

PROPOSAL TO ELIMINATE DIVISIONAL BOUNDARY LINES

The State of Michigan contains two judicial districts in the federal court system, established by 28 U.S.C. § 102. That statute also describes two divisions within the Eastern District (the Southern Division and the Northern Division) and lists the names of counties included within each division; and it lists four places of holding court in the Southern Division, which are Ann Arbor, Detroit, Flint, and Port Huron, and one place of holding court in the Northern Division, which is Bay City.

This proposal eliminates in section 102(a) the references to divisions and counties within those divisions in the Eastern District. Presently, the divisional boundaries have created unevenness in the allocation of case assignments among the judges of the district and have allowed litigants in politically sensitive cases to manipulate party configuration so as to select a specific judge. The proposal allows the court to eliminate these potential flaws in the case assignment system, but does not change the character of the Eastern District as constituting one judicial district, and it does not change the places of holding court. Approximately 30 other judicial districts do not have divisions specified but only identify the places of holding court, as is being sought here.

The adjustment is needed to maximize the Court's flexibility in balancing the caseload in the district and eliminating opportunities for judge shopping without the need for capital expenditures. Presently, there is only one district judge holding court in the Northern Division, and current limitations and restrictions in the Court's space and facilities in Bay City prohibit the addition of another judge. The Northern Division has seen a marked increase in civil case filings in recent years. Counties in the northernmost portion of the Southern Division and in the Northern Division have experienced a significant increase in criminal case filings due to the budget-related reduction of local law enforcement, with federal law enforcement filling the breach. This phenomenon has resulted in a consistently higher caseload for the Northern Division judge than the average caseload for a Southern Division judge.

As noted, this adjustment also is necessary to allow the Court to prevent forum shopping caused by having a single judge holding court in the Northern Division.

Finally, the adjustment is needed so that travel and transportation issues and associated expenses can be streamlined throughout the district without deference to a divisional boundary line. Juror representation will not be affected adversely by the elimination of divisional boundaries.

The legislative proposal will remove the divisional boundaries limiting where cases may be heard and provide more flexibility in the case assignment mechanisms, thereby maximizing the Court's ability to better balance the caseload, prevent forum shopping, and address travel and transportation issues and associated expenses. It will also enable the Court to adjust its resources more quickly to address demands for court services in the future throughout the district.

Elimination of Divisional Lines

Overview

Why eliminate the divisional line?

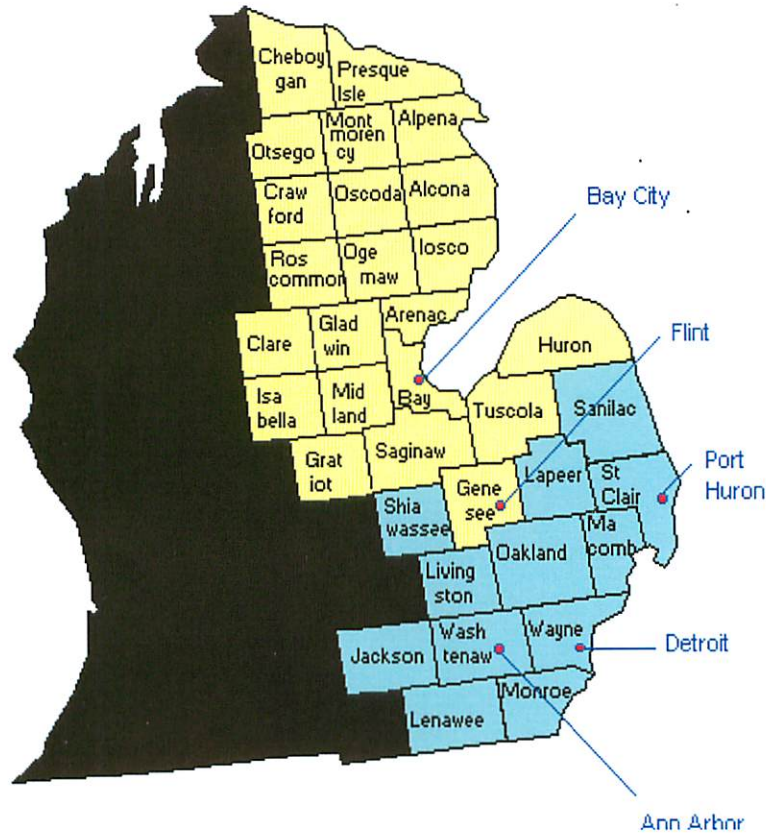
- Eliminate potential judge shopping
- Even district workload
- Minimize geographical inconvenience

How is this done?

- Second district judge assigned to Flint
- Genesee County becomes part of the northern wheel
- Reduce Grand Juries to two; Detroit and Bay City
- Assign civil and criminal cases using a northern and southern wheel

Proposed County Configuration Overview

The map illustrates a proposed county configuration based upon 2008 and 2009 case data below.



