



The Workforce of Today and Tomorrow Workgroup

Report and Recommendations

Adopted November 2023

Notice of Disclaimer:

The Michigan Supreme Court established the Michigan Judicial Council by MCR 8.128 to make recommendations on matters pertinent to the administration of justice and the strategic plan of the Michigan judicial branch. The opinions and recommendations contained in this document are those of the Michigan Judicial Council and do not necessarily represent the official position or policies of the Michigan Supreme Court or State Court Administrative Office.

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Letter from the Co-Chairs

Dear Colleagues,

The Workforce of Today and Tomorrow Workgroup (“Workgroup”) has been created to ensure that our judicial branch is equipped with a professional and diverse workforce while fostering an inclusive work environment. This is crucial as it ensures that judicial officers, court administrators, and employees reflect upon the diversity of our communities and possess the knowledge, skills, and abilities required to uphold the highest standards of justice and professionalism. To adequately prepare the courts in these areas, we initiated an unprecedented survey effort. The Workgroup, in collaboration with the Commission on Diversity, Equity, and Inclusion in the Michigan Judiciary (DEI Commission), developed surveys asking court administration and employees across the state for their valuable insights into workforce related issues.

We received an impressive response rate from court administration and employees alike, representing multiple counties across Michigan. Preliminary results indicate a clear shift in priorities among different generations and roles within the court system. However, it is abundantly clear that while issues related to pay and feeling valued rank high among court employees statewide, they also are the areas in which there is a desire to see change.

The insights from these surveys are invaluable, and we cannot thank those who participated in the survey enough for their willingness to do so. While we have done an initial analysis of the results, we look forward to analyzing the data further and continuing to engage the workforce to provide meaningful recommendations to improve the workforce of our courts. A survey of this magnitude has never been done before, and we are committed to using the information to create a more inclusive, forward-thinking, and efficient judicial system in Michigan.

In closing, we want to express our gratitude to the dedicated members of the Workgroup for their hard work and commitment to the future of our judiciary. The Michigan Judicial Council remains steadfast in its mission to ensure justice is accessible to all, and we are excited about the positive changes that will result from our strategic goals and initiatives.

Ines Straube
MJC - Co-Chair of the Workforce of Today and Tomorrow Workgroup
Barry County Trial Court Administrator/Friend of the Court

Lindsay Oswald
MJC - Co-Chair of the Workforce of Today and Tomorrow Workgroup
St. Joseph County Clerk

Letter from the Project Director

Dear Colleagues,

Court employees are the courts' greatest asset. It is our employees who will ensure achievement of the vision of the Michigan Judicial Council that Michigan's One Court of Justice is accessible to all and trusted by all. With this as our backdrop, we looked at what courts may look like in the future to better understand how to attract and retain a qualified workforce.

We were so fortunate to have Dr. Brenda Wagenknecht-Ivey, of Praxis Consulting, Inc. prepare a Whitepaper on this topic and to discuss it in detail with the workgroup. I want to thank Dr. Brenda Wagenknecht-Ivey for her insight, leadership, and her empathy for those in public service. Trend forecasting is not an exact science and predictions are not always accurate, however we were able to use those trends as framework to dive deeper into the challenges specific to Michigan courts.

We want to attract and retain the best employees and provide our employees with compensation and benefits that match the level of work they do and service they provide. Developing a statewide survey in collaboration with the DEI Commission to gather information and gauge opinions from court employees, was an important first step in understanding the challenges courts are facing today. As the report demonstrates, we had significant participation. There is so much to learn from the survey results and this work is just beginning.

Court leadership must provide opportunities for encouragement and stimulus, drive a culture of belonging, and provide a diverse work environment that promotes well-being to retain our employees. Adequate funding and compensation will always be a critical factor. Stabilizing funding is extremely important, and collaboration efforts among existing workgroups will be key moving forward. Other key factors to focus on going forward include flexibility, employee well-being and being an employer that genuinely cares about and value employees.

On both a personal and professional level, I want to thank the Co-Chairs Ines Straube and Lindsay Oswald. I appreciate their hard work and the talented work of the members of this workgroup and the SCAO support staff, who have a full plate but gave extra to help on this project.

Hon. Susan L. Dobrich, ret.
Michigan Judicial Council Project Director

Background

In 2021, the Michigan Supreme Court established the Michigan Judicial Council (MJC) to strategically plan for the State's judicial branch, enhance the work of the courts, and make recommendations on matters relating to the administration of justice. In 2022, the MJC adopted the judiciary's first [Strategic Agenda](#). The Strategic Agenda identifies five strategic goals for the MJC one of which is "Workforce Excellence." The Strategic Agenda states:

Providing the highest quality of services to the people of Michigan is dependent in part on being able to recruit and retain judicial officers and employees who are dedicated to public service and providing justice for all people. Creating workforce excellence, including a work environment/court culture that is equitable, inclusive, and engaging is vitally important for the future.¹

In addition to the Strategic Agenda, the MJC also released its [2022-2023 Operational Plan](#) which prioritized the Workforce of Today and Tomorrow, as one of its first-year initiatives, resulting in the formation of The Workforce of Today and Tomorrow Workgroup.

