair situation, irrespective of the circumstances surrounding the development of the unfair situation. If the County were forced to “level-up” all district court employees to the highest salary paid by any district court in the county, the County could face a maximum increase in payroll of approximately \$2.2 million.

It is important to note one final point on the subject of employee compensation. The court employees in three district courts in Oakland County are unionized for collective bargaining purposes. The employees of the 50th (Pontiac) and 51st (Waterford Township) district courts are represented by the American Federation of State, County and Municipal Employees (AFSCME) and the 43-3 (Madison Heights) District Court employees are represented by the United Auto Workers (UAW). This may present a serious obstacle to the development of a unified countywide court personnel system.

CHAPTER 3

ALTERNATIVES FOR REORGANIZING THE OAKLAND COUNTY DISTRICT COURTS

There appear to be three basic alternatives to creating a more equitable system for funding the district courts in Oakland County. Within the three broad alternatives there exist various options that may be exercised by the parties participating in the development of an alternative district court system. The three major options are as follows:

1. Create one countywide district court system funded by Oakland County.
2. Abolish the second-class district court in the County and establish additional third-class district courts in place of the four election divisions of the 52nd District Court.
3. Maintain the present second- and third class district court system but modify financial arrangements and/or geographical boundaries to remove existing inequities.

Establishing a First-Class District Court in Oakland County

State law currently requires 75 of the 83 counties in Michigan to fund countywide district court operations. Since countywide district court is the dominant court funding method in the state, this option deserves further consideration. Seventy of the 75 first-class courts were created in 1968, thereby avoiding the “transitional questions” that would be associated with the establishment of a first-class district court in Oakland County today. The five counties that switched from a combination second- and third-class county to a first-class county included, at most, two third-class district courts. Therefore, the transition questions involving these five consolidations were significantly less difficult to resolve than the transition questions involving the consolidation of eleven third-class district courts in Oakland County. The county-funded option in Oakland County raises questions concerning court jurisdiction, judicial election district boundaries, and the responsibility for caseload management. These questions would need to be addressed before a countywide county-funded system could be implemented.

County Funding With No Change in Current Operations. The simplest form of this alternative would require Oakland County to fund all district courts in the county as they presently exist. In other words, judges would continue to be elected from the same districts, case assignment would continue as at present (i.e. the 52-3 (Rochester) District Court would continue to receive 3.5 times as many new cases per judge as the 45-A (Berkley) District Court, and court staff would continue to work at their present locations irrespective of the volume of new case filings (i.e. the 45-B [Oak Park] District Court would continue to receive almost four times as many new case filings per FTE employee as the 51st (Waterford Township) District Court).

The only change in the status quo would be that the County would be responsible for financing the operation of all fifteen district courts in the County. It can also be assumed that all political subdivisions would receive one-third of the ordinance fines collected by the courts. The format of the revenue data supplied to CRC does not permit an accurate estimate of the cost of a county-wide pass-back of ordinance fines. Assuming that pass-backs to each court would be in the same proportion of total revenue (20-22%) as the four divisions of the 52nd District Court, the County could be required to pass-back \$2.0 - \$2.5 million to the eleven third-class district courts. This change would also lock in all of the operating inefficiencies of the present system and deny the County the opportunity to make any needed management changes.

County Funding With A Central Docket. Although the data seem to indicate that a county-funded system would require a greater County general fund subsidy, many believe that a combination of management efficiencies and economies of scale would keep any increase in the subsidy down to a minimum. The caseload data in Chapter 2 clearly indicate that any movement to a county-wide system should include the ability to redirect cases in an attempt to even out the workload among the various courts. It is of interest to note that the disposition rate per FTE employee in the four election divisions of the 52nd District Court exceeded the statewide average in both 1985 and 1986. The redirection of cases also brings into question the optimum number of court facilities required in the county. Any effort to redirect the assignment of district court cases among the various courts or consolidate the number of court facilities raises additional questions concerning how district court judges should be elected under a central (or a regional) docket system.

