

47th District Court

2019 Annual Report



Judges Marla Parker and James Brady

Court Jurisdiction

The 47th District Court has jurisdiction over the following case types arising in the Cities of Farmington Hills and Farmington:

Criminal Felonies (through preliminary exam)
Criminal Misdemeanors
Traffic and Zoning Infractions

General Civil Lawsuits (up to \$25,000)
Landlord-Tenant Disputes
Small Claims Lawsuits

Court Mission

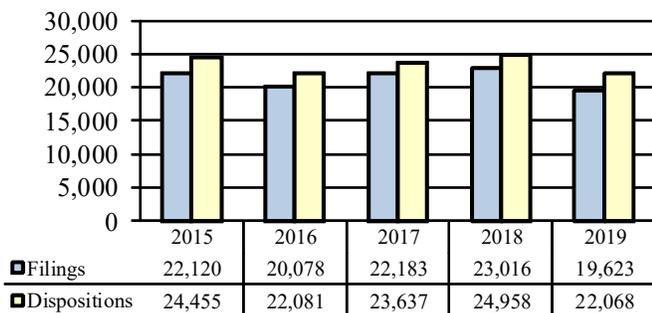
To provide a safe, neutral, and impartial forum for peaceful resolutions of public and private disputes.

Court - Funding Unit Relationship

The 47th District Court is part of the State of Michigan’s “One Court of Justice”. Although not an agency of either Farmington Hills or Farmington, by statute, the Court is mutually funded by both under a formula adopted by the two Cities that accounts for both population (10 year census data) and annual caseload.

While being careful to protect the independence of judicial decision making (the Cities are litigating parties in the majority of the cases at the Court), ***the Court consistently strives to work with the Cities as partners in government to ensure the most efficient and effective use of public resources.***

New Filings & Dispositions: 2015 - 2019



47th District Court Disposition Rates Comparison to Time Guidelines & State Averages

	Time Guideline	Statewide Ave.	47th Dist. Court
Misdemeanors w/i 126 Days	95%	96%	98%
Civil Infractions w/i 84 Days	98%	98%	97%
General Civil w/i 455 Days	98%	99%	100%
Summary Civil (LT, SC) w/o Jury Demand w/i 126 Days	95%	96%	98%

Court Revenue—Where Does It Go?

It's a common misconception that the Court keeps the revenue it collects; in reality, the collected revenue is transmitted on a monthly basis to other units of government as follows . . .

The **State of Michigan** receives revenue as follows:

- \$40 from each traffic civil infraction and \$10 from each non-traffic civil infraction.
- \$50 costs and \$75 Crime Victim Rights fee on each misdemeanor.
- 56% - 79% from each civil case filing fee.
- \$10 from each \$20 motion fee.
- \$30 from each \$45 Driver's License Clearance Fee (transmitted to the Secretary of State).
- 20% of any indigent attorney fee reimbursement (new in 2019, transmitted to LARA for MIDC).

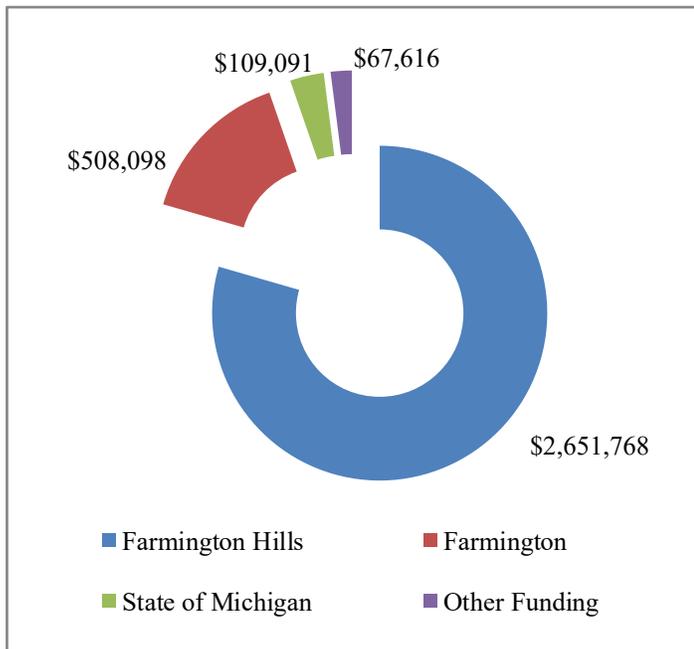
The **County Library Fund** receives revenue as follows:

- The penal fine portion of fees on all *state law* cases.
- 30% of the penal fine on *local ordinance* motor carrier cases.