The Workforce of Today and Tomorrow Workgroup

The Workforce of Today and Tomorrow Workgroup ("Workgroup") was asked to study current trends and challenges within the judiciary's workforce and develop recommendations to assist Michigan's courts in employing a professional, diverse, and skilled workforce. Additionally, the Workgroup was charged with studying what the courts may look like in the future and to anticipate needs to attract and retain a qualified workforce. The MJC asked this Workgroup to make recommendations in the following areas:

1. Strategies for attracting and retaining highly qualified workforce
2. Reimagining, redesigning and redefining traditional court jobs
3. Identify skills needed to do the jobs
4. Up-skill/reskill judicial officers and court employees

In formulating its recommendations, the Workgroup examined the current workforce challenges facing employers both generally and those specific to courts, identified problems and gaps from both the employer and employee perspective, as well as studied current trends and future predictions related to workforce issues. The Workgroup received presentations from Dr. Brenda Wagenknecht-Ivey of Praxis

¹ Michigan Judicial Council, *2022-2025 Strategic Agenda*, p 34;
https://www.courts.michigan.gov/4a37ab/siteassets/reports/special-initiatives/mjc-strategic-agenda-flipbook/michiganjc_strategicagendaproof_final-8-1-22.pdf

Consulting, Inc. on current and future workforce trends to supplement the research process and help frame their discussions. Additionally, the Workgroup formed a subcommittee that worked in collaboration with the [Commission on Diversity, Equity, and Inclusion in the Michigan Judiciary](#) to draft a statewide survey for court administrators and employees. The use of the survey is intended to gain a better understanding of the current workforce related challenges that are specific to Michigan trial courts.

Survey Results and Analysis

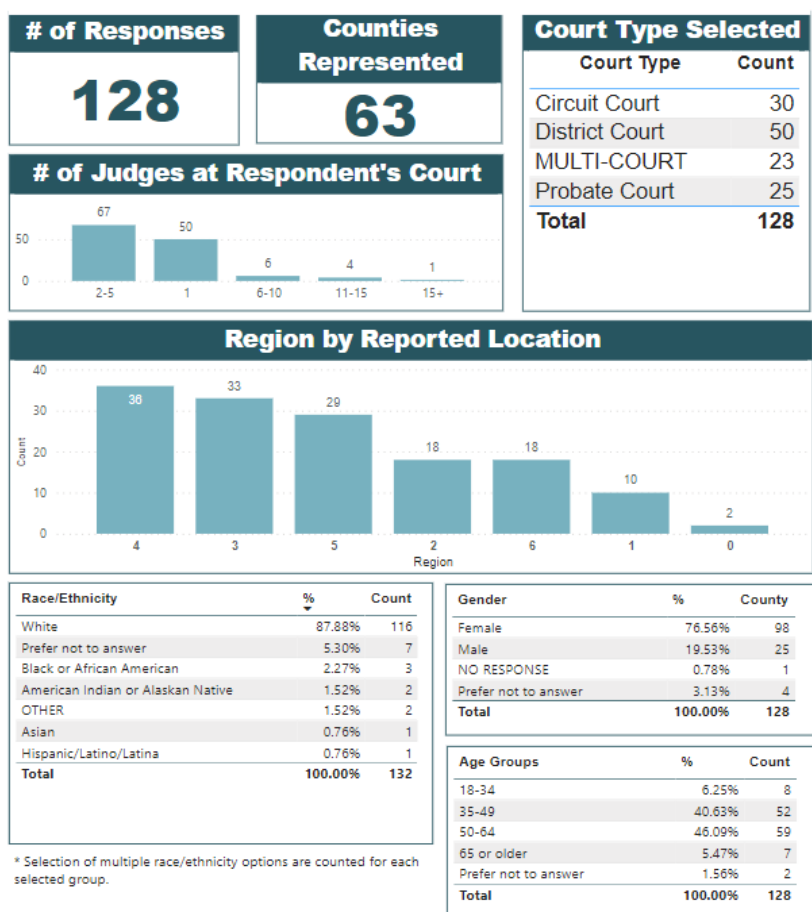
Court Administration Survey

In August of 2023, both surveys were distributed to individuals within court administration across the state for them to complete and distribute to their employees for completion. The Workgroup received responses from 128 individuals located in 63 of Michigan's 83 counties as well as all six SCAO regions. Responses were received from individuals at all trial court levels serving within position groups that included court administrator, deputy court administrator, probate register, juvenile register, county clerk, friend of the court, and general supervision.

