Michigan Court of Appeals

The New Millennium

ANNUAL REPORT 2000

Annual Report 2000 designed and formatted by
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Michigan Court of Appeals.

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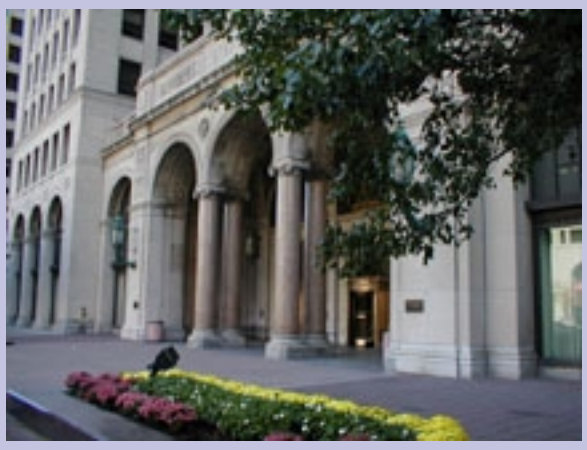
Introduction

The Michigan Court of Appeals was created by the Constitution of 1963, Article VI, Section 1, under which the State of Michigan has "one court of justice."

> *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 of the members elected to and serving in each house.*

When it first began operation in 1965, the bench of the Court of Appeals was comprised of nine judges. As filings with the Court grew from a low of 1,235 in 1965 to a high of 13,352 in 1992, the Legislature increased the size of the bench to 12 judges in 1969, to 18 judges in 1974, to 24 judges in 1988, and to 28 judges in 1993. Originally, the Court's offices were located only in Lansing, Detroit and Grand Rapids. The Southfield office was opened in June 1995 after the last increase in judges, when the Legislature apportioned the state into four districts for election purposes.

The Court now has facilities in six locations across the state. A total of 250 employees (judges and staff) work in these locations, linked by a state-wide computer network that is supported by the Court's in-house Information Systems Department. On any given day, close to 1,000 docket entries are made on the state-wide computer system by Court employees. At the same time, mail staff in four principal locations are processing approximately 300 newly filed documents for movement between offices or for docketing in the local office.



In 2001, the Detroit offices of the Court will move to the former General Motors Building. On the cover of this report, and interspersed throughout, are photos depicting some of the interesting architectural features of this historic building (Photos courtesy of Denise Devine). Pictured above, the West Grand Boulevard entrance.

The people who are the Court of Appeals work daily to effectuate its mandate: "To secure the just, speedy, and economical determination of every action and to avoid the consequences of error that does not affect the substantial rights of the parties." Michigan Court Rule 1.105. As will be seen in this 2000 Annual Report, that mandate drives the Court's continued evolution as a critical part of the Michigan justice system.

* * * * * *

This publication is intended to provide the Court and its customers with a wide range of information and data about its performance in the preceding year. We hope that all readers will contact us with questions or comments about its content.

Carl L. Gromek, Chief Clerk / Research Director
Sandra Schultz Mengel, Chief Deputy Clerk
Larry Royster, Deputy Research Director

Judges of the Court of Appeals

The Michigan Court of Appeals is a high-volume intermediate appellate court. Although divided into four districts for election purposes, the Court's twenty-eight judges sit in panels of three and rotate with equal frequency with each of the other judges and among the three courtroom locations (Detroit, Lansing and Grand Rapids). A decision of any panel of judges is controlling throughout the state and is reviewable by the Michigan Supreme Court on leave granted.

At the close of 2000, Judges Michael J. Kelly and Roman S. Gribbs retired after lengthy service on the Court of Appeals' bench. Judges Jessica R. Cooper and Kirsten Frank Kelly were elected in November 2000 to replace the retiring judges on January 1, 2001.

	Joined the Bench	Current Term Expires on January 1 of
Bandstra, Richard A. , Chief Judge	1995	2003
Whitbeck, William C., Chief Judge Pro Tem	1997	2005
Holbrook, Jr., Donald E.	1975	2003
Kelly, Michael J.*	1975	2001
Gribbs, Roman S.*	1983	2001
Hood, Harold	1983	2003
Sawyer, David H.	1987	2005
McDonald, Gary R.	1987	2007
Doctoroff, Martin M.	1987	2005
Murphy, William B.	1988	2007
Cavanagh, Mark J.	1989	2003
Griffin, Richard Allen	1989	2003
Neff, Janet T.	1989	2007
Jansen, Kathleen	1989	2007
Fitzgerald, E. Thomas	1991	2003
White, Helene N.	1993	2005
Saad, Henry William	1994	2003
Hoekstra, Joel P.	1995	2005
Markey, Jane E.	1995	2003
O'Connell, Peter D.	1995	2007
Smolenski, Michael R.	1995	2007
Gage, Hilda R.	1997	2007
Talbot, Michael J.	1998	2003
Wilder, Kurtis T.	1998	2005
Zahra, Brian K.	1999	2007
Collins, Jeffrey G.	1999	2003
Meter, Patrick M.	1999	2003
Owens, Donald S.	1999	2005
Cooper, Jessica R.	2001	2007
Kelly, Kirsten Frank	2001	2007

* Retired December 31, 2000.