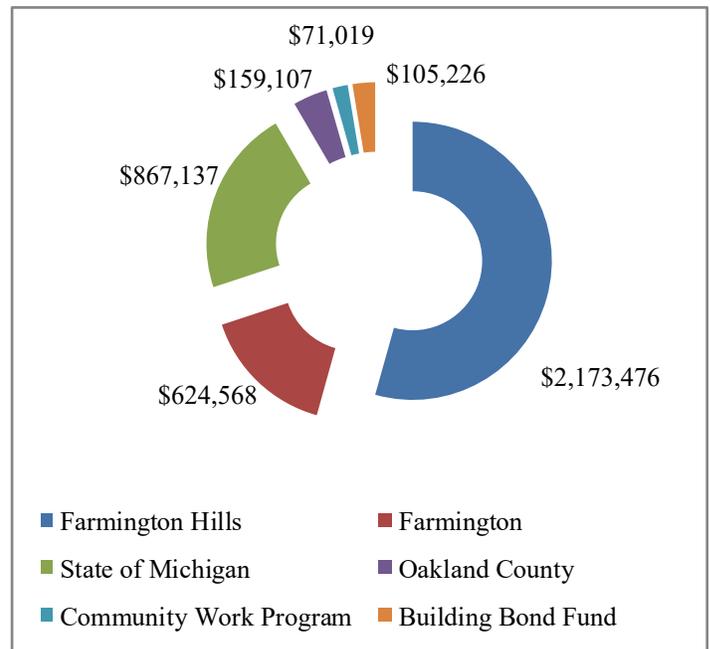
***ALL OTHER REVENUE
GOES TO THE LOCAL FUNDING
UNITS BASED ON CASE VENUE.***

***The Court keeps NONE
of the revenue it collects.***

Budget Contributions FY 2018-19 Total Expenditures = \$3,336,573



Distribution of Revenue FY 2018-19 Total Revenue = \$4,000,533



Collections on Delinquent Court Fees

One of the more recent tools the Court has employed to collect delinquent fines and costs is garnishing state income tax refunds. This chart outlines the results of those efforts.

Year	# of Cases Garnished	Delinquent Fines/Costs	Amount Collected	% Collected
2014	781	\$354,494	\$123,163	34.7%
2015	762	\$372,550	\$105,450	28.3%
2016	750	\$560,860	\$113,868	20.3%
2017	724	\$408,509	\$111,932	27.4%
2018	752	\$479,234	\$174,273	36.4%
2019	700	\$384,480	\$112,746	29.3%
TOTAL		\$2,560,127	\$741,432	29.0%

47th District Court License Clearance Project

Hon. Marla E. Parker
Hon. James B. Brady

Cycle of License Suspension and Court Debt



Process

- Identify eligible cases (must only be suspended out of our court).
- Agree on initial payment and attainable monthly payment plan.
- Carefully review expectations and potential consequences.
- Execute program contract.
- Offer text notification reminder option.
- Track monthly payments; work with participants that request payment flexibility.
- As necessary, re-suspend participants for failure to comply with their contractual obligations.

Why Have a License Clearance Program?

- The **Cycle of License Suspension and Court Debt** can be a burden for the defendant *and* the court.
- Defendants get an opportunity to drive legally so they can work to earn the money to pay their debt.
- The Court expedites collection of delinquent debt and closure of cases.
- Public trust and confidence in the court as a place of justice is enhanced.

47th District Court License Clearance Pilot Project
Pilot Project Participation Rules Document/Agreement

Defendant Name: _____ Case Number: _____
 Case Number: _____ Case Number: _____
 Case Number: _____ Case Number: _____

I agree to the following terms of participation in the 47th District Court's License Clearance Pilot Project:

1. I currently do not have a license suspension out of any other court.
2. I agree to make the following payment today toward my license clearance fee and delinquent fines and costs:

License Clearance Fee: <i>\$15.00 per suspended case</i>	\$ _____
State Minimum Costs: <i>\$50 per misdemeanor, \$40 per civil infraction</i>	\$ _____
Citizen Victim Rights Fee: <i>Misdemeanors Only, \$25.00 per case</i>	\$ _____
Local Fines and Costs	\$ _____
TOTAL INITIAL PAYMENT TO BE MADE TODAY	\$ _____
3. I agree to comply with the following payment plan to eliminate the remainder of my delinquent fines and costs. I agree to make each payment prior to the first Wednesday of the month. Should I be unable to make a scheduled payment before the first Wednesday of a month, I will appear before the Court on that first Wednesday of the month at Show Cause Docket scheduled at 2:30 p.m. to make payment or address the reasons I will not be able to comply with the agreed upon payment plan. I understand that failure to do appear may result in a bench warrant being issued for my arrest.
4. I understand that, at the discretion of the Court, should I miss a payment as established in this payment plan, the Court may notify the Office of the Secretary of State (SOS) to re-suspend my driver's license.
5. I understand that should my license be re-suspended, a new \$45 clearance fee shall be applied to each case.
6. I understand that license clearance under this contract only applies to the cases listed in this contract.