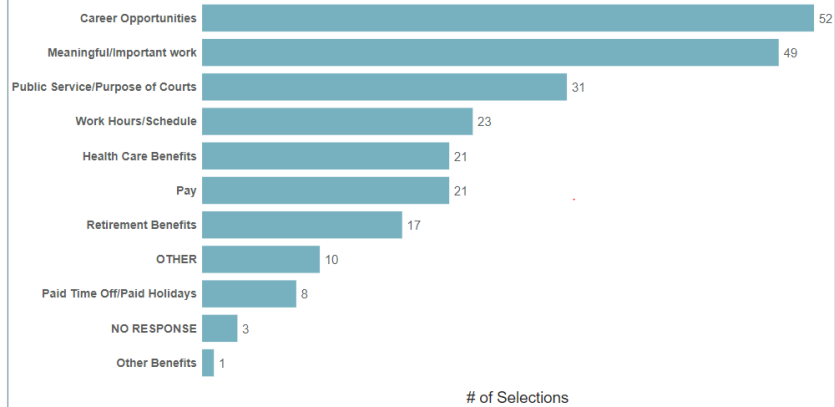
Reported Issues of Importance for Court Administration

Respondents to the court administration survey identified the availability of career opportunities and meaningful/important work as the most important factors at the time of hire. However, respondents' attitudes shifted over time and feeling valued and appreciated, working within a positive environment/culture, and meaningful work emerged as factors most important to them. Like respondents to the court employee survey, respondents within court administration identified pay/flexibility, worker appreciation, and culture/work environment as areas needing improvement to increase satisfaction.

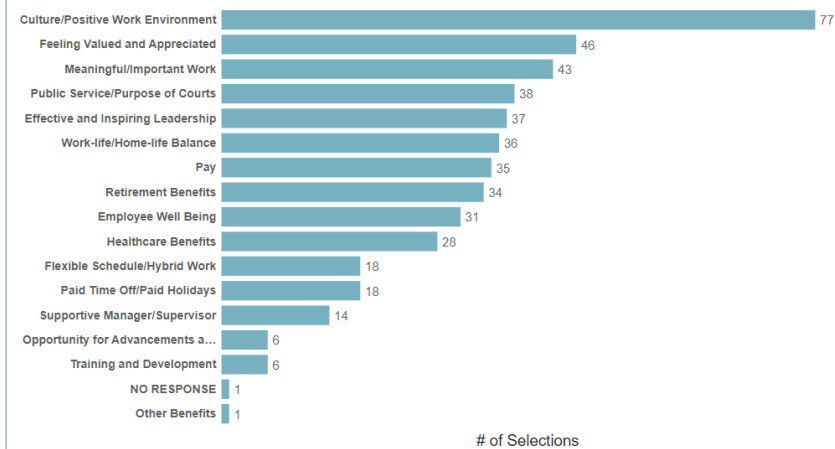
Overview of Respondents (Court Administration)



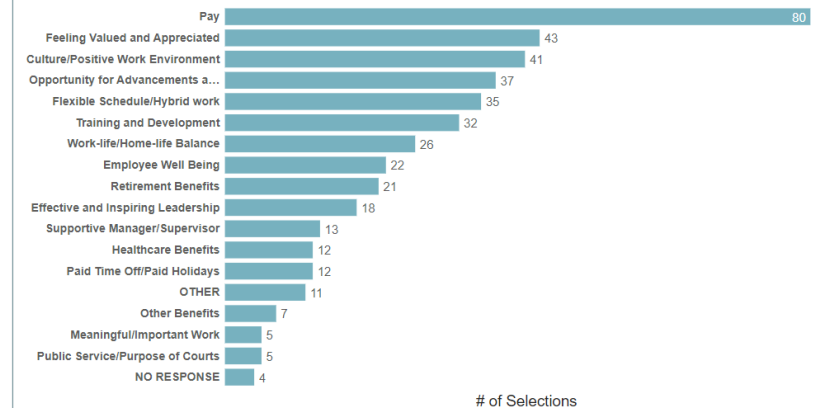
What appealed to you most when deciding to first work for the court?



What is most important to you now as a court employee?



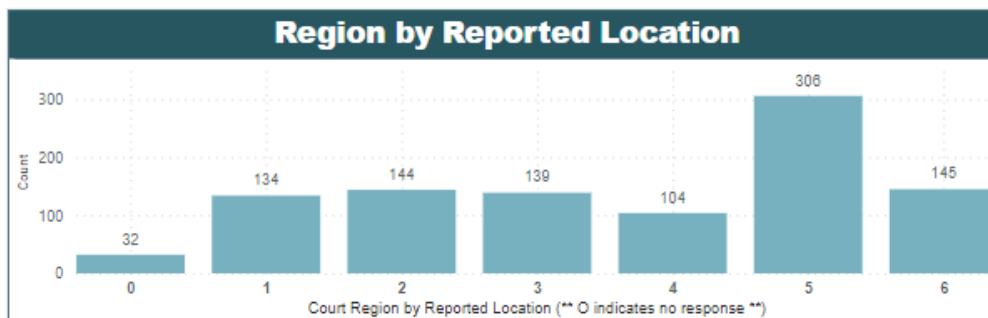
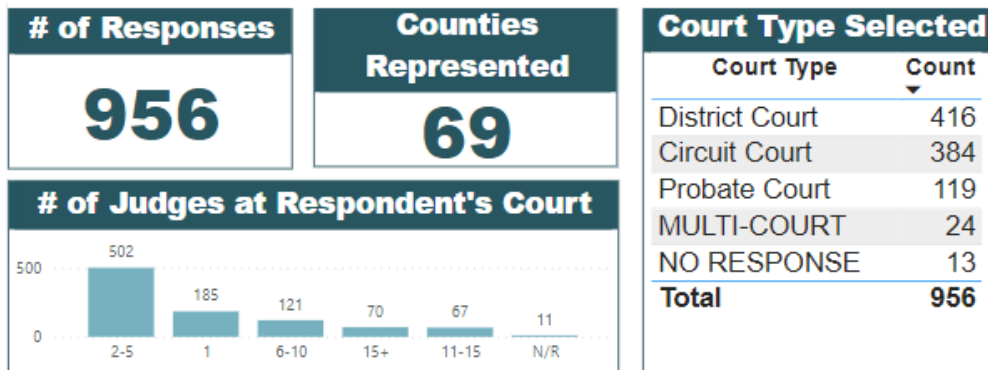
What improvements or changes are most needed to enhance employee satisfaction or morale in your court?



