

2015

# ANNUAL REPORT



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



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In front of the Macomb County Court Building is a replica cannon used by both the British and Americans in the War of 1812. It was at the Battle of Plattsburg at Lake Champlain, New York, where 3,500 American soldiers under the command of General Alexander Macomb routed the 11,000-man British army.



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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.

Macomb County Department of Planning & Economic Development, for producing this annual report and supplying various photographs that appear throughout.

The Macomb County Executive, Board of Commissioners and the Macomb County Clerk's Office for their support with this annual report.



## 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 honored to present the 2015 Annual Report on behalf of the Judges and Staff of the 16th Judicial Circuit, Macomb County Probate and 42nd District Courts. We had a very productive year in 2015 and are now gearing up for multiple changes in 2016 and beyond.

One of our biggest accomplishments in 2015 was securing two additional judgeships for the 16th Judicial Circuit Court. These judgeships were created due to a statewide analysis which revealed that Macomb has been operating “under judged” by at least five judgeships for several years. I would like to take this opportunity to express our appreciation to the Michigan Supreme Court for rectifying the discrepancy and the Macomb County Executive and Macomb County Board of Commissioners for approving the positions and putting us on par with neighboring communities. Their efforts will result in increased access and efficiency in our courts to the benefit of the entire community.

Also, details about extensive construction and renovations are included throughout this report. It is anticipated that by the end of 2018, all Judges and Staff of the 16th Judicial Circuit and Macomb County Probate Courts will be housed in the main courthouse and adjoining historic Old County Building in downtown Mt. Clemens. This will have a positive impact not only on the administration and management of the courts but also on the local businesses downtown. We will share our renovation plans throughout the next two years and ask for patience as we work through the noise and dust. It will all be more than worth it.

Before we look ahead, this report is really about looking back on the achievements of 2015. Please read on to find out more about our Self-Help Center, collaboration with the Macomb Cultural and Economic Partnership working with law students from China, the success of our treatment courts, the Teacher’s Pet program in our Juvenile Court and the advancement of our e-filing and court technology systems. Further, please note our excellent customer satisfaction survey results which showcase the efforts of our outstanding Judges and Staff. We are proud that Macomb is known among the legal community as one of the best in customer service.

Finally, please note our fond farewell from the bench to former Chief Judge John C. Foster, who welcomed in 2015. He served this Court and the citizens of Macomb admirably in both his judicial and administrative capacities. Fortunately, the Governor appointed Judge Joseph Toia in 2015, who has been a very welcome addition. He has proven to have an excellent judicial disposition and serves with wisdom and dignity.

I am very proud of who we are as a Court, what we have accomplished and where we are going next. On behalf of the Judges and Staff, we are honored to serve and hope you find this report informative and useful.

Sincerely,

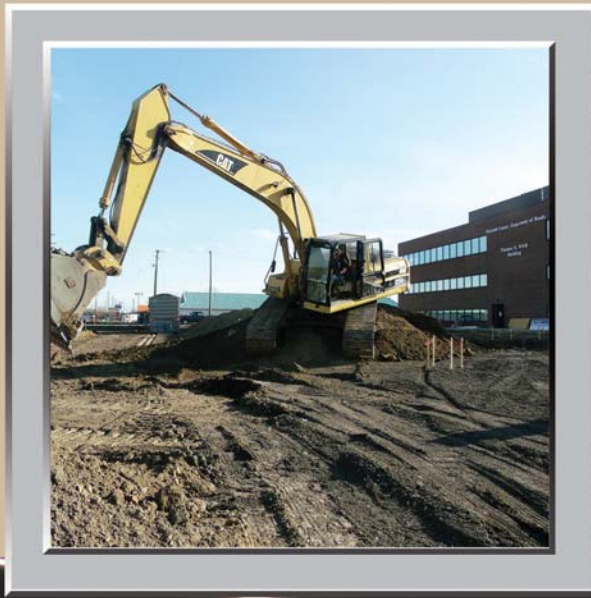
A handwritten signature in black ink, appearing to read "James M. Biernat, Jr.", written in a cursive style.

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

# Circuit Court Overview

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. The Civil Division handles civil cases involving more than \$25,000 and cases in which 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 the non-partisan ballot.

40 North Main Street, Mount Clemens, MI 48043  
[www.circuitcourt.macombgov.org](http://www.circuitcourt.macombgov.org)



The COMTEC building opened in 2013 and houses the Macomb County Emergency Management Department. They support and enhance county preparedness, mitigation, response and recovery capabilities by facilitating and coordinating activities and resources for our first responder community and citizens in order to provide a safe and secure community.





# Circuit Court



Macomb County Court Building in the Spring.

# Circuit Court Judges



**Judge  
James M. Biernat, Jr.**  
Chief Judge, 16th Judicial Circuit,  
Macomb Probate & 42nd  
District Courts  
[http://circuitcourt.macombgov.org/  
CircuitCourt-JamesBiernatJr](http://circuitcourt.macombgov.org/CircuitCourt-JamesBiernatJr)



**Judge  
Matthew S. Switalski**  
Chief Judge Pro Tempore  
Family Division  
[http://circuitcourt.macombgov.org/  
CircuitCourt-MatthewSwitalski](http://circuitcourt.macombgov.org/CircuitCourt-MatthewSwitalski)



**Judge  
Richard L. Caretti**  
Presiding Judge  
Civil/Criminal Division  
Business Court  
[http://circuitcourt.macombgov.org/  
CircuitCourt-RichardCaretti](http://circuitcourt.macombgov.org/CircuitCourt-RichardCaretti)



**Judge  
Tracey A. Yokich**  
Presiding Judge,  
Family Division  
[http://circuitcourt.macombgov.org/  
CircuitCourt-TraceyYokich](http://circuitcourt.macombgov.org/CircuitCourt-TraceyYokich)



**Judge  
Mary A. Chrzanowski**  
Civil/Criminal Division  
[http://circuitcourt.macombgov.org/  
CircuitCourt-MaryChrzanowski](http://circuitcourt.macombgov.org/CircuitCourt-MaryChrzanowski)



**Judge  
Mark S. Switalski**  
Family Division  
[http://circuitcourt.macombgov.org/  
CircuitCourt-MarkSwitalski](http://circuitcourt.macombgov.org/CircuitCourt-MarkSwitalski)



# Circuit Court Judges



**Judge  
Edward A. Servitto, Jr.**  
Civil/Criminal Division  
[http://circuitcourt.macombgov.org/  
CircuitCourt-EdwardServittoJr](http://circuitcourt.macombgov.org/CircuitCourt-EdwardServittoJr)



**Judge  
Diane M. Druzinski**  
Civil/Criminal Division  
[http://circuitcourt.macombgov.org/  
CircuitCourt-DianeDruzinski](http://circuitcourt.macombgov.org/CircuitCourt-DianeDruzinski)



**Judge  
Kathryn A. Viviano**  
Civil/Criminal Division  
Business Court  
[http://circuitcourt.macombgov.org/  
CircuitCourt-KathrynViviano](http://circuitcourt.macombgov.org/CircuitCourt-KathrynViviano)



**Judge  
Jennifer M. Faunce**  
Civil/Criminal Division  
[http://circuitcourt.macombgov.org/  
CircuitCourt-JenniferFaunce](http://circuitcourt.macombgov.org/CircuitCourt-JenniferFaunce)



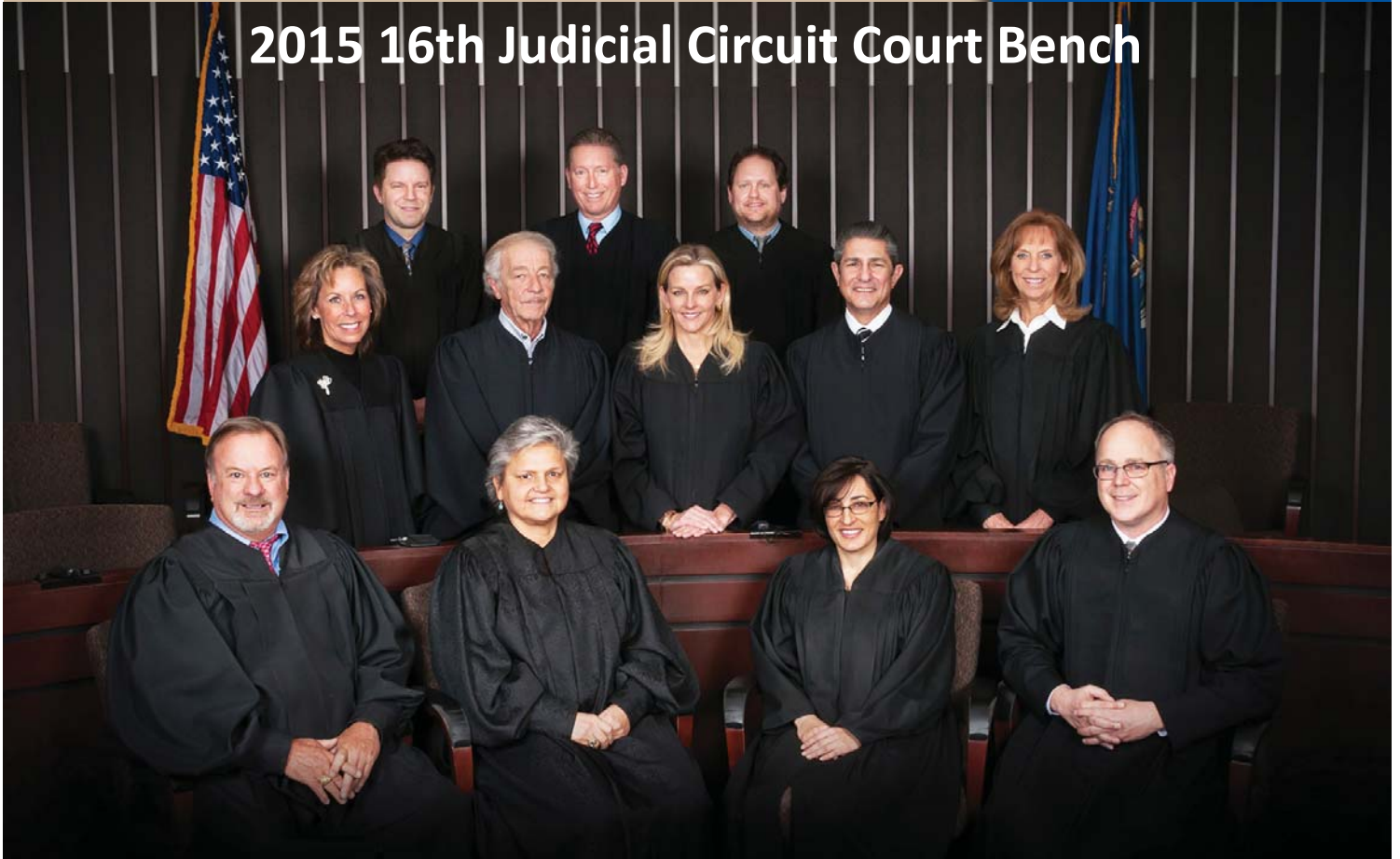
**Judge  
James M. Maceroni**  
Civil/Criminal Division  
[http://circuitcourt.macombgov.org/  
CircuitCourt-JamesMaceroni](http://circuitcourt.macombgov.org/CircuitCourt-JamesMaceroni)



