



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



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

The Judges and Administrators of the 16th Judicial Circuit, Macomb County Probate and 42nd District Courts, and the Macomb County Executive and Board of Commissioners for their support with this Annual Report.



This relief of an eagle is located on the facade of the art deco Old County Building in downtown Mount Clemens.

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



I am pleased to bring to you the 2018 Annual Report for the 16th Judicial Circuit, Macomb County Probate, and 42nd District Courts. This past year has brought many improvements to our court system. Among them are the almost completed campus renovations and the approval of the County's new MIDC Compliance Plan. Additionally, the Court staff have continued to improve on their already excellent service by participating in different trainings, such as the diversity and inclusion training that was conducted this past year. The Court continues to receive high marks in our annual public satisfaction survey.

This edition of the Annual Report shines a light on Adoption Day and High School Mock Trials, which are a couple of the uplifting events that take place at the Court each year. In addition, it looks back fondly at the life of one of the pillars of the Macomb County community, Judge Kenneth Sanborn. Finally, it provides various statistics related to the Court System.

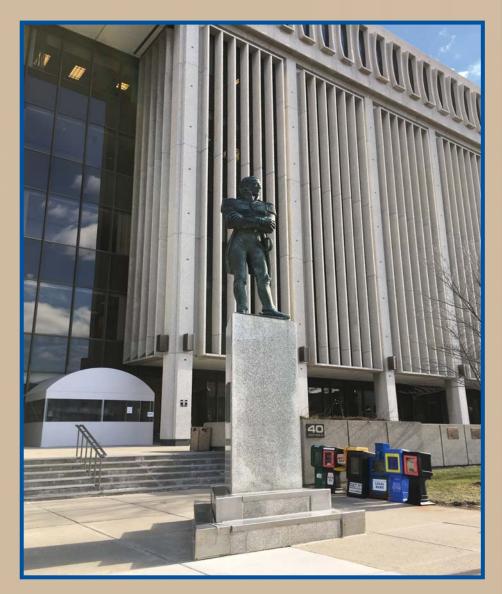
I greatly appreciate your making the effort to examine the contents of this report. I am thankful to serve Macomb County and am tremendously proud of the service and accomplishments of the staff of the 16th Judicial Circuit, Macomb County Probate, and 42nd District Courts. I hope that you enjoy reading this report and find it informative.

Sincerely,

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James M. Biernat, Jr. Chief Judge 16th Judicial Circuit, Macomb County Probate, and 42nd District Courts

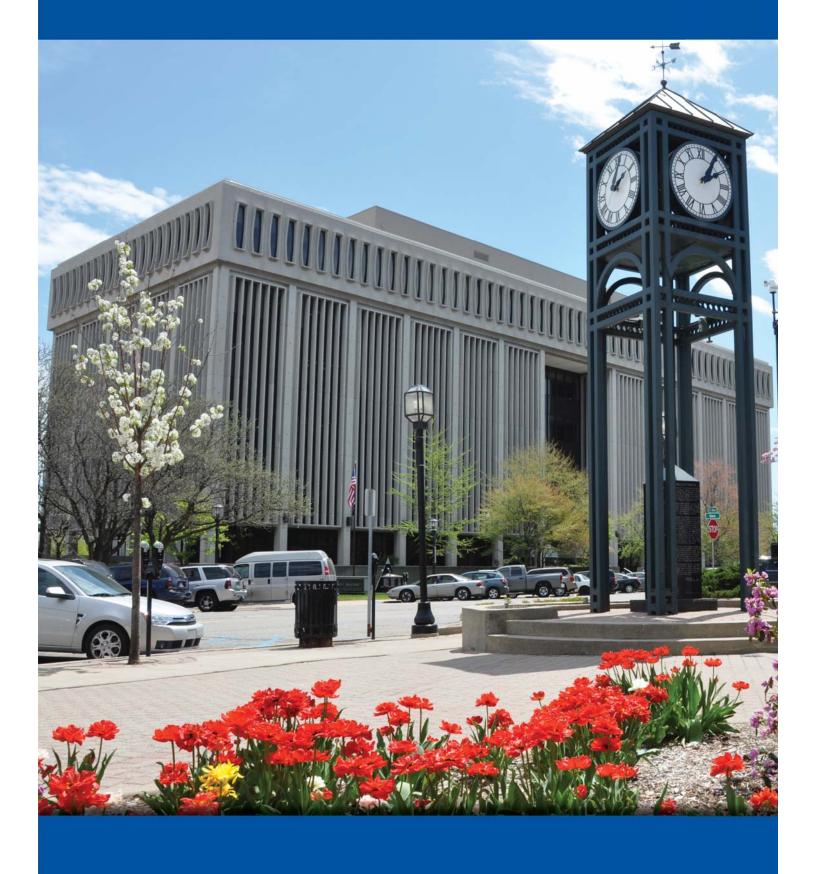
The 16th Judicial Circuit Court is a trial court of general jurisdiction, which means that it handles all types of cases except those given by state law to another court. Under the Michigan Constitution, the Court System constitutes one of the three separate branches of government. The Civil Division 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 North Main Street, Mount Clemens, MI 48043 <u>circuitcourt.macombgov.org</u>

