

THE CIRCUIT COURT
FOR
THE FORTY-FIRST JUDICIAL CIRCUIT
MICHIGAN
COUNTIES OF DICKINSON - IRON - MENOMINEE

Circuit Judge
MARY B. BARGLIND

P.O. Box 609
Dickinson County Courthouse
Iron Mountain, MI 49801



Circuit Judge
CHRISTOPHER S. NINOMIYA

Phone (906) 774-2266
Fax (906) 779-0587

To: Judiciary Committee Chairman Graham Filler
From: Hon. Christopher S. Ninomiya – 41st Circuit Court Judge
Date: February 25, 2019
Re: HB 4161 – Written Testimony

Dear Chairman Filler,

Please accept this correspondence as my written testimony on behalf of HB 4161. First, we appreciate you considering this matter expeditiously given the time constraints that we are dealing with. We know and respect the fact that you are all extremely busy, so I will keep this commentary very short. Please know that if you prefer our members of the judiciary to testify in person, we are certainly willing to make the trip down to Lansing if necessary.

By way of background, I am a Circuit Court Judge in the 41st Circuit which covers Dickinson, Iron and Menominee counties in the Upper Peninsula. Before the Circuit Court, I worked as a District Court Judge in the 95B District Court for 10 years, and prior to that, I served as a Dickinson County Prosecutor for approximately 15 years.

In 2012, upon the recommendation of the State Court Administrator's Office, a number of judicial positions were slated for elimination across the state, including the 95A District Court in Menominee. The data supporting those 2012 eliminations is now over 10 years old. Times have changed, and we are now asking the legislature to consider reversing the action from 2012, at least as it pertains to Menominee County.

There are 3 primary reasons for this request.

- 1.) The felony caseloads have substantially increased. We have seen over a 60% increase in Menominee alone. When the eliminations were recommended by SCAO in 2011, Menominee County was averaging approximately 143 felony filings per year. Between 2015 and 2017, that number has jumped to an average of 239 felony filings, and it continues to trend upward. There will not be sufficient judicial

resources in place to handle the current caseload if the District Court Judge is eliminated.

- 2.) The geographical challenges make it untenable to have a single judge residing in Menominee County. Menominee County has 24,000 residents. It is a 3 hour round trip for us to get to Menominee to hear cases. There have been 4-5 occasions in the last month alone where it was physically impossible for us to get there due to the extreme weather conditions. We have received over three feet of snow in just the last 3 weeks along with two ice storms. As a result, we face some fairly unique geographical challenges in our area when having to commute 150 miles to go to court.
- 3.) There is a significant need for a Treatment Court in Menominee County. Menominee County is the only county in the Upper Peninsula that does not have an available treatment court. The Upper Peninsula is unfortunately dealing with a drug crisis due to opioids and methamphetamine. This issue is driving up our numbers and congesting our dockets. A treatment court is desperately needed, and will be initiated immediately upon restoration of this court position.

It should also be noted that we have engaged with Judge Mack, the State Court Administrator and Tom Clement from that office. They are in agreement that this is an appropriate save based on the unique circumstances that are being presented and the increased caseload. This is extremely significant, because their office is charged with the responsibility of making those recommendations to the legislature every two years. They have analyzed the data, and they concur with this request.

SCAO also understands that running a treatment court requires additional judicial resources and they appreciated our willingness to share this judicial resource with surrounding counties if feasible. We have also had discussions with members of the Supreme Court, and they too recognize the value provided in the form of treatment courts. They assist citizens that are struggling with addiction, they reduce recidivism, and they typically save taxpayer money by reducing incarceration costs.

I would also note that the Michigan Association of Counties has similarly expressed their support for this bill. In our discussions with MAC, they recognized the importance of preserving this position and felt it was essential for both Menominee County, and its residents. In fact, both the Menominee County and Dickinson County Board of Commissioners have now passed resolutions in support of this save. The Upper Peninsula Judge's Association has also passed a resolution in support of this legislation. Importantly, Menominee County currently has the infrastructure in place to support the District Court, and they are willing to continue to fund the

necessary support and clerical positions. Furthermore, within the last two weeks, the Michigan State Police, the Menominee County Sheriff's Department, and the Menominee City Police Department have made a joint request to the County Board to fund an additional assistant prosecutor to deal with the excessive caseload and backlog. This is further evidence that the caseload is continuing to expand.

We also have received Bi-Partisan support for this bill as all of our local legislators from both sides of the aisle are supporting this effort. The proposal that we have submitted to SCAO to retain this position spells out in great detail, the importance of this request. Again, I have tried to hit just the highlights for you, but if you have any questions or concerns, we are at your service.

Finally, I want to emphasize the timeliness of this proposal. The current 95A District Court Judge, The Hon. Jeffrey Barstow, is set to retire on March 31, 2019. If this legislation is not passed before that occurs, the District Court Position will be eliminated by operation of law. As a result, we are respectfully requesting that you expedite this legislation and give it immediate effect.

Thank you in advance for your consideration of this legislation. We would also like to express our gratitude to Representative LaFave and Senator McBroom for bringing this issue to the attention of our friends and colleagues in the legislative branch of government. We truly appreciate your time and attention to this issue, and your service to our fellow citizens.

Sincerely,



Hon. Christopher S. Ninomiya

41st Circuit Court Judge

Cc: House Judiciary Committee Members
Senator Ed McBroom
Representative Beau LaFave