Judges by District

District IV
Richard A. Griffin
Donald E. Holbrook, Jr.
Gary R. McDonald
Patrick M. Meter
Peter D. O'Connell
Donald S. Owens
William C. Whitbeck

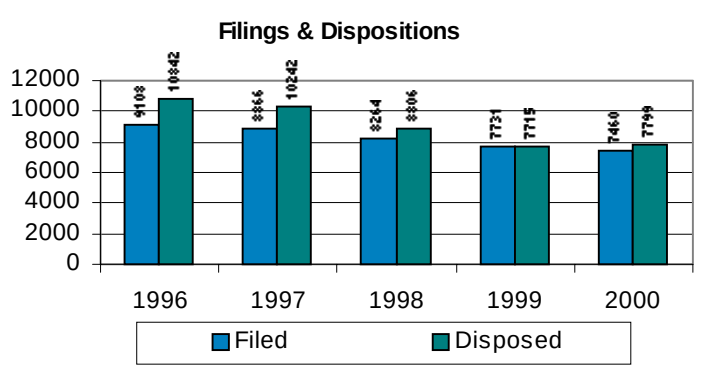
District II
Mark J. Cavanagh
Jessica R. Cooper**
Martin M. Doctoroff
E. Thomas Fitzgerald
Hilda R. Gage
Kathleen Jansen
Michael J. Kelly*
Henry William Saad

District III
Richard A. Bandstra
Joel P. Hoekstra
Jane E. Markey
William B. Murphy
Janet T. Neff
David H. Sawyer
Michael R. Smolenski

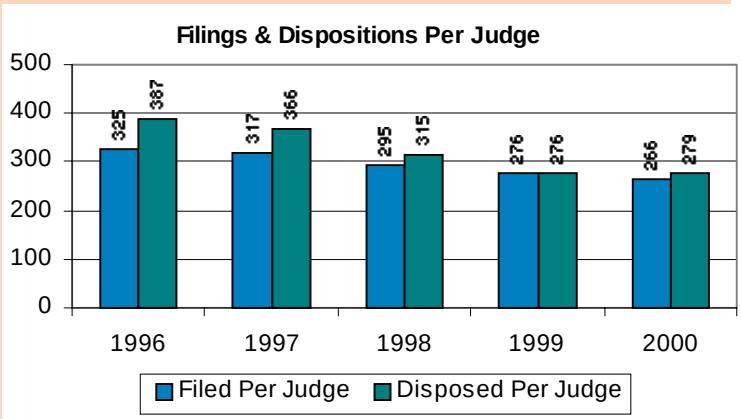
District I
Jeffrey G. Collins
Roman S. Gribbs*
Harold Hood
Kirsten Frank Kelly**
Michael J. Talbot
Helene N. White
Kurt T. Wilder
Brian K. Zahra

* Retired December 31, 2000.
** Elected for term beginning January 1, 2001.

Court Performance

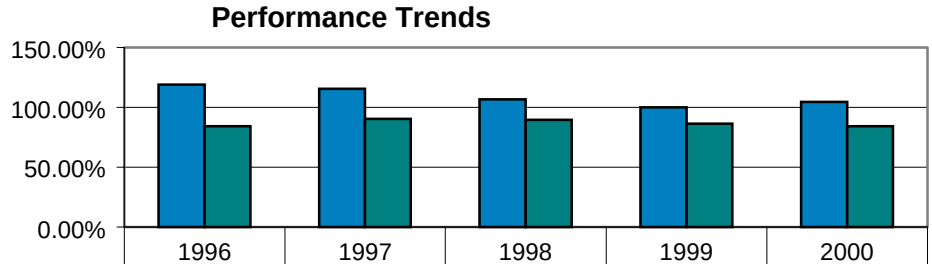


In 2000, filings in the Court of Appeals continued to decline from the 1992 high of 13,352. Between 1999 and 2000, the rate of decline slowed to about 3.5% (compared to the 6.4% decline between 1998 and 1999). In the same period, between 1999 and 2000, total dispositions increased by slightly more than 1%.