16th Judicial Circuit Court





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



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

Circuit Court Judges



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



Judge Mark S. Switalski Family Division http://circuitcourt.macombgov.org/ CircuitCourt-MarkSwitalski



Judge Edward A. Servitto, Jr. Civil/Criminal Division http://circuitcourt.macombgov.org/ CircuitCourt-EdwardServitto



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



Judge Tracey A. Yokich Family Division

http://circuitcourt.macombgov.org/ CircuitCourt-TraceyYokich

Circuit Court Judges



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



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



Judge James M. Maceroni Civil/Criminal Division http://circuitcourt.macombgov.org/ CircuitCourt-JamesMaceroni



Judge Joseph Toia Civil/Criminal Division http://circuitcourt.macombgov.org/ CircuitCourt-JosephToia



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



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



Judge Rachel Rancilio Family Division http://circuitcourt.macombgov.org/ CircuitCourt-RachelRancilio



<u>Back Row Judges</u>: James M. Maceroni, Michael E. Servitto, Diane M. Druzinski, Mark S. Switalski, Carl J. Marlinga, Edward A. Servitto, Jr., Jennifer M. Faunce

<u>Front Row Judges:</u> Tracey A. Yokich, Rachel Rancilio, Matthew S. Switalski, James M. Biernat, Jr., Richard L. Caretti, Joseph Toia, Kathryn A. Viviano

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

"If we desire respect for the law, we must first make the law respectable."