**Judge  
Joseph Toia**  
Civil/Criminal Division  
[http://circuitcourt.macombgov.org/  
CircuitCourt-JosephToia](http://circuitcourt.macombgov.org/CircuitCourt-JosephToia)



## 2015 16th Judicial Circuit Court Bench



Top Row Judges: Matthew S. Switalski, Mark S. Switalski, James M. Maceroni

Middle Row Judges: Tracey A. Yokich, Edward A. Servitto, Jr., Jennifer M. Faunce, Joseph Toia, Diane M. Druzinski

Bottom Row Judges: Richard L. Caretti, Mary A. Chrzanowski, Kathryn A. Viviano, James M. Biernat, Jr.

### 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 continuously striving to improve processes
- Courtesy and consideration for all
- Openness - our processes are open to public scrutiny and critical analysis
- Cost effectiveness

**“Injustice anywhere  
is a threat to justice  
everywhere” -  
Reverend Martin  
Luther King, Jr.**



**Judge  
Joseph Toia**

## Welcome to Judge Toia

Judge Joseph Toia was appointed to the Circuit Court Bench on August 10, 2015, by Governor Rick Snyder. Judge Toia graduated from Wayne State University with a Bachelor of Science in Business Administration/Finance degree in 1979. He received his Juris Doctor from Detroit College of Law in 1984. Prior to his appointment, Judge Toia was in private practice for 31 years. Additionally, he served as the Prosecuting Attorney for Orion Township in Oakland County. He is a member of the State Bar of Michigan and the Macomb and Oakland County Bar Associations. At various points in his career, Judge Toia served as president of the Italian American Bar Association of Michigan, a mediator in the Macomb County Circuit Court, a member of the Judges United with Students and Teachers program, a member of the Michigan Society of Planners, president and chairman of the Italian American Chamber of Commerce of Michigan, president of Kiwanis Club of Utica/Shelby Township and chairman of the Shelby Township Planning Commission. We are pleased to welcome Judge Toia to the Circuit Court Bench.



**Tom Blohm**

## Welcome to FOC Administrator Tom Blohm

Thomas Blohm was appointed as the Macomb County Friend of the Court Administrator on April 13, 2015. Prior to his appointment, Tom worked for the Friend of the Court for 31 years. He started as a Support Investigator in 1984 and was promoted to the role of Judicial Service Officer within a year. In 2000, Tom was appointed by former Chief Judge Peter Maceroni as the Enforcement Division Director for the FOC. Tom is a graduate of Michigan State University with a degree in Criminal Justice, and he has been actively involved in statewide workgroups charting the future direction for child support programs. He has implemented outreach programs and partnerships with employment services and has always been a strong proponent of effective customer service in the Friend of the Court.



## Farewell to Judge Foster

The Hon. John Foster, former Chief Judge of the 16th Judicial Circuit Court, Macomb County Probate Court, and 42nd District Court, Divisions I and II, retired from the Bench on April 30, 2015. Judge Foster enjoyed a distinguished legal career serving the citizens of Macomb County. Judge Foster was appointed to the Circuit Court Bench on April 26, 2006, by Governor Jennifer M. Granholm.

### Judge

### John C. Foster

Previously, Judge Foster was a District Judge at the 41-B District Court, serving Mount Clemens and the Townships of Clinton and Harrison for 15 years. Judge Foster received his B.A. from Alma College, where he served as a member of the Board of Trustees. He received his J.D. from the Detroit College of Law in 1977. Prior to his appointment to the Bench in 1990, Judge Foster worked as Assistant Corporation Counsel and as Corporation Counsel for Macomb County. Among many other achievements, Judge Foster implemented the first business court docket in the State of Michigan. Macomb was recognized with a National Association of Counties award for the Court's Specialized Business Docket in June of 2013.

Throughout his career, Judge Foster was active in many community organizations, such as the Salvation Army's Mt. Clemens Citadel, Clinton Township Optimists Club, Big Brothers/Big Sisters and the Metro Detroit Alzheimer's Association. He also served as a Board Member at Peace Presbyterian Village in Clinton Township.

"Judge Foster is a highly respected jurist and a good friend. He served the citizens of Macomb County tirelessly throughout his distinguished career. As Chief Judge, he implemented the business docket, enhancements to the case evaluation process and numerous technological advances. His contributions to the County and to the Court have been significant, and he is missed by all who had the pleasure of working with him," stated Chief Judge James Biernat, Jr.



# Probate Court



Macomb County Probate Court Mental Division.



# Probate Court Judges



**Judge  
Carl J. Marlinga**  
Presiding Judge  
Probate  
<http://probatecourt.macombgov.org/ProbateCourt-CarlMarlinga>

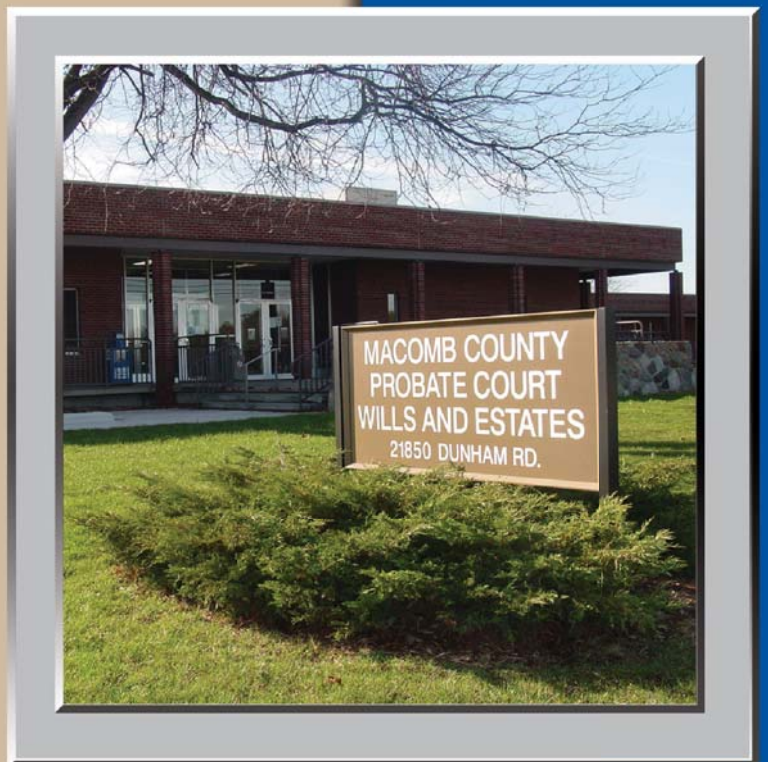


**Judge  
Kathryn A. George**  
Assigned to Family  
Division of Circuit Court  
<http://circuitcourt.macombgov.org/CircuitCourt-KathrynGeorge>

## The Macomb County Probate Court handles two main areas of law: 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



Macomb County 42-2 District Court located in New Baltimore.



# 42nd District Court Judges



**Judge William H. Hackel**  
District Judge

[http:// districtcourt.macombgov.org/DistrictCourt-WilliamHackel](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, 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 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.

**42nd District Court  
North Area Satellite  
located in Romeo.**



# Department Summaries



**Macomb County Buildings along the Clinton River in the Summer.**



## Court Administration



**Jennifer Phillips**

Court Administrator

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 Caseload 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 visit: <http://circuitcourt.macombgov.org/?q=CircuitCourt-Departments>

## Caseload Division

The Caseload 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 Caseload Division is responsible for reporting statistical information to SCAO. Additionally, the Caseload 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, 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.