Court Employee Survey

The court employee survey had a significant amount of participation. The Workgroup received 956 employee responses that included 69 of Michigan's 83 counties and all six SCAO regions. Responses were received from employees at all trial court levels as depicted below. The survey consisted of 17 questions on individuals' experience working with the courts, five demographic questions, as well as an open-ended question that allowed participants to provide any additional information they wanted to share. (See Appendix A for full list of questions and Appendix B for a summary of survey results).

Overview of Respondents (Court Employees)



Race/Ethnicity Selected	%	Count
White	74.16%	729
Prefer not to answer	10.58%	104
Black or African American	6.82%	67
Hispanic/Latino/Latina	2.85%	28
NO RESPONSE	2.54%	25
American Indian or Alaskan Native	1.32%	13
Middle Eastern, Northern African (MENA)	0.61%	6
OTHER	0.61%	6
Asian	0.51%	5
Total	100.00%	983

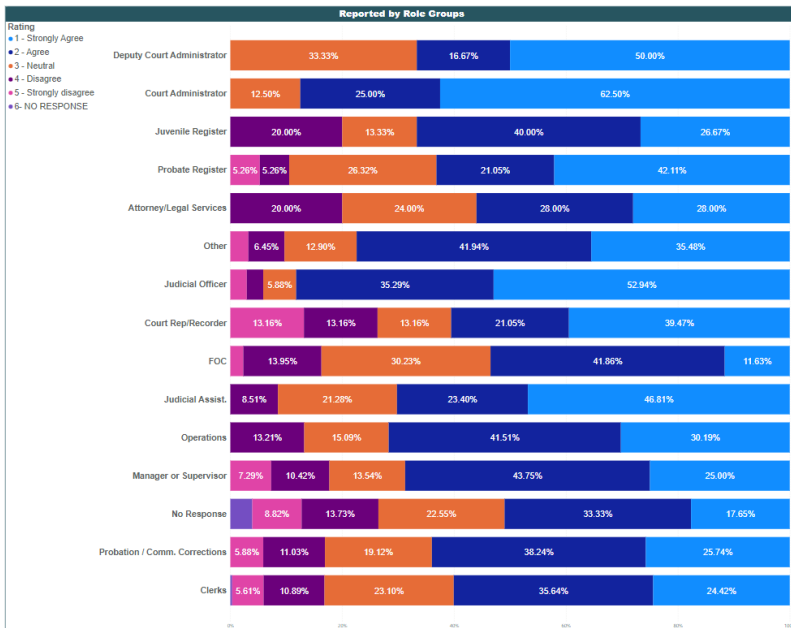
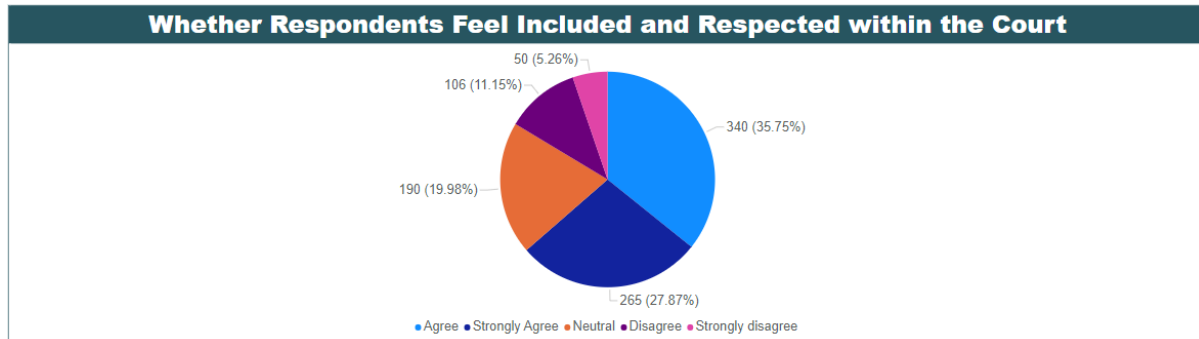
* Selection of multiple race/ethnicity options are counted for each selected group.