Filings and dispositions per each of the 28 judges on the Court of Appeals continue to place it among the top intermediate appellate courts nationally. For 1998, the last year for which statistics are now available from the National Center for State Courts, only Oregon, Florida, Georgia and Virginia exceeded Michigan in per-judge filings. And only Oregon, Florida and Georgia exceeded Michigan in per-judge dispositions for that year.

Overall court performance is also gauged by extrapolating annual filings and dispositions into a clearance rate, and by evaluating the age of pending cases. The following chart compares clearance rates and case age for the past five years. In connection with the case age data, the Timeline on page 9 illustrates that the Michigan Court Rules alone provide a minimum of ten months for record preparation and briefing before a case is eligible for review by the Court. In November 2000, to expedite disposition of the oldest cases, the Court began hearing a double load of cases each month in the Detroit metropolitan area. This project will continue well into 2001 and is expected to have a substantial impact on case age.



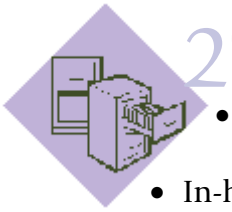
	1996	1997	1998	1999	2000
Disposition Rate	119.04%	115.52%	106.56%	99.79%	104.54%
% Caseload < 18 Mos Old	84.09%	90.30%	89.40%	86.15%	83.98%

Timeline - Routine Civil Appeal by Right

(Without Complications or Court-Ordered Extensions)

Timeline	Event	Court Rule
	Filing of claim of appeal.	MCR 7.204
91 days	Filing of transcript.	MCR 7.210(B)(3)(b)(iv)
56 days	Filing of appellant's brief.	MCR 7.212(A)(1)(a)(iii)
28 days	Stipulation to extend time for brief.	MCR 7.212(A)(1)(a)(iii)
35 days	Filing of appellee's brief.	MCR 7.212(A)(2)(a)(ii)
28 days	Stipulation to extend time for brief.	MCR 7.212(A)(2)(a)(ii)
21 days	Filing of appellant's reply brief.	MCR 7.212(G)
21 days	Order and receive lower court record.	MCR 7.210(G)
280 days	**Total time necessary to start appeal, compile briefs, receive record under the court rules.**	
14 days	Refer appeal to Research Division for preparation for case call.	MCR 7.213(B)
49 days	Evaluate cases for assignment, transfer cases to the appropriate research unit, hold cases while awaiting assignment; prepare draft research reports; review and edit research reports by supervising attorney; finalize research reports; make copies and stockpile research reports in advance of case call.	
35 days	Preparation of case call for submission to nine 3-judge panels and 21-day notice period.	MCR 7.213(D)
35 days	Entry of opinion resolving appeal. Copy of opinion sent to each party's attorney and to the trial court.	MCR 7.215(D)(2)
133 days	**Total time required by Court of Appeals to prepare, submit, and resolve appeal *after* briefs and record are filed.**	
413 DAYS	**14.75 MONTHS: TOTAL TIME TO PROCESS APPEALS IN WHICH THERE ARE NO DELAYS. (BASED ON 28-DAY MONTHS)**	

NOTE: The ABA model standard on case processing provides that 95% of appellate cases be disposed of within 12 months of filing. Such a standard cannot be met by the Court of Appeals. Under the Michigan Court Rules, record preparation and briefing in a "perfect" appeal consumes a minimum of ten months (*exclusive* of the briefing extensions that may be granted by the Court under the rules, and assuming that each "month" is comprised of 28 days).



2000: Focus On Customer Service

- Full staff participation in state-wide customer service seminars.
- In-house publication of a manual for individuals appearing *in propria persona*.
- Collaboration on pilot projects to facilitate practice before the Court.
- Presentations made to State Bar and other groups.
- Web site facilitates interaction with Clerk's Office.

Management Team.
At the close of 2000, the district offices of the Court were managed by: Kimberly Hauser, Detroit; Thomas Robison, Southfield; Lori Zarzecki, Grand Rapids; Hannah Watson, Lansing; and Kathleen Kane, Central (also located in Lansing). See the directory on page 21 for district office contact information.

Customer Service Seminars.
In 2000, virtually every member of the Clerk's staff attended a two-day customer service seminar presented in a variety of locales by the Michigan Judicial Institute. These seminars were structured so that staff could focus on discrete aspects of customer service of particular use to them in their separate district offices. It was enormously gratifying to the division as a whole that so many staff could participate in something of such value to the public we serve.

Manual for Individuals Appearing In Propria Persona.
Customer service was also enhanced in 2000 by the in-house publication of a manual specifically designed to assist individuals appearing before the Court of Appeals in propria persona. The manual is now available in full or in pertinent part, at no charge, in each district and on the Court of Appeals' web site. Forms are included with the explanatory text.