Justice Louis D. Brandeis

Cost effectiveness

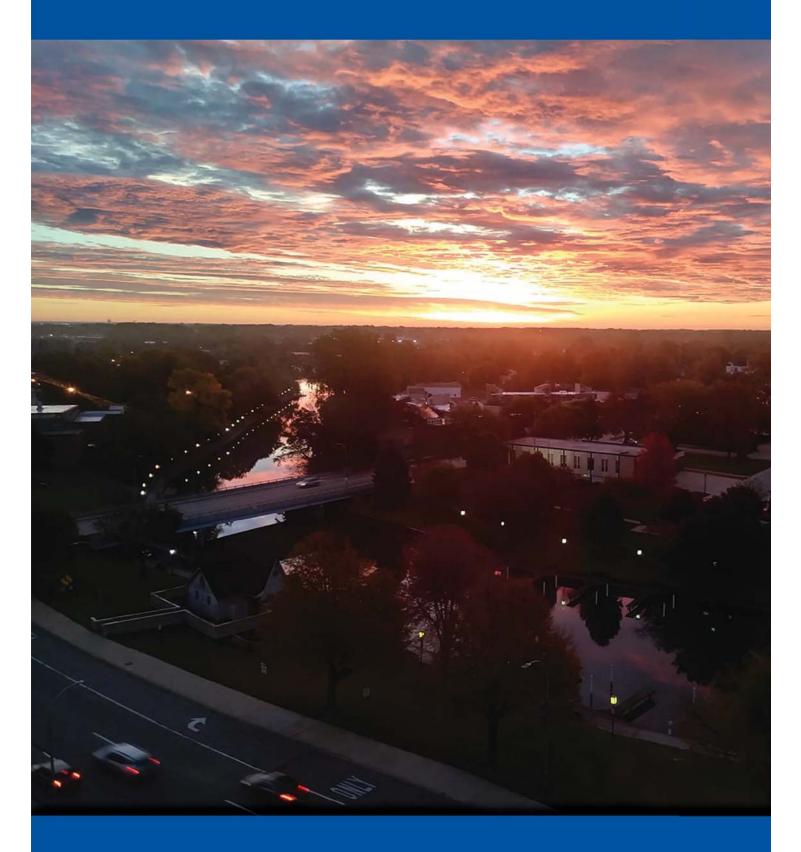
In Memoriam

Hon. Kenneth Sanborn

Judge Kenneth "Ken" Noble Sanborn passed away on November 20, 2018, at the age of 92. As a young attorney, he provided pro bono representation for Lieutenant Milo Radulovich in a celebrated trial that is widely regarded as heralding an end to McCarthyism and the Red Scare of the 1950s. Judge Sanborn served the public in numerous roles throughout his career: Clinton Township Justice of the Peace, State Representative for Macomb County, Clinton Township Supervisor, Trustee and Chairman of Macomb Community College, Macomb County Probate Judge, 16th Judicial Circuit Court Judge, Acting Chief Judge of the Macomb County Probate Court, and Visiting Judge. Judge Sanborn's dedication to the legal profession was second to none. Chief Judge James M. Biernat, Jr., stated: "Judge Sanborn will be sorely missed. His commitment to justice was exemplified in the historic Radulovich case; he was willing to do the right thing even when unpopular and at some risk to his own career. Judge Sanborn's character is a great example to new attorneys."



Macomb County Probate Court



Probate Court Judges



Judge Sandra A. Harrison http://probatecourt.macombgov.org/ ProbateCourt-SandraHarrisonSuratt



Judge Kathryn A. George http://circuitcourt.macombgov.org/ CircuitCourt-KathrynGeorge

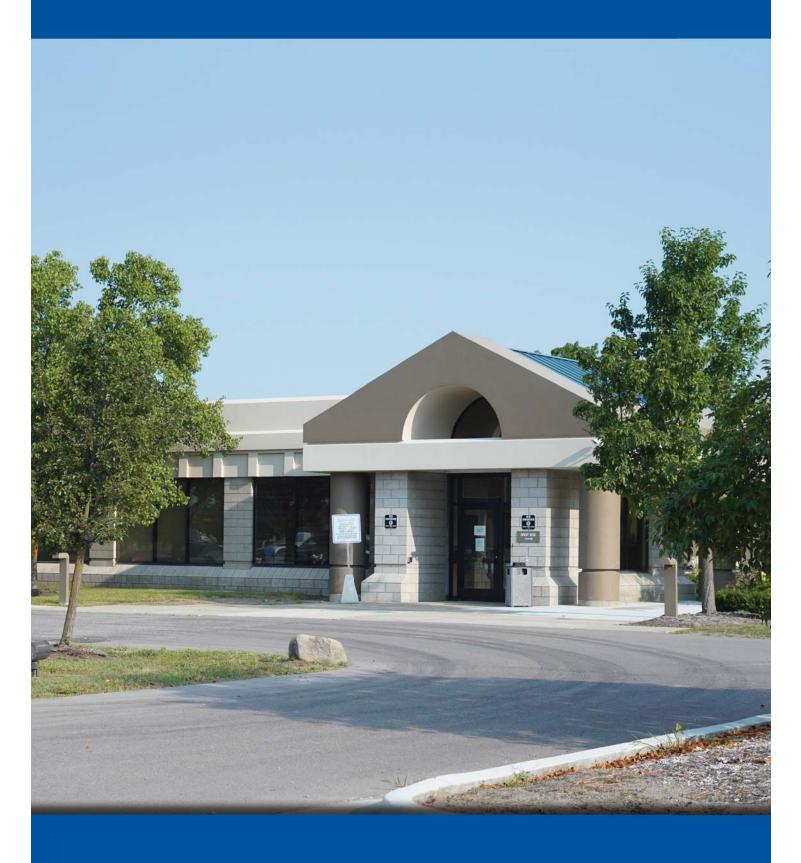
The Macomb County Probate Court handles two main areas of law through two divisions: the Mental Division and the Wills & Estates Division.

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.