Selected Gender	%	Count
Female	76.26%	729
Male	13.49%	129
All Other Respondents	10.25%	98
Total	100.00%	956

Age Group	%	Count
50-64	33.47%	320
35-49	31.80%	304
18-34	22.49%	215
Prefer not to answer	6.69%	64
65 or older	3.56%	34
NO RESPONSE	1.99%	19
Total	100.00%	956

Workplace Culture

The survey included eight different questions regarding workplace culture. These questions explored practices around diversity, equity, and inclusion, feeling valued, opportunities for advancement, and flexibility. An initial look at employee responses reveals that the majority (63%) of responding court employees reported feeling included and respected in the workplace.



While there seems to be a significant level of satisfaction in workplace culture overall, further analysis of the responses shows that the satisfaction level varies greatly depending on the respondent's role at the court. The table below indicate higher rates of feeling included and respected by those who hold higher titles within the organization as compared to those front level employees.

Role Group	1 - Strongly Agree	2 - Agree	3 - Neutral	4 - Disagree	5 - Strongly disagree	6 - NO RESPONSE
Attorney/Legal Services	2.64%	2.06%	3.16%	4.72%	0.00%	0.00%
Clerks	27.92%	31.76%	36.84%	31.13%	34.00%	20.00%
Court Administrator	1.89%	0.59%	0.53%	0.00%	0.00%	0.00%
Court Rep/Recorder	5.66%	2.35%	2.63%	4.72%	10.00%	0.00%
Deputy Court Administrator	1.13%	0.29%	1.05%	0.00%	0.00%	0.00%
FOC	1.89%	5.29%	6.84%	5.66%	2.00%	0.00%
Judicial Assiat.	8.30%	3.24%	5.26%	3.77%	0.00%	0.00%
Judicial Officer	6.79%	3.53%	1.05%	0.94%	2.00%	0.00%
Juvenile Register	1.51%	1.76%	1.05%	2.83%	0.00%	0.00%
Manager or Supervisor	9.06%	12.35%	6.84%	9.43%	14.00%	0.00%
No Response	6.79%	10.00%	12.11%	13.21%	18.00%	80.00%
Operations	6.04%	6.47%	4.21%	6.60%	0.00%	0.00%
Other	4.15%	3.82%	2.11%	1.89%	2.00%	0.00%
Probate Register	3.02%	1.18%	2.63%	0.94%	2.00%	0.00%
Probation / Comm. Corrections	13.21%	15.29%	13.68%	14.15%	16.00%	0.00%

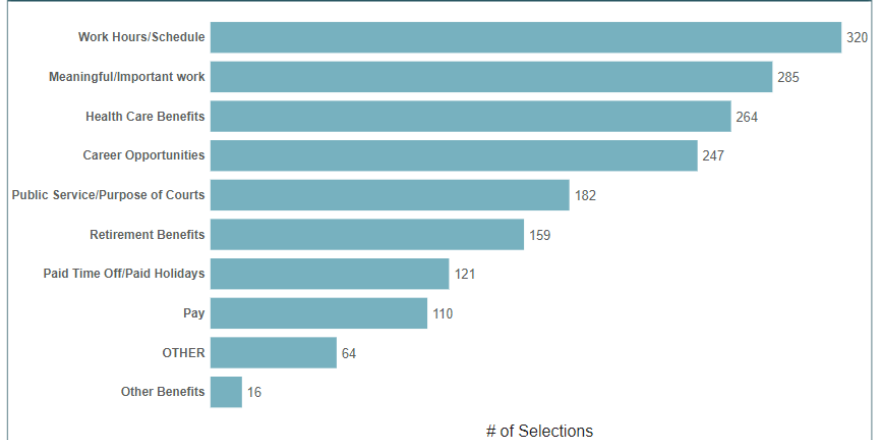
Reported Issues of Importance for Court Employees

Respondents to the court employee survey identified work hours/schedule, meaningful/important work, and health care benefits as the most important factors at the time of hire. Over time, respondents' attitudes shifted slightly to reveal pay and feeling valued/appreciated the most important factors; however, flexible work schedules and health care benefits remained top concerns.

