



STATE OF MICHIGAN
TRIAL COURT FUNDING COMMISSION
LANSING

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Judge James M. Alexander
Judge Michelle Appel
Michael Bosanac
Eric R. DeLong
Todd A. Drysdale
Shauna Dunnings

COMMISSIONERS
Judge Beth Ann Gibson
Milton L. Mack
Richard B. Poling
Thomas C. Rombach
Shannon Schlegel
Valerie Ann Thornburg
Patrick J. Williams

TRIAL COURT FUNDING COMMISSION

MINUTES

August 23, 2018, 1:30 PM

State Treasurers' Board Room
1st Floor, Richard H. Austin Building
430 W. Allegan Street, Lansing, Michigan 48922

Commission Members Present:

Judge Thomas Boyd, Judge Michelle Appel, Michael Bosanac, Eric R. DeLong, Todd A. Drysdale, Shauna Dunnings, Judge Beth Ann Gibson, Milton L. Mack, Richard Poling, Thomas C. Rombach, Valerie Ann Thornburg, and Patrick Williams

Commission Members Absent:

The absences of Judge James M. Alexander and Shannon Schlegel were excused.

I. Call to Order

Tom Boyd called the meeting to order at 1:38 PM.

II. Approval of Agenda

A motion was made by Richard Poling to approve the agenda. The motion was supported by Patrick Williams. The agenda was unanimously approved.

III. Public Comment

Members of the public were invited to address the Commission at this meeting, but no one commented.

IV. Approval of Minutes

A motion was made by Richard Poling to approve the minutes from the meeting of June 28, 2018, as presented. The motion was supported by Valerie Thornburg. The minutes were unanimously approved.

V. Welcome and Chair's Report

Chair Boyd introduced two speakers who accepted invitation to share information with the Commission at this meeting: Brian Ostrom, Principal Research Consultant, National Center for State Courts; and Laura Hutzler, Statistical Research Director, Michigan State

"If I had 20 days to solve a problem, I would take 19 days to define it." Albert Einstein

Court Administrator's Office. A speaker was invited from the state of Kansas but was not able to attend the meeting.

Chair Boyd discussed the Commission's budget. He said that reimbursement expenses are projected to drop below the budgeted allowances in three categories: The 25% wages for the full time Treasury employee assigned to the Commission; Commissioners reimbursement expenses; and reimbursement expenses for experts who travel to Michigan to address the Commission at public meetings, as fewer experts are needed going forward.

Chair Boyd then described how changes were expected in ongoing work performed by Public Sector Consultants. The changes would affect the existing contract between the Commission and Public Sector Consultants in the long run. Commissioners discussed the issues relating to the work necessary and the budget. Mike Bosanac suggested reallocating funds from line item shortages to further fund Public Sector Consultants over and above the original budget ceiling listed in 4.4.1 of the contract. A motion was made by Richard Poling to allow the Commission Chair/Contract Designee to execute a contract amendment that would allow reallocation of an additional \$35,000 to Public Sector Consultants' contract. All other terms of the contract would not change. The motion was supported by Patrick Williams. The motion was unanimously approved.

VI. Presentations

Brian Ostrom provided a PowerPoint presentation regarding measuring court performance. He said that, nationally, there were a lot of good ideas about court reform demonstrating procedural fairness. He said that the courts in Michigan have been diligent about evaluating effectiveness when it comes to assisting the public. He pointed out that the state of Utah was the first to implement a state-wide process, but that Michigan was very good at performance measurements and other initiatives. Michigan, Minnesota, and Utah are said to be the top three states interested in performing better. Eric DeLong asked if it was possible to organize data across all states, and Mr. Ostrom said the level of information across all states is extraordinary and has not been compiled.

Laura Hutzal provided a PowerPoint presentation describing driving change in Michigan's Judiciary system to improve service to the public. She talked about the Trial Court Performance Measures Committee formed in 2009 in Michigan. The Committee includes eight judges and five court administrators. Ms. Hutzal discussed several performance measurements including, but not limited to, public satisfaction surveys conducted in court-related areas relating to caseload management, child support, recidivism rates, ADA compliance, jury management, and collections. She agreed to speak to the Commission again if needed.

Chair Boyd reported on the Kansas court funding system. Kansas has statewide funding similar to Minnesota. However, there have been problems in Kansas. A series of court decisions (concerning school funding – not related to court funding) have increased tensions between the judicial and legislative branches of government.

In 2014, the legislature adopted a statutory provision that stripped the Kansas Supreme Court's authority to appoint the chief judge of each district, providing instead for the election of the chief judge by the judges of the district. The Kansas constitution includes a provision that "the supreme court shall have general administrative authority over all courts in this state" – similar to Michigan's constitution. This provision was made part of the judicial branch appropriations and a nonseverability clause was added. The supreme court eventually ruled the provision unconstitutional. The legislature backed-down.

The Kansas legislature has taken other actions targeting the courts. These actions include time limits for judges and legislation expanding the grounds for impeachment of a judge.

Statewide funding appears to work relatively well in Minnesota. However, Kansas shows that statewide funding may subject the courts to political conflict unrelated to court funding.

VII. Old Business

Public Sector Consultants (PSC) Jim Durian and Scott Dzurka provided a PowerPoint presentation describing their work for the Commission. They have three phases in place: Grounding, Facilitation, and Recommendations. They described activity in both Workgroups of the Commission. They suggested that Workgroups meet on the third Thursday every other month opposite the months when public meetings are held, specifically September 20 and November 15. PSC discussed the Roadmap for the Commission and plans to contact each Commissioner and key stakeholders within the next two weeks to capture feedback.

The Values & Principles Workgroup chaired by Judge Beth Ann Gibson has completed guiding principles by individually questioning each commissioner. The Workgroup then completed results of the questionnaire and PSC compiled the information. They also presented a "Stakeholder Survey" that the Workgroup worked on with plans to send it out to numerous organizations across the state. Commissioners discussed the Survey draft and offered a few suggestions for changes. A motion was made by Richard Poling to approve the Stakeholder Survey with the caveat that Commissioners email any additional suggestions for change to Judge Beth Ann Gibson or Jim Durian within seven calendar days from the date of today's meeting. The motion was supported by Shauna Dunnings. The motion was unanimously approved by the Commission.

The Data & Information Gathering Workgroup chaired by Milt Mack has completed drafting a financial data survey, established the distribution list, and developed methods to implement responses from the survey. This survey will specifically request feedback only from circuit courts, probate courts, district courts, and municipal courts. The next step is to implement quality control procedures to ensure high-quality data.

VIII. New Business

The public meeting scheduled in December was determined to be a conflict with holidays, so the Commission cancelled the December meeting and agreed to meet most of the day on January 17, 2019.

IX. Commissioners Good and Welfare

No information reported.

X. Adjournment

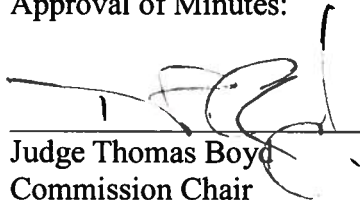
The meeting adjourned at 5:25 PM. The next meeting is October 25, 2018 at 1:30 PM in the State Treasurers' Board Room, 1st Floor, Austin Building, Lansing, Michigan 48922.

Respectively Submitted,



Wendy Lamphier
Assistant to the Commission

Approval of Minutes:



Judge Thomas Boyd
Commission Chair

10-25-18

Date