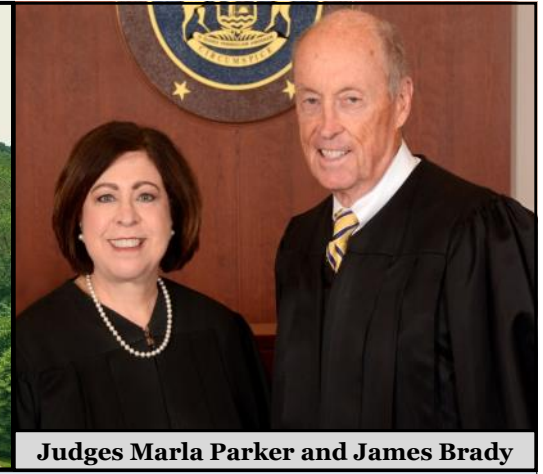


47th District Court



2021 Annual Report



Judges Marla Parker and James Brady

Court Jurisdiction

The 47th Judicial District Court is a limited jurisdiction court serving the cities of Farmington and Farmington Hills. The Court has jurisdiction over criminal misdemeanors, civil cases in which the amount in dispute is \$25,000 or less, parking violations, traffic violations and other civil infractions, landlord-tenant disputes, and small claims matters. In addition, the Court has initial jurisdiction on criminal felony cases for the purpose of determining probable cause.

Court Mission and Court Goals

The Court's mission is to provide a safe, neutral, and impartial forum for peaceful resolutions of public and private disputes.

The Court accomplishes its mission by fulfilling several key goals, including: 1) Access to Justice, 2) Public Trust and Confidence, 3) Expedition and Timeliness, 4) Equality, Fairness and Integrity, and 5) Independence and Accountability.

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.**

Public Satisfaction

After a Pandemic-related hiatus in 2020, the Michigan Supreme Court asked state courts to conduct a Public Satisfaction Survey in 2021. Despite many of the continuing Pandemic-related challenges in 2021, the results of our Public Satisfaction Survey are quite impressive, highlighted by the following:

- ◇ **100%** of the respondents agreed or strongly agreed that the ***Judge or Magistrate treated everyone with courtesy and respect.***
- ◇ **Over 90%** of the respondents agreed or strongly agreed that they were ***able to get their court business handled in a reasonable amount of time.***
- ◇ **Over 90%** of the respondents agreed or strongly agreed that they were ***treated with courtesy and respect by Court staff.***
- ◇ **Over 90%** of the respondents agreed or strongly agreed that the ***way their case was handled was fair.***
- ◇ **Over 90%** of the respondents agreed or strongly agreed that, as they left the court proceeding, they ***understood what happened in their case.***

Financials and Case Filings

Money Received By The Court -Where Does It Go?

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

The **State of Michigan** receives:

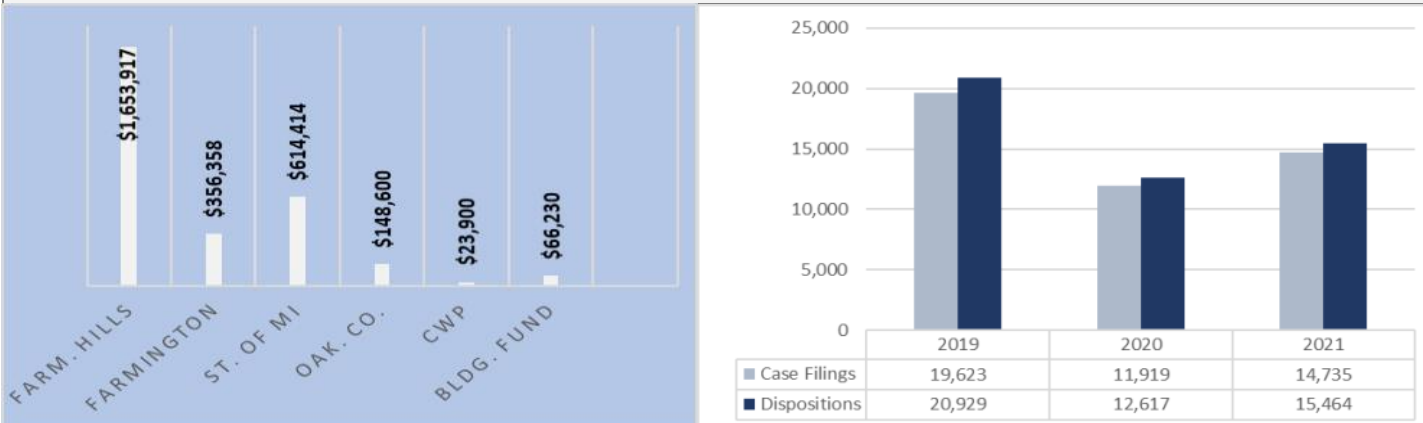
- \$40 from each traffic civil infraction and \$10 from each non-traffic civil infraction.
- \$50 costs and \$75 Crime Victim Rights fee on each misdemeanor.
- 56% - 79% from each civil case filing fee.
- \$10 from each \$20 motion fee.
- \$30 from each \$45 Driver's License Clearance Fee (transmitted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