## 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/or hearings; cashiering and remitting restitution funds; and processing show cause hearings, income tax garnishments, driver's license suspensions, bench warrants, and orders to remit prisoner funds.

### • Reimbursement Division

The Reimbursement Division assists the Juvenile Division in reimbursement 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, inputting costs, processing payments and reviewing delinquent accounts for further collection action.

## Family Counseling Service

The Family Counseling Service assists in the assessment of domestic cases in which issues of custody and parenting time of minor children have been brought before the Court. Services are rendered upon referral order of the Court and provided by an independent contractor. Services include evaluation, parental coordination evaluation, counseling and mediation.

## 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 support 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, and oversees the juvenile drug court. The Juvenile Division consists of a legal department, diversion unit, probation department, psychology and counseling unit, adoptions department and clerical services.



**Judge Matthew S. Switalski at Juvenile Court.**

## 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 Macomb County Circuit and Probate 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 both staff and litigants with court information systems such as case management, e-Filing and video conferencing. The IS Division prepares training and procedure manuals and other materials for Court staff and provides instruction regarding technology policies and procedures.

The IS Division utilizes the Court's case management system and other resources to collect information and prepare reports internally and for the Michigan Supreme Court, State Court Administrative Office, State of Michigan and Macomb County.

The IS Division also maintains and updates the Court websites, produces multimedia presentations, coordinates mobile equipment and creates court forms. The IS Division's goal is to develop initiatives which will increase accuracy and efficiency while expanding the public's access to court programs and information.

# Highlights



Most noteworthy among the design elements which grace the Old Macomb County Building's facade are the six granite figures perched atop the structure. When the designs were drawn, a military motif was favored because of the nearby presence of Selfridge Field. For that reason, the visages of a soldier, sailor, marine and airman were incorporated in the design. In a nod to the county's history, the figures of a Revolutionary War soldier and a Native American were added as well. The front and back of the building feature the Revolutionary War soldier and Native American faces. The sailor and marine face Cass Avenue, while the soldier and airman gaze toward Selfridge Air Base.



## New Judgeships

In October of 2015, the Board of Commissioners approved the creation of two new judgeships for the 16th Judicial Circuit Court. The Supreme Court conducts studies biannually of all state courts to determine judicial need. In recent years, the vast majority of courts were found to have more judges than necessary. Contrary to this trend, Macomb County has consistently been determined to be the most “under judged” court in the State. In response to recommendations by the State Court Administrative Office, the Michigan Legislature authorized the creation of two new judgeships for the 16th Judicial Circuit Court. The Macomb County Board of Commissioners, with support from the County Executive, unanimously approved the seats on October 22. One of the new judges will take office in 2017, and the other will take office in 2019. Additionally, one seat which was temporarily eliminated in 2011 will automatically return in 2017. The new judgeships in 2017 and 2019, and the returning judgeship in 2017, will each be given separate slots on the ballot.

## Downtown Campus Renovations

The 16th Judicial Circuit Court, including the Juvenile Division and Friend of the Court offices, and the Macomb County Probate Court are part of a sixty-five million dollar building and renovation project for Macomb County government. The project affects many areas of Macomb County government, with a significant impact on the Court. The project includes the renovation of the existing Macomb County Courthouse, creating four new courtrooms, a secure prisoner tunnel in the basement, a new jury room, new offices for Court Administration, relocation of the Law Library and a new Self-Help Center. Additionally, the Probate Court and Juvenile Division, which are currently located off-site, will be moved to the main campus in downtown Mt. Clemens. The “Old County Building,” which is located next to the Courthouse and connected by an underground tunnel, is being renovated to house the Juvenile Division and Friend of the Court offices.

## Macomb Self-Help Center

2015 saw the inauguration of a new “Macomb Self-Help Center” located in the Circuit Court Law Library. Michigan Legal Help, Legal Aid and Defender Association, Inc., Macomb Community College and Baker College have teamed up to staff several computer workstations where individuals who are representing themselves may access the Michigan Legal Help Website. The Center is staffed by paralegal students, who are supervised by Legal Aid and Defender Association, Inc. The Self-Help Center’s grand opening was well attended, with Chief Judge James Biernat, Jr. and Supreme Court Justice David Viviano featured as speakers. Chief Judge Biernat explained that, “Many people are unable to hire attorneys to represent them in civil and domestic cases, and the Self-Help Center is one resource which assists these litigants in preparing themselves for Court.”



**Old County Building  
West Entry Corridor  
renovations.**



**The Macomb Self-Help  
Center offers support  
to those preparing  
themselves for court.**

## 2015 Highlights



**MCEP Law Students celebrate program completion**

### MCEP Law Program

For the third year in a row, the Court has partnered with the Macomb Cultural and Economic Partnership (MCEP) to provide law students from the People's Republic of China with some in-depth exposure to the American Legal System. Students were given an opportunity to observe Court proceedings, speak with the Judges, and attend presentations on various aspects of the American legal process. This program is an invaluable educational experience for the students involved, and creates increased awareness of both the differences and similarities of our legal systems.

### Summary Jury Trials

The Circuit Court began a pilot project in 2015, offering Summary Jury Trials as an option for non-complex civil cases. Summary Jury Trials are one day trials before a six person jury, conducted by a presiding officer who may be the assigned trial judge, a retired judge or an attorney serving as a special hearing officer. The jury selection process is simplified, time limits are placed on the parties and the parties are free to modify the rules of evidence. Additional information is available on the Court's website: <http://circuitcourt.macombgov.org/summaryjurytrials>.

### Friend of the Court Update

In 2015, the Friend of the Court ("FOC") continued to develop programs encouraging litigants to work with the office and ensure compliance with Court orders. FOC began to develop procedures to streamline the review and modification process used to modify support orders and make it more expeditious and accessible to litigants. While "right-sizing" Court orders remained a priority, FOC continued to offer qualified individuals the opportunity to modify their State-owed arrearages through several programs. Customer service remained on the forefront as FOC looked for ways to improve its ability to share information. In addition, FOC worked with the County Executive's Office and the Board of Commissioners to develop a Friend of the Court Citizen Advisory Committee. This Committee will provide litigants an additional means to bring their concerns regarding policies and procedures to the attention of FOC.

**Judges, staff and court-involved youth worked together at the Juvenile Division's community garden**



FOC will be re-locating to the Old County Building. The current plan is for the Enforcement Division to be on the second and third floors, with the Referees housed on floors four through seven. FOC is working with all affected entities to find ways to mitigate the challenges and take advantage of the opportunities presented by this move.

## Business Court

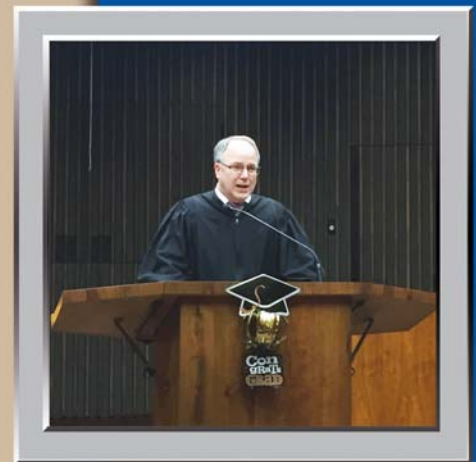
Following former Chief Judge John Foster's retirement in 2015, Judge Kathryn Viviano and Judge Richard Caretti were appointed as judges for the Circuit Court's Business Court. Qualifying court commercial and business disputes are assigned to the Business Docket, where the amount in controversy exceeds \$25,000. The judges of the Macomb County Business Court - the first business court in the State of Michigan - have continued to expedite the resolution of complex business litigation, with 282 cases filed in 2015.

## Adult Drug Court

In 2015, the State Court Administrative Office published a Performance Measures Data Packet with statistics for the 16th Judicial Circuit Court using 2014 data. This report provided recidivism rates for the Adult Drug Court, which showed remarkable improvements in recidivism for our Drug Court graduates, as compared with both a control group from our own Court, and with state averages for other circuit courts. For the measure "Any new conviction within four years of admission," our Court data showed an 11.0% recidivism rate, compared to a state drug court average of 21.6% and a control group from our Court (not involved in Drug Court) at 29.0%. It is rewarding to see that the efforts of the judges, staff, and participants are yielding results, and the program is having an impressive positive impact on the community.

## E-Filing Project

In 2015, the e-filing project expanded into [A] and [P] civil case types and added the remaining Civil/Criminal Division judges. There were 1,758 new e-filing cases and the Court processed over 19,500 e-filing transactions. Chief Judge James Biernat, Jr., Judge Richard Caretti, Judge Mary Chrzanowski, Judge Edward Servitto, Jr., Judge Diane Druzinski, Judge Kathryn Viviano, Judge Jennifer Faunce, Judge James Maceroni and Judge Joseph Toia are all participating with [A], [C], [N], and [P] civil case types. The Court also set up four workstations in the law library for viewing and filing electronic case documents. These workstations are equipped with scanners and access to the TrueFiling website for e-filing transactions.



**Judge James M. Biernat, Jr. at a Drug Court Graduation**



**Vet Court Graduation**



## 2015 Highlights



**A happy new family united via Adoption Day**

**Families await adoption proceedings**



### Video Court Reporting

Digital court recording is present in eleven courtrooms across the Circuit, Probate and District Courts. Requests to view video proceedings can be made by completing a Video Request Form, available at <http://circuitcourt.macombgov.org/circuitcourt-video>. There is no fee to view these recordings. A list of video courtrooms is available on the webpage. The recordings are viewed onsite in the Law Library at one of four workstations equipped with headphones. No copies are provided, and recording video playback using a personal device is prohibited.

