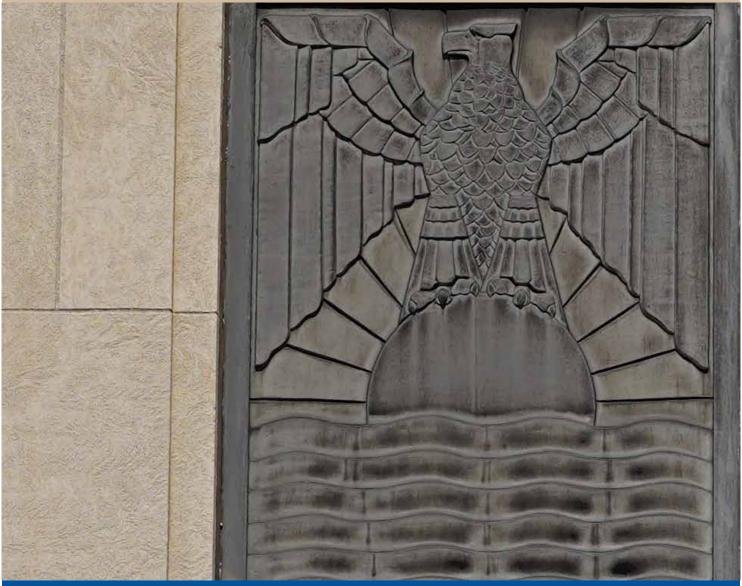
2 ANNUAL 2 REPORT



16th Judicial Circuit,
Macomb County Probate,
and 42nd Judicial District Court



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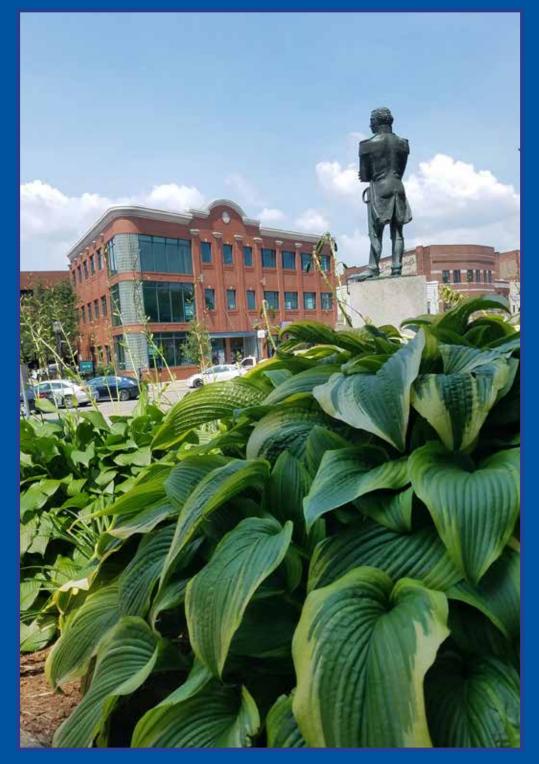
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We would like to thank the following people and departments for their contributions to this report:

The Judges, Administrators, and Staff of the 16th Judicial Circuit, Macomb County Probate and 42nd Judicial District Courts, the Macomb County Executive, and the Macomb County Board of Commissioners for their support with this Annual Report. In particular, thanks goes to Tech Liaison Kong Vue for his efforts formatting and preparing this publication.

Mission Statement

"Our mission is to serve the public by providing a fair, expeditious, and impartial forum for the resolution of civil and criminal matters through the rule of law."



A Message from the Chief



It is my honor to welcome you to the 2020 Annual Report for the 16th Judicial Circuit, Macomb Probate and 42nd Judicial District Courts. This past year has been challenging and has tested each of our resolve in various ways. Covid-19 has caused us to change the way court proceedings are conducted and has made us appreciate many things that we had previously taken for granted. However, we have, and continue to, persevere, and adapt.

While how business is done may look a little different, cases have continued to be heard, the Courts' employees have continued to serve the public, and we have all strived to provide the highest

level of service possible. In this year's annual report, we will highlight the accomplishments of several of the Courts' departments. Some of the achievements that will be examined are the Juvenile Division obtaining a grant to support high quality legal representation in child protective proceedings, the launch of the Macomb County Public Defender's Office, and the implementation of a new check-in system for the courts designed to ensure the safety of the public visiting the courts, as well as the court's staff.

I greatly appreciate you finding the time to read this report. I continue to be amazed by the perseverance, dedication and positive attitudes that the employees of the 16th Judicial Circuit, Macomb Probate and 42nd Judicial District Courts have displayed over this past year, and it is my honor to serve as the Chief Judge of these prestigious courts. I hope that 2021 brings each of you good health and happiness.

Sincerely,

James M. Biernat, Jr.