Pilot Projects to Facilitate Practice Before Court.
The Clerk's Office was engaged throughout 2000 in a variety of pilot projects designed to facilitate appellate practice before the Court. Groups such as the Michigan Assigned Appellate Counsel Service, the Family Independence Agency, the State Appellate Defenders Office, the State Court Administrative Office, and the Appellate Practice Section of the Michigan State Bar were each

collaborators with the Clerk's Office in efforts to educate members of the bar and streamline court processes by isolating situations which hamper rather than facilitate "the just, speedy, and economical determination of every action." Michigan Court Rule 1.105. Of particular note is the Court's participation in planning for the third tri-annual Appellate Bench Bar Conference to be held on April 4-5, 2001, in Lansing.

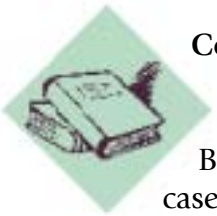
Web Site Facilitates Interaction with Clerk's Office.
The Court's web site, deployed in 2000, has greatly facilitated the distribution of information that is extremely useful in processing appeals to the Court. The Clerk's Office portion of the site provides on-line access to downloadable versions of the Internal Operating Procedures, the Pro Per Manual, current oral argument schedules, maps and directions to the district offices, contact information for the district offices, and a list of court holidays. Elsewhere on the site users can also find the court rules that govern the Court's work.

As 2000 ended, members of the Clerk's staff collaborated with the Court's Information Systems Department in the design and development of a search engine for published and unpublished opinions that were first carried on the web site on January 2, 2001. See *Information Systems Department*, page 17, for a fuller explanation of this resource.

Court Rule Changes.
During 2000, there were no changes in the court rules that govern practice before the Court of Appeals. Late-2000 amendments will impact chapter 7.200 *et seq.* in April 2001.

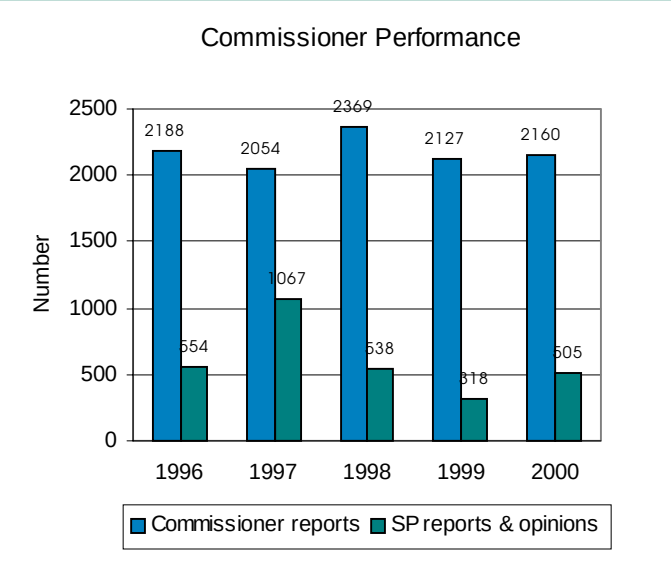
Upcoming Move of Detroit Facility.
During 2000, planning continued on new offices for District I (Detroit) judges and staff. By mid-2001, visitors to the Detroit office of the Clerk of the Court of Appeals will be rerouted to the fourteenth floor of the former General Motors Building (to be leased in its entirety to state departments and agencies). As in the current Detroit offices, the GM Building facility will include the District I office of the clerk together with two courtrooms, the Settlement Office, and offices for judges and central research staff.

Research Division



Commissioners

Although previously located in Lansing only, the Commissioners have been deployed in all four district offices for the full year. Being located in each district enables the Commissioners to review case files at the time of initiation for conformity with the court rules and the Court's internal operating procedures. When pleadings are defective, the Commissioners work closely with the Clerk's Office staff and the litigants to resolve the defects as soon as possible in the appeal process. Decentralization also allows the Commissioners to address emergency filings in a more efficient and timely manner. This early review and intervention should help reduce lengthier delays if problems are not noticed until later in the appeal.

