



Michigan Court of Appeals  
Annual Report

2013

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# Introduction



In September of 2013, the National Center for State Courts (NCSC) published its *Business Process Automation Case Studies* highlighting the “efforts by innovative courts” in the area of operations management. From courts throughout the United States, the Michigan Court of Appeals was one of three courts selected for this study “because of its high level of business process discipline and the implementation of these principles in its case management system.” According to the NCSC, the “Court of Appeals is as fine an example as we have found of business process discipline in the judicial branch, where Court leaders have applied modern and innovative tools and techniques to operations management.” The NCSC noted that the Court’s “long-term, incremental approach to gradually improving the way the Court works” has resulted in the Court being a “well-organized, well-run operation that is, to an outsider, quite extraordinary.”

That the NCSC study recognized the Court of Appeals’ long-term, consistent focus on improving the way the court works is a fitting testament to the work of the Court’s judges and staff, past and present. As the report demonstrates, and as the NCSC noted, the Court of Appeals has committed, for many years, to utilize performance data to track “what is happening and where – right down to the performance of individual employees.” Through the innovative application of technology and business process discipline, the Court has developed a unique level of performance data which its leaders use to optimize the Court’s operation.

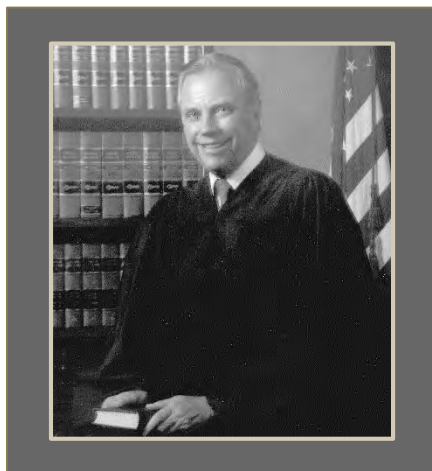
In working to maintain the level of performance from prior years, the Court of Appeals faced several unique challenges in 2013: the appointment of Judge Michael J. Talbot as special judicial administrator to the 36<sup>th</sup> Judicial District Court, the move of Chief Clerk and Research Director Larry S. Royster to the Michigan Supreme Court, and the addition of the Court of Claims to the work of the Court. To meet these challenges, the Court actively managed its docket to focus on more complex cases while, at the same time, refining some internal practices in order to move leave applications along more expeditiously. The result being that the Court disposed of more cases in 2013 than in the prior year. With new filings down slightly in 2013, the increase in dispositions allowed the Court to achieve its highest clearance rate since 2009.

The following pages provide detailed statistics of the Court’s operations for 2013. The numbers evidence the efforts of the Court’s 28 judges and approximately 170 employees to best effectuate the Court’s mandate: “[T]o secure the just, speedy, and economical determination of every action and to avoid the consequences of error that does not affect the substantial rights of the parties.” MCR 1.105. As the Chief Judge, I am grateful to my judicial colleagues and the dedicated staff of this Court for their many contributions, made on a daily basis, in that cause.

Chief Judge William B. Murphy

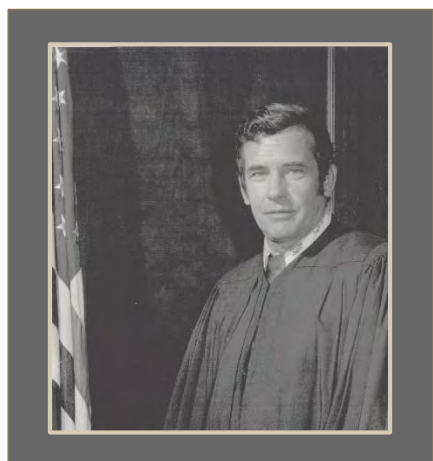
# In Memoriam

## Former COA Chief Judge Robert Danhof



Former Chief Judge Robert J. Danhof, age 87, passed away on March 1, 2013. Judge Danhof, who was born in Grand Rapids, Michigan, earned his undergraduate degree from Hope College and his law degree from the University of Michigan Law School in 1950. After practicing law in Muskegon, he became an assistant U.S. attorney and was later named U.S. Attorney for the Western District of Michigan in 1960. He was also a delegate to the state Constitutional Convention in the early 1960's, chairing the Judicial Branch Committee, and subsequently he became legal advisor and legislative aide to Governor George Romney. In 1969, Governor Romney appointed Judge Danhof to the Court of Appeals. Judge Danhof was re-elected four times and served for sixteen years as chief judge until his retirement in 1992.