Chief Judge

16th Judicial Circuit, Macomb County Probate, and

42nd Judicial District Courts

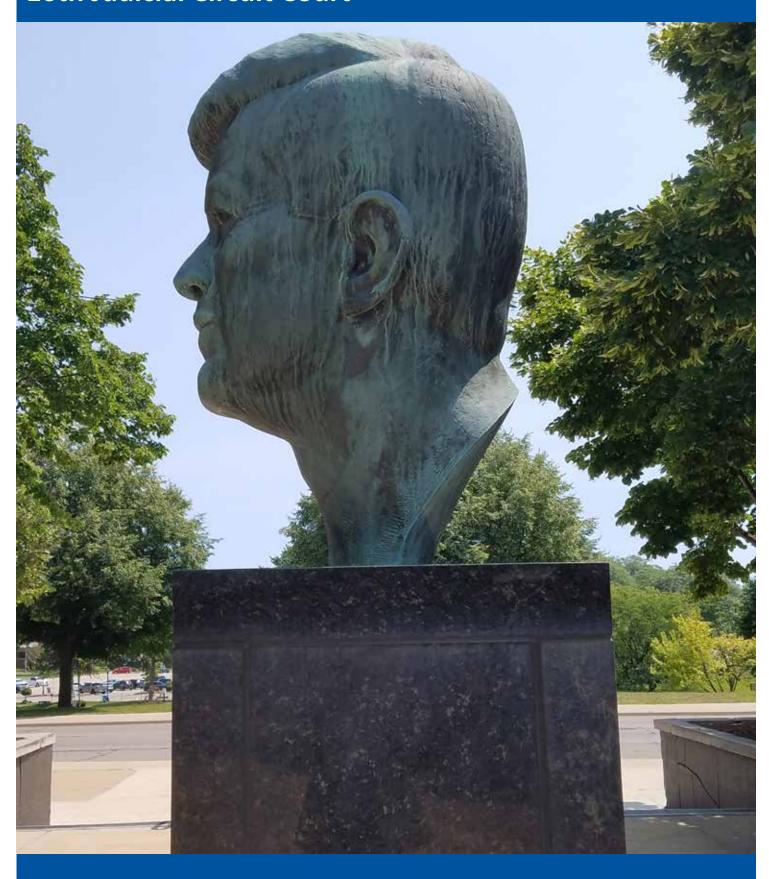
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The 16th Judicial Circuit Court is a trial court of general jurisdiction, which means that it handles all types of cases except those given by state law to another court. Under the Michigan Constitution, the Court constitutes one of the three separate branches of government. The Civil Division handles civil cases involving more than \$25,000 and cases in which the parties seek equitable relief. The Criminal Division handles all Macomb County felony cases and some serious misdemeanor cases. The Family Division handles all domestic relations and juvenile matters, including delinquency, abuse, neglect, and adoption cases. Circuit Court judges are elected to six-year terms on a non-partisan ballot.

16th Judicial Circuit Court Overview

16th Judicial Circuit Court 40 N. Main St. Mount Clemens, MI 48043 circuitcourt.macombgov.org

16th Judicial Circuit Court





Judge
James M. Biernat, Jr.
Chief Judge, 16th Judicial Circuit,
Macomb Probate, and 42nd Judicial
District Courts
Civil/Criminal Division
https://circuitcourt.macombgov.org/index.
php/CircuitCourt-JamesBiernatJr



Judge
Matthew S. Switalski
Chief Judge Pro Tempore
Presiding Judge, Family Division
https://circuitcourt.macombgov.org/index.php/CircuitCourt-MatthewSwitalski



Circuit Court

Judges

Judge
Edward A. Servitto, Jr.
Civil/Criminal Division
https://circuitcourt.macombgov.org/index.php/CircuitCourt-EdwardServit-



Judge
Richard L. Caretti
Presiding Judge,
Civil/Criminal Division
https://circuitcourt.macombgov.org/index.php/CircuitCourt-RichardCaretti



Judge
Mark S. Switalski
Family Division
https://circuitcourt.macombgov.org/index.php/CircuitCourt-MarkSwitalski



Judge
Diane M. Druzinski
Civil/Criminal Division
https://circuitcourt.macombgov.org/index.php/CircuitCourt-DianeDruzinski



Judge
Tracey A. Yokich
Family Division
https://circuitcourt.macombgov.
org/index.php/CircuitCourtTraceyYokich

Circuit Court Judges



Judge
Kathryn A. Viviano
Civil/Criminal Division
https://circuitcourt.macombgov.org/index.
php/CircuitCourt-KathrynViviano



Judge Jennifer M. Faunce Civil/Criminal Division https://circuitcourt.macombgov.org/ index.php/CircuitCourt-JenniferFaunce



Judge
James M. Maceroni
Civil/Criminal Division
https://circuitcourt.macombgov.org/index.php/circuitcourt-jamesmaceroni



Judge
Joseph Toia
Civil/Criminal Division
https://circuitcourt.macombgov.
org/index.php/CircuitCourt-Toia



Judge
Carl J. Marlinga
Civil/Criminal Division
https://circuitcourt.macombgov.org/
CircuitCourt-CarlMarlinga