### Adoption Day

Adoption Day is a Thanksgiving holiday tradition held in courts across the state in order to celebrate with families who are adopting and to educate the community about the many children in the foster care system who are waiting to find an adoptive home. The 16th Judicial Circuit Court celebrated Adoption Day on Tuesday, November 24, 2015. Michigan Supreme Court Justice David Viviano and Chief Judge James Biernat, Jr. participated in the event where several families had adoptions confirmed by Family Division Judge Kathryn George.

### Video Conferencing

Video Conferencing technology is now available in every courtroom at the Circuit, Probate and District Courts. Each courtroom has a PolyCom Video Conference device and a 70 inch display or projector. The Court can accept internet-based calls using a PolyCom device or software. Only single point-to-point calls can be made. Requests to utilize this technology should be directed to the judge assigned to the case. A test call will have to be performed before the hearing and the internet connection must be strong for a quality call.

### Court Appointments

In 2015, Case Management began emailing attorneys on the Criminal Indigent lists when they have been selected to receive an appointment. The email contains a link to an online appointment spreadsheet which is updated daily. Attorneys can electronically select the appointment and view their last appointment date. Attorneys are also given advance notice when they are next in priority to receive a Court appointment. This allows attorneys to better manage their schedules. New public calendars were also created to manage Juvenile Court appointments and attorneys' availability.

## Teacher's Pet

In 2015, the Juvenile Division of the Circuit Court and Macomb County Animal Control collaborated with the Teacher's Pet program. Teacher's Pet is an intervention program that pairs at-risk youth with hard-to-adopt shelter dogs. The program focuses on positive, reward-based training and behavior modification in an effort to make shelter dogs more adoptable.

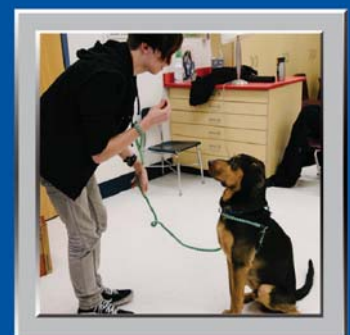
Court-involved youth were matched with dogs from Macomb County Animal Control for a ten week training program. The youth and dogs met two times per week for two hours and worked with animal behaviorists from the Teacher's Pet program. The youth learned about dog body language, stress reduction in dogs, responsible pet ownership and reward-based dog training techniques. During the sessions, the kids worked with their assigned dog on basic obedience techniques, which made the dogs more adoptable and increased their chances of remaining in their adoptive homes permanently.

The dogs were not the only ones who benefitted. Youth involved in the program were able to experience empathy, gain patience and improve their coping skills. It was also an opportunity for the kids to give back to their community. We would like to thank Teacher's Pet and Macomb County Animal Control for collaborating with us to make this program a success. We look forward to continuing the collaboration in 2016.



**Because of the hard work of these kids, the dogs were taught basic skills to increase the chances of adoption.**

**Update: All of the 6 dogs that the kids worked with have gotten a fur-ever home.**



**Several volunteers worked with these kids to make this program a success.**





# Clerk of the Court



Macomb County Juvenile Justice Center located on Dunham Road.



**Carmella Sabaugh has been Macomb County Clerk / Register of Deeds since 1993 and is credited with modernizing the office and improving service.**

### **Skip the wait in line**

Most court customers wait 10 minutes or less to be served by the Macomb County Clerk. But you don't even have to wait that long, if you make an appointment! Visit [fastpass.macombgov.org](http://fastpass.macombgov.org), schedule your visit, and be called next in line at your appointment time.

### **Four express lanes for attorneys**

Some courts have an attorney express lane, but the Macomb County Clerk has four attorney express lanes! Macomb County Bar Association members may use one of four counter express lanes to get in and out more quickly. Simply indicate you are an MCBA member at the clerk's kiosk, and provide your phone number for verification. This gets attorneys in and out more quickly, while freeing up time for clerk staff to assist pro pers, who may need extra assistance.

### **Paying is easy with credit cards and Apple Pay**

The Macomb County Clerk accepts credit cards and Apple Pay, letting customers swipe their own cards and even get receipts via text or email, making it easy for customers to retrieve proof of payment.

### **Request documents via fax or internet**

We accept fax or Internet requests for deeds and other documents. The request form is available on our Web page.

### **Overnight delivery**

When you need court documents in a hurry, you may get them via next day delivery, as long as you pay the delivery fee. Simply use the online order form.

### **Circuit Court e-filing**

All civil cases and DM cases are now electronic filing cases. But case initiation is still via paper. After you start a case, you will be informed if it is designated as e-filing, in which case all subsequent pleadings must be electronically filed.

# **Clerk of the Court**

### **Court docket entries available online**

The Macomb County Circuit Court case index and docket information are on the Internet in real time. Also, the public county business registration list and public death records index is searchable on the Internet.

### **Wireless internet**

Free wireless Internet service is currently available throughout the Macomb County Court Building.

### **PPO Assistance Center**

With the help of Turning Point, a Personal Protection Order Assistance Center was opened to help people with court forms and the legal process. It is located on the first floor of the county court building.

### **One-day / one-trial**

Jurors are fresh, thanks to our new one-day/one-trial system. New jurors arrive every day and serve whichever is longer (one day or one trial). Jurors and attorneys are happier the county saves money.

### **Bus rides, books and pagers for jurors**

Jurors get a free ride from home to court and back, at no cost to the county budget, thanks to partnerships with Uber and SMART. Jurors also can get library books, videos and audio books delivered, thanks to a partnership with the Mount Clemens Public Library. Thanks to a partnership with downtown businesses, jurors get restaurant-style pagers to wait outside, or enjoy a cup of coffee at a local restaurant, while waiting to be sent to a courtroom. We even pay jurors in cash the same day they serve!

### **Register of Deeds Superindex**

Search all the text of real estate documents, and not just what is indexed, through this amazing fraud-detection service! Documents are available online within 24 hours of filing. Go to: [deeds.macombgov.org](http://deeds.macombgov.org)

### **65 National Association of Counties Achievement Awards**

Macomb County Clerk / Register of Deeds Carmella Sabaugh has received 65 national "good government" recognition for establishing efficient and effective programs that assist the public.

**For more information visit:**  
**[clerk.macombgov.org](http://clerk.macombgov.org)**



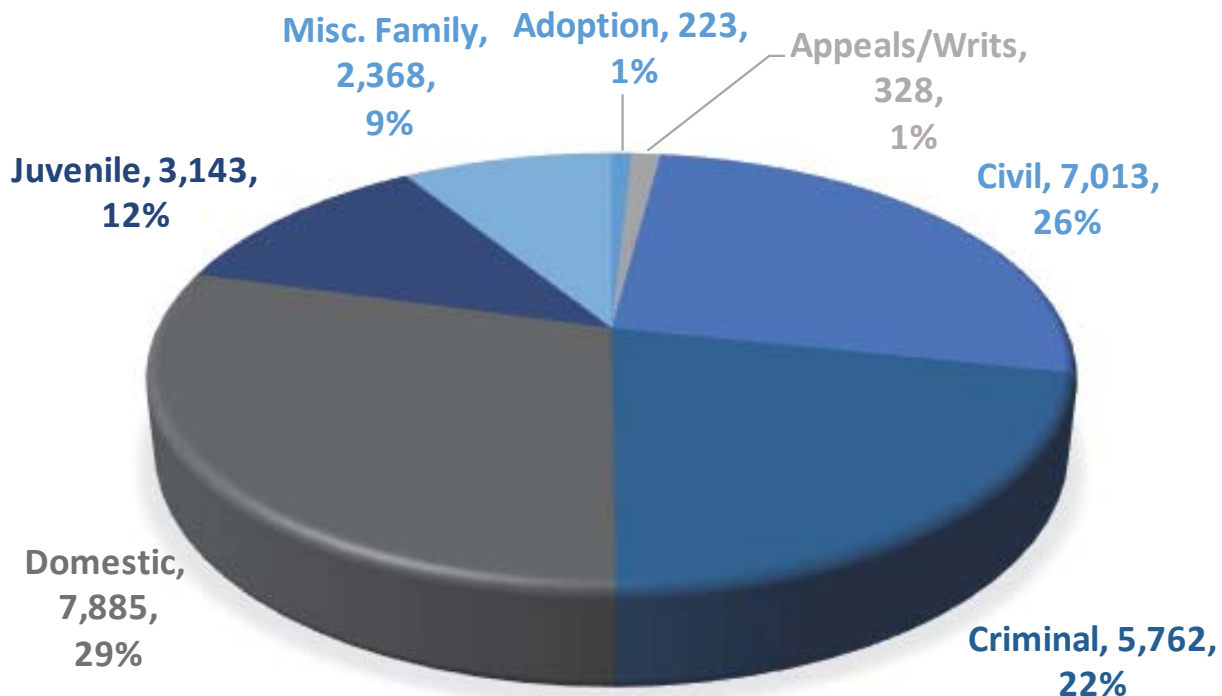
# Caseload Information



**Macomb County Court Room.**

## 16th Judicial Circuit Court

### 16TH JUDICIAL CIRCUIT COURT CASELOAD BY CATEGORY FOR 2015



New case filings for 2015 totaled 19,329 cases, which were 86 cases more than 2014, representing a 0.4% increase. The overall caseload, including existing cases and new filings, for 2015 totalled 26,722.