## Former COA Judge Michael Kelly



Judge Michael J. Kelly, age 84, passed away on December 31, 2013. Judge Kelly, who was born in Cleveland, Ohio, was attending college in Ohio when he joined the U.S. Army and served in the Korean War in 1953 and 1954. He earned his law degree from the University of Detroit Law School in 1956 and practiced as a trial attorney in the Metropolitan Detroit area for eighteen years before he was elected to the Court of Appeals to serve a term beginning January 1, 1975. He was in the inaugural class of the appellate judges' program at the University of Virginia from 1980 to 1982 and was the first Michigan judge to receive a master's degree in this program. Judge Kelly was re-elected three times and retired on December 31, 2000.

# In Memoriam

## Ann Herzberg

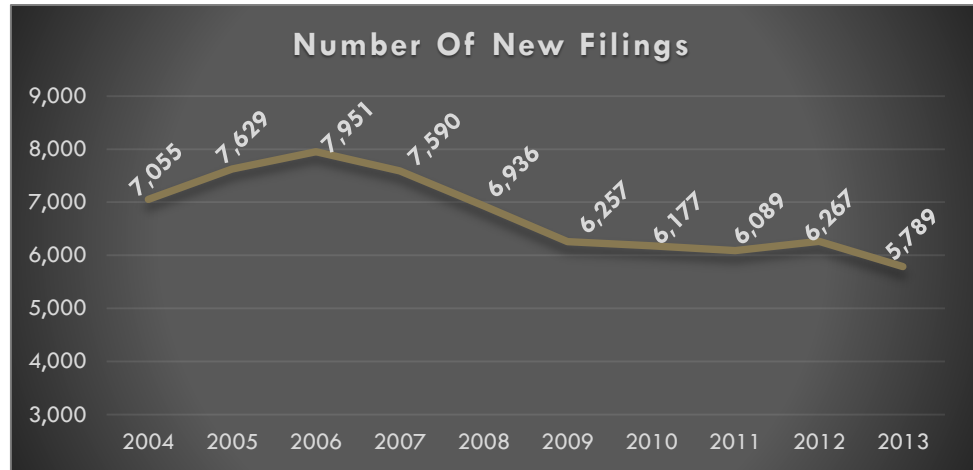
Ann Herzberg, age 56, passed away at her home in Eaton Rapids on September 13, 2013, after a long and courageous battle with cancer. Ann received a B.A. degree from Michigan State University with high honors in 1978, and a J.D. degree from The Ohio State University College of Law in 1981. After working for four years as an associate attorney with a Lansing-area law firm, Ann joined the Michigan Court of Appeals as a prehearing attorney in 1985. Thereafter, she served as a Special Research attorney, Prehearing Supervisor, and the Court's first Case Screener. In that latter role, Ann helped devise a method of evaluating the difficulty of the cases based on several objective factors that is still being used by the Court today. In 1988, Ann was named Editor of the Michigan Appellate Digest. In that role she also created and maintained the Court's catalog issues—more than 175 mini-treatises on a variety of legal topics. Ann's precision in summarizing the Courts' opinions and drafting the catalog issues benefited the judges, staff attorneys, and litigants for twenty-five years.



# Court Performance

## New Filings

In 2013, there were 5,789 new filings with the Court. The decrease from prior years continued the downward trend of recent years. The line graph to the right shows the number of new filings from 2004 to the present.



Of the new filings in 2013, 51% were appeals by right, 47% were discretionary appeals, and 2% were “other” case initiations (e.g., original actions). Roughly 53% of the cases were civil and 47% were criminal.

Appeals from civil cases encompass family matters, including termination of parental rights and child custody, as well as personal injury, probate, tax, and appeals from agency decisions. The chart on the right identifies the approximate share of the Court of Appeals’ civil caseload in 2013 for some of the various case types.