Judge
Michael E. Servitto
Civil/Criminal Division
https://circuitcourt.macombgov.org/index.php/CircuitCourt-MichaelServitto



Judge Rachel Rancilio Family Division https://circuitcourt.macombgov.org/ index.php/CircuitCourt-RachelRancilio



Judge
Julie Gatti
Civil/Criminal Division
https://circuitcourt.macombgov.org/index.php/CircuitCourt-Gatti



<u>Back Row Judges</u>: Diane M. Druzinski, Julie Gatti, Richard L. Caretti, James M. Maceroni, Carl J. Marlinga, Mark S. Switalkski, Michael E. Servitto, Rachel Rancilio

<u>Front Row Judges:</u> Jennifer M. Faunce, Tracey A. Yokich, Matthew S. Switalski, James M. Biernat, Jr., Joseph Toia, Kathryn A. Viviano, Edward A. Servitto

Core Values of the 16th Judicial Circuit Court

- Honesty and integrity: telling the truth and fulfilling promises
- Principled decision making: guided by the rule of law and due process
- Independence of the judiciary
- Impartiality of the tribunal: free from bias and discrimination
- Reasonable access to justice: reasonable schedules, promptness and constantly striving to improve processes
- · Courtesy and consideration for all
- Openness: processes open to public scrutiny and critical analysis
- Cost effectiveness

"Truth springs from argument amongst friends."

Hume

Macomb County Probate Court



Probate Court Judges



Sandra A. Harrison

Presiding Probate Judge

https://probatecourt.macombgov.org/

probatecourt-sandraharrison-suratt



Judge
Kathryn A. George
Probate Judge
https://probatecourt.macombgov.org/
ProbateCourt-KathrynGeorge

The Macomb County Probate Court handles two main areas of law through two divisions: the Mental Division and the Wills & Estates Division.

The Mental Division has jurisdiction over proceedings under the Mental Health Code. It handles matters relating to involuntary commitments for psychiatric treatment and guardianships of individuals with developmental disabilities.

The Wills & Estates Division has jurisdiction over matters relating to the settlement of decedents' estates; proceedings concerning the validity, internal affairs and settlement of trusts; the administration, distribution, modification, and termination of trusts; the declaration of rights involving trusts, trustees, and beneficiaries of trusts; and matters involving guardianships and conservatorships. For more information, visit: https://probatecourt.macombgov.org/

ProbateCourt-Home



42nd Judicial District Court



42nd Judicial District Court



Judge
William H. Hackel, III
District Judge
https://42newbaltimore.macombgov.
org/42newbaltimore-judges



Judge
Denis R. LeDuc
Presiding District Judge
https://42romeo.macombgov.org/42romeo-judges

District Court Summary

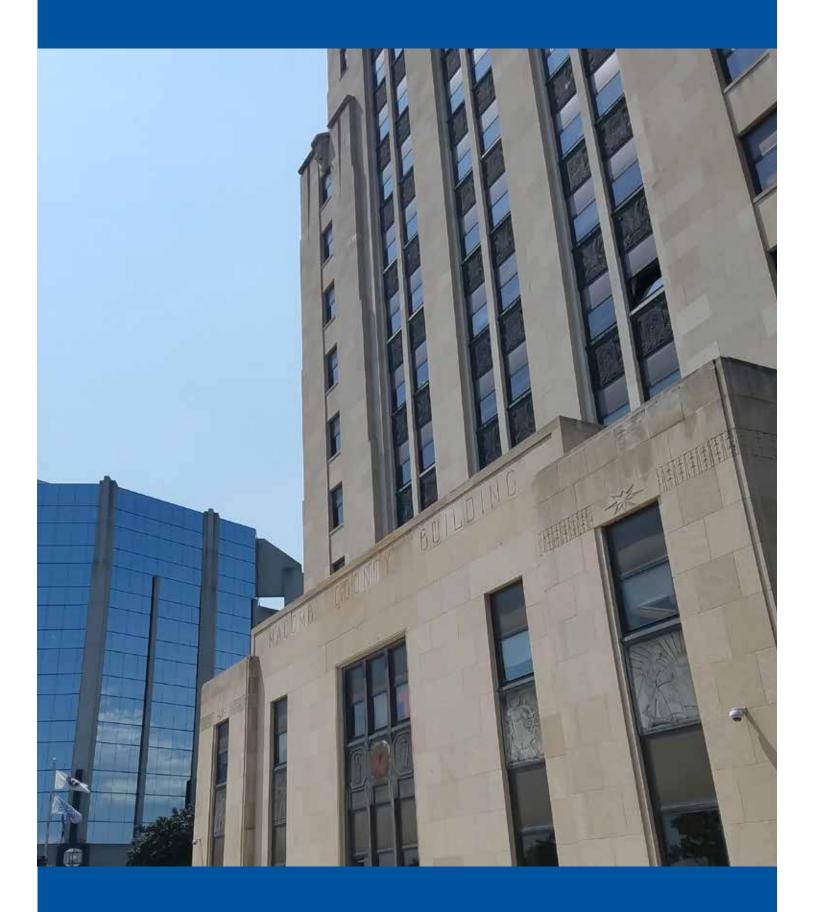
The 42nd Judicial District Court serves the citizens of northern Macomb County, with separate divisions located in Romeo and New Baltimore. The 42nd Judicial District Court has exclusive jurisdiction of civil litigation where the amount in controversy is \$25,000 or less. The District Court also handles garnishments, landlord-