Northern Counties with 3 Judges

	2008			2009		
	Civil	Crim	Total	Civil	Crim	Total
Northern counties						
Totals/judge	136.7	47.0	183.7	129.3	48.3	177.7

Southern Counties

	2008			2009		
	Civil	Crim	Total	Civil	Crim	Total
Southern counties						
Total/judge	117.9	32.0	149.9	133.5	34.0	167.5

Northern Counties (3 Judges)

Counties	2008			2009		
	Civil*	Crim*	Total	Civil*	Crim*	Total
Bay City Division Counties	433	82	515	414	100	514
Genesee	223	59	282	175	45	220
SUBTOTAL	656	141	797	589	145	734
LESS Special Civil Cases~	246	0	246	201	0	201
TOTAL	410	141	551	388	145	533
Totals/judge	<u>136.7</u>	<u>47.0</u>	183.7	<u>129.3</u>	<u>48.3</u>	177.7

Southern Counties

Counties	2008			2009		
	Civil**	Crim***	Total	Civil**	Crim***	Total
Shiawassee	14	4	18	9	0	9
Lapeer	46	1	47	41	1	42
Sanilac	9	0	9	16	2	18
Jackson	135	12	147	103	13	116
Lenawee	107	0	107	65	4	69
Livingston	50	2	52	80	6	86
Macomb	370	19	389	306	21	327
Monroe	42	5	47	29	1	30
St. Clair	54	5	59	29	4	33
Oakland	795	49	844	700	76	776
Washtenaw	226	7	233	207	17	224
Wayne	2001	544	2545	2275	543	2818
SUBTOTAL	3849	648	4497	3860	688	4548
LESS Special Civil Cases~	1578.5	0	1578.5	1289.75	0	1289.75
TOTAL	2270.5	648	2918.5	2570.25	688	3258.25
Total/judge	<u>117.9</u>	<u>32.0</u>	149.9	<u>133.5</u>	<u>34.0</u>	167.5

~2008- 82/judge; 2009 - 67/judge

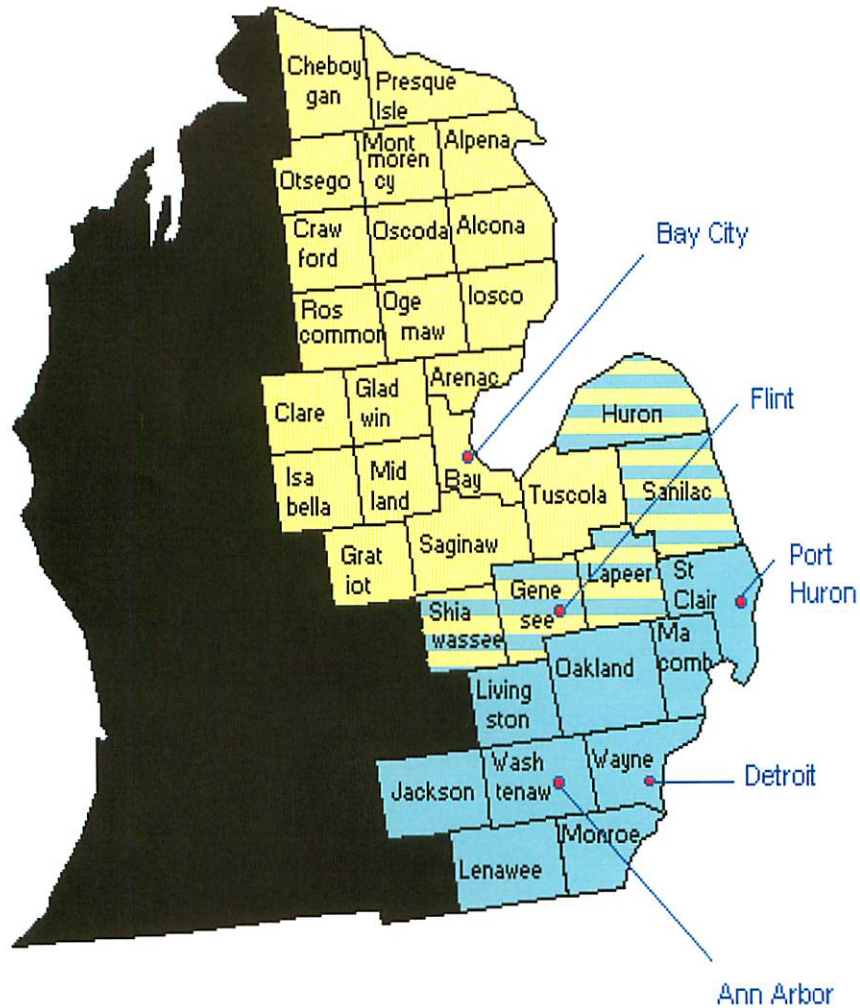
*Based upon 3 active judges

** Based upon 12 active and 9 senior judges with reduced caseloads = 19.25

*** Based upon 12 active and 9 senior judges with reduced caseloads = 20.25

Future Possible Configurations

The map below illustrates counties (striped) that may change regions depending upon future case data.



Procedural Matters and Time-line

The following time-lines are approximate and assume approval at each level.

1. Obtain approval of the Bench to consider the Committee's recommendation to pursue elimination of the Northern/Southern divisional boundary line in the Eastern District of Michigan. **February 7, 2011 judges' meeting.**
2. Obtain stakeholder input. Review proposal with all related agencies, such as the U.S. Attorneys Office, Bankruptcy Court, Probation, Pretrial, etc. **February - April 2011.** (Meeting scheduled for March 9, 2011).
3. Submit request to Sixth Circuit Judicial Council for approval. **June 2011** [NOTE: Next scheduled Council meeting is during the 6th Circuit Judicial Conference, June 14, 2011].
4. Submit request to Judicial Conference where it will be assigned to the Committee on Court Administration and Case Management. **December 2011.**
5. Submit request to Judicial Conference for approval. **March 2012.**
6. Request is then forwarded to the Administrative Office of Legislative Affairs. **April 2012.**
7. The Office of Legislative Affairs drafts proposed legislation. The proposed legislation is forwarded under the signature of Administrative Office Director James C. Duff to the Chairman, U.S. Senate Committee on the Judiciary. **July 2012.**
8. Congress acts on request. **Unknown** [NOTE: 2012 is an election year. If the AO forwards the request to Congress in the Summer of 2012, it will likely not be acted on until the new Congress is sworn in January 2013.