42nd District Court





Judge William H. Hackel District Judge http:// districtcourt.macombgov.org/ DistrictCourt-WilliamHackel



Judge Denis R. LeDuc Presiding District Judge http://districtcourt.macombgov.org/ DistrictCourt-DenisLeDuc

District Court Summary

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

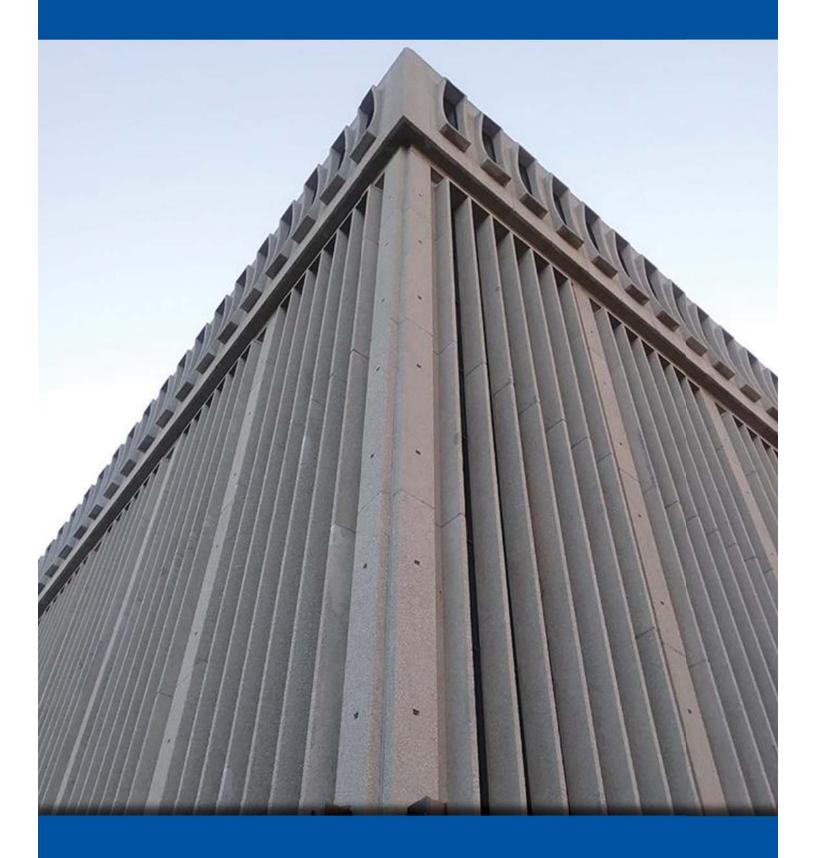
misdemeanors where the maximum penalty does not exceed one year in jail. Additionally, the District Court conducts arraignments and preliminary examinations in felony cases, with the District Court judges determining whether there is sufficient evidence to bind the accused over to Circuit Court for trial. The 42nd 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. Judge Denis LeDuc and Magistrate Richard McLean at the 50th Anniversary of the 42-I District Court in Romeo

42nd District

Court Judges



Department Summaries



Court Administration

Court Administration manages the 16th Judicial Circuit Court, Macomb County Probate Court and 42nd District Court personnel and business operations, including public relations and Court policy issues. 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 the departments of the Court System, visit http://circuitcourt. macombgov.org/?q=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. Additionally, the Case Management Division is responsible 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 Adult Felony Drug Court, the Veterans' Treatment Court, the Mental Health Court, and the Business Court. Additionally, the department provides substance abuse assessments to the Bench for all drinking and driving convictions as mandated. ADR/Case Eval and Specialty Court Department

Department Summaries

Department Summaries

Judge Michael Servitto and the Veterans' Treatment Court Team in November 2018

Finance Department

• Judicial Aide Division

Judicial Aide is responsible for collecting money from defendants 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 prisoner funds.

• Reimbursement Division

The Reimbursement Division assists the Juvenile Division in collection of court-ordered assessments and the cost of care and service for youths in juvenile cases. The Reimbursement Division is responsible for interviewing responsible parties, reviewing financial information, preparing recommendations, preparing court orders, 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 Family Division of the Court. 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.

Research Department

The Research Department provides research and writing as requested by the judges of the Court. The Research Department also provides Department Summaries

by the judges of the Court. The Research Desupport for Court Administration, assists in the training of law clerks, operates the Court's law library, and provides ancillary legal support services as directed.

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 Juvenile Division consists of a legal department, diversion unit, probation department, psychology and counseling unit, adoptions department and clerical services.