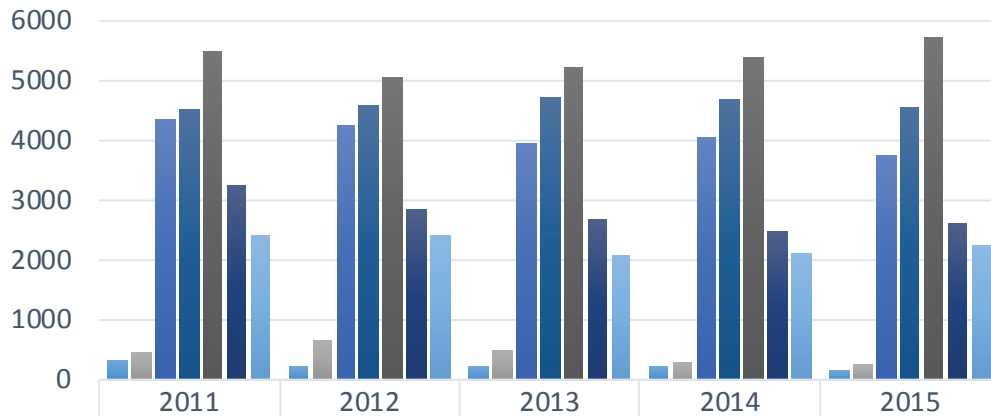
The most significant increase in new filings was seen in the Domestic Relations category. New Domestic Relations filings in 2015 were 334 more than 2014, representing a 6.2% increase. The most significant decrease in new filings is seen in the Civil category. New Civil filings in 2015 were 279 less than 2014, representing a 6.9% decrease.

In 2015, there were 589 fewer dispositions than in 2014. 2015 Civil category represented the most significant decrease of 468 fewer dispositions than 2014, a decrease of 11.3%. 2015 Miscellaneous Family category represented the most significant increase of 127 more dispositions than 2014, an increase of 5.8%.



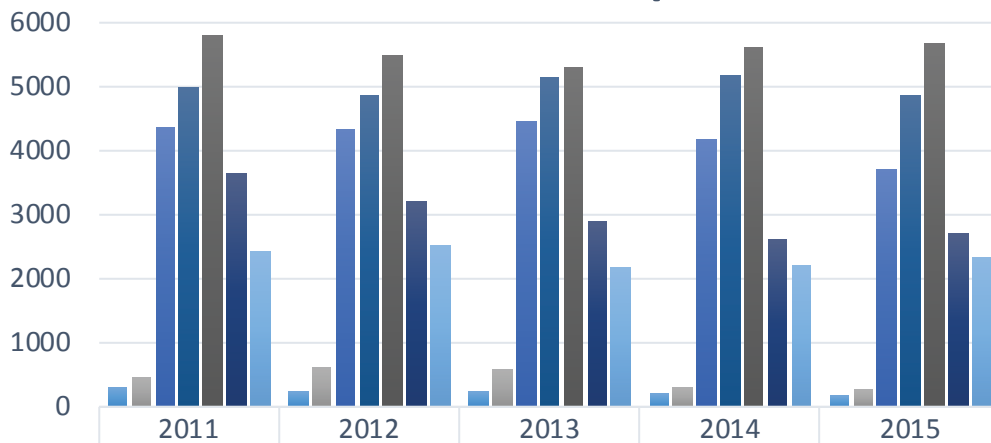
# Caseload Information

## 16th Judicial Circuit - New Filings



	2011	2012	2013	2014	2015
Adoption	338	239	212	210	163
Appeals/Writs	448	641	493	306	250
Civil	4339	4241	3957	4037	3758
Criminal	4518	4578	4729	4681	4565
Domestic Relations	5469	5050	5203	5399	5733
Juvenile	3270	2859	2700	2479	2617
Misc. Family	2406	2414	2081	2131	2243

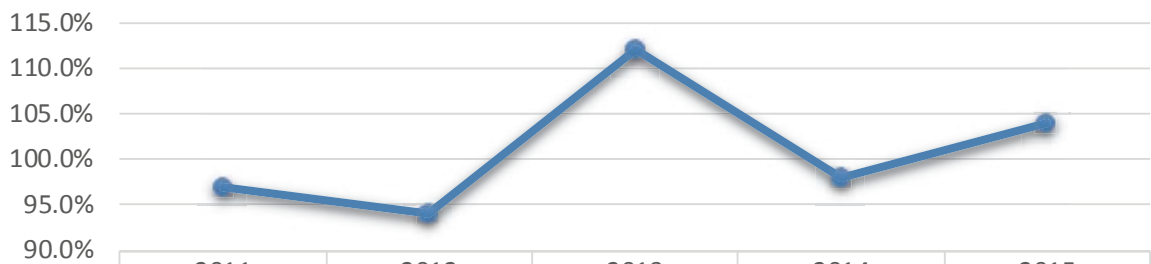
## 16th Judicial Circuit - Dispositions



	2011	2012	2013	2014	2015
Adoption	303	244	236	186	177
Appeals/Writs	434	607	574	304	261
Civil	4371	4337	4465	4160	3692
Criminal	4990	4859	5153	5188	4859
Domestic Relations	5810	5481	5315	5609	5670
Juvenile	3646	3210	2904	2619	2691
Misc. Family	2420	2509	2173	2189	2316

# Court Clearance Rates

## 16th Judicial Circuit - Appeals/Writs Total



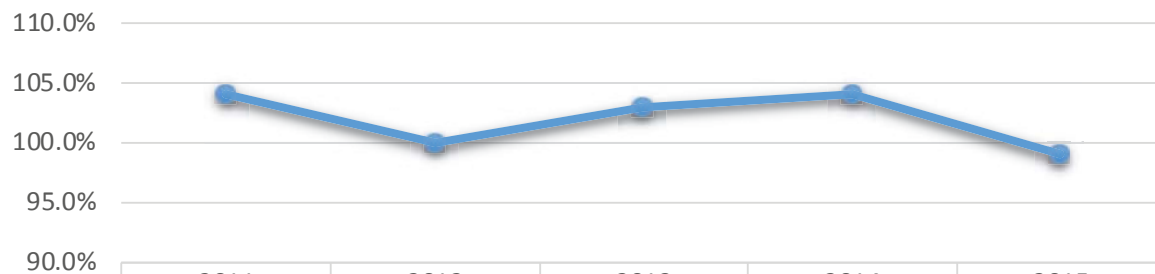
	2011	2012	2013	2014	2015
Clearance Rate	97.0%	94.0%	112.0%	98.0%	104.0%
Incoming	449	645	513	310	250
Outgoing	434	607	574	304	261

## 16th Judicial Circuit - Civil Total



	2011	2012	2013	2014	2015
Clearance Rate	97.0%	98.0%	108.0%	98.0%	95.0%
Incoming	4511	4406	4152	4251	3899
Outgoing	4371	4337	4465	4160	3692

## 16th Judicial Circuit - Criminal Total

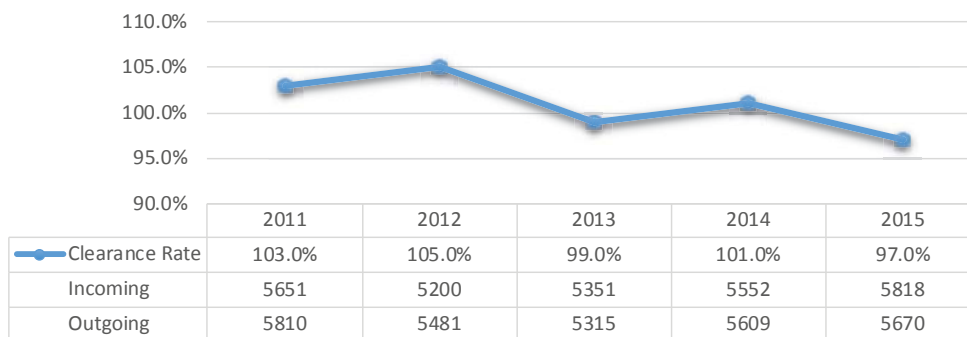


	2011	2012	2013	2014	2015
Clearance Rate	104.0%	100.0%	103.0%	104.0%	99.0%
Incoming	4822	4837	5019	5012	4887
Outgoing	4990	4859	5153	5188	4859

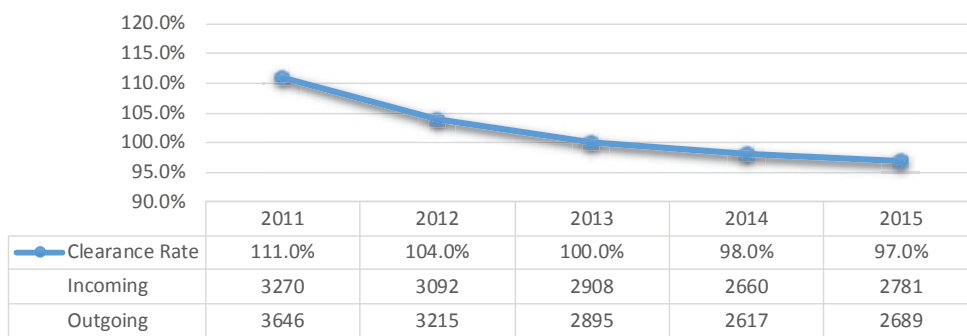


# Court Clearance Rates

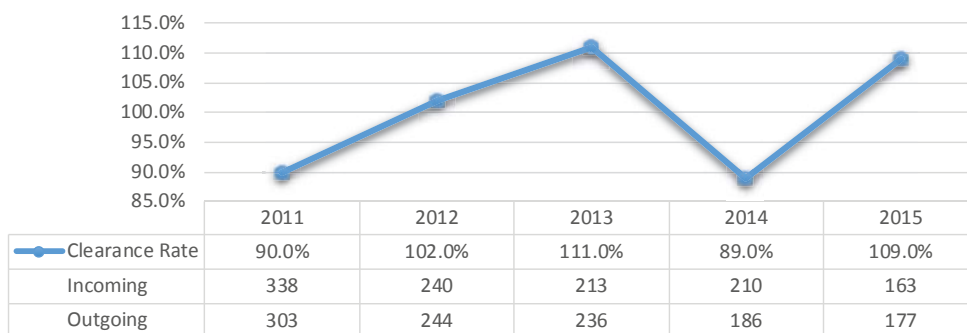
## 16th Judicial Circuit - Domestic Relations Total



