

STATE OF THE COURT ADDRESS

September 25, 2024

REMARKS

I. OPENING REMARKS – Andrew Lievens (FBA President)

II. INTRODUCTION OF SFC – Andrew Lievens

III. STATE OF THE COURT – REMARKS – SFC

Good afternoon, everyone Thank you, Andrew, for that kind introduction

and, just like last year we have a great turnout for this event. And, It is certainly not because of the speaker!

A special thank you to our great Executive Director, Mindy Hermann.

And Finally, A Thank You to all our Judges who have joined us today.

[INTRODUCE JUDGES]. -

I would like to acknowledge and Thank our Court Administration –

Kinikia Essix, our excellent Court Administrator

Mike Kreager, Chief Deputy of Administration

Steve DeSmet, Chief Deputy of Operations

Patty Trevino, Chief Pretrial Officer

Tony Merolla, Chief Probation Officer

Thank you for all you do to keep the Court running effectively and efficiently.

I just want to make a quick plug for an FBA event that we have coming up

next month. On October 10, there will be a joint EDMI and WDMI event in

East Lansing at Michigan State University. We want to grow the Federal

Bar, not only in the Eastern District, but also the Western District of Michigan

as well, and we want to help you build relationships with that Bar. I hope to see all of you at the October 10th event in East Lansing at Michigan State University.

Now, I know this is historically not the most exciting event the FBA sponsors every year, so like last year, I am going to make this as short and sweet as possible so your have more time to socialize.

The State of the Court is a time for all of us to reflect about where our Court – and again it is not just the Judges’ Court – Court belongs to ALL!! has been over the past year and how we move forward to the next year!!

A. New Judges/retiring Judges

This year we welcomed three new district court judges. Judges Susan DeClercq, Brandy McMillion, and Rob White. These three Judges are wonderful additions to our Bench!

In the past two years we have obtained 5 new Judges think about it, it is a huge expansion of our Bench. Remember statutorily the Eastern District of Michigan can only have 15 active Judges, so the 5 new Judges are 1/3 of the active Judges on our Bench.

Over the last 10 years we have seen a real change in the make-up of our Court. Judges like Marianne Battani, Avern Cohn, Pat Duggan, Art Tarnow, are no longer with us. Over the last couple of years, we have seen Judge Victoria Roberts retire and Judges Bob Cleland and John O'Meara going to inactive status. ... the Bench has changed!

B. Budget and Filings

Like most Courts throughout the US, our Court has been experiencing serious budget difficulties because of decreases in filings. Again, our mandatory expenditures, such as salary have increased as a percentage of the budget, but discretionary spending has declined. While this does not impact funding for chambers staffing, it does negatively impact the funding for the Clerk's office. Even though the Bench has grown, we only have 1/3 of the staff allotment that we had 10 years ago. In fact, we have more Judges but less money to pay the clerk's office to support that growth. That

means Court Administration and the Clerk's office must be leaner and more efficient. That is a huge challenge!

Despite these challenges our Court Administrator, Kinikia Essix, as well as her Team, Mike Kreager, Steve DeSmet, Patty Trevino, Tony Merolla, Kim Grimes, Amanda Chubb, Julie Owens, Sakne Chami, Jeannette Heacox and so many others in the Clerk's office perform a wonderful job keeping our service to the community at a very high standard. Again, service to the

community is number 1 And I am confident that together we will continue to do so.

I'm going to get controversial!

I have something I want you to seriously consider!

C. Pandemic ... overuse of Zoom ... appearance ... etc

During the first couple of my State of the Court addresses to you, I focused on the pandemic, our Courts emergence from the pandemic, in-person proceedings, masking policies. Now the pandemic is over ... the United

States Government declared that the COVID 19 Pandemic ended in May 2023.

Now, I want to talk to you about what I view as a serious problem that impacts the public's perception of us, ... the Court and the Bar, as well as the development of the newer members of our Bar.

Many of the practices which were needed to be adopted during the pandemic have ended such as masking and using protective glass. During the

pandemic, we needed to use Zoom for court proceedings. Since the end of the pandemic, I am very concerned about how courts are using Zoom in civil proceedings. I am concerned and troubled about the impact Zoom proceedings are having on the development of the newer members of our Bar, access to our courts, transparency, the public's perception of our justice system, in particular, our civil justice system.

I am sorry but you can't learn how to practice law sitting in your bedroom staring at a computer screen. I want you all to stop and think about this – how did you learn how to practice law?

I learned how to practice law as a new lawyer by attending motion hearings Mondays in Macomb County Circuit Court, Wednesdays in Oakland County Circuit Court, and Fridays in Wayne County Circuit Court. I was able to observe good lawyers arguing, bad lawyers arguing I was able to learn whether the Judge was prepared or not prepared in advance of me arguing

my motion. I learned what worked and what didn't work. In fact, I remember watching Kathy Bogus, Bill Goodman, Dave Christensen and other great lawyers, argue motions in Wayne County Circuit Court. I was able to observe their demeanor and style when arguing before the court. I also learned that with one Judge, in particular, in Wayne County Circuit Court, the attorney who got in the last word usually won. Whenever I was before that Judge, I made sure I got the last word in!

I learned how to practice law by being in an office with other lawyers, senior lawyers, with partners discussing cases and approaches on cases. Sharing ideas! Again, I am sorry, I do not see how you can become a real litigator without having the opportunity to observe good and bad lawyers before a Judge in a courtroom with other lawyers. I don't see how you can effectively learn how to manage cases, to strategize, without being in a law office learning from other lawyers and sharing ideas. I think it is very important that partners and senior partners be in the office teaching and developing young

lawyers. Young lawyers are the future of our Bar, they are the future of our justice system.

C. AMAZON

Amazon – last week, one of the largest companies in the world, announced that it wants employees to return to the office five days a week. Amazon believes that there are significant advantages to having its workers in the office full-time, including mentoring new employees, collaborating, and strengthening its culture.

With the use of Zoom in many of our civil court proceedings, I do worry about:

1) Accessibility to the Courts by the public.

2) Transparency ...

AND -

3) The perception that the public has of our judicial system

Again, please think about the issue I am raising.

We have a unique, special Bar Association; it is a pleasure and an honor to
work with you.

Thank you SFC

And now I would like to open it up for any questions you may have.