At-Large or Judicial Election Districts. If local political boundaries are not determinant in where a district court case will be decided under a central or regional docket system (i.e. traffic tickets written by the Berkley police may be tried in Pontiac or Farmington Hills), the current election scheme for district court judges is called into question. Based upon the data in Table 8, serious concerns can be raised about all electors in the County having an equal voice (vote) in the selection of district court judges if a county funded system included a central or regional docket. Creating regional election districts or at-large election of all district court judges in the County may be required to guarantee equality to all voters in the County.

A County-funded, At-Large, Central Docket, Unified Personnel System District Court. Clearly the alternative requiring the most change is a district court system in Oakland County-funded entirely by the County in which all 31 district court judges were elected county-wide, the court operated with one county-wide docket, and all current employees of the various district courts were brought into the County personnel system. Since this alternative would require the most change, it creates the most complications. These would include: the location of a central facility or regional court facilities; the acceptance by the legal community and the Legislature of an at-large election system for district court judges; the additional expense on the County of ordinance violation pass-backs (if continued); resolving the differential rate-of-pay question; and, whether court employees are to be unionized and which union would serve as the union representative (as determined by the employees).

Establish Third-Class District Courts Throughout Oakland County

When the district court system was established in 1968, the Legislature created only third-class (locally-funded) district courts in Wayne County. All other counties in the state participated in the funding of district courts, either in first-class districts or in second-class districts. The Legislature chose not to assign any funding responsibility to Wayne County, in part, because most of the County was urbanized. The character of Oakland County has changed considerably in the past twenty years, and most of the County is now urbanized. It is certainly reasonable to question whether Oakland County should be required to operate a court system responsible for collecting the fines from traffic tickets issued by the police departments of urbanized municipalities like Novi, Rochester, Rochester Hills, Troy, etc.,

Because the County operates a unified personnel system among the four election divisions of the 52nd District Court, any effort by the Legislature to change the 52nd District into four separate third-class district courts could create problems associated with court employee fringe benefits. In most third-class district courts in the state, the package of fringe benefits (health care, pension, etc.) received by court employees is the same as received by the regular employees of the district control unit. Current employees of the 52nd District Court may not look favorably on receiving the fringe benefit package received by the employees of the newly designated district control units that would be responsible for funding the new third-class districts. (Especially those employees with vested pensions in the Oakland County retirement system.) If the new district control units were to “purchase” fringe benefits from Oakland County for district court employees, additional problems may develop.

Modifications to the Current System

The third alternative would require minor modifications to the present district court system in order to reduce the current inequities. These modifications could be in the form of changing the geographic boundaries of the 52nd District Court, or in changing the financial arrangements involving Oakland County and the local governments located within the jurisdiction of the 52nd District Court.

Alter the Boundaries of the 52nd District Court. The Legislature could create additional third-class district courts in the County which would include the urban municipalities currently located within the jurisdiction of the 52nd District Court. The County would only fund a district court system with jurisdiction in the rural townships of the County. Under this option, the second-class district court in Oakland County would resemble the second-class district courts funded by six other counties in the state. By altering the boundaries of the 52nd District Court to exclude urban municipalities, all municipalities in the County would be treated equally for court funding purposes. As noted above, devolving the county-funded district courts to the local level could create employee fringe benefit problems.

Alter The Funding Arrangement in the 52nd District Court. If the Oakland County general fund operating subsidy to the 52nd District Court is the only matter at issue, it appears that a resolution could involve altering the current funding arrangement associated with the 52nd District Court. This could include a county charge-back to the local units in the amount of the County subsidy, a discontinuation of the pass-back of ordinance fines, or both.

Under this arrangement, the local governments located within the 52nd District Court would contract for court services from the county. The local units would reimburse the County for court services if the cost of those services exceeded the revenues collected by the Court. For example, the 52-4 (Troy & Clawson) District Court collected approximately \$202,000 in revenues (before ordinance fines were passed-back) in excess of expenditures in FY1987 (see Tables 12 & 13). The County passed-back \$270,000 to Troy and Clawson, thereby creating an operating deficit of \$68,000.