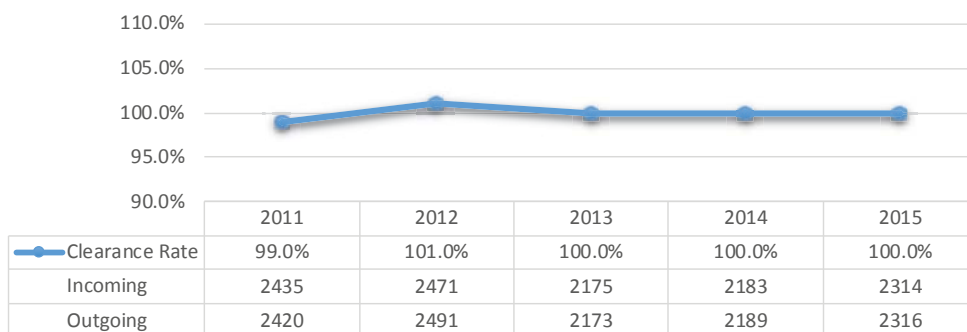
## 16th Judicial Circuit - Juvenile Total



## 16th Judicial Circuit - Adoption Total



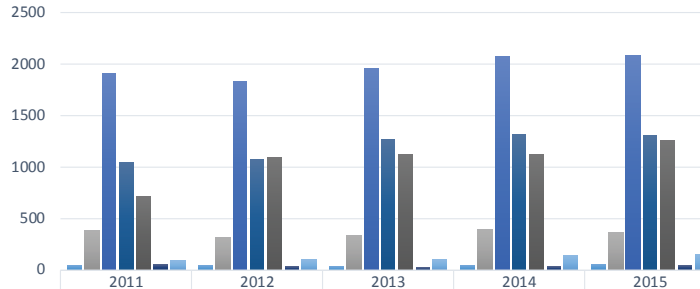
## 16th Judicial Circuit - Miscellaneous Family Total



# Probate Court Statistics

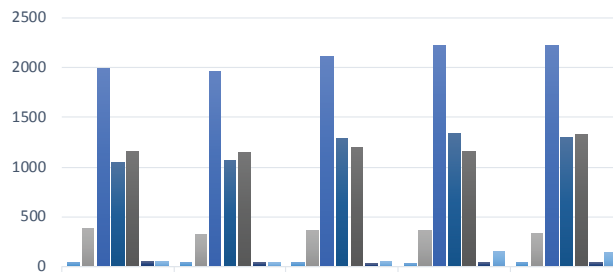
In 2015, Probate Court saw an increase in both new filings and dispositions. New filings increased by 111 cases compared to 2014, up 2.2%. Dispositions increased by 89 cases compared to 2014, up 1.7%. The corresponding clearance rate for Probate Court has decreased to 99% as compared to the 2014 rate of 100%.

## Macomb Probate - New Filings



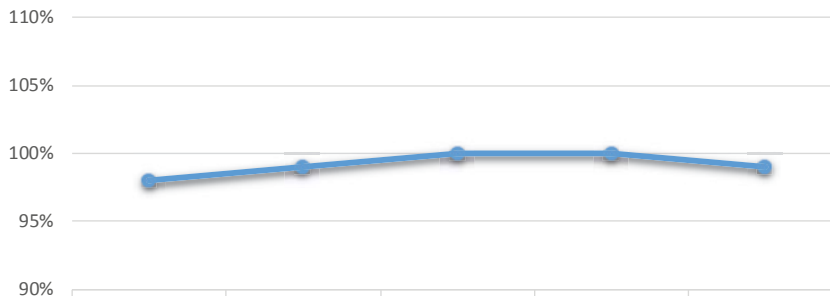
	2011	2012	2013	2014	2015
Civil	41	41	34	42	53
Conservatorships and Protective Orders	386	321	337	390	358
Estates	1908	1834	1964	2077	2079
Guardianships	1044	1065	1267	1317	1305
Judicial Admissions and Mental Commitments	708	1096	1119	1125	1258
Miscellaneous Matters	55	35	27	39	40
Trusts	87	97	100	148	156

## Macomb Probate - Dispositions



	2011	2012	2013	2014	2015
Civil	44	39	39	29	44
Conservatorships and Protective Orders	382	323	362	367	331
Estates	1991	1960	2108	2220	2226
Guardianships	1042	1070	1279	1337	1291
Judicial Admissions and Mental Commitments	1164	1151	1190	1160	1326
Miscellaneous Matters	53	37	28	39	40
Trusts	49	42	54	152	137

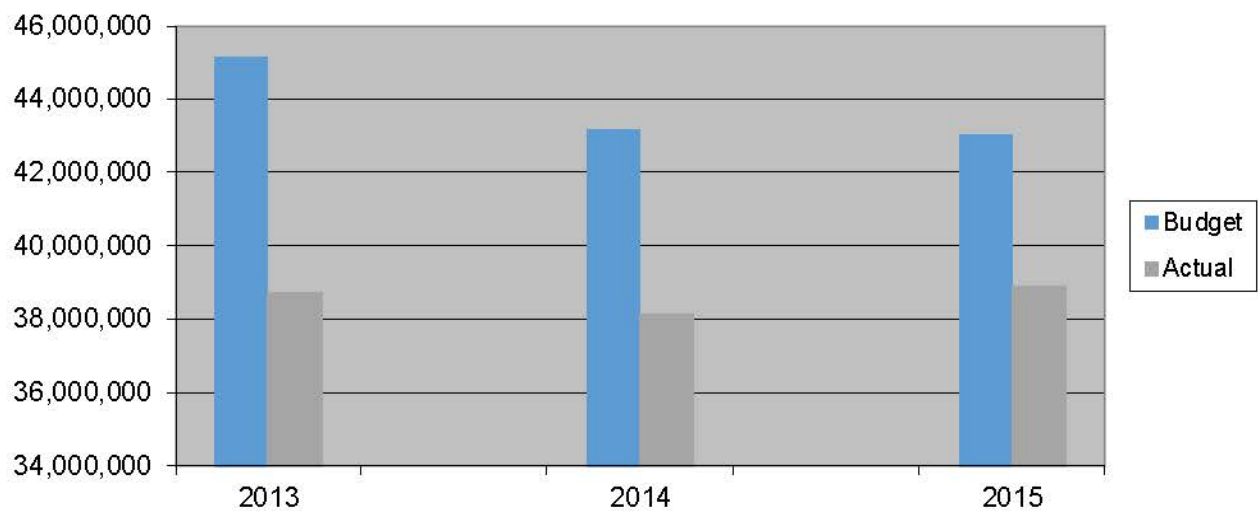
## Macomb Probate - Clearance Rates



	2011	2012	2013	2014	2015
Clearance Rate	98.0%	99.0%	100.0%	100.0%	99.0%
Incoming	4805	4656	5076	5324	5464
Outgoing	4722	4614	5054	5302	5391

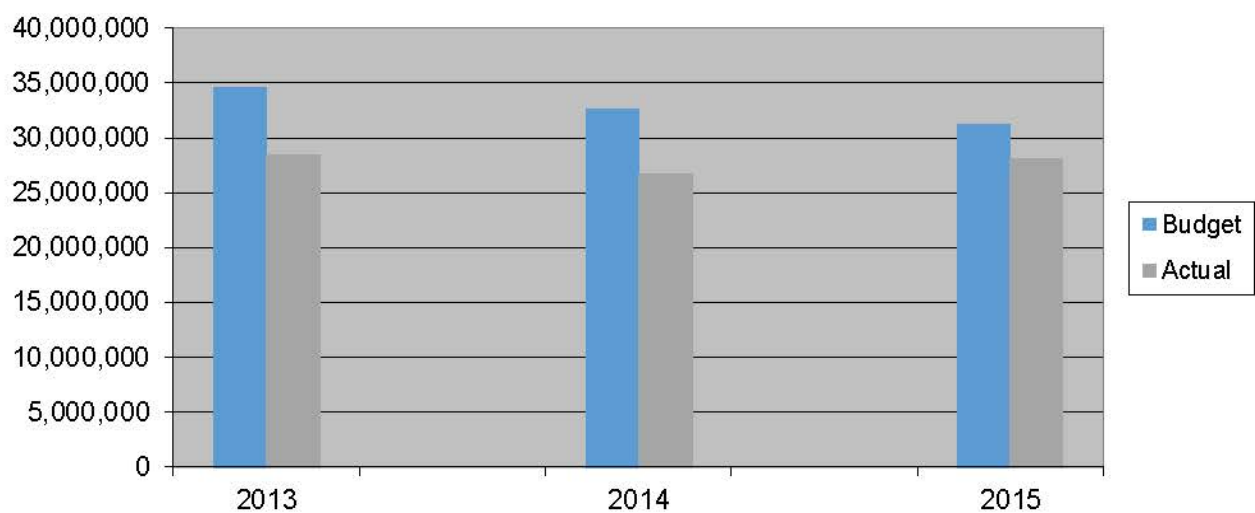
# Fiscal Snapshots

## Expenditures Budget to Actual



The Court continues to decrease its overall budget each year despite rising costs of services. The 2015 budget was approximately 10% lower than the 2012 budget. The Court also remained within 90% of budgeted expenditures for 2015.