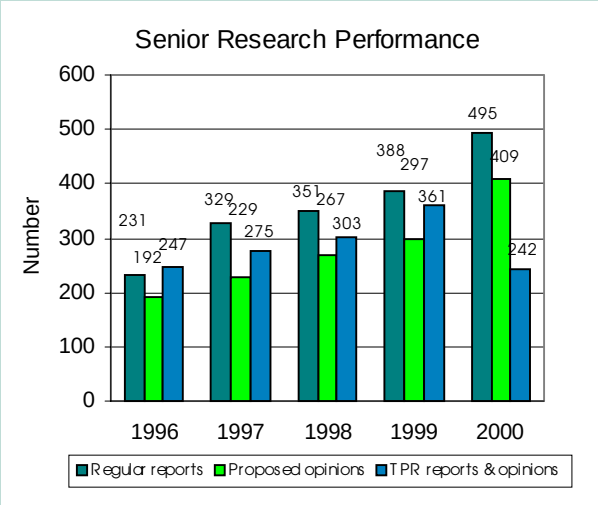


In 2000, the Commissioners prepared reports in 2,160 leave applications. In addition, the Commissioners prepared ninety-five research reports for regular case call panels and 505 reports and/or proposed opinions for summary panels. The chart compares the 2000 production of commissioner and summary panel reports with the numbers from the prior four years.

Senior Research

In 2000, the Senior Research unit (formerly known as Advance Research) primarily prepared reports and proposed opinions in cases evaluated at seven days or more, in cases removed from summary panels, and in appeals from termination of parental rights (TPR) cases. Senior Research also prepared reports and proposed opinions in cases evaluated at three to six days to offset the need arising from the closure of the Detroit Prehearing office in 1999. In total, Senior Research prepared 495 reports and 409 proposed opinions in evaluated cases and 242 reports in TPR cases. Fewer reports were required in TPR cases this year because, beginning in February of 2000, each judge sitting on a regular case call panel has accepted one TPR case without an accompanying research report. This has allowed the Senior Research attorneys to focus on preparing reports and opinions in evaluated cases.

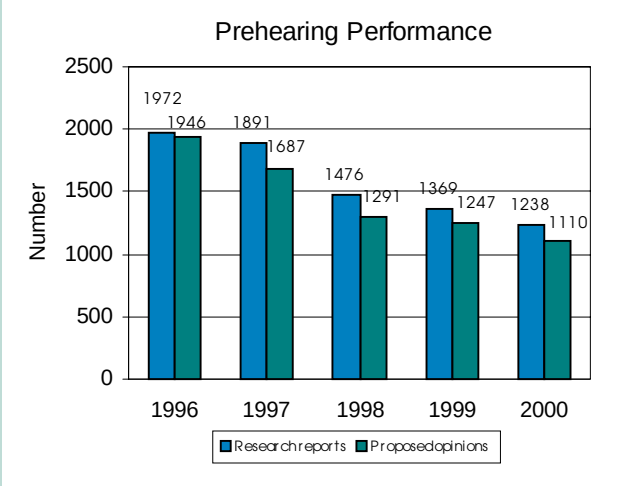
Research Division



The Senior Research production numbers in 2000 compare with the figures of the prior four years as shown at left.