Information Services Division

The Information Services Division (IS 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 District Courts. The IS Division acts as a liaison with the Macomb County Information Technology Department, technology vendors, and other state and local government agencies to identify,

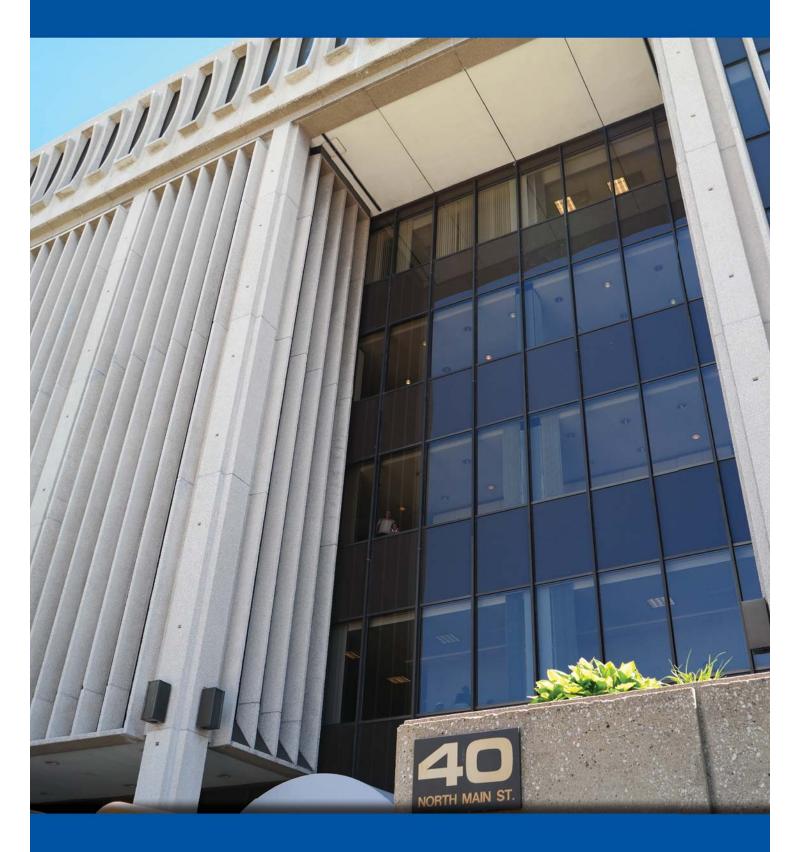
advocate, and implement court technology projects to enhance the operations of the Courts. The IS Division assists the judges, court staff, and the public with court information systems and technology.



Information Services Division

Research

Highlights



Campus Renovation Project

2018 saw significant progress in the Court's multi-year campus renovation project. The renovations of the first and fifth floors of the Courthouse were completed in March 2018. Additionally, the third and fourth floors were updated during 2018. The last phase of the project, the renovation of the second floor, began in November 2018. We appreciate everyone's patience during the disruption caused by this project.



2018 Highlights

Renovations of the fifth floor of the County Courthouse were completed in 2018



2018 Highlights

County Clerk/Register of Deeds

2018 was perhaps an unprecedented year in which four people served as Macomb County Clerk/Register of Deeds. Karen Spranger, who began serving as County Clerk/ROD in 2017, was removed from office by order of 31st Circuit Court Judge Daniel J. Kelly in March 2018. To avoid any disruption in the functions of this important office, Chief Judge James M. Biernat, Jr. appointed Caseload Manager Katie Brower to this role until the Bench could convene to select a replacement for Ms. Spranger until the next election. Ms. Brower did an outstanding job taking the helm of this office during this difficult transitional period. The Circuit Court Judges convened on May 7th and appointed Judicial Secretary Kathy Smith to serve as County Clerk/ROD until the November election results could be certified. Ms. Smith managed to address huge backlogs in the Clerk's office and ensure that the office was functioning efficiently and reliably for the citizens of Macomb County. In the November election, Fred Miller was elected County Clerk/ROD. Thanks to the efforts of Ms. Brower and Ms. Smith, he assumed control of a well-functioning office. We wish Mr. Miller all the best in his new role.

2018 High School Mock Trials

The 2018 Macomb Regional High School Mock trials took place at the County Courthouse on March 3, 2018. From the Circuit Court, Judge Kathy Viviano, Judge Joseph Toia, and Judge Carl Marlinga all volunteered to judge the event. Probate Court Judge Sandra Harrison, 42-2 District Court Judge William Hackel, 37th District Court Judge John Chmura, 37th District Court Judge Matthew Sabaugh, 41A District Court Judge Kimberly



Adoption Day

On November 20, 2018, the 16th Judicial Circuit Court for the County of Macomb took part in National Adoption Day which was celebrated in courts across the state and nation to give thanks to adopting families. This annual event is an opportunity for the public to bear

witness to adoption confirmation hearings. Michigan Supreme Court Justice David Viviano, Chief Circuit Court Judge James Biernat, Jr., and Chief Judge Pro Tempore Matthew Switalski were part of the event that recognized adopting families and finalized forever homes for two children.