tenant matters, civil infractions, local ordinance violations, and misdemeanors where the maximum penalty does not exceed one year in jail. Additionally, the District Court conducts arraignments and preliminary examinations in felony cases, with the District Court judges determining whether there is sufficient evidence to bind the accused over to Circuit Court for trial. The 42nd Judicial District Court also includes a small claims division for civil cases where the amount in controversy is less than \$5,000 and where the parties waive certain rights in order to expedite the handling of the case. For more information, visit the links below:

42-1 District Court https://42romeo.macombgov.org/42romeo-Home

42-2 District Courthttps://42newbaltimore.macombgov.org/42newbaltimore-Home

Department Summaries



Court Administration

Court Administration manages the 16th Judicial Circuit, Macomb County Probate, and 42nd Judicial District Courts' personnel and business operations, including public relations and Court policy issues. Circuit Court Administration departments include the Case Management Division, ADR/Case Evaluation, Specialty Court Services, Finance, Family Counseling Service, Friend of the Court, Research Department, Juvenile Division, and Information Services Division. For more information on Circuit Court's departments, visit https://circuitcourt.macombgov.org/index.php/circuitcourt-departments.

Case Management Division

The Case Management Division manages and tracks the progress of a case from case initiation through disposition. The division is responsible for event scheduling, docket management, notice generation, dismissals for lack of progress, adjournment processing, tracking actions taken by each judge, disposal of cases pursuant to the State Court Administrative Office (SCAO) caseload reporting requirements, and answering questions from the public. The Case Management Division is responsible for reporting statistical information to SCAO, for appointing counsel for indigent defendants, and appointing foreign language and American Sign Language interpreters.

ADR/Case Evaluation

Alternative Dispute Resolution (ADR) is a process in which the judge refers the parties to a mediator to help them resolve their dispute. Case Evaluation is a form of alternative dispute resolution, which requires most civil cases be evaluated by a panel of three experienced attorney evaluators who review written and oral presentations and evaluate the monetary value of each case. The Case Evaluation/ADR clerks are responsible for implementing the court rules, scheduling hearings, receiving written case summaries, and tracking and following up on evaluations.

Specialty Court Services

Specialty Court Services oversees the treatment courts, including the Adult Felony Drug Court, the Veterans' Treatment Court, and the Mental Health Court. In 2020, the department also began the planning process for a new DWI/Sobriety Treatment Court. The department is also responsible for managing the Swift and Sure Sanctions Program and the Specialized Business Docket.

Department Summaries

Department Summaries

Judicial Aide

Judicial Aide is responsible for collecting money from defendents ordered to repay fees assessed for court-appointed counsel, transcripts, and expert witnesses; working with defendants on payment arrangements and wage assignments; processing requests for information and return of cash bonds; performing financial reviews and making recommendations to the court at sentencing and hearings; cashiering and remitting restitution funds; and processing income tax garnishments and orders to remit prisioner funds.

Information Services Division

The Information Services Division is responsible for managing and utilizing new technology initiatives to develop and maintain a state-of-the-art communication system for the 16th Judicial Circuit, Macomb County Probate, and 42nd Judicial District Courts. The division acts as a liaison with the Macomb County Information Technology Department, technology vendors, and other state and local government agencies to identify, advocate, and implement court technology projects to enhance the operations of the courts. The division assists the judges, court staff, and the public with court information systems and technology.

Research Department

The Research Department provides research and writing as requested by the judges of the Court. The department also provides support for administration, assists in the training of law clerks, operates the county law library, and provides ancillary legal support services as directed.