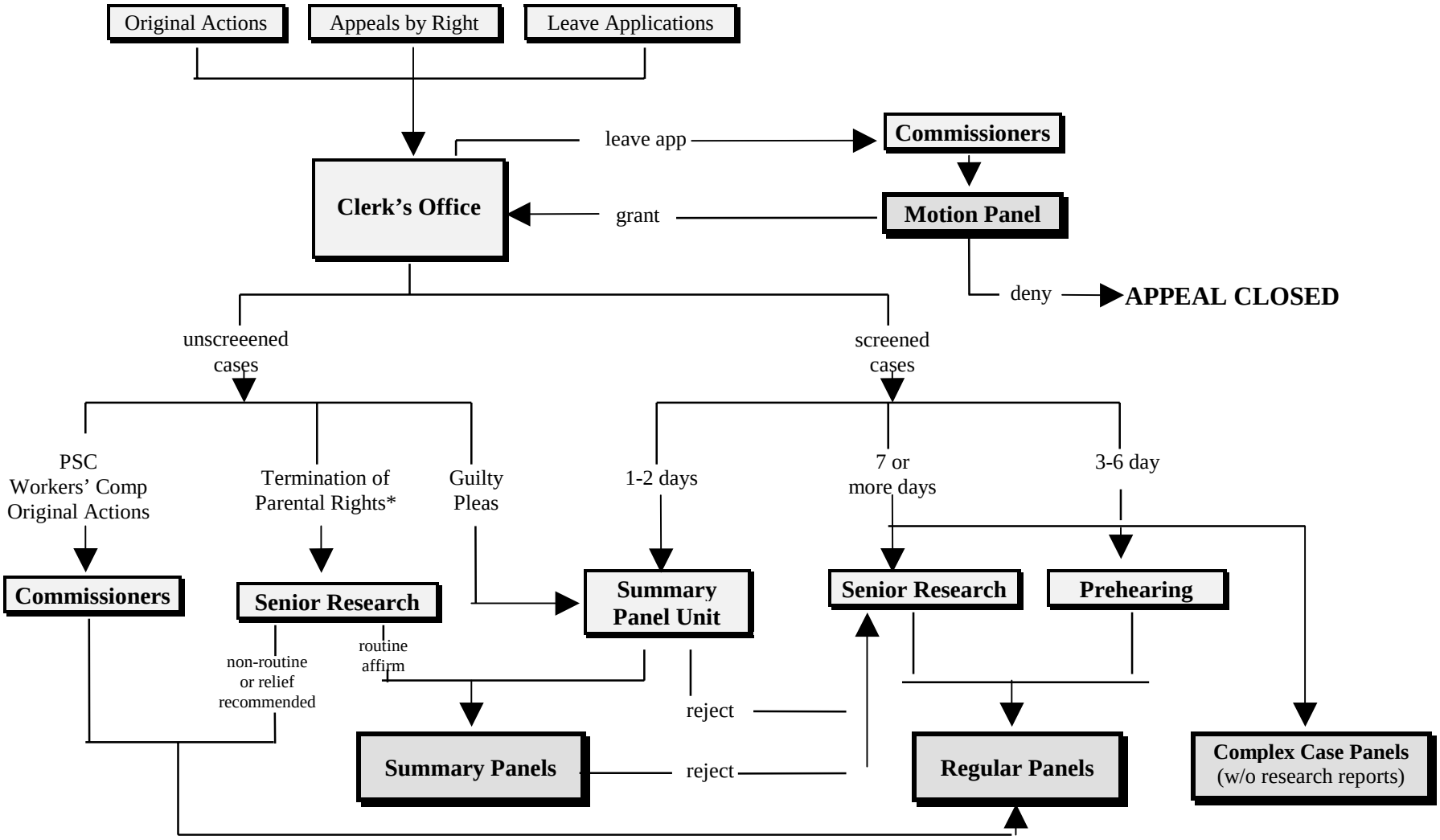
Prehearing

Prehearing attorneys continue to be relatively inexperienced due to a high turnover of positions in 2000, primarily due to attorneys moving on to clerkships with Court of Appeals judges and Supreme Court justices. The average experience of Prehearing attorneys at the end of 2000 was 7-1/3 months, up from six months in 1999. However, thanks to a strong recruitment effort, Prehearing has remained close to its authorized level of thirty attorneys for most of the year.



In 2000, Prehearing prepared 1,238 reports and 1,110 proposed opinions in cases evaluated at three to six days, which compares with the previous four years as shown at right.

The following chart depicts the flow of cases and the distribution of the work load between the Commissioners, Senior Research and Prehearing units.



After research reports are prepared, the lower court records are returned to the Clerk's Office in the district of origin. There, they are warehoused until placement on call and are eventually sent to the judicial chambers by request. Once the decisions are rendered and the cases are "closed," the records are sent to the Lansing record room for eventual transmittal to the Supreme Court (if further appeal) or to the lower court/tribunal of origin.

*In addition to the placement of Termination of Parental Rights cases with research reports on summary and regular panels, since February of 2000 each judge on the regular panels has been assigned one TPR case without a research report.

Settlement Office

In its third full year of operation, the Settlement Office reviewed more than two thousand docketing statements to determine which cases were suitable for placement in the settlement program. Although participation in the program is mandatory, the service is offered to the litigants at no cost and there are no sanctions for failing to settle. Of the 268 cases selected to receive settlement assistance, approximately one-third settled. This settlement rate is in line with other mandatory appellate programs across the county.

A survey of settlement participants in 2000 revealed an 8.5 satisfaction rating (on a 0 to 10 scale) of those whose cases settled and a 6.7 satisfaction rating of those whose cases did not settle. Those ratings are up slightly from an identical survey conducted during the program's pilot study in 1996 (8.2 and 6.0 for cases that settled and did not settle, respectively). Under the direction of a judicial oversight committee, the settlement program continues to explore new ways to increase both the settlement rate and user satisfaction of the program.

Information Systems

The year 2000 was a productive year for the Information Systems Department.

Michigan Appellate Information System – MAPPIS.
Further enhancements were made to MAPPIS, the Michigan Appellate Information System that was originally launched in 1999. This fully-integrated case management system utilizes an Oracle database at the back end. The user interface to MAPPIS is browser-based, making it very easy for I.S. staff to make modifications from a central location and deploy the changes instantaneously.

During 2000, a survey was circulated to all Court employees seeking input on the functionality of MAPPIS and soliciting ideas for new features. An overwhelming majority of survey respondents gave MAPPIS Very Good ratings in terms of input screens, organization of topics, ease of use, use as a research tool, notification of new features, training, and overall reliability.