The **County Library Fund** receives:

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

ALL OTHER MONEY GOES TO THE LOCAL FUNDING UNITS - THE CITY OF FARMINGTON AND THE CITY OF FARMINGTON HILLS - BASED ON CASE VENUE.

The Court keeps NONE of the money it collects (see chart below, left, for transmittal amounts as of 6/30/21).



Collections on Delinquent Court Fees

One of the tools the Court has utilized to collect delinquent fines and costs is garnishing state income tax refunds. As the chart below outlines, from 2016-2020 alone, the Court has collected **over \$500,000** via tax garnishments.

Income Tax Refund Garnishment Collections

Year	# of Cases	\$ Collected
2016	749	\$80,339
2017	723	\$111,932
2018	752	\$79,728
2019	700	\$145,501
2020	713	\$139,415
2021	770	TBD
TOTAL	4407	\$556,914

Show Cause Collections Program

In addition to tax garnishments, the Court also utilizes a *Show Cause Docket* to collect past due payments. Since its inception in 2003, the Show Cause Docket has collected over **\$8.5 Million** in past due payments. Each month, delinquent payers are noticed to appear in Court to explain why they have not paid their fines and costs as ordered. Once the cases are noticed for a show cause hearing, but before the actual hearing date, court clerks make efforts to reach out to payers to explore the possibility of payment arrangements. If a plan is agreed to, the payer is only required to attend a future court date if they miss a payment.

Show Cause hearings have traditionally been held in person, but the entire docket is now handled by Zoom, in the hope that the Court can offer a convenient way for participants to appear for the hearing, while also providing the same payment terms and options as an in-person hearing. Additionally, handling this docket remotely has allowed the Court to realize a reduction of personnel costs.

2020-2021 Year(s) in Review

The Global Pandemic

The COVID-19 Global Pandemic began to impact the Court in early March of 2020. By mid-March of that year, COVID-19 became a National Emergency, resulting in the mandatory closing of businesses, schools, and government offices alike. Without question, the Pandemic immediately changed the course of how people handled daily tasks, both simple and complex. The courts were not immune, and our Court was not spared.

When courts all over Michigan were forced to close their doors in March 2020, it became imperative for those courts to find a way to quickly develop and implement plans to provide an alternative to in-person court proceedings. Our Court was at the forefront of that effort, intent on minimizing operational interruptions and continuing to provide a means to provide access to justice.

Within weeks of the first flurry of Government and Supreme Court emergency orders, the Court implemented a plan for virtual court proceedings. Zoom and YouTube became a staple of our Court's operations in the weeks and months following the closure of our physical building to the public. Two years later, Zoom continues to be used almost exclusively in the Magistrate Courtroom and is still being utilized by the Judges when appropriate.

Legislative and Court Rule Changes

There were many major legislative and rule changes in 2020-2021, all of which greatly impacted the Court. Among those changes were:

- ◇ A new "clean slate" legislative package, which, in part, expanded the number and types of misdemeanor and felony convictions which are eligible to be set aside, including certain drunk driving convictions. The Court has received many such applications and the number of applications to set aside convictions, including eligible drunk driving convictions, is sure to grow in 2022 and beyond.
- ◇ A legislative package of approximately 20 bills, signed into law in early 2021, which adopted many recommendations from the Michigan Joint Taskforce on Jail and Pretrial Incarceration. The result to our Court has been the redesign and implementation of many new court processes, including the scheduling of additional court appearances in criminal cases. The new laws have also impacted how our Judges sentence individuals, and how those individuals are monitored by our Probation Officers. The Court has certainly experienced an increase in workload as a result of these sweeping legislative changes.
- ◇ Civil matters were also impacted by new rules and procedures, including additional court appearances being required in landlord-tenant matters. While that has added additional court events to the landlord-tenant process, the increased court events, along with government funding, have given many tenants an opportunity to stay in their rental property, while landlords and renters have both benefited from available funding.

