



**House  
Legislative  
Analysis  
Section**

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## DISTRICT COURT LOCATIONS

House Bill 4347 as introduced  
First Analysis (4-29-93)

Sponsor: Rep. Barbara Dobb  
Committee: Judiciary

### ***THE APPARENT PROBLEM:***

Under the Revised Judicature Act, a district court of the second class consists of a group of political subdivisions within a county, and the county is responsible for maintaining, financing, and operating the court. The act requires a district court of the second class to sit at the county seat and at each city and village with a population of at least 3,250, except that where two or more cities or villages are contiguous, the court need only sit in the municipality having the greater population. Population shifts identified by each decennial census may periodically put courts out of compliance, but apparently this generally has not been much of a problem unless a new courthouse or other relocation is planned. In such situations, strict compliance with the law becomes more of an issue.

In Oakland County, plans for a new courthouse for the 52nd district court have led to controversy. (The 52nd district court is the second largest district court in the state, and consists of various communities in western Oakland County) By law, the court would have to sit in the most populous of the qualifying contiguous cities, which is Novi, say Novi officials. However, reports are several communities (including Novi and Walled Lake, where the court now sits) are fiercely competing for the new court facility, with local officials arguing the benefits of their particular preferences.

The situation in Oakland County has brought fresh attention to the population-based statutory requirements on district court locations. Those requirements date to 1968, and are perceived by many to be outmoded and unnecessarily rigid. A revision has been proposed.

### ***THE CONTENT OF THE BILL:***

The bill would amend the Revised Judicature Act to revise the method of determining where a district

court of the second class sits. Currently, the law requires the court to sit at the county seat and at each city and incorporated village with a population of at least 3,250, except that where two or more cities or villages are contiguous, the court need only sit in the city having the greater population. The court does not have to sit in any political subdivision if the court and the municipality agree that the court is not to sit there. If the district does not contain a county seat or municipalities of the minimum size, the court is to sit at a place or places determined by the judges of the district.

The bill would retain these requirements for Macomb County only, and specify that in counties other than Macomb, the court would sit at the county seat, and at either the political subdivisions where it was sitting when the bill took effect or at a place or places determined by the district control unit (the county), subject to the approval of the chief district judge and the supreme court. In making the determination, the county would have to consider cost, proximity to the population center of the district or division, and accessibility to litigants, witnesses, jurors, and law enforcement officers.

A provision that also allows a court to sit at a county seat outside the district would be retained, with modification. In such situations, the act requires the court to sit at least once each week within the district, unless the district does not contain any city, in which case the court sits at the county seat only. The bill would delete the exception for districts that do not contain cities.

The bill also would retain a provision that allows the court to sit in places within the district determined by the district's judges, in addition to the other places required by the act.

MCL 600.8251

House Bill 4347 (4-29-93)

## **BACKGROUND INFORMATION:**

**\*\*** According to newspaper accounts, the Oakland County Board of Commissioners is scheduled to vote today on a proposal to build a new courthouse in Novi.

**\*\*** Counties containing district courts of the second class include Oakland, Macomb, Genesee, Washtenaw, Ingham, Kent, and Kalamazoo.

## **FISCAL IMPLICATIONS:**

There is no fiscal information at present. (4-27-93)

## **ARGUMENTS:**

### **For:**

The population requirement for determining where a district court of the second class must be located apparently was intended to accommodate rural areas which had been accustomed to the convenience of the justice of the peace system. Major population growth and shifts in population have occurred since that time, however; townships have become cities, and some villages have grown to exceed the 3,250 population mark. The formula results in requiring some counties to fund additional court locations they cannot afford, or in their being intentionally or unintentionally out of compliance with the law.

The bill would put the decision for a local matter into the hands of local officials. In determining court location, it is the local officials who are in the best position to know local law enforcement concerns, facility needs, traffic problems, and citizen convenience, not to mention local costs, which are borne by the county. State and judicial interests in meeting court needs and maintaining a single court of justice (as required by the constitution) would not be ignored, however: a county-determined court location would have to meet with the approval of the supreme court and the chief judge of the district.

The bill proposes a process similar to those recently enacted for locating additional probate and circuit courts. Further, it would leave the current provision intact for Macomb County; officials from Macomb reportedly have negotiated a solution regarding a temporary courthouse in that county and fear that changing the statutory requirements at this point

would disrupt the agreement that has been reached.

### **Response:**

The bill would affect only district courts of the second class; similar population-based formulas would continue in effect for district courts of the first and third class. Perhaps these should be scrutinized, as well.

### **Against:**

It is with good reason that statute puts the court location in the largest city, for that is where most of a court's business comes from. Putting the court in the largest city typically means greater convenience for more citizens and police than might be afforded by an outlying location. Setting forth this requirement in statute prevents development of needed new facilities from being stalled by local disputes and county difficulties in resolving them. By allowing the county to decide the location of a district court of the second class, the bill would generate delays and make the decision process vulnerable to local political maneuvering.

## **POSITIONS:**

The City of Novi opposes the bill. (4-27-93)

The following expressed support for a virtually identical bill (House Bill 5618) offered last session:

The Executive Office  
The Chief Judge of the 52nd District Court  
The Oakland County Executive  
The City of Walled Lake