Type of Civil Appeal	% of All Civil Appeals
Agency Appeal	2.1%
Contracts	9.2%
Divorce w/ minor children	6.9%
Divorce w/o minor children	1.8%
Housing & Real Estate	6.0%
Medical Malpractice	3.1%
No-Fault Auto Insurance	3.2%
Personal Injury Automobile	4.4%
Professional Malpractice	1.1%
Personal Injury	5.0%
Termination of Parental Rights	15.3%

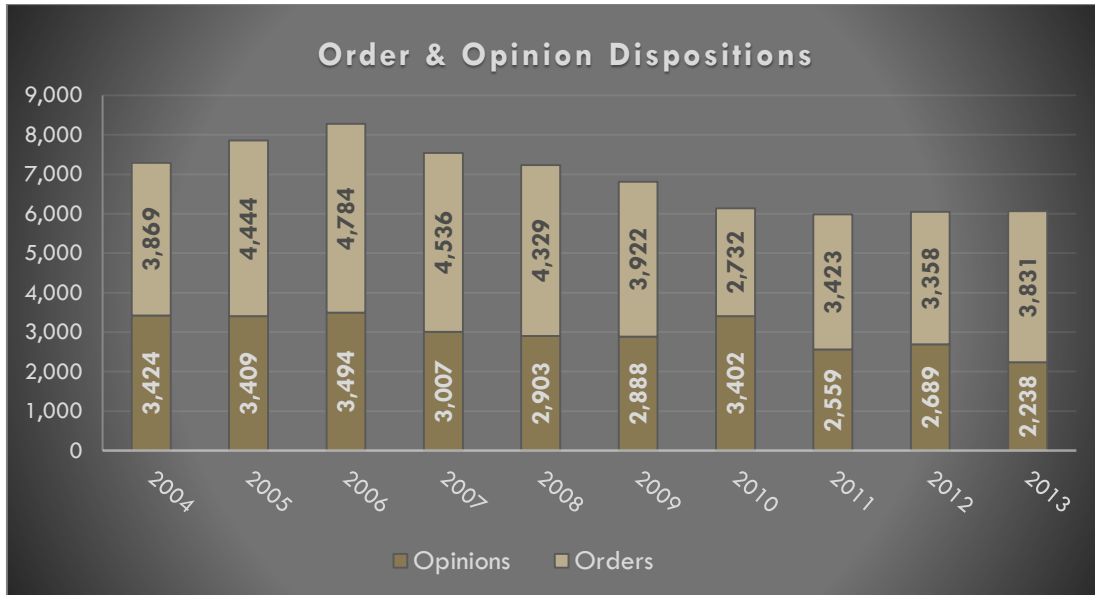
## Dispositions

Cases filed with the Court of Appeals are resolved by order or opinion. Dispositions by order usually occur in discretionary appeals, while dispositions by opinion typically occur in appeals by right or in discretionary appeals that have been granted. Dispositions by opinion take longer because of the time periods allowed by the court rules for transcript preparation, briefing, and record transmission, and because they generally receive reports on the relevant facts and applicable law by staff attorneys, are scheduled for oral argument, and are submitted for plenary consideration to three-judge panels.

In 2013, the Court issued 2,238 opinions and 3,831 dispositive orders for a total of 6,069 dispositions. The bar graph on page 5 shows the number of opinion and order dispositions over the past ten years. While the overall number of dispositions for 2013 was higher than the prior two years, the number of opinion dispositions was slightly lower. The increase in order dispositions results from changes the Court