Friend of the Court Statistics

- A total of \$120,474,325 in support was distributed by the FOC.
- FOC processed 141,212 pieces of incoming mail, interoffice mail, facsimiles, Court pleadings, and documents.
- 771 hearings were conducted by FOC Referees; they heard 2,976 motions and conducted 1,329 status conferences.
- The Custody Department completed 873 investigations.
- The Enforcement Division participated in 7,313 show cause hearings.

Macomb County MIDC Compliance Plan

The County of Macomb's Compliance Plan for the Michigan Indigent Defense Commission ("MIDC") was officially approved by the MIDC on April 20, 2018. The Macomb plan provides for free continuing legal education for all attorneys on the Court's criminal appointed counsel lists, in partnership with the Macomb County Bar Association and the Criminal Defense Attorneys of Michigan. The plan requires all attorneys to conduct and bill for an initial client interview. It increases the availability of funds to pay for experts and investigators when requested by indigent defendants. It also ensures that all criminal defendants will have access to counsel at first appearance, at no cost to them. We have high hopes that this compliance plan will improve the resources available to our dedicated court-appointed attorneys and likewise improve indigent defense in Macomb County. The full text of the Macomb County Compliance Plan is available at https:// circuitcourt.macombgov.org/CircuitCourt-Policies. 2018 Highlights

Judge Matt Switalski on Adoption Day 2018



2018 Highlights

42-1 Open House and Anniversary Celebration

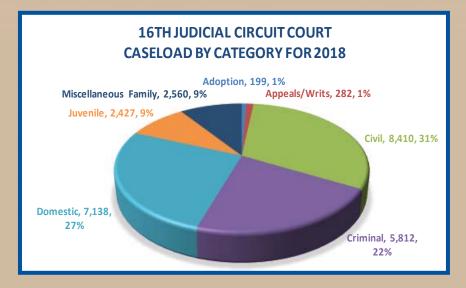
The 42-I District Court in Romeo held an open house celebrating the Court's 50th Anniversary on October 17, 2018. The celebration honored the Court and recognized the service of Magistrate Richard McLean (who was Judge of the Court from 1968 to 2003). Magistrate McLean received a plaque of recognition for 50 years of service from Governor Rick Snyder and Representative Peter Lucido, honoring his years of service to the Citizens of Macomb County. In addition to Judge LeDuc, Representative Lucido, and Magistrate McLean, Chief Judge Biernat, Judge William Hackel, Judge Joseph Toia, Judge John Chmura (37th District Court), Judge Stephen Sierwaski (41-A District Court), Sheriff Anthony Wickersham, and Magistrate Jennifer Andary attended this event.



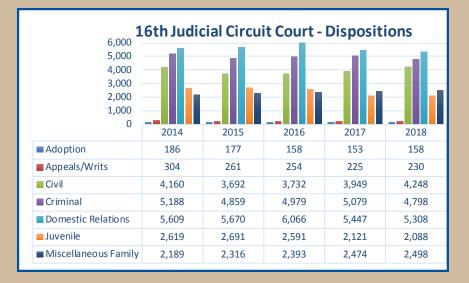
Public Satisfaction Survey

The 16th Judicial Circuit, Macomb County Probate, and 42 District Courts once again participated in statewide Public Satisfaction Survey in 2018. The results confirmed the professionalism and hard work of the Bench and the Court System's employees. We received separate surveys for the Circuit Court, the Friend of the Court, the Circuit Court's Juvenile Division, the Macomb County Probate Court, the 42 District Court, Division I (Romeo), and the 42 District Court, Division II (New Baltimore). Comparing these surveys, between 84% and 99% of respondents agreed or strongly agreed that they were able to conduct their business in a reasonable amount of time. Between 82% and 97% of respondents agreed or strongly agreed that they were treated with courtesy and respect. Between 80% and 96% of respondents agreed or strongly agreed that they understood what happened in their case.