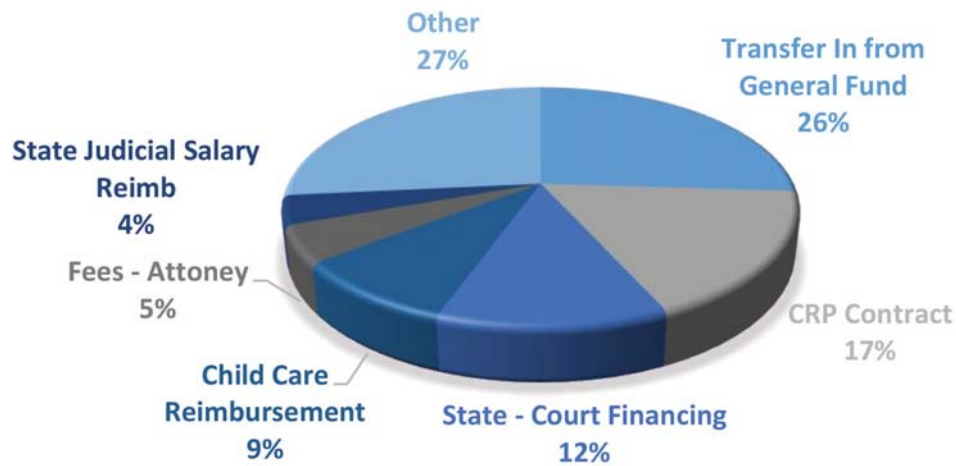
## Revenue Budget to Actual



Total revenues collected as a percentage of budget were 90% in 2015. This is partially a reflection of more accurate budgeting based on past results. The Court continues to seek grants to provide funding for new programs to decrease the impact on the General Fund.

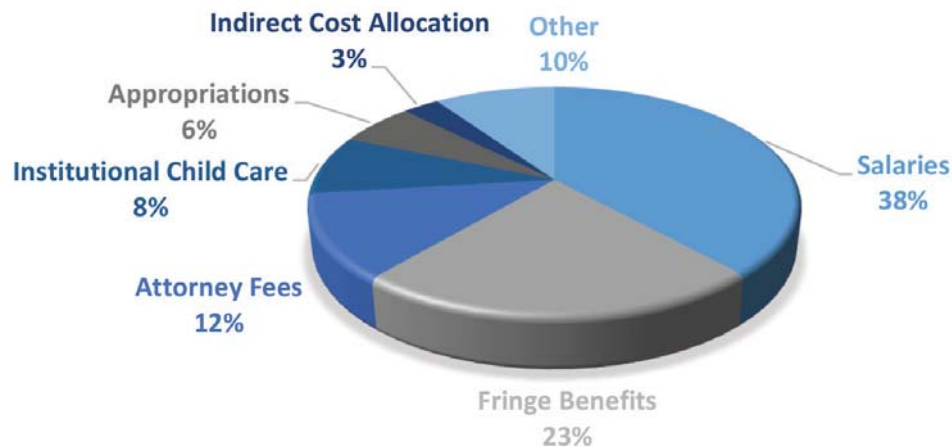


## Circuit & Probate Courts Financial Report 2015 Revenues: \$28,010,799



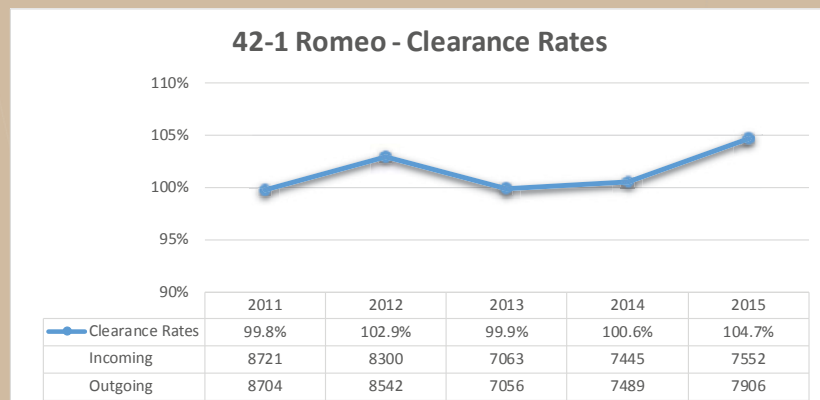
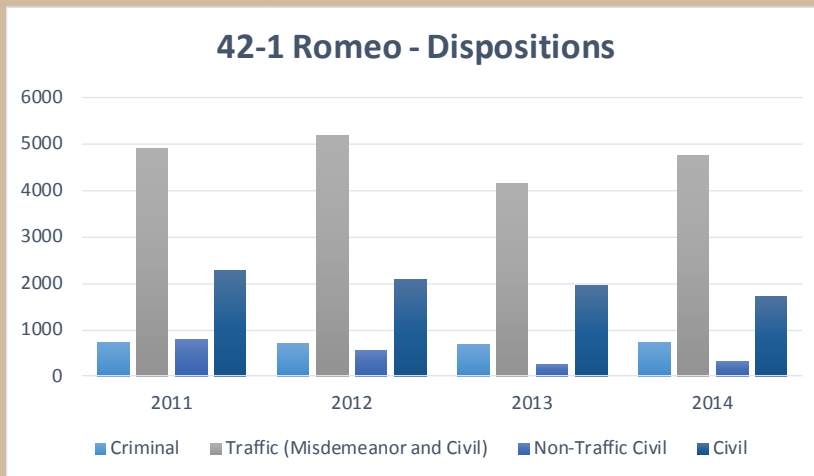
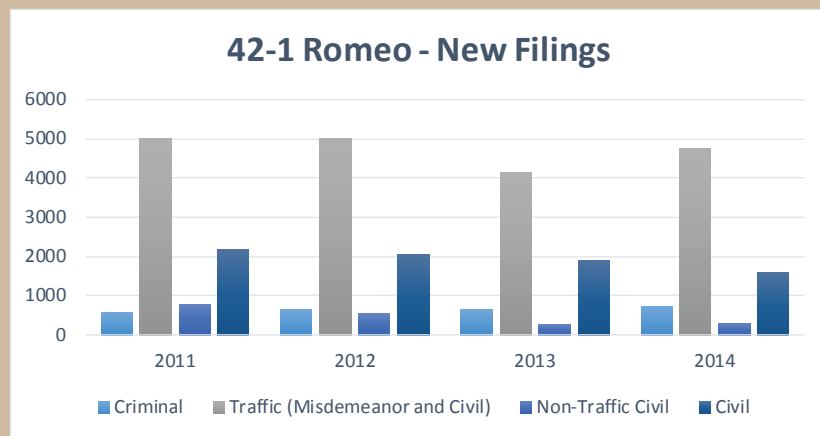
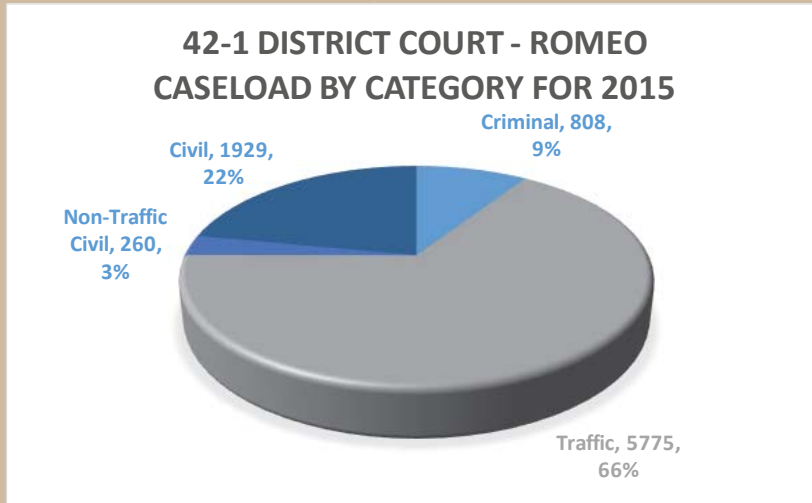
The revenue collected by the courts increased 5% between 2014 and 2015. Factors contributing to this growth include a 15% increase in the Title IV-D Grant amount received by Friend of the Court.

## Circuit & Probate Courts Financial Report 2015 Expenditures: \$38,898,970



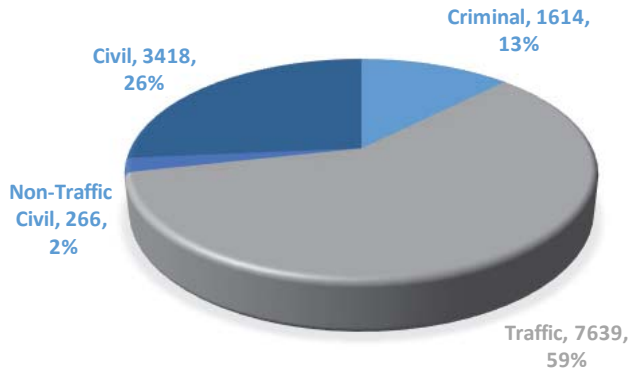
The Court continues to work on maintaining and decreasing personnel costs. Salary and fringe benefit expenses saw a slight decrease from 2014 to 2015. The Court's actual expenditures were relatively flat from 2014 to 2015.

