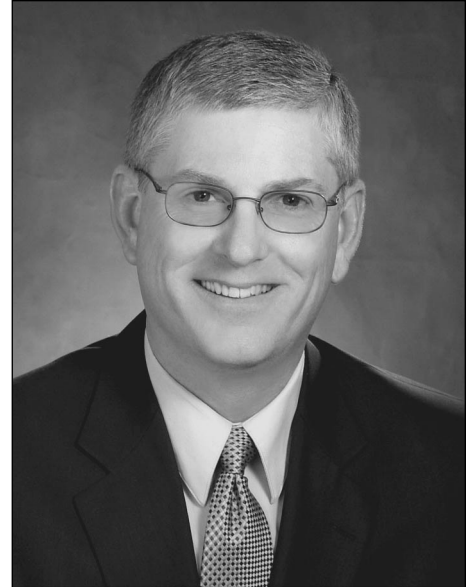


The Latest Happenings

by *Kevin M. Oeffner*
Circuit Court Administrator



Rather than devote this month's column to a single issue, I want to briefly touch upon several items to which the court's attention has been directed over the past several weeks. I trust you will find these updates useful and informative.

Under Title IV-E of the Social Security Act, the federal government reimburses the states for costs incurred when children are placed in foster care as a result of a court order. The states may be eligible for reimbursement for qualified children who have been removed from their homes if the states can sufficiently demonstrate that they met federal eligibility requirements and that payments for foster care were made to eligible foster care providers.

The U. S. Department of Health and Human Services has been auditing the states to ensure compliance with federal guidelines. The audit of a sampling of 150 cases in Michigan, several of which were Oakland County cases, began in 2004 and concluded this past spring. Michigan would have failed the audit if more than 10 percent of the cases reviewed contained errors. A failed audit would force the state to return nearly \$40 million to the federal government. Oakland County's pro rata share of the penalty would have been significant. I am glad to report that Michigan passed the audit with flying colors.

Jail overcrowding seems to be a neverending issue in many counties across the state, but a noteworthy step was taken recently that may be the death knell for jail overcrowding emergencies. House Bill 4725, sponsored by Southfield Representative Paul Condino, passed the House with a resounding vote. The bill would amend the Jail Overcrowding State of Emergency Act to allow pre-emptive, limited releases of low-risk nonviolent offenders in lieu of the Act's current provision whereby hundreds of convicted and sentenced inmates can and do receive substantial time cuts.

Since August 2005, nearly 2,000 convicted and sentenced inmates have received time cuts of more than 40 percent in

response to overcrowded conditions at the Oakland County jail. As challenging as this problem has been for Oakland County, it is as much or more so for many other counties in Michigan. House Bill 4725 must yet be approved by the Senate and presented to the governor for signature. We eagerly anticipate its adoption as it will enable county officials to get their arms around this issue. Enactment of House Bill 4725 won't necessarily solve jail overcrowding, but it will likely be the most effective tool in our arsenal to manage the jail population and avert the wholesale releases of thousands of inmates into Michigan communities before their sentences are concluded.

Practitioners in our circuit know by now that Judge Gene Schnelz retired on July 7. Michigan's Constitution provides that the governor shall fill judicial vacancies by appointment. At the time this article is being written, Judge Schnelz's successor has not been named. To ensure that the docket is moving forward, Visiting Judge Charles Simon was assigned to Judge Schnelz's former docket effective July 9 and will preside over the docket until the governor's appointee is seated. Judge Simon is in courtroom 1C, located on the first floor of the courthouse. Judge Schnelz's former staff has been retained and assigned to assist Judge Simon. Questions regarding cases assigned to this docket may be directed to the court clerk by calling 248-858-0280.

As mentioned in last month's column, our eFiling pilot program began on August 1. Pending type "C" and "N" civil cases assigned to Judge Michael Warren's docket were included in the program, as will future civil cases assigned to Judge Warren. Those who keep an eye on happenings at the Supreme Court may know that proposed court rules were published for comment (the comment period expired on August 1). We received special dispensation by the Supreme Court to launch our pilot program prior to approval and implementation of the eFiling court rules. We expect to operate our pilot program for the remainder of 2007, with an eye toward expanding it in early 2008. You

may read last month's column on eFiling by visiting the court's Web site at http://www.oakgov.com/circuit/info_pub/articles.html.

Representatives of the National Legal Aid and Defender Association (NLADA) were onsite recently to interview judges, court administrators and others in regard to defense attorney compensation for indigent defense work. The court provided reports for the past few years regarding the amount of money paid to each appointed attorney for indigent defense work. Also of interest to the NLADA was obtaining information regarding the process used in this court by which attorneys are assigned to handle criminal defense and family cases. Ours is but one of many courts in Michigan visited by the NLADA over the past couple of months.

Our felony plea program, implemented collaboratively with the district courts in Oakland County, continues to

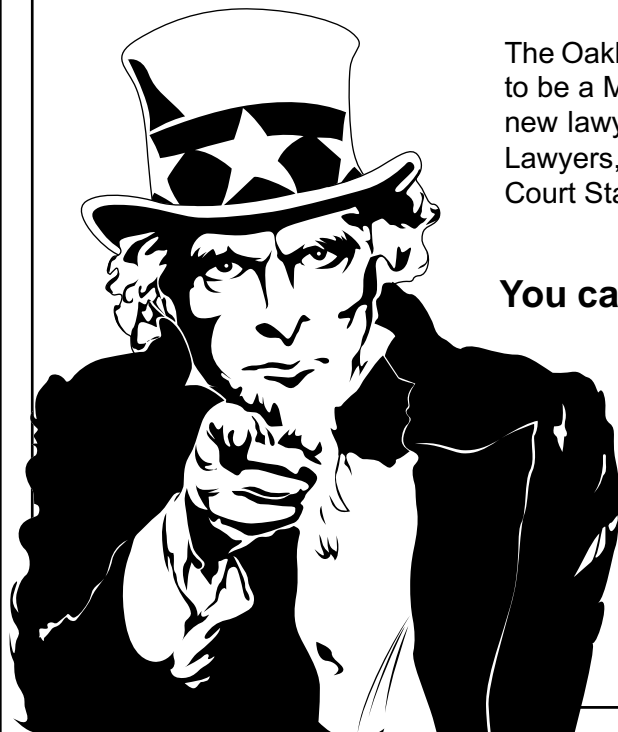
pick up steam. There have been 342 felony pleas taken at district court through the first six months this year. A total of 268 felony pleas were taken all of last year. This year's volume exceeded the number taken in 2006 by 27.6 percent, and there were still six months remaining! Doubling the number of felony pleas taken through June, as a predictor of the number taken this year, would yield an increase from last year of 155 percent. Through this June, 11 percent of felony case filings resulted in a plea at district court, compared with 4 percent last year. This program is clearly gaining acceptance. Much credit is due the defense bar, prosecutor's office, and the district judges for embracing this program and seeing to its success.

As always, we invite readers to contact the court if you have any questions or comments about the information presented in the Circuit Court's monthly column.

Until next time...

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Kristen Bennett 248.334.3400
*Mentor Program Coordinator
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