16th Judicial Circuit Court



16th Judicial Circuit Court - New Filings 6,000 5,000 4,000 3,000 2,000 1,000 0 2014 2015 2016 2017 2018 Adoption 210 143 163 165 155 Appeals/Writs 306 250 234 225 216 Civil 4,037 3,758 3,723 4,311 4,331 4,681 4,730 Criminal 4,565 4,780 4,421 Domestic Relations 5,399 5,733 5,602 5,226 5,220 Juvenile 2,479 2,617 2,362 2,128 1,897 Miscellaneous Family 2,131 2,243 2,355 2,411 2,431

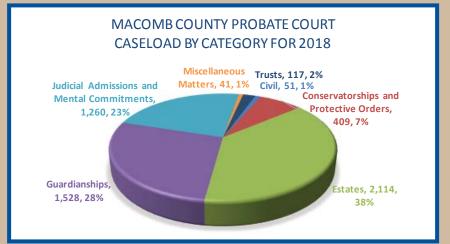


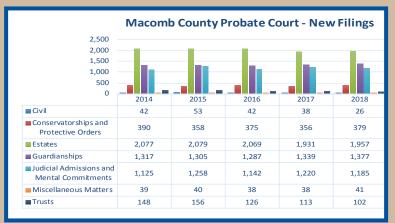
Caseload Information

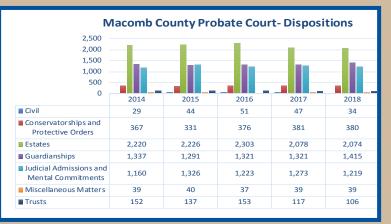


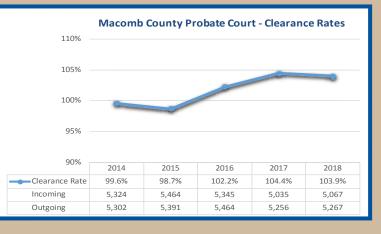
Caseload Information

Macomb County Probate Court

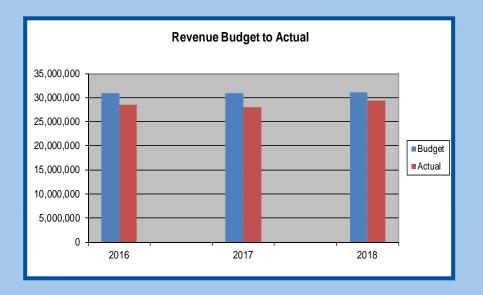




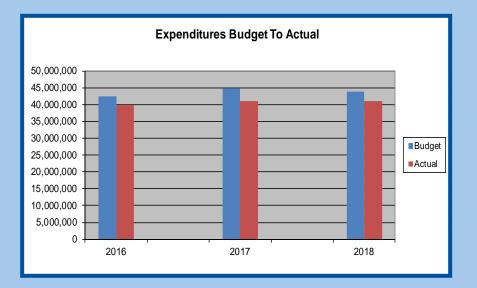




Fiscal Snapshots

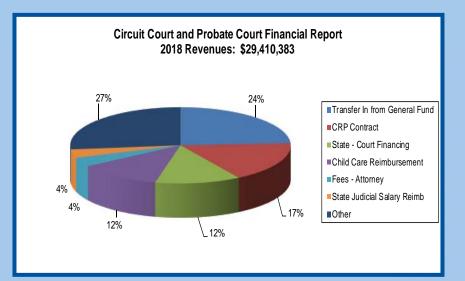


Total revenues collected as a percent of budget were 95% in 2018 compared to 91% in 2017. But several revenues from the State of Michigan were deferred to the 2018 budget year due to the timing of the payments, which contributed to this increased collection rate.

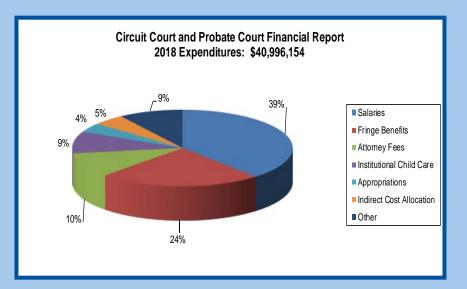


Court expenditures overall were almost flat from 2017 to 2018. The Court spent 94% of the allocated budget for 2018 and continues to look for additional grant opportunites or any other ways to streamline operations while staying within budget limitations.