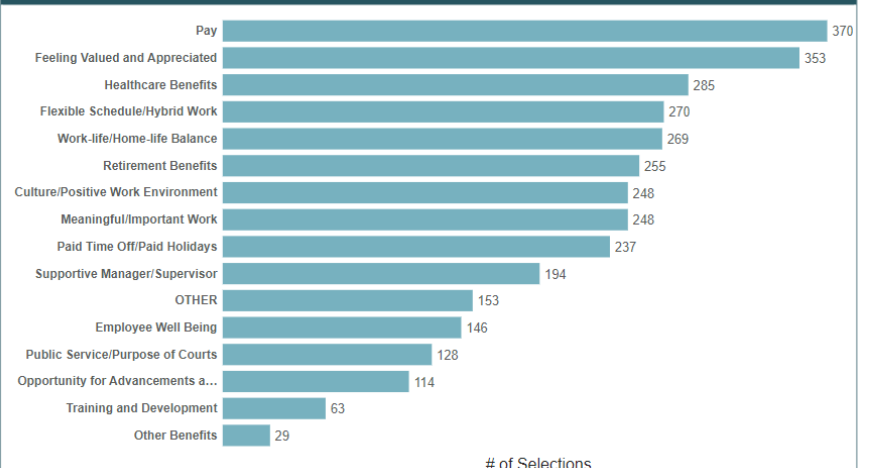
When asked to identify the areas in need of improvement to enhance job satisfaction, after pay, respondents overwhelming identified needed improvements in the areas of valuing/appreciating employees, effective leadership, and flexible working arrangements.

The level of response to the survey exceeded the expectations of the Workgroup and has provided group members with an extensive amount of data to analyze and utilize. While we have been able to compile a useful preliminary analysis of the survey results, the Workgroup intends to further analyze and dissect this information to determine common workforce trends across the State of

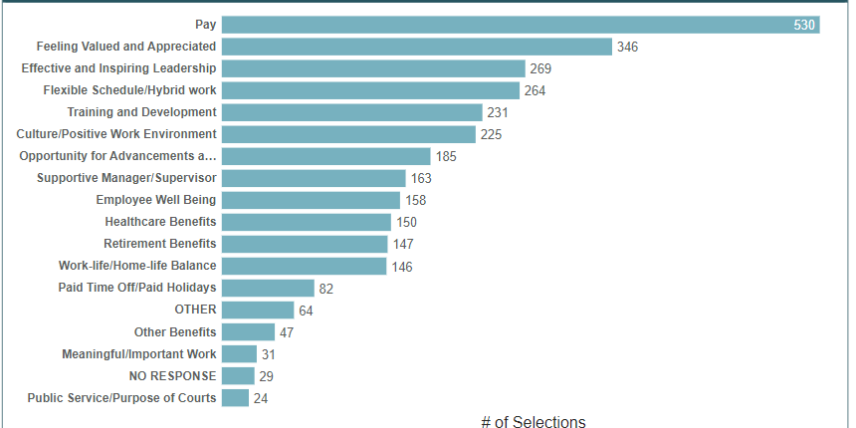
What appealed to you most when deciding to first work for the court?



What is most important to you now as a court employee?



What improvements or changes are most needed to enhance employee satisfaction or morale in your court?



Michigan that can serve as the basis for additional, and perhaps more detailed, recommendations.

Current Workforce Challenges

The current reshaping of the workforce started before 2020, but the COVID-19 pandemic accelerated and complicated the challenges facing employers. In 2022, four million workers per month quit their jobs.² Referred to as the Great Resignation, this behavior has contributed to a shortage of employees in many sectors. In Michigan, 60% of local leaders report recruiting problems.³ However, these problems do not simply stem from this resignation phenomenon. Rather, this shortage can be linked to multiple factors that have been in the works for several years.

The workforce now spans several generations. The younger generation of workers are shifting the definition of job satisfaction. Millennials (ages 27-42) want meaningful, purposeful work.⁴ They also want opportunities to advance within their company. The newest employees, Generation Z (ages 11-26), prioritize work-life integration. The pandemic conditions offered a greater path to alternate work arrangements through remote or hybrid settings, such as a mix of office/remote work or 4-day work weeks. Further, there is a growing satisfaction with a “gig” economy, that is taking on short-term projects or jobs rather than making a long-term commitment to one employer.

Workers also embrace cultural disruption in favor of inclusiveness and engagement. Diversity, equality and inclusiveness (DEI) is certainly part of the changing culture, but employers are finding that employees also want appreciation for and recognition of their contributions. That appreciation means more than simply adequate pay and benefits, as reflected in the survey results above.

Of course, economics is a factor not to be overlooked. Employees want to be appropriately compensated and want other benefits to supplement their pay. Inflation and the costs of goods have reduced workers’ spending power and have increased employers’ costs of doing business. It is important that the workforce can meet its needs. Unfortunately, courts have few opportunities to adjust salaries or fringe benefits because of their dependence on local funding units and cannot compete with the private sector when it comes to salary comparisons. Private firms are able to offer employees

² PWC, *The guide to employee experience: Six key drivers to turnover and engagement* (2022), p3, available at https://info.workforce.pwc.com/guide-to-employee-experience?utm_medium=ADV-SEM&utm_source=GOOG&utm_offer=EBOOK&utm_campaign=US_Workforce_Experience_US_2407_Li sten_Employee_experience_EBOOK_ADV-SEM&cid=70169000002KbeIAAS&utm_content=&sem_id=147657021045-659001271852&gclid=Cj0KCQjw1aOpBhCOARIsACXYv-eW5TNqAhg3hY_8dR2Rv8tVgUOUWF3MnwXnV88ltwOhRWT1Z79I4vMaAkNwEALw_wcB