The Court's Path Forward

Prior to the Pandemic, only a very small amount of the Court's work was conducted virtually, so the Pandemic led to a major operational shift for the Court. The Court, as early as the Spring of 2020, began relying on Zoom and YouTube to make sure court users had the necessary access to our Court; the access to justice which we're legally required to provide.

Not surprisingly, the Court experienced many obstacles along the way, including a wide array of technology challenges. In facing those challenges, here are some Court accomplishments:

- ◇ The Court staff spent countless hours working to become *experts in remote technology*.
- ◇ Court staff have now *assisted and educated thousands of court participants*, helping to deliver the most user-friendly environment and experience possible.
- ◇ The Court has added 2 dedicated "**Zoom Rooms**" in the Courthouse, where a litigant, witness, or court observer can come to the Court to participate in a remote proceeding as necessary.
- ◇ The Court has successfully addressed a number of case backlogs created by the Pandemic, including the creation and implementation of a *virtual pretrial process for the small claims docket*, as well as scheduling new dates to ease the backlog of traffic and criminal matters.
- ◇ The Court, with help from IT personnel with the City of Farmington Hills, has made many *vital court documents available online*, resulting in time and cost savings to the Court, but also a more efficient, accessible, and convenient process for court users.
- ◇ The Court has implemented a system for *text notices and reminders to litigants*, as another way to keep people informed about court hearings.
- ◇ The Court has created a *system to conduct remote work*, whereby court clerks, probation officers, and other staff can take technology home and are now able to remotely handle court phone calls, internal and external meetings, probation interviews, case disposition, and financial transactions.
- ◇ The Court continues to find ways to best *utilize all available technology* to assist in the expeditious resolution of legal matters.

While the virtual nature of court proceedings resulted in additional work for Court staff, it was worth the effort to keep the wheels of justice moving. Going forward, some matters will continue to be handled remotely, continuing to afford a convenient and efficient way for court users to appear for hearings – saving on transportation costs for court users, reducing court users' daycare costs, reducing court users' time away from work, limiting an officer's time in court, saving on Court security costs, and saving on prisoner transport (and reducing security risks), among other benefits.

As the Court looks to return closer to normal, we will certainly see more litigants and court users in person at the Court. However, we also know that we can, once again, handle court hearings and most court work remotely if the need arises. The Court staff is prepared for a seamless continuity of operations, whether it be for the convenience of the litigants or out of situational or environmental necessity.

Community Work Program

The Community Work Program (CWP) began in 1986 as a partnership between the Court and the Farmington Hills Police Department to provide a sentencing alternative to help address overcrowding at the Oakland County jail. The judges sentence qualifying misdemeanants to perform a certain number of work days to benefit the community. Workers are used for such projects as the set-up/tear-down of the Shiawassee sled hill, planting of flowers at the Court, road litter pick-up, and public building and park maintenance. Historically, the Program provides tens of thousands of dollars in labor value. Not surprisingly, 2020-2021 were not typical years for the CWP program. For much of 2020 and 2021, the program was suspended and then limited due to the Pandemic.

Despite the challenges of 2020-2021, the program did yield positive results. Several hundred workdays were completed on various projects throughout the communities, equating to roughly \$30,000 in labor value. And the program is moving even closer to historical averages in 2022, with almost 3 times more work days currently requested in 2022, compared to 2021, by various departments throughout the cities.

Sobriety Court

Since 2005, the 47th District Court Sobriety Court has focused on protecting society and reducing recidivism by identifying those individuals who may be struggling with substance abuse and addiction issues. The program helps to address those issues through intervention, treatment, and participant accountability. Sobriety Court is a collaborative effort. The team - including the judge, prosecutor, defense attorney, and probation officer - uses incentives to recognize and reward progress, as well as program sanctions, including jail time if necessary, to encourage compliance.

