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PLANNING FOR THE COURT OF THE FUTURE

For attorneys in private practice, filing a new case in the Genesee County Circuit Court is done the same way that it has been done for 50 years or longer. Paper complaints must be handle delivered or mailed to the county clerk.

No e-filing, no faxes. Yes, there is still something called a fax machine.

If the same attorney wants to file the same type of case in Oakland, Macomb, Wayne and a few other Michigan Counties they would e-file the case.

What is the plan?

The Michigan Supreme Court approved a number of courts to accept e-filings, as pilot projects around the State of Michigan. The first of those pilot projects was approved in 2007.

For the most part, small steps were taken by these pioneering courts as the process was developed and refined. Often one judge was involved, with limited case types. Over the years, the number of judges and case types have expanded.

Other Michigan courts sought permission to be designated as pilot projects for e-filing and were turned down, as the shift was to focus on legislation to permit all courts to move to e-filing.

If additional pilot projects were permitted, one could argue that the impetus to get legislation

passed would be diminished. Legislation passed effective January 1, 2016, which required courts, beginning March 1, 2016, to collect an electronic filing system fee of \$25.00, in addition to the civil case filing fee.

The new fee is transmitted to the State Treasury to be deposited to the *judicial electronic filing fund (JEFF)*. The fee is required to be assessed, even if the action is not electronically filed.



The JEFF will be accessible by courts to assist with implementation of e-filing.

The Michigan Supreme Court recently notified trial courts that they are poised to hire a vendor to "supply a statewide system that will allow litigants to file cases electronically from anywhere at any time." ([*Milton Mack, Jr., State Court Administrator, Memo of August 25, 2016*](#)).

The responses to the request for

proposals (RFP) are due October 25, 2016. A contract is expected to be in place by early 2017 and implementation later in the year.

E-filing does not mean that there will never be a piece of paper produced again in the court system.

However, the future clearly holds an entirely different way of filing, managing and storing court records. Paper copies can be produced from electronic filings, if they are requested.

There will be an electronic court file, with documents tagged in such a way that they can be produced on paper. Usage in other courts suggest that less paper is produced with the passage of time. Judges, attorneys and court staff adjust and embrace the electronic world.

The security of holding a court file, compiled in reverse chronological order, is imprinted on our soul. We can see and touch the paper.

Consider the following. If there is an electronic file multiple users can access the file. A judge or law clerk could look at a court file from a remote location. An attorney or member of the public could view not only a register of actions, but actual documents.

An attorney could order a document online, pay online and receive the document online.

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THE CHIEF SPEAKS

GC4DP

On August 22, 2016 I attended a signing ceremony at Mott Community College (MCC) to launch a new program designed to give second chances and educational opportunities to eligible Genesee County residents who find themselves involved with the court and criminal justice system.



Prosecutor David Leyton, Mott Community College and I, as Chief Judge of the Genesee County Courts, signed a memorandum of understanding for the *Genesee County Court Community College Diversion Program (GC4DP)*.

The prosecutor will identify eligible candidates at the earli-

est stage of felony case processing. Defense counsel, defendant and prosecutor will determine if the program is available to the defendant.

If there is a referral and participation agreement reached, a district court judge will accept the felony plea and the case will be forwarded to Circuit Court.

The case will either be on a diversion track (no criminal record if successfully complete terms of delay) or program participation will be part of a probationary sentence.

The Adult Probation Office will make a referral to a MCC case manager at the Workforce Development office.

The case manager will conduct an intake and orientation. The participant will be assisted with loan or grant applications and tested for placement in a suitable educational track.

Program eligibility includes first offenders, or those with no more than 2 convictions for non-assaultive misdemeanors,

no serious emotional impairment or illness and no juvenile record that includes violence or criminal sexual conduct offenses.

Eligibility also requires that the offender is 17 years of age or older and is a resident of Genesee County

There are other aspects of the program that are discussed in detail with participants. I applaud the efforts of the Prosecutor and Mott Community College for their work on this project.