³ The Center for Local, State, and Urban Policy, *Michigan Public Policy Survey* (February 2023), p4, available at <https://closup.umich.edu/sites/closup/files/2023-02/mpps-workforce-2022.pdf>

⁴ McKinsey & Company. *Bridging the talent gap in state government post-pandemic* (March 2023), p5, available at <https://www.mckinsey.com/industries/public-sector/our-insights/bridging-the-talent-gap-in-state-government-postpandemic#/>

higher rates of pay to arguably do less, and work in less stressful conditions, as they are not subject to the constraints of local funding units. Further, courts are not – and should not – be in the business of generating revenue. If the courts cannot address some of these fiscal issues, workers may continue to look elsewhere for more pay or alternate benefits that improve their lifestyles, such as flexible work arrangements and opportunities for hybrid work.

Practically speaking, prior to the COVID-19 pandemic, technology in the workplace was on the verge of an explosion. Zoom, Teams, and similar platforms began to infiltrate business practices, making the coordination of multiple locations easier and cheaper. The courts in Michigan were already using Polycom systems to include inmates at hearings, and the State Court Administrative Office had started to offer Zoom licenses. Courtrooms were installing video recording, document projection equipment, laptop and internet access and other “smart” technology. The attractiveness and use of these upgrades increased exponentially with the State of Emergency and six feet of separation requirements in order to facilitate continuing operations. While younger employees were more familiar with these technologies, the re-skilling and up-skilling of employees did not keep pace with this implementation and contributed to a noticeable divide among the generations now in the workforce. Additionally, the nature of the work carried out by front-line court employees and the courts historically being “behind the times” when it comes to technology, and opportunities for court staff to have flexible or hybrid work options has been limited. These are factors that are often important areas for consideration among younger generations when deciding where to seek employment, making it further difficult for courts to compete with the private sector.

Counties and courts vary in the way in which they attempt to meet these challenges. Although there are opportunities for judicial officers and administrators to interact with one another to share anecdotal information about problem-solving ideas and innovative programming, there is no organized way to share this information across the State. As a result, most of the “best-practices” and creative solutions exist in isolation instead of being available for use by other courts. Unfortunately, a vehicle for collaboration is lacking.

The Future Workforce

If Michigan courts want to recruit and retain a professional, highly qualified workforce, the Judiciary must embrace the messages of the trends, and listen to the feedback from the survey of current court employees and administrators. One of the loudest messages of the survey is that court employees are looking for an attractive environment. The responses overwhelmingly underscore a desire for a positive work environment, that includes effective leadership, bidirectional communication, support and acknowledgement related to performance, and opportunities for advancement. Court employees want an environment that values and appreciates them – and shows it.

Compensation remains a serious factor that must be considered in order to recruit and retain qualified employees. It goes without saying that pay and benefits must be competitive, however, current employees are clearly saying that compensation is desired in other forms as well. For example, flexibility with both work hours and weekly schedules ranked high as a desired component of employment. The judiciary of the future will need to identify the ways in which it can currently address these compensation needs and then examine different ways it can provide services to meet the needs of both its constituents and its employees. The reassessment of traditional processes could open up possibilities of alternate work options. Some of these options, such as hybrid schedules or remote work, address the priorities identified in the survey by offering flexibility and work/life integration. Continued and increased incorporation of technology is certainly an obvious means to such a transition, although hand-in-hand with the technology is the need for employers to re-skill and up-skill workers so that they can keep up with the changes and remain an important part of the system.

Recommendations for Improving the Workforce of Michigan's Trial Courts

Taking into consideration the information the Workgroup has learned and gathered, the Workgroup developed a list of short-term strategies for court leaders to implement to work toward addressing current challenges within the workforce. Additionally, the Workgroup developed three high-level recommendations that aim to transform the current workplace into an environment to optimally meet the needs of the public, the employees and the judicial system.

1. Implement Short-Term Strategies for Addressing Workforce Challenges

a. Work toward enhancing positive work environments

Employees respond to leaders who are trustworthy, sincere, inspirational and open to feedback. The survey results support the desire for effective leadership, and the nature of the work environments begins with the leader. Judicial officers and administrators must articulate and demonstrate appreciation and support for employees. They should insist on communications that are respectful and professional. If needed, training opportunities are available in person and online to promote inclusive and engaging work environments. Judges and administrators should also seek training to eliminate any actions or practices on their parts which could result in a perception of unfair treatment among staff. Finally, the survey supports the value of bidirectional communication. Employees want a chance for input and want to feel like their input is heard.

b. Assess job functions, office structure, and the delivery of services

Before anything can be changed, courts must assess their missions – what services do they provide; what types of interactions do they have

with the public and litigants; what skills do these employees need to provide the services, etc. It is a necessary first step that does not require funding or disruption. By doing this assessment, the mission of the work is clear as are the opportunities to implement alternate, optimal work arrangements. This examination also provides a chance to review internal processes to make the delivery of services more efficient. It is also an opportunity to consider the internal hierarchy of the judicial offices as there could be potential for new promotions or career opportunities from within. Cross-training and succession planning might also serve as incentives for employees to remain with the courts.

c. Further implementation of available technologies coupled with staff training and upskilling of court employees

Sometimes existing technology is underutilized. There may be ways to more efficiently and effectively incorporate what is currently available. However, more technology must be sure to include the investment of re-skilling or upskilling current employees. Investment in employee skills is one way to demonstrate that the employees are valued by the courts. Internal IT departments often are helpful with advanced training at no cost to the courts. If those options are not available, administrators might consider co-mentoring programs to pair employees who can teach each other different skills.

