

Lawmakers may 'war' over court funding

By Tim Richard
staff writer

There could be "war" in Lansing this year over state funding of courts, a lobbyist for Michigan judges warned.

"There is a great deal of restlessness out there," said Milton Zaagman, executive director of the Michigan Judges Association. A former state senator from Grand Rapids, Zaagman testified last week before the state Senate Judiciary Committee, chaired by Sen. Rudy Nichols, R-Waterford.

In 1979 state government began paying 100 percent of the cost of lower courts. The process began — and ended — with the Wayne County Circuit Court, Detroit Recorder's Court and the 36th District Court in Detroit.

THEN CAME the recession and budget cuts. For several years, Michigan has had two funding systems — one for Detroit/Wayne County, where the state pays all, another for the Wayne suburbs and the other 82 counties.

"The issue of court financing is becoming increasingly vexatious," said Zaagman, who was pleading for MJA president Hilda Gage, an Oakland circuit judge.

Theoretically, there are three solutions:



'The governor's office has not got behind state funding,' and state Senate Republicans 'won't jump' to support it until Gov. James Blanchard advocates the plan.

— Sen. Rudy Nichols
Judiciary chairman

tem with the state's picking up the entire cost.

"The governor's office has not got behind state funding," said Nichols, a second-term senator elected during the 1983 tax revolt.

In a post-hearing interview, Nichols quoted Senate Majority Leader John Engler, R-Mount Pleasant, as saying "the Senate won't jump" until Gov. James Blanchard advocates the plan.

Nichols, an attorney, said Michigan's constitution clearly called for a single court system, not multiple systems of paying. "This has not been done because of money," the judiciary chairman said.

JUDGES DISLIKE the dual system because of pay inequities (see salary story) and the budget arguments they get into with local governments.

"Counties like that," said Zaagman, "because a judge comes to them with that in hand."

Sen. John Kelly, D-Detroit, had a war story from the other point of view: "The Grosse Pointe Park district judge says unless she gets a pay raise, she's going to order the city to give her one."

"In the House of Representatives last year, there were 57 votes (more than a majority) to wipe out Wayne County court reorganization funding," he said. "There is a great deal of restlessness. There could be a real war this year, and that war could be won."

NICHOLS SAW a political prob-

Zaagman noted that Perry Bulard, D-Ann Arbor, House Judiciary chairman, is author of a bill to provide procedures for handling budget disputes between courts and local control units. The problem has cropped up in every corner of the state.

It has even pitted local governments against each other, as in Oakland County, where county government subsidizes the 52nd District Court (including Troy and Rochester) but not the 48th District (Bloomfield area).

LAST YEAR G. Mennen Williams, then chief justice of the Supreme Court, toured the state making a pitch for full state funding of courts.

Besides Detroit/Wayne courts, the state pays the full price for the Supreme Court and Court of Appeals. Dorothy Comstock Riley, chief justice this year, is expected to renew the battle for full state funding when she makes a "State of the Judiciary" address March 18 to the Legislature.

In other Judiciary Committee business, Zaagman, in answer to a question from Nichols, personally endorsed the idea of requiring a circuit judge to have five or so years of

trial court experience as a lawyer to be eligible for the bench.

That drive began again in earnest after the 1986 election when Wayne County voters elected Kathleen MacDonald, fresh from law school, to the circuit bench, and Gov. James Blanchard appointed chief of staff Philip Journe, a lawyer who hadn't practiced, to the same bench.

'One court of justice'

Those, such as former Chief Justice G. Mennen Williams, who advocate full state funding of the courts point to Article VI, Sec. 1 of the Michigan Constitution.

"The judicial power of the state is vested exclusively in one court of justice which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote."

What judges are paid

Supreme Court justices in 1986 were paid \$81,400 and Court of Appeals judges \$79,150 — all by the state.

Here was the '86 picture for the lower courts, according to the State Officers Compensation Commission:

• Circuit Court, the highest trial court — its judges are limited to 82 percent of a justice's salary, or

\$74,888. In every county but Wayne, the state pays part, and the county is allowed to supplement it. Range: \$57,200 to the full \$74,888. Average: \$73,578, or 98 percent of the cap.

• Probate Courts, which handle estates and juvenile matters — judges are capped at 88 percent of Supreme Court salaries, or \$71,632. Range: \$52,588 to \$71,632.

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