# District Court Statistics - Romeo

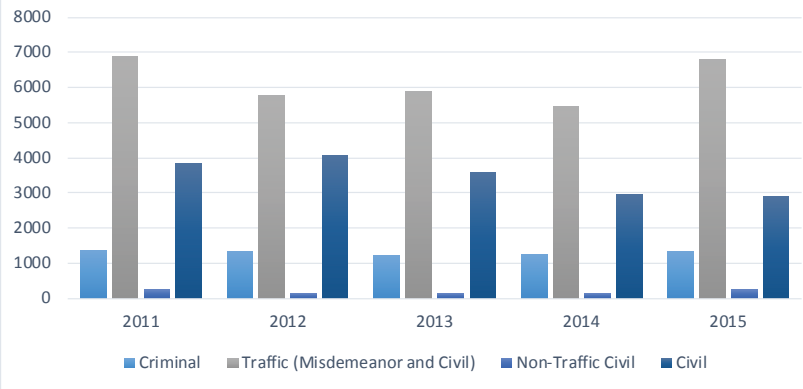


# District Court Statistics - New Baltimore

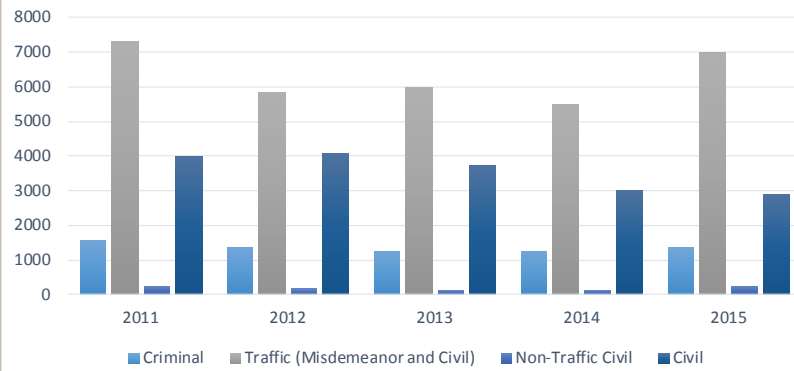
## 42-2 DISTRICT COURT - NEW BALTIMORE CASELOAD BY CATEGORY FOR 2015



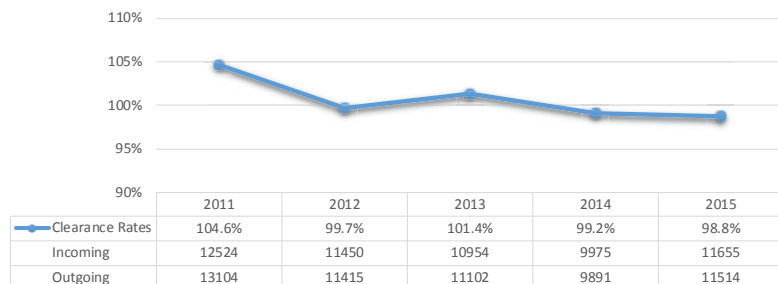
## 42-2 New Baltimore - New Filings



## 42-2 New Baltimore - Dispositions



## 42-2 New Baltimore - Clearance Rates

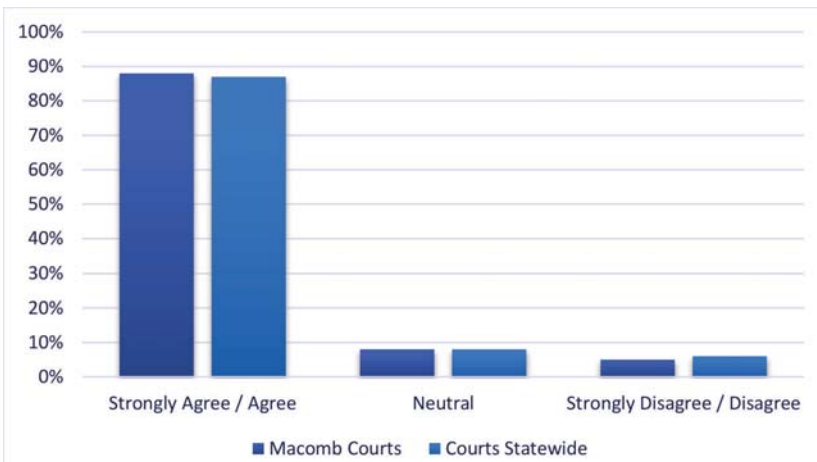




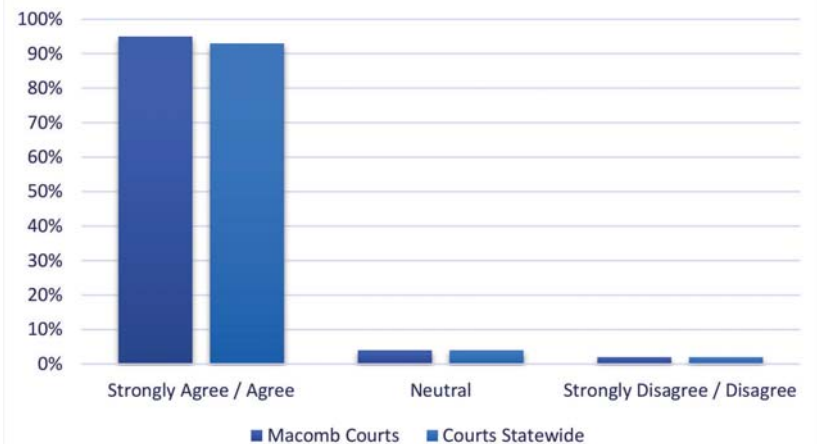
# Satisfaction Survey

Again in 2015, Macomb County Courts, which include 16th Judicial Circuit Court, Macomb County Probate Court and the 42nd District Court, conducted a Public Satisfaction Survey. The survey was held in every location the courts conduct business and was available for a full week. For the third consecutive year, the results were highly positive, showing the vast majority of court users are very satisfied with the services provided by our courts. For the statewide survey results, please see <http://courts.mi.gov/Administration/SCAO/Documents/2015%20Public%20Satisfaction%20Survey.pdf>.

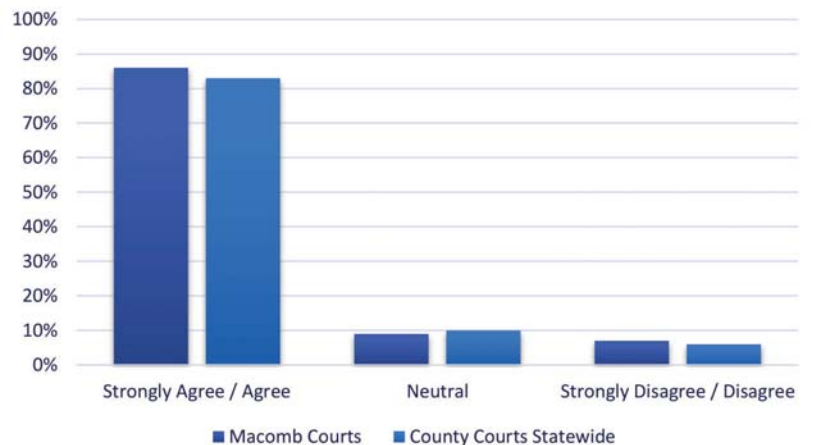
## I was able to get my business done in a reasonable amount of time today



## I was treated with courtesy and respect



## The way the case was handled was fair



# Elected Officials



**Mark A. Hackel**  
Macomb County Executive

**Eric Smith**  
Prosecuting Attorney

**Anthony V. Marrocco**  
Public Works Commissioner

**Derek E. Miller**  
Treasurer

**Carmella Sabaugh**  
Clerk & Register of Deeds

**Anthony Wickersham**  
Sheriff



## Board of Commissioners

**David J. Flynn**  
Board Chair, District 4

**James L. Carabelli**  
District 6

**Kathy Tocco**  
Vice-Chair, District 11

**Don Brown**  
District 7

**Steve Marino**  
Sergeant-at-Arms, District 10

**Kathy D. Vosburg**  
District 8

**Andrey Dujyz**  
District 1

**Fred Miller**  
District 9

**Marvin E. Sauger**  
District 2

**Bob Smith**  
District 12

**Veronica Klinefelt**  
District 3

**Joe Sabatini**  
District 13

**Robert Mijac**  
District 5

**Macomb County  
Administration  
Building located  
One South Main  
Street**

# 2016

## 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

### Judge Matthew S. Switalski

Chief Judge Pro Tempore  
Family Division

### Judge Richard L. Caretti

Presiding Judge  
Civil/Criminal Division

### Judge Tracey A. Yokich

Presiding Judge, Family Division

### Judge Mary A. Chrzanowski

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 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



## Macomb County Probate Court

21850 Dunham Road  
Mount Clemens, MI 48043

### Judge Carl J. Marlinga

Presiding Probate

### Judge Kathryn A. George

Assigned to Family  
Division of Circuit Court

## Macomb County 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



Prepared by  
Department of Planning &  
Economic Development