2. Further Analysis of Survey Data by the Workgroup

In order to make more effective and impactful recommendations that will assist in addressing workforce challenges that are specific to Michigan trial courts, the Workgroup recommends the MJC identifies further analysis of the survey data as one of their priority initiatives for the 2023-2024 strategic planning cycle. In addition to an opportunity to further analyze the data obtained from the surveys, the Workgroup would also like to facilitate round table discussions with court administrators throughout the State of Michigan to get a better understanding of the specific challenges trial courts are having related to recruitment and retention. By conducting a more in-depth and thorough analysis of the data and hosting these round table discussions, the Workgroup aims to be able to make comprehensive recommendations that will help to build strong leaders, assist in developing pathways to community partners for expanding recruitment efforts, reskill/upskill court employees.

3. Continued Efforts of Restructuring the Trial Court Funding System to Address Issues Surrounding Pay for Trial Court Employees

Trial courts continue to be subjected to constraints of a convoluted funding structure and restrictions placed on them by local funding units. Courts are unable to compete with private sector salaries and are losing valuable talent and institutional knowledge as concerns over pay continue to grow. As reflected in the survey results pay is the number one area that court administration and employees alike feel needs to be

improved upon, statewide. Some courts may have good working relationships with their local funding units which might allow the courts to have more flexibility and control over the uses of their budgets. If so, judicial officers and administrators might be able to restructure pay for employees. However, courts have had to consider other funding sources, such as grants or endowments to modify benefits and working conditions to respond to the changing demands of the workforce. While practices such as these can make a difference, often times they are on a temporary basis or are very difficult for courts to obtain and maintain.

In September of 2019 the Trial Court Funding Commission (TCFC) released its [final report and recommendations](#). Included in their recommendations were establishing a stable court funding system and moving toward a uniform employment system. The TCFC indicated that working toward a uniform employment system would “allow for common training, easier coordination, and for potential synergies.”⁵ Additionally, the MJC prioritized trial court funding and working toward implementing the recommendations of the TCFC as part of the 2022-2023 strategic planning cycle. The Workgroup recommends the MJC continue to prioritize trial court funding in the 2023-2024 strategic planning cycle as issues around pay for court employees continue to be a top priority of trial court employees and court administration on a statewide level.

4. Establish a Statewide Clearinghouse and Innovation Hub for Trial Court Administrators

There is currently no organized way for court leaders to share information on problem solving ideas, innovative programing, or data on a statewide level. Being able to share and collaborate in real time, best practices and creative solutions that arise in addressing workforce related issues would serve as an invaluable resource for court leaders. The Workgroup recommends the SCAO and the Michigan Judicial Institute work to establish a clearing house/innovation hub accessible to trial court administrators and Chief Judges for the statewide sharing of information. Each court should not have to reinvent the wheel; however, one size does not fit all. A collection of approaches from across the state would allow each court to select what is best for its circumstances and improve efforts in boosting morale, instilling positive workplace culture, and improving recruitment and retention efforts.

⁵ Trial Court Funding Commission Report, 2019, pg. 5, https://www.michigan.gov/-/media/Project/Websites/treasury/Reports/TCFC_Final_Report_962019_9-16-2019.pdf?rev=1fedbe221d224bf5978880216acbb06d

Acknowledgments and Workgroup Membership

Acknowledgments

The workgroup would like to thank Dr. Brenda Wagenknecht-Ivey for her continued contributions to the work of the Michigan Judicial Council and more specifically to her contributions to advancing the work of this group. Dr. Ivey provided a great deal of insight into the future of the workforce and her white paper served as a significant resource in formulating the recommendations of the workgroup.

Workgroup Membership

Ines Straube – Co-chair of The Workforce of Today and Tomorrow, Barry County Trial Court Administrator/Friend of the Court

Lindsay Oswald – Co-chair of the Workforce of Today and Tomorrow Workgroup

St. Joseph County Clerk

Hon. Donald Allen Jr. – 55th District Court, Ingham County

Hon. Carol Bealor – Probate and Family Courts, Cass County

Hon. James Biernat – Macomb County Circuit Court

Justice Megan Cavanagh – Michigan Supreme Court

Kathy Griffin – Court Administrator, St. Joseph County

Margaret Hannon – University of Michigan Law School

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