The 47th District Court Sobriety Court is a post-plea, four phase program. Under strict court supervision, participants must comply with court-ordered requirements including substance abuse treatment, alcohol/drug testing, and education and life skill development. The program is designed to span 24 months, during which time the Sobriety Court team assists eligible and willing participants with getting the help and services necessary to address substance abuse and addiction issues and to make positive life changes.

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 Courts in Michigan have proven to have a positive impact on recidivism rates. The 47th District Court Sobriety Court program is no exception, as statistics from the State Court Administrator's Office show that the program is successfully lowering recidivism rates of its graduates.

Not only that, but the program receives largely positive results from program participants. In fact, through the end of 2021, there have been 105 exit questionnaire completed by participants. 99% of those participants indicated that the program was helpful, with 70% saying it was very helpful. In addition, 99% indicated that completing the program would improve their chances of remaining clean and sober in the future, with 83% indicating they felt it would greatly improve their chances of remaining clean and sober.

Because of the Pandemic, the current group of participants is poised to produce the first group of graduates who will have gone through the entire program virtually. All court reviews and probation meetings have been conducted by Zoom. And most of the treatment, therapeutic, and educational programs have been handled remotely. The pandemic has presented challenges, but it hasn't prevented the Sobriety Court program from functioning at a high level.

"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."

"A very good, complete program. Very impressive."

"Overall, the Program helped me stay sober."

"Sobriety Court saved my life."

"I loved the program."

- Recent 47th District Court Sobriety Court Graduates

Personnel Changes at the Court in 2020-2021



Jackie Jones, David Walsh, and Anne Nelson

leadership underwent a major transition. After 23 years as the Court's Deputy Court Administrator, Stacy Parke was promoted to Court Administrator. Matt Friedrich, who had served in various roles with the court since 1999, was hired to fill the role of Deputy Court Administrator, while also continuing to serve as one of the Court's three part-time Magistrates.

With the retirement of Dave Walsh, the court

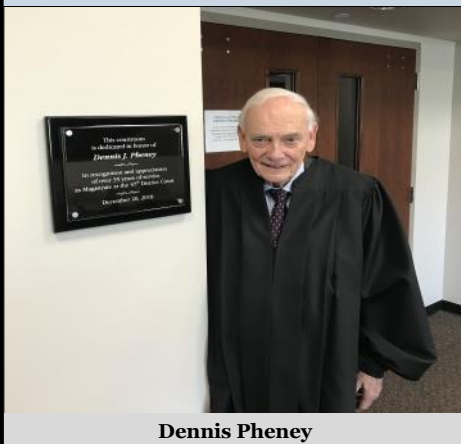


Stacy Parke, Dave Walsh, and Matt Friedrich

Also retiring from the court was Jackie Jones, who was hired as a probation officer in 1989 and was eventually promoted to the position of Director of Probation in 1997. Our new Director of Probation is Stacie Mastako, who joined the Court as a probation officer in 2015. Prior to that, Ms. Mastako worked as a probation officer with the 48th District Court since 2007.

Finally, Anne Nelson retired from the Court after a long career. Ms. Nelson was hired as a deputy clerk in 1998 and would move on to hold several positions at the Court before accepting a position as Judge Marla Parker's court recorder in 2015.

In addition to the changes with the Court's full-time personnel, there has also been a major change to the Court's roster of part-time Magistrates. Dennis Phenev, after a distinguished career of 35 years, retired from his role as Magistrate in December 2020. Mr. Phenev was originally appointed by Judge Margaret Schaeffer in June of 1983. Mr. Phenev served during the tenure of all five district judges in the Court's history. In 2019, Judge Parker and Judge Brady recognized Mr. Phenev's outstanding public service by dedicating the Magistrate's courtroom in the 47th District Courthouse in his honor.



Dennis Phenev

Judge Parker and Judge Brady selected Brandy Hart as Mr. Phenev's successor in the Magistrate courtroom. Prior to her appointment, Magistrate Hart, who continues to maintain a private law practice, had served as one of twelve defense attorneys on the 47th District Court House Counsel list, providing legal services for indigent criminal defendants facing misdemeanor and felony charges in the Court.



Brandy Hart