Many new features were added to MAPPIS as a result of the survey. Several reports that were previously distributed to judicial offices in hard copy are now available on MAPPIS, providing the judges with up-to-the-minute information that was previously available only weekly. The Court's barcode tracking programming and hardware were updated to aid in tracking the location of paper files and records throughout the Court. And a new ad-hoc reporting feature is still under development that will allow Court administrators to generate statistical reports without the assistance of I.S. programmers.

Court of Appeals Web Site.
The highlight of the year for the I.S. department was the deployment of the public web site on June 12, 2000. The web site, http://courtofappeals.mijud.net, was established to enhance the Court's ability to provide important and timely information to the public, litigants, and attorneys. The site menu includes:

COURT
- Introduction
- History
- Judges
- Rules
- FAQs
- Settlement Office

CLERK'S OFFICE
- IOPs
- Pro Per Manual
- Case Call
- Maps & Directions
- District Offices
- Court Holidays

RESOURCE CENTER
- Annual Report
- Court Opinions
- Press Releases
- Media Information
- Legal Links
- Employment

Information Systems

While most of these menu items are self-explanatory, one in particular deserves special recognition. Deployed on January 2, 2001, *Court Opinions* is principally a search engine for published Supreme Court and Court of Appeals opinions released since January 2001, and for unpublished Court of Appeals opinions released since July 1996. Users may query the opinion database with three types of searches: Docket Number, Field Search (fields such as release date, opinion author, case type, etc.), and Text Search (search the opinions by words and phrases). In response to the search request, a list of opinions meeting the search criteria will be displayed with a link to each opinion in Adobe PDF format. To date, the feedback has been very positive. Future enhancements to this site include adding Appellate Digest entries for all published cases.

Court Document Templates.
The I.S. staff also spearheaded the project of upgrading over 400 Microsoft Word templates, including orders, opinions, letters and forms that are used by judicial chambers, clerk staff and research staff to produce uniform and professional documents in all Court locations. The templates are stored centrally and can be updated instantaneously when changes are required.

Facilities Planning.
The Court's two largest offices are scheduled to move from their current locations over the next two years. In 2001, the Detroit offices will move to the former General Motors Building. In 2002, the Lansing offices will move to the newly constructed Hall of Justice. The I.S. Department has supervised all plans for the voice and data infrastructure for Court offices in the GM Building offices. And the I.S. staff has collaborated with other groups within the Judiciary on planning for the data network to be installed in the Hall of Justice.

On the Horizon - Electronic Filing.
In-house planning continues on an electronic filing pilot project. In particular, internal efforts are focused on reducing reliance on paper documents through the provision of more useful electronic substitutes. During 2000, a consultant was hired to assist in recommending an imaging system. In 2001, internal pilot projects will be introduced to image documents such as research report appendices, Court orders, and docketing statements. All imaged documents will be linked to a docket entry in the MAPPIS case management system. As this system evolves, internal work groups will be focusing on other e-filing issues such as design, security, financing and implementation.

Human Resources

During 2000, Peggy Ruiz-Helmic was appointed HR Director and Abby Tithof became HR Assistant. During this transition, the HR Department continued to function smoothly while honoring its top priorities of timely and courteous responsiveness to the needs of the Court and its 250 employees.

Of particular note during 2000, the HR Department collaborated with the Court's Information Systems Department in posting all job vacancies on the Court of Appeals' web site. The two departments also began work on the provision of additional automated information on the Court's intranet browser, including court phone directories and contact information (both phone numbers and Internet links) for many fringe benefit options. By late 2001, the Department expects to automate the time and attendance process, which will further streamline HR operations.

Finally, the HR Department used 2000 to facilitate the provision of MIOSHA-sponsored ergonomic training to all Court judges and staff. This training was intended to provide necessary information concerning the proper arrangement of work areas to minimize difficulties triggered particularly by computer technology.

Security Division

Concentration on comprehensive security planning, as well as continued implementation of security measures, were top priority in 2000.