Payment Plan

I, _____, Defendant Name, agree to make payments to the 47th District Court as follows:

Total Amount Owed: \$ _____

Less Mandatory Initial Payment To Be Made Today: (\$ _____)

Total Amount Outstanding For Payment Plan: \$ _____

Agreed Upon Monthly Payment Amount (Due prior to the 1st Wednesday of the month): \$ _____

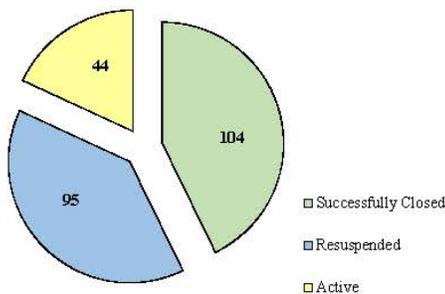
I understand that my next payment is due by Wednesday.

Defendant's Signature: _____ Defendant's Home Telephone Number: _____ Date: _____
 Signature of Judge/Magistrate/Administrator: _____ Date: _____

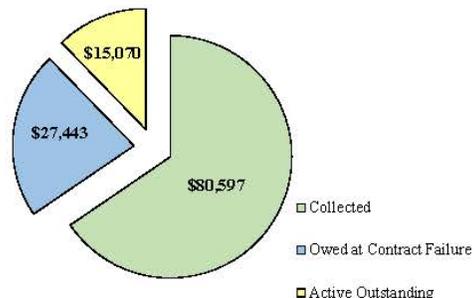
Updated November 2018

Program Statistics

Total Contracts Through Dec, 2019 = 243



Total Amount Contracted To Date = \$123,110



Michigan Indigent Defense Commission (MIDC) Standards Compliance

After a nearly two year planning and preparation period, the Farmington/Farmington Hills/47th District Court MIDC compliance plan was implemented on September 14, 2019. The compliance plan is a hybrid approach to providing indigent counsel under the MIDC Standards. We have established a 12 attorney “House Counsel” for ensuring counsel at first appearance and other critical stages under Standard 4, and we have created a larger list of attorneys for case appointments for the duration of the case after first appearance.

The weekend arraignment process has been modified so that the on-duty magistrate conducts them via video from the courthouse rather than in-person at the police station. Under the new plan, the magistrate is joined by clerk/recorder at the courthouse, and by a House Counsel attorney via video conference. The House Counsel attorney interviews the defendants in advance of the hearings and represents them for the arraignment.

For State fiscal year 2019-20, the Cities were approved to receive grant funds totaling \$181,429, with a “local share” contribution of \$21,911.

47th District Court MIDC House Counsel Attorneys

Patrick Gagniuk	Jeffrey Goldman	Brandy Hart
Katherine Hom	Chris Jarboa	Daniel Schouman
Richard Small	Trovius Starr	Richard Strenger
Ted Takesian	Lawrence Williams	Kimberly Wilson

Sobriety Court

Since 2005, the 47th District Court Sobriety Court has focused on protecting society and reducing crime by targeting substance abuse and addiction through intervention, treatment and offender accountability. Under strict court supervision, eligible participants in the voluntary 24 month, four phase program must comply with court-ordered requirements including substance abuse treatment, alcohol and drug testing, education and life skill development. The Sobriety Court team assists offenders in the struggle against addiction and helps them make positive changes in their lives.

To be eligible for the program, an offender must:

- Be charged with a drunk-driving offense and be a full-time resident within the Court’s jurisdiction.
- Have no prior violent crime convictions.

In addition, an offender must meet one or more of the following:

- At arrest, have a blood-alcohol content (BAC) level of .15% or greater.
- Score a three (3) or higher on the NEEDS Assessment.
- Have a prior substance abuse conviction.
- Or be determined eligible at the discretion of the team.

Sobriety Court is a collaborative effort. The team consists of the judge, prosecutor, defense attorney, probation officer, a police officer, a treatment specialist, and the program coordinator. The team uses incentives to recognize and reward progress, and sanctions, including jail time if necessary, to encourage compliance.

Sobriety Courts in Michigan have proven to have a positive impact on recidivism rates. Preliminary 2019 statewide statistics show recidivism rates for **any** new conviction within 3 years were much lower for Sobriety Court graduates (6%) than for the non-Sobriety Court comparison group (21%). **For exclusively new alcohol or drug convictions**, the statewide recidivism totals were 4% for graduates compared to 18% for the comparison group. Locally, our graduates were at a 6% recidivism rate for any new conviction, and 5% for any new alcohol or drug conviction.

Each program graduate participates in an “exit interview”. Answers are only shared with the team in aggregate so participants have anonymity. Through the end of 2019, (92 interviews), graduates indicated that their Sobriety Court experience was either “very helpful” (73%) or “somewhat helpful” (26%), and that their Sobriety Court experience would “greatly improve” (84%) or “slightly improve” (15%) their chances of remaining clean and sober in the future.

***“I can’t think of anything to improve the program. Personally, it was the best thing that ever happened to me. It gave me a plan, structure, organization and rules to live by, which is what I needed.*”**

- 47th District Court Sobriety Court Graduate