Department Summaries

Juvenile Division

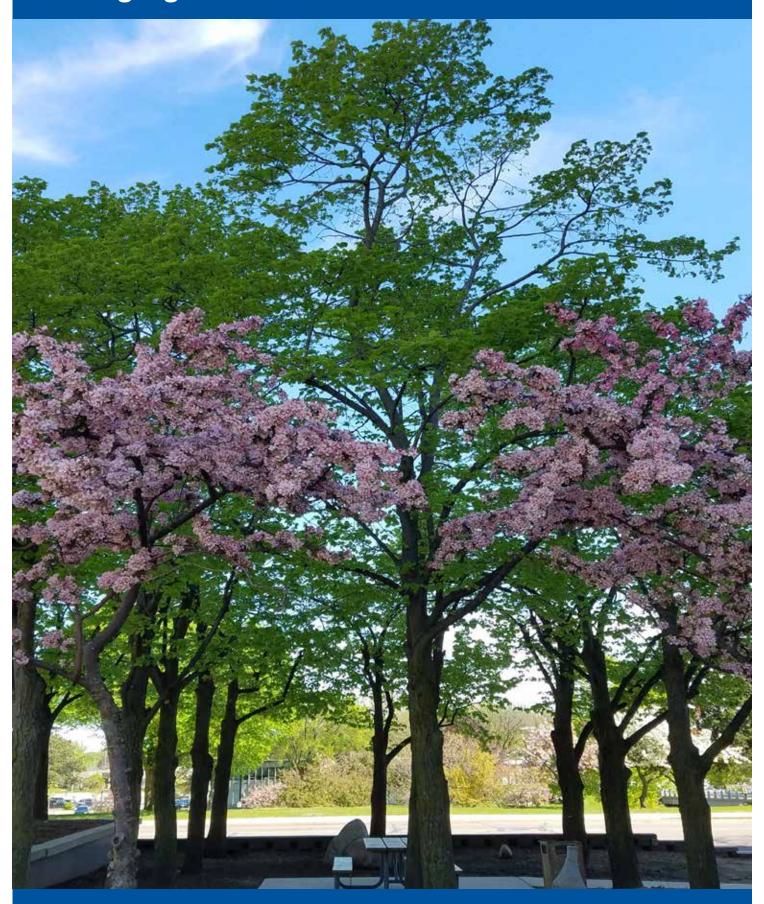
The Juvenile Division handles cases related to juvenile delinquency, juvenile traffic matters, parental abuse/neglect, adoption, emancipations, juvenile guardianships, and parental waivers. The division consists of a legal department, diversion unit, probation department, psychology and counseling unit, adoptions department, and clerical services.

Reimbursement

Reimbursement assists with the collection of court-ordered assessments and the cost of care and service for youths in juvenile cases. Reimbursement is responsible for interviewing responsible parties, reviewing financial information, preparing recommendations, preparing court orders, preparing show causes, inputting costs, processing payments, and reviewing delinquent accounts for further collection action.

Friend of the Court

The Friend of the Court (FOC) assists the Circuit Court's Family Division. The FOC provides enforcement of court orders relating to child support, health care, spousal support, parenting time, and custody and investigates, evaluates, and submits recommendations to the court on any contested domestic relations matter. Additionally, the FOC provides alternative dispute resolution opportunities for litigants and the court.



Livestreaming Court Proceedings

In order to ensure public access to court proceedings due to the pandemic, the court began livestreaming all public court proceedings on YouTube. A link to each judge's YouTube livestream is available at https://circuitcourt.macombgov.org/livecourtproceedings.

Virtual Courtroom Task Force and Remote Jury Trial Pilot Project

At the beginning of the pandemic, Judge Kathy Viviano was chosen to chair the Supreme Court's Virtual Courtroom Taskforce. Judge Mark Switalski and Deputy Court Administrator John Nizol also participated as members of this Task Force. The Task Force examined best practices and made recommendations on ways to get Michigan courts up and running remotely. The full text of the Task Force's Standards and Guidelines are available here: https://courts.michigan.gov/Administration/SCAO/Resources/Documents/standards/VCR_stds.pdf.

Shortly thereafter, the 16th Judicial Circuit Court again took a lead in pandemic response when Judge Carl Marlinga was chosen to co-chair the Supreme Court's Remote Jury Trial Pilot Project, along with Judge Aaron Gauthier (53rd Judicial Circuit Court of Cheboygan and Presque Isle Counties). Judge Mark Switalski was chosen to preside over this mock jury trial. The entire trial process -- from voir dire to closing arguments -- took place over Zoom. The pilot project examined the potential of conducting all or a portion of jury trials remotely. In addition to Judge Marlinga co-chairing the workgroup and Judge Mark Switalski conducting the mock jury trial, workgroup members included Judge Kathy Viviano, Assistant Prosecuting Attorney Bill Cataldo, Deputy Circuit Court Administrator John Nizol, 41B District Court Administrator Jim McGrail, and local attorney Don Teichman.

Diversity, Equity, and Inclusion Committee

2020 saw the formation of the Court's Diversity, Equity, and Inclusion Committee. The Committee began meeting monthly to discuss ways to make our court system a more welcoming, just, and inclusive place for employees, potential employees, the public, and all who interact with our court system. The Committee is tasked with assembling recommendations for actions and improvements, and is focusing on four key areas: (1) race and ethnicity issues, (2) sex and gender issues, (3) LGBTQ issues, and (4) disability issues. The Committee commenced information gathering and brainstorming in 2020, with the goal of presenting recommendations to the Chief Judge and Court Administrator in 2021.

Public Defender Update

The Michigan Indigent Defense Commission requires indigent defense systems to operate independently from the judiciary. In November 2020, the newly-formed Macomb County Public Defender's Office took over the responsibility for paying appointed attorneys. The office also began providing counsel at first appearance, before taking over all responsibility for appointing counsel in 2021.