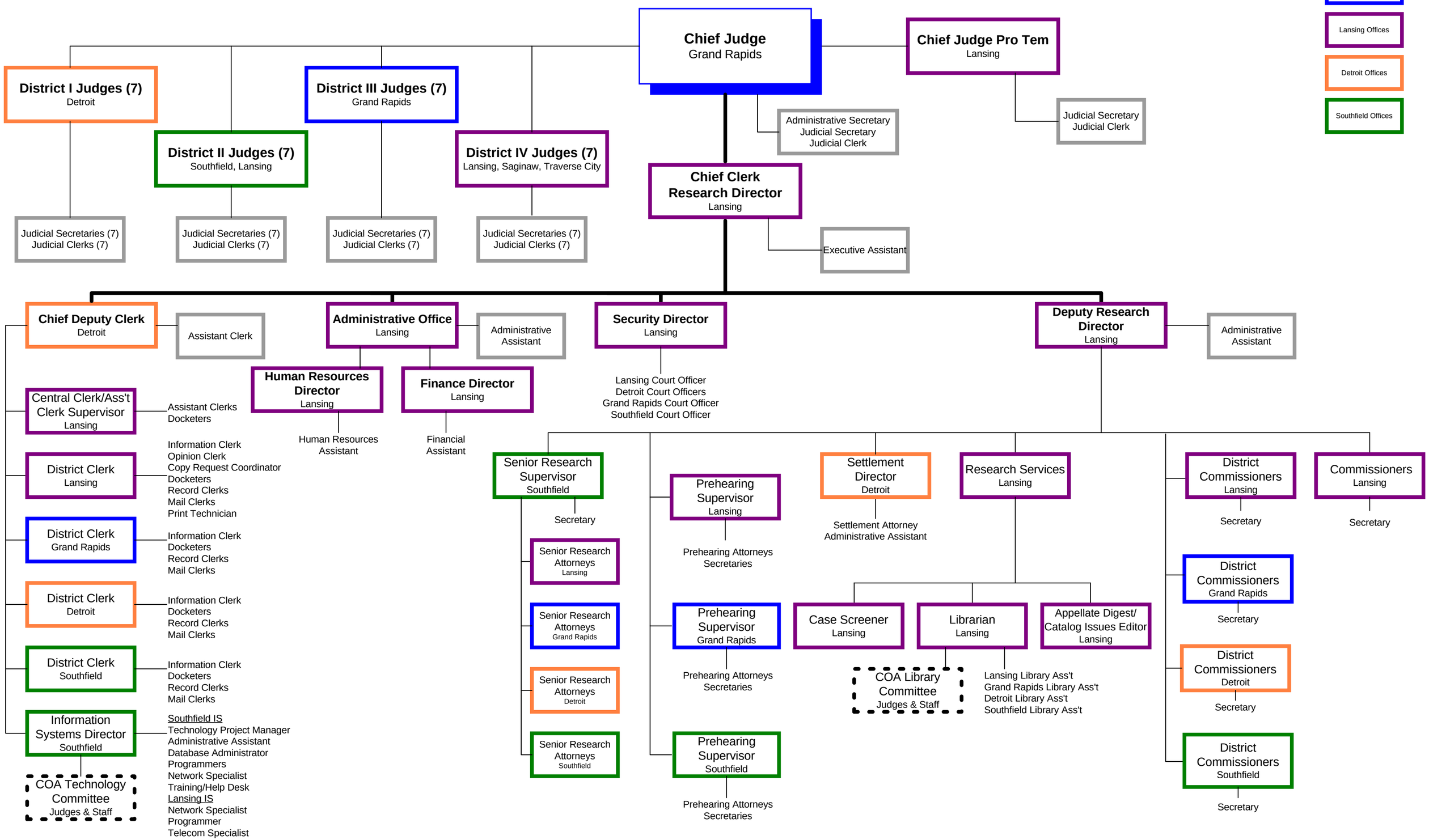
Monitoring security incidents within the Court is a principal responsibility of the Division. During 2000, Court employees generated 83 Security Information Reports. Of these, 15 were criminal incidents and 68 were non-criminal reports. Formal police involvement occurred in 32 of these events.

To reduce the potential negative impact of such incidents, a number of physical security enhancement initiatives were completed in various locations in 2000. Intrusion alarm systems were added at satellite offices in Traverse City and Saginaw. A fire escape exit in Grand Rapids was replaced and tied into the building's central fire suppression system. Security on the main entrance to the Lansing Clerk's office was reinforced. A joint venture to upgrade closed circuit television coverage in the Grand Rapids Law Building was initiated through a cooperative effort between this Court and the U.S. General Services Administration Federal Protective Service and other federal offices located in that building. Finally, additional personnel were added to the Detroit facility to ensure full-time security at the public entrance of the Court offices.

The Security Division also continued to devote significant time in 2000 to planning for two new facilities: the Hall of Justice in Lansing and the former General Motors Building in Detroit. Security planning for the former GM Building is modeled on the security design developed in Lansing for the Hall of Justice.

Michigan Court of Appeals Organizational Chart

2000



Directory

LANSING
Hannah Watson, District Clerk
Washington Square Building
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P.O. Box 30022
Lansing, MI 48909-7522
517.373.0786

DETROIT
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Detroit, MI 48226-1970
313.256.9212

GRAND RAPIDS
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SOUTHFIELD
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27777 Franklin Road
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Southfield, MI 48034-8256
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