-cjrby

COURTHOUSE INFORMATION DESK SEEKS VOLUNTEERS

The Courthouse Information Desk is located on the first floor and functions as a key point of information for court users.

We have been fortunate to have a reliable group of volun-

teers since the Courthouse addition of 2001.

However, some of the volunteers are no longer available due to schedules and other opportunities. We are seeking volunteers to commit to ½ day

per week of service. There will be a training session, sitting "second chair" with a seasoned volunteer and our unending gratitude for service.

If you know of a suitable person, interested in helping out, please contact Stacey, Court Administration, 424.4355.



ADMINISTRATOR CORNER

Many talented individuals are employed by the courts, often behind the scenes. I wanted to take a moment to highlight the support provided by the court technology team.

Dave Combs is a court IT technician, working with court technology coordinator Rob Gifford to support courtroom technology, staff and



public requests. Dave is the person who makes copies of courtroom proceedings, if a request is made and the fee paid to the county clerk.

Dave coordinates this process after receiving electronic confirmation of payment, making the CD of the session of court requested within 3 business days and then contacting the attorney or party

on delivery options.

Dave is sensitive to the limitations and requirements of the local administrative order on topic. He is detail oriented, accurate in his work and has an interest in learning about the legal system. Dave is keenly aware of our mission to deliver exemplary service to the public.



Left to Right: Rob Gifford, David Combs

Dave worked with deputy court administrator Janet Patsy and Cindy Grossbauer, County Clerk—legal division supervisor, on a monumental project to convert selected court records to a searchable electronic data base.

This was no easy task, requiring Dave to use his educational skills and

(Continued on page 3)

ADMINISTRATOR CORNER (CONT'D)

training as a certified workflow and systems administrator in *Imagesoft*, the Genesee County electronic workflow suite of products. A company called *Graphic Sciences* was the vendor associated with the project.

Dave is also our representative on an Oakland County-Genesee County partnership reviewing proposals to upgrade jury software for both counties. He is keeping us well informed and reaches out to jury management staff for their expectations in proposed systems.

Dave has been with the court since 2014, having previously worked in technical support for the private sector.

Rob Gifford is the court technology coordinator. Rob formerly worked at the 68th District Court and came to Circuit Court in 2001.

Rob is responsible for main-

taining the AS400 server that hosts the case management software for all of the courts in Genesee County.

In addition, all courtrooms and referee hearing rooms are supported by voice activated digital recording systems.



Rob is our key person for supporting courtroom recording systems. What you might not know is that Rob downloads all courtroom and hearing room recordings each day. Archival recordings are then available for future use.

Part of this process is to randomly review recordings to insure that the systems correctly operate.

You might wonder, what if they did not correctly operate. There is a backup plan for each courtroom or hearing room. In addition, Dave is the Rob back up plan.

Both Rob and Dave often respond to requests from judicial staff to assist with the playing back of selected portions of testimony for a jury in deliberations.

This requires a nimble response, accurately identifying the portions of the testimony to be played and insuring that equipment is operating as required.

This must all be done with a “no margin for error” attitude. The proper response requires technical skill and understanding the cloistered environment into which they are called to assist.

Rob is also the countywide go-to person for all things related to video conferencing.

Whether it is the circuit court, probate court, district court, jail or city lock up, his phone rings for advice.

He regularly deals with videoconferencing connectivity issues, including those related to all of the prisons in the State of Michigan. Reducing prison transports back to court, when the proceeding can be done by videoconferencing, is a desirable use of limited resources.

Statewide videoconferencing between courts and prisons has been a State Court Administrative Office (SCAO) supported initiative that has saved millions of dollars in transport costs.

Rob’s long time working relationship with the SCAO on case management software, video conferencing and all things related to court technology serves us very well.