Under this alternative, the County could continue the pass-back of \$270,000 and bill the two municipalities for the \$68,000 deficit (in proportion to the caseload originating from each municipality), or the County could retain all ordinance violations but pass-back the \$202,000 surplus generated by the Court. In either case, the taxpayers in the third-class districts would not be required to subsidize the operation of the second-class court. Oakland County would, in effect, become a vendor of court services in the County. The County would supply court services to local units within the second-class district, and charge for court services based on the cost of providing those services.

As noted earlier, the three major alternatives for funding district courts in Oakland County would create unintended complications needing resolution. A county-wide county-funded system would be more in keeping with the vast majority of the other counties in the state. This option would be difficult to implement, however, because of all the problems associated with merging eleven locally-funded courts with four county-funded courts. On the other hand, modifying the financial arrangements associated with the current district court system in Oakland County would be least disruptive to the status quo. While at the same time, a simple modification would address the basic concerns of the inequitable situation that exists at present.

APPENDIX A

NEW CRIMINAL CASES PER 10,000 POPULATION

DISTRICT CT. #	NEW CASES CRIMINAL 1985	STATE- WIDE RANK	DISTRICT CT. #	NEW CASES CRIM 1986	STATE- WIDE RANK
43-1	628	5	43-2	661	4
50th	524	8	50th	592	6
43-2	435	22	43-1	433	23
45-B	325	50	45-B	365	37
52-3	299	56	52-2	321	52
STATE AVERAGE	277		STATE AVERAGE	294	
52-1	275	62	47th	292	63
47th	271	63	43-3	292	64
51st	270	64	51st	286	68
52-4	243	81	52-1	274	74
52-2	239	85	52-3	265	78
46th	238	86	46th	262	79
43-3	206	95	52-4	248	83
45-A	116	108	45-A	184	102
44th	56	111	44th	138	109
48th	54	112	48th	55	112

NEW TRAFFIC CASES PER 10,000 POPULATION

DISTRICT CT. #	NEW CASES CRIMINAL 1985	STATE- WIDE RANK	DISTRICT CT. #	NEW CASES CRIM 1986	STATE- WIDE RANK
45-B	3,521	4	45-B	3,731	8
43-1	2,828	11	43-1	3,645	9
48th	2,771	13	47th	3,297	13
47th	2,464	18	43-3	3,110	16
44th	2,326	25	48th	3,003	19
52-4	2,267	27	46th	2,417	35
52-2	2,258	28	52-4	2,410	36
43-3	2,036	43	STATE AVERAGE	2,317	
STATE AVERAGE	1,951		44th	2,165	49
52-1	1,914	52	52-2	2,146	52
52-3	1,901	54	52-3	2,108	54
45-A	1,806	59	50th	1,960	63
46th	1,173	64	52-1	1,897	66
51st	1,302	92	45-A	1,392	96
50th	1,261	96	43-2	1,386	97
43-2	991	108	51st	1,264	104

NEW CIVIL CASES PER 10,000 POPULATION

DISTRICT CT. #	NEW CASES CRIMINAL 1985	STATE- WIDE RANK	DISTRICT CT. #	NEW CASES CRIM 1986	STATE- WIDE RANK
50th	932	3	50th	1,085	2
43-2	606	8	46th	656	8
46th	588	9	43-2	606	11
45-A	499	14	45-A	562	14
45-B	436	17	43-1	478	20
52-4	429	21	52-4	459	22
43-1	426	24	45-B	447	23
51st	391	27	47th	437	25
52-1	388	28	52-3	436	26
STATE AVERAGE	364		51st	431	28
47th	351	34	52-1	419	31
52-3	334	40	STATE AVERAGE	400	
43-3	334	41	44th	380	39
48th	305	52	48th	367	43
44th	283	63	43-3	334	54
52-2	257	71	52-2	296	67