

# Suburban Judges Fear State Control

An Observer Roundup

A recently-revived proposal to put Michigan's district court system under state control has met a generally negative response from both judges and municipal officials in Observational.

Only Southfield has formally taken a position in favor of the plan, which is embodied in a bill currently under study in the House Judiciary Committee.

Although several local members of the bench acknowledge the potential benefits of the bill in terms of efficiency and uniformity, they also expressed reservations about too much centralization of government.

Among city officials, the cause of both negative and positive reactions was firmly rooted, in most cases, in economic factors.

The State Supreme Court has been pushing the idea of state control for two years, and Chief Justice Thomas M. Kavanagh renewed the call at an appellate conference in Traverse City last month.

The bill currently under study would rest overall control of the district courts in the Supreme Court, which would act as a board of directors responsible for management, budget control, setting minimum standards for court employees and other organizational functions. It is

viewed as a step toward a unified state system for all courts.

Although the high court currently plays a major role in setting rules of procedure for practice before the state's courts, it has no influence over the practical management of budgets and facilities. The day-to-day

## Regional Affairs

business of running a district court is the affair of the court itself and the city or cities in which it operates.

The state pays part of a district judge's salary under the existing system, with the balance assumed by local governments. The cost of housing the court and paying employees' salaries is also the responsibility of the municipality.

On the other side of the ledger, all fines collected under local ordinances go directly into the coffers of the local government, and fines under state laws are split between city and state.

And although Garden City District Judge Richard Hamner comments that a court's profit is "incidental to justice," the fine collecting business more than covers expenses in most of Observational's municipalities.

Under the state financing proposal, traffic and civil fines and probation fees would be forwarded to the state, which would in turn return one-third to the local unit.

The Supreme Court would be advised in its management function by a judicial council to be composed of the chief justice, regional superintending judges, and judges from the Supreme Court, Court of Appeals and others.

The state would be divided into regions, with the board

chairman of each region a superintending judge appointed by the chief justice upon the recommendation of the court administrator and approval of the Supreme Court.

There would be several regional judicial boards, similar to the state level judicial council, and a deputy court administrator to handle the

day-to-day administration of each region.

At the local level, those courts with several judges would select one to serve as board chairman. Most actual authority will remain with the local judge, although he will operate within the framework of rules established on a state-wide basis.

Judges salaries would be a uniform \$33,000 under the centralized plan, and local supplements would be prohibited.

The primary beneficiaries of the proposal would be those district courts in less populous areas of the state where the budget sources are often split among two or more government units. Judges in those areas are frequently paid less, and must spend larger amounts of time justifying expenditures to competing local "bosses."

In Wayne and Oakland Counties, by contrast, most courts are financed by, and return income to, a single municipality.

Plymouth is the primary exception to that rule, since the 35th Judicial District encompasses the city of Plymouth, Plymouth Township, and the City of Northville. Auditors' reports show that all three governmental units lose money under the current system, yet sentiment among Plymouth officials is against any change.

In Plymouth, as in many districts, local control is the issue of greatest opposition to the plan. The township now has its own branch court, and officials are fearful that branch may be lost in a consolidation along with state control.

"We are losing money," says Mayor James McKee, "but I would very definitely like to see local control." Since a major role of a district court is the enforcement of local ordinances, the mayor or said he prefers a system where the three branches of government — legislative, administrative and judicial — function as a unit.

Local control is also the issue in Westland, but District Judge Thomas Smith takes the opposite viewpoint.

"The cities should get out of the court business," says Smith. "They don't know enough about courts." Westland stands to profit considerably from the shift in financing. Smith estimates that the city's revenue could increase as much as \$100,000 under the proposed plan, a tripling of present income.

Garden City's Judge Richard Hamner says the plan is "unquestionably a means of promoting a better and more unified judicial system," but questions the idea from a "philosophical" standpoint.

"This is really a constitutional question," Hamner argues. "It goes right to the heart of democracy which calls for a decentralized government."

From a practical standpoint, the change would have little effect on Hamner's function, because he estimates that the city would realize about the same profit under either system.

Officials in both Livonia

and Redford Township have expressed opposition to state financing for the same reason. Both could stand to lose a source of income in the form of fines and fees.

Livonia posted a profit of around \$122,000 from operation of the 16th District Court, partly because many city ordinances which duplicate state laws create a direct source of income, according to Mayor Edward McNamara.

The city owns the district court building on Farmington Rd., however, and could make up the loss of revenue through the rent the state would have to pay for the facility.

Redford Township Supervisor Bill Robbins says he is against the plan "from an economic point of view," since the township now profits to the tune of \$170,000 from court operation. District Judge John M. Dillon expressed opposition for the same reason, and added that he has doubts about the role the Supreme Court will play.

"My main objection seems to be that it makes the supreme court into budget people instead of jurists," says Dillon.

Livonia's District Judge James Mies also believes that local judges should control their own budgets, or at least have input into budget decisions made on a state level. He adds, however, that most of the members of the Michigan District Judges' Association, of which he is vice-president, favor state control.

The Southfield City Council has voiced its support for the plan, and city officials estimate that it could result in an annual savings of some \$150,000 in the budget. Be-

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