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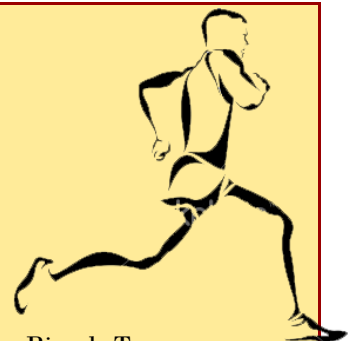
MANDATORY REPORTING FOR MICHIGAN COURTS

You might find it interesting to know the number and type of reports that courts and judges are required to submit to the State Court Administrative Office (SCAO). The following link will take the reader to an alphabetical and chronological listing of the various reports. [[Link to reports](#)]

Compliance with reporting requirements, in some instances, takes a variety of staff to be assigned to the task. As you might imagine, accurate data collection that is electronically retrievable is the key to reporting.

COURT ATHLETES

Judge Jennie Barkey	Crim
Judge John Gadola	Crim
Deadrea Smith	Crim
Rachel Smith	Crim
Cassie Swartwood	Crim
Kristyne Traver	Crim
Judge Geoffrey Neithercut	Dalmac Bicycle Tour
Shelley Spivak	Dalmac Bicycle Tour
Melissa Gifford	The Northwest Bicycle Tour
Rob Gifford	The Northwest Bicycle Tour



EMPLOYEE SPOTLIGHT

Left to Right: Amanda Tipton, Crystal Chow, Ariana Heath



Ariana Heath is our newest attorney referee. She previously worked at the Offices of the Lapeer and Tuscola County Prosecutors. In addition,

Ariana was a domestic attorney referee in Tuscola County, working for the Friend of the Court. She graduated from the University of Michigan Law School in 2005.

Crystal Chow joined the court as a judicial advisory assistant for Judge David Newblatt. She graduated from Michigan State University College of Law in May 2016. Crystal has previous intern experience with the Grand Traverse County Prosecutor, as well as the Ingham County

Prosecutor. She also worked for a law firm in a similar capacity.

Amanda Tipton is the newest juvenile probation officer in Family Court. Amanda previously worked as a district clerk at the 67th District Court and as a LIFE Coach for SAFY in Merrillville, Indiana where she worked with foster youth. Amanda graduated from Indiana Tech in 2011 with a B.S. in Psychology. —bam/kw

AN EMPLOYEE WHO WEARS MANY HATS

I was asked to write an article related to my work responsibilities as the circuit court law library paralegal. They are really quite diverse and cover a broad range of topics.

As a trained paralegal, I assist the public with their legal research inquiries. These walk in requests for information are varied and range from common domestic questions (how do I file for divorce or how do I modify my custody order?) to seeking a temporary restraining order to prevent the demolition of a house. It is not unusual to have 25 to 30 requests weekly. In addition, I am the *Local Designating Authority* for the Michigan Assigned Appellate Counsel System (MAACS). In Michigan, persons convicted of a felony after a trial have a constitutional right to appeal. Defendants convicted by

plea may have other post conviction remedies. Appointments are made from the MAACS system which consists of lawyers in private practice and attorneys with the State Appellate Defender Office.

I check the ROA to determine which transcripts of hearings are required on appeal (jury trials, pleas, motions, evidentiary hearings, etc.). I complete the Order Regarding Appointment of Appellate Counsel and Transcript. It is signed by the judge and served on the appointed counsel, the defendant, the court record

manager, the prosecutor, MAACS and the Court of Appeals. I process 150 of these orders annually. One of my more demanding responsibilities is that of the ADA Coordinator. This involves the coordination and the scheduling of American Sign Language (ASL) interpreters for deaf individuals and foreign language translators for Limited English

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• The Michigan Bar Journal (July 2016), Michigan Lawyers in History, featured an article about local attorney Dudley Mallory. Mallory was admitted to the Bar in 1926, after a difficult and challenging road to become an attorney. He died in 1969 and is buried in Flint River Rest Cemetery, with the briefest of information on his grave marker. His name, his vital years and one word LAWYER.