Check-In System

In an effort to ensure everyone's safety in the early summer of 2020, the 16th Judicial Circuit, Macomb County Probate, and 42nd Judicial District Courts implemented an automated check-in system for those with business in our buildings. Individuals attempting to enter the building without an appointment or scheduled business were instructed via text message to contact the relevant department or courtroom and set up an appointment.

To enter the building, attorneys and members of the public checked in at MacombCheckIn.com, or used the kiosks located at our building entrances. Every attorney, juror, litigant, etc., was required to check in individually. Friends, family members, and others who are not part of the business in front of the court were not be allowed in the building.

Virtual Holiday Party

Our holiday party in 2020 looked a little different from most years. But we still enjoyed some virtual holiday cheer from afar. We had great participation and some big prize winners!



Courtroom Electronic Display of Exhibits

In an effort to minimize the exchange of materials between jurors, large screen portable monitors have been deployed. These monitors allow exhibits to be shown via connections from a laptop on the counsel table and can be seen throughout the courtroom on not only the large monitors, but all monitors in the courtroom.

Juvenile Update

In 2020, the Juvenile Division applied for, and received, a grant to support high quality legal representation in child protective proceedings. The Child and Parent Legal Representation Grant is being used to provide ancillary legal services to achieve permanency, provide an attorney mentorship program, and provide relevant training to court-appointed counsel. Research has shown that high quality legal representation can improve safety and reduce the time that a child spends in foster care.

FOC Update

The Macomb County Friend of the Court has implemented Phase 2 of its Macomb Appointment Management System, or MAMS. Phase 2 includes check-in touch screen kiosks that allow attorneys to check themselves and their clients in for appointments without having to see the receptionist. Static view only displays have been installed in the lobby of each floor at the Friend of the Court. These displays provide status updates to litigants and attorneys and in waiting areas on each floor. They are automatically updated as any changes are made to the system by Friend of the Court staff. We've also added web views for judges and attorneys. Since the system is web-based, we have included a public facing docket page, with sensitive information removed, which can be accessed via a web browser, including smart phones.

Friend of the Court has also implemented a new phone system. All calls are now routed through our interactive voice response system (IVR) where they're put into a queue and answered in the order they were received. The new phone system allows for analytics and the playing of an upfront message that provides information for those on hold. This resulted in more consistent messaging and quicker turnaround time on phone calls, drastically increasing the level of customer service we can provide.

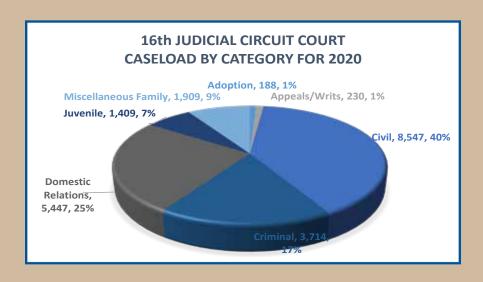
Circuit Court Statistics

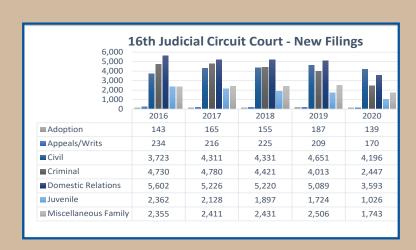


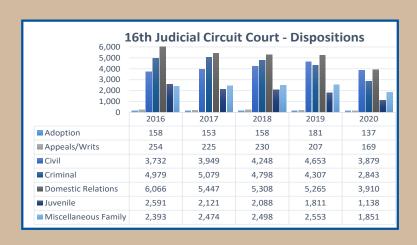
16th Judicial Circuit Court

Caseload Information

Please note: Statistics for 2020 are unusual due to the COVID-19 pandemic and associated delays.