Fiscal Snapshots

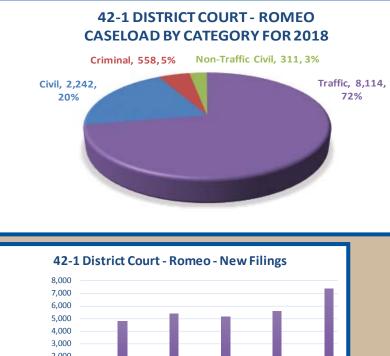


There was an increase of about 8% in the State Court Financing paid to the Courts from 2017 to 2018. Overall, the total Court revenue was up 3% when compared to the prior year. The Court continues to utilize grants and other funding sources to lessen the impact to the General Fund.

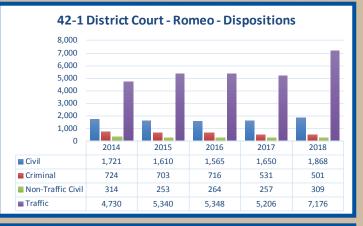


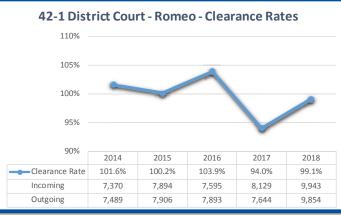
The indirect cost charges to the Friend of the Court Fund and Child Care Fund both increased in 2018 due to the move of both of these departments to a new location as part of the County Downtown Renovation Project. Another large change in 2018 was the 17% decrease in attorney fees. This is actually the result of a shift of the funding source for these payments to the new MIDC fund beginning October 1, 2018.

42-1 District Court - Romeo





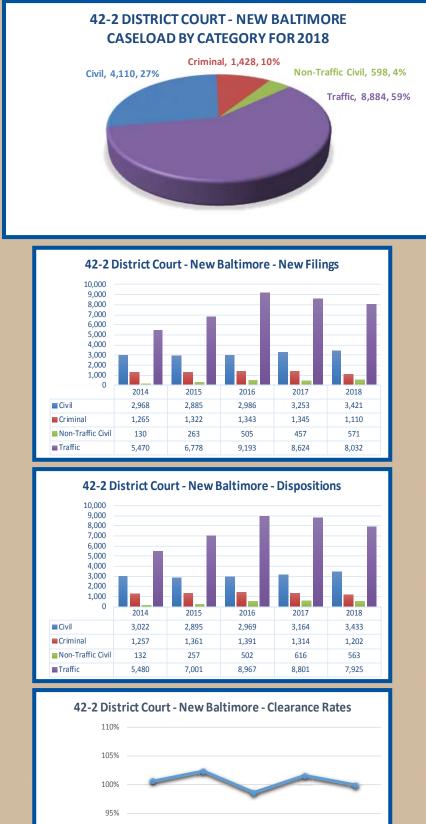




Caseload Information

Caseload Information

42-2 District Court - New Baltimore



90%	2014	2015	2016	2017	2018
Clearance Rates	100.6%	102.4%	98.6%	101.6%	99.9%
Incoming	9,833	11,248	14,027	13,679	13,134
Outgoing	9,891	11,514	13,829	13,895	13,123

Elected Officials



Mark A. Hackel Macomb County Executive

Candice S. Miller Public Works Commissioner

Fred Miller Clerk and Register of Deeds **Eric Smith** Prosecuting Attorney

Lawrence Rocca Treasurer

Anthony Wickersham Sheriff

Board of Commissioners

Bob Smith Board Chair, District 12

James L. Carabelli Vice-Chair, District 6

Elizabeth Lucido Sergeant-at-Arms, District 9

Andrey Duzyj District 1

Marvin E. Sauger District 2

Veronica Klinefelt District 3

Joseph V. Romano District 4 Robert Mijac District 5

Don Brown District 7

Phil Kraft District 8

Robert Leonetti District 10

Kathy Tocco District 11

Leon Drolet District 13



2019

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

21850 Dunham Road Mount Clemens, MI 48043

Judge Kathryn A. George Senior Probate Judge

Judge Sandra A. Harrison Probate Judge

42nd District Court

(Division I) 14713 33 Mile Road Romeo, MI 48065

(Division II) 35071 23 Mile Road New Baltimore, MI 48047

Judge Denis R. LeDuc Presiding District Judge

Judge William H. Hackel District Judge



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https://twitter.com/macombcourts

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