The article also highlights local attorney Otis Smith, who was the first African American member of the Michigan Supreme Court. Justice Smith is featured in the photographic museum of the Courthouse, 3rd floor. The July edition is available in the law library.



THE FALL LINEUP

Below are clues about the name of college football teams. Identify the school and team name.

Email your answers to hearsay@7thcircuitcourt.com. The name of the first 7 responders with all correct answers will be published



A fierce mammal, with powerful jaws	
Greek inhabitants of a city known for military might	
The red waters	
A northern tribe of Michigan Native Americans	
The combative leprechauns	
Citizens of Troy	
Feral pigs of North America	
Revolutionary war militia ready to fight on short notice	
A small brown nut or holiday cookie	
A breed of cattle	
A tropical cyclone	
Crocodile relative	
A wild horse	-dc/tt

YLS AND HOW IT HELPS THE KIDS IN GENESEE COUNTY

The Youth Level of Service (YLS) is an evidenced-based risk and need assessment instrument that produces an overview of an adolescent functioning in 8 major crime-producing domain areas. It is widely utilized in the United States and Canada as a reliable assessment tool in identifying treatment needs for youth and fami-

lies involved with the juvenile court system. The YLS also helps courts in predicting future criminal behavior and court involvement.

Genesee County has been utilizing the risk assessment in our juvenile court system for the past two years. The assessment tool will aid the court in providing youth appropriate services to specific areas of treatment need. For

example, a youth who scores as high needs in the areas of leisure and recreation and substance abuse (but low in all other domain areas) will have group and individual treatment services attached only to substance abuse and structuring the youth's time with constructive, pro-social activities. The data collected from the assessment also helps track a youth's pro-

gress in targeted domain areas over time during his/her placement on probation. Additionally, using the YLS data and targeting treatment to specific areas of need will reduce recidivism of our youth post treatment and post residential placement. Ultimately, this data will inform the court about long-term juvenile program effectiveness in Genesee County. -ri

PLANNING FOR THE COURT OF THE FUTURE (CONT'D)

No more trying to find a parking spot, driving here from a distance to get a copy from the court file to comply with an issue that is time sensitive and no more "I don't have the file" from a judge when something is a late add on to a docket.

The current record retention schedules for court records is complicated to understand and challenging to find staff time to comply with its direction. [Click [HERE](#) for record retention schedule]

Genesee County has a huge volume of closed court files, most of which are located off site.

Many of these records are beyond the record retention schedules. In late 2016/early 2017, courts are advised that the record retention schedules are likely to be changed. It may result in courts being prohibited from retaining closed case files over a certain age.

Beyond those changes, the

court will still have to decide if paper closed files or electronic closed files should be the storage medium.

With many years of existing hard copy closed files and the real possibility of prospectively storing closed files in an electronic format with a reduced retention period, there will have to be significant thought given to the future of court storage.

Other local advancements to watch for are courtrooms with

monitors for attorneys, litigants and the public.

In addition, there may be podiums with the ability to function as the central operation point for electronically displaying documents or photographs for presentation.

It is an exciting time for the court and its users. -bam

AN EMPLOYEE WHO WEARS MANY HATS (CONT'D)

Proficient (LEP) speaking persons.

The logistical considerations can be challenging. First, there is a shortage of certified ASL interpreters, so having timely notification from the party, the attorneys or court staff is imperative. Secondly depending on the duration of the proceeding, it may be necessary to have a team of two or more ASL interpreters so that they can provide periodic relief to one another. Finally, because ASL is a visual language there are logistical con-

siderations with their placement in the courtroom.

The foreign language interpreters for LEP speaking persons present their own set of challenges. Once again, the local inventory of certified interpreters is low, so advance notification is necessary to meet the request for an accommodation.