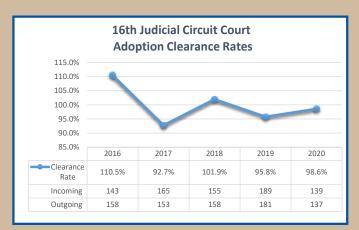


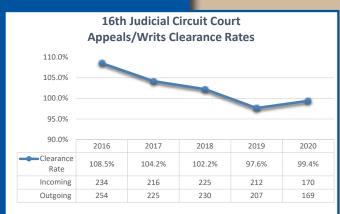


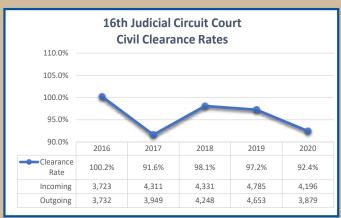
Caseload Information

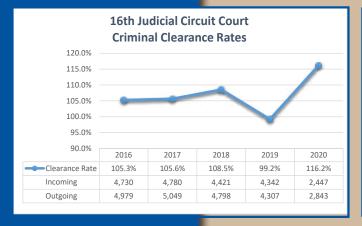
16th Judicial Circuit Court

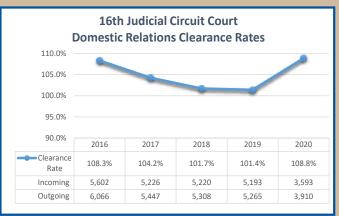
Clearance Rates

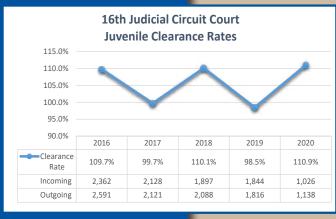


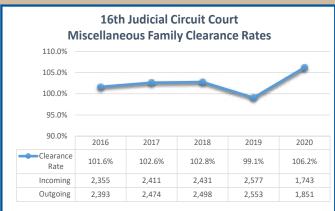




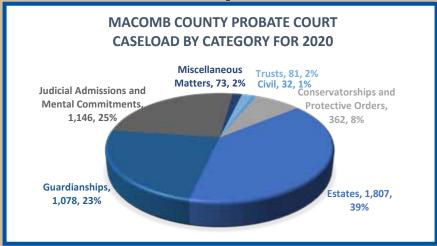


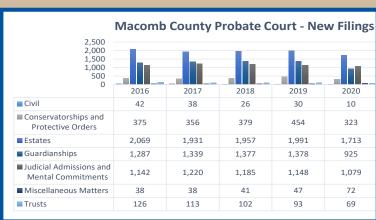


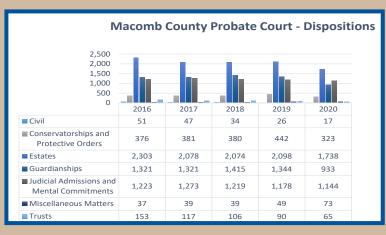


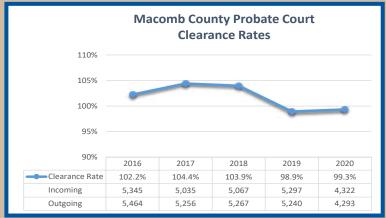


Macomb County Probate Court





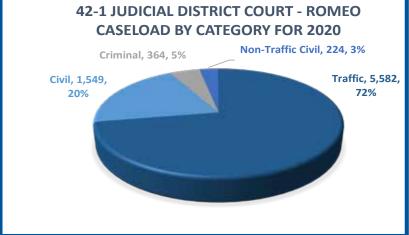


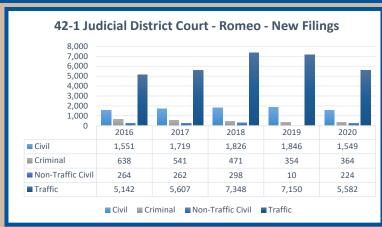


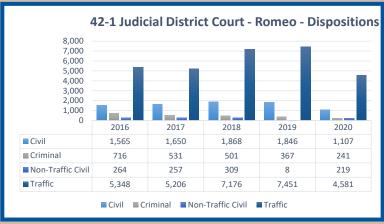
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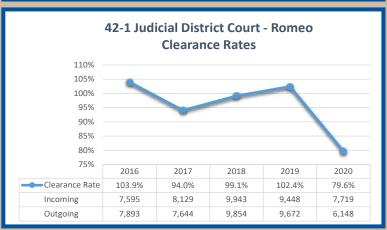
Caseload Information

42-1 Judicial District Court

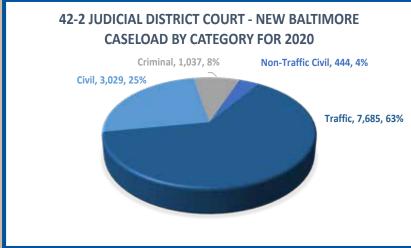


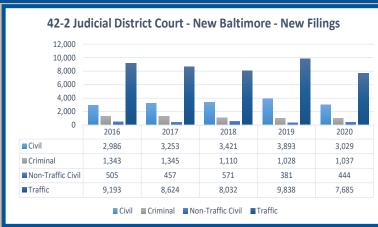


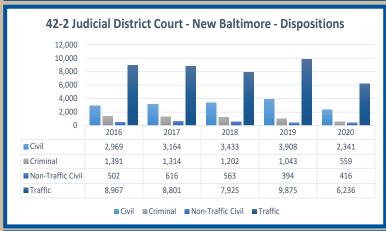


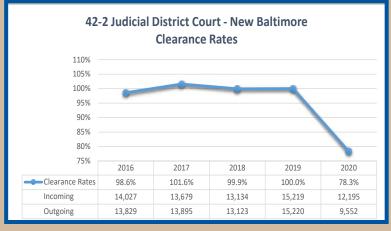


42-2 Judicial District Court



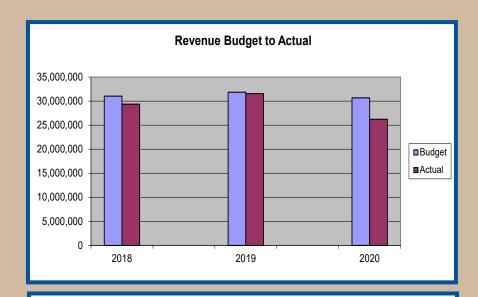




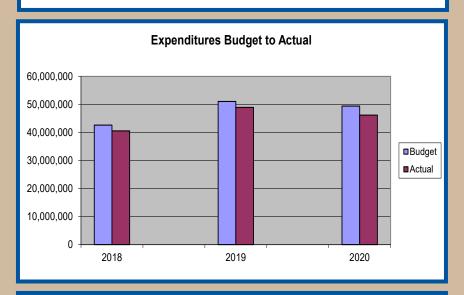


Caseload Information

Fiscal Snapshots

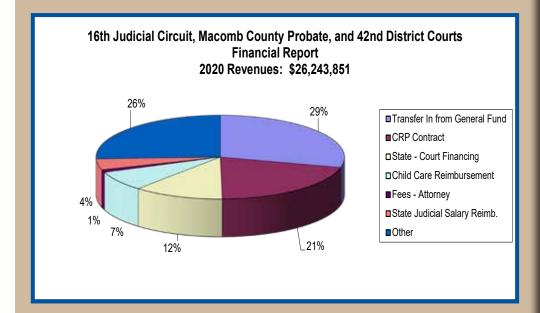


Total Revenues collected as a percent of budget were 86% in 2020 compared to 99% in 2019. A great part of this reduction is related to a decrease in spending which is funded by State Grant Revenue and also General Fund Transfers. If the expenses do not occur, the revenue is not collected. Other collections were reduced due to the challenges faced by the Court and the public during the pandemic.

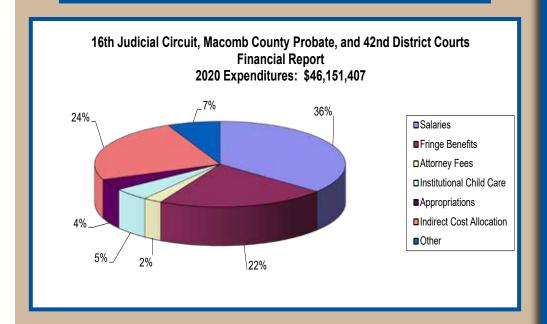


The Court spent 93% of the allocated budget for 2020. The pandemic caused a reduction in many expenditure lines including Jury Fees, Travel, Conference & Seminars, and a large decrease in Juvenile Institutional Placements. Many new technology expenses were covered by the CARES Act and did not increase spending reported directly by the Court.

Fiscal Snapshots



With a decrease in Child Care Fund spending, there is a corresponding 50% decrease in funding from the state for the Child Care Fund and transfers in from the General Fund. This does not represent a loss since the revenue is tied directly to spending levels. Other revenues from the State of Michigan were also reduced or delayed due to the pandemic in 2020.



Salary and fringe benefit costs in 2020 were steady and represent 58% of the total court expenditures. Indirect Costs are now allocated to each department and make up 22% of total cost. The number of juvenile cases was significantly lower in 2020 and led to a 48% reduction in institutional child care costs from 2019 to 2020.

2021

16th Judicial Circuit Court

40 North Main Street Mount Clemens, MI 48043

Judge James M. Biernat, Jr.

Chief Judge 16th Judicial Circuit, Macomb County Probate and 42nd District Courts, Civil/Criminal Division

Judge Matthew S. Switalski

Chief Judge Pro Tempore Presiding Judge Family Division

Judge Richard L. Caretti Presiding Judge, Civil/Criminal Division

Judge Mark S. Switalski Family Division

Judge Edward A. Servitto, Jr. Civil/Criminal Division

Judge Diane M. Druzinski Civil/Criminal Division

Judge Tracey A. Yokich Family Division

Judge Kathryn A. Viviano Civil/Criminal Division

Judge Jennifer M. Faunce Civil/Criminal Division

Judge James M. Maceroni Civil/Criminal Division

Judge Joseph Toia Civil/Criminal Division

Judge Carl J. Marlinga Civil/Criminal Division

Judge Michael E. Servitto Civil/Criminal Division

Judge Rachel Rancilio Family Division

Judge Julie Gatti Civil/Criminal Division



Macomb County Probate Court

40 North Main Street Mount Clemens, MI 48043

Judge Sandra A. Harrison Presiding Probate Judge

Judge Kathryn A. George Probate Judge

42nd Judicial District Court

(Division I)

14713 33 Mile Road Romeo, MI 48065

(Division II)

35071 23 Mile Road New Baltimore, MI 48047

Judge William H. Hackel Presiding District Judge

Judge Jennifer A. Andary District Judge



https://www.facebook.com/16thCircuit/



https://twitter.com/macombcourts

Prepared by Information Services Division 16th Judicial Circuit Court cis@macombgov.org