The intent of the foreign language court rules and the Michigan Supreme Court Administrative Order is to provide meaningful access to Michigan courts and to court

services outside of the courtroom. Recently, the court used a firm known as Lingua International to provide telephonic interpretation service for a Friend of the Court parenting time appointment with a non-English speaking person. Spanish is the most commonly requested language but I have also made requests for Hmong and Punjabi interpreters. Finally, I have other miscellaneous duties. These include the preparation and the maintenance of the annual

bail bond list. I also maintaining various spreadsheets for court financial matters and I process the incoming mail for the ADR clerk.

I am never unoccupied at work and I have really learned that the court is a dynamic institution. Who am I? -Tom Temple



ADMINISTRATOR CORNER (CONT'D)

Rob does all of this with a great attitude and willingness to be a problem solver.

Like Dave, Rob has worked on electronic workflow development and is an *Imagesoft* certified workflow and systems administrator. He designed the workflow which allows court appointed counsel and other outside vendors to submit requests for payment online.

The court is totally paperless as it relates to the submission and approval of requests for payment of attorney fees. The attorneys are also paid via electronic fund transfer. Paid quicker, no check processing and no postage costs incurred.

As you might expect there is a fair amount of trouble-shooting associated with making all of this happen. There are nearly 100 attorneys and outside agencies submitting requests for fees, multiple times per month.

Rob is also the *Docket Call* tech support for the courts. The electronic monitors near the Information Desk supply the name of all parties who have a case in any court for each business day.

The case management software for each court in Genesee County identifies the cases for the day and sorts by party name in alphabetical order with courtroom or hearing room location.

The presentation comes together for one consolidated display of all dockets. The McCree Building has monitors with the same information.

Docket Call eliminates a former central look up location with pages of paper on a bulletin board, reflecting dockets for each judge.

Docket Call is ADA compliant and eliminates the problems associated with paper.

Dave and Rob collaborate on “*Tech Talk*” for court staff. These are 30 minute training sessions on selected topics of interest. Registration is limited to allow for focused presentations. In addition,

Rob is the webmaster for the court website.

Dave and Rob are also the technical advisors for the *Hearsay* e-newsletter, assisting with layout, design and editing.

We are very fortunate to have the support of the court technology team.

As I write this article, I am even more appreciative that they have chosen to work for the court. –bam

TECH TALK

The next *Tech Talk* is scheduled for October 13th @ 11:30AM in the Jury Office. The topic will be OnBase Tips and Tricks. This session is open to all court staff OnBase users. Sign up by clicking [HERE](#)

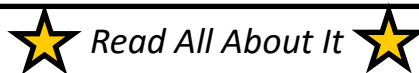


PUBLIC SATISFACTION SURVEY

Thank you to the following staff who have agreed to assist with the annual statewide public satisfaction survey. The survey will be conducted the week of October 10th and is a mandated SCAO performance measure.

Mark Allen (FOC), Dana Anderson, James Bauer, Dana Baumgart, Cheryl Benway, Suetta Brown, Dave Combs, Andrea Cobb, Stacey Curnow, Michelle Edwards, Debra Gray, Rob

Gifford, Amber Gillean, Alyssa Hunt, Rhonda Ihm, Sue Johnson, Kathy Jones, Rhonda Judd, Mark Kalandyk, Tony McDowell (FOC), Karima McCain, Barbara Menear, Mary Moors, Kim Neville, Stephanie Palmateer (FOC), Fredericka Savage, Estella Simpkins (FOC), Tom Temple, Amanda Tipton, Diana Van der Vossen, Natasha Warren, Kenda Watson, Angela Westfall, Traci Zoldos



Hearsay is now available on the Circuit Court website www.7thCircuitCourt.com/hearsay-newsletter

We want to hear from you! Send us an email letting us know what you would like to see in the newsletter and feedback on the current edition. You can also submit ideas and information about activity in your department. hearsay@7thcircuitcourt.com