# Court Performance

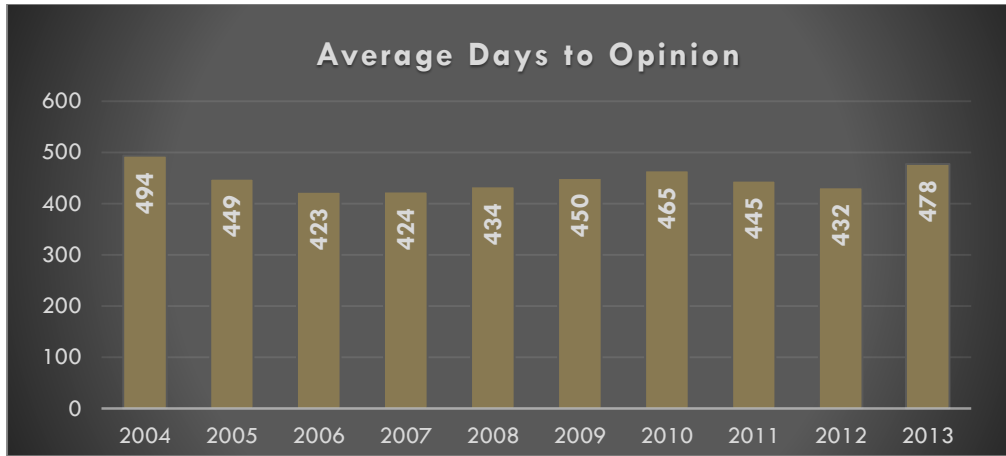
made to expedite the processing of application cases. These changes primarily involved submitting more applications directly to the judges without research reports from the Court's District Commissioners and the creation of "volunteer" judicial panels which allowed more applications to be submitted each month.



## Delay Reduction

In 2001, it took on average 653 days for the Court to dispose of a case by opinion. Recognizing that such a delay was unacceptable, the Court voluntarily undertook an ambitious plan in 2002 to reduce the delay in dispositions so that 95% of all cases would be decided within 18 months. Under the delay reduction plan, the average time to disposition by opinion dropped to 603 days in 2002, 554 days in 2003, 494 days in 2004, 449 days in 2005, and 423 days in 2006. Thus, between 2001 and 2006, the average time to disposition by opinion cases was reduced by 230 days. The average days to opinion disposition has fluctuated slightly, due in part to reductions in the number of staff attorneys employed by the Court, but the time to disposition has remained relatively constant over the past several years, as shown in the chart on page 6. For 2013, the Court took an average of 478 days to opinion disposition.

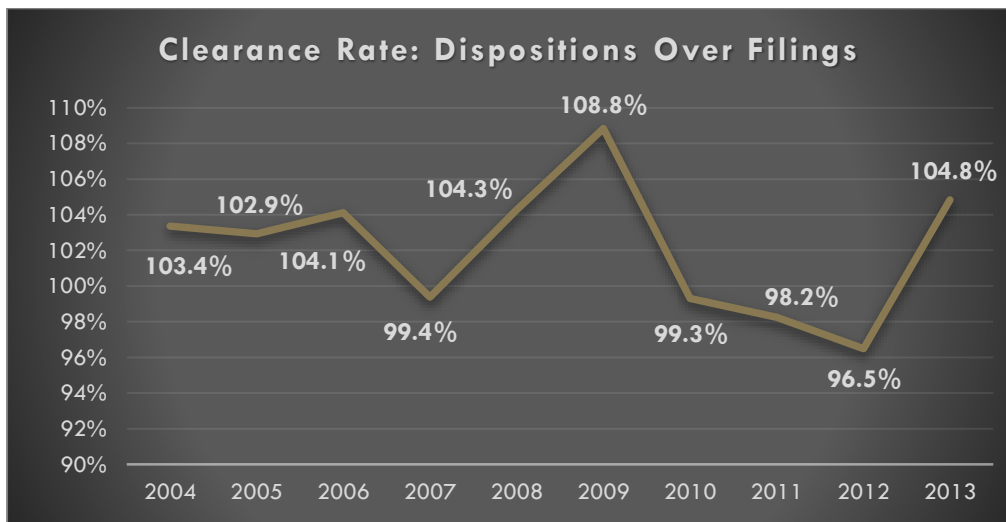
# Court Performance



The Court also separately tracks the average disposition times of various matters expedited by statute, court rule, or court order. In 2013, the average disposition time of all expedited cases was 276 days. For child custody and termination of parental rights (TPR) appeals, the average disposition time was 265 days. While these numbers are higher than in 2012, they still represent a vast improvement over the pre-delay reduction timeframe of 351 days and 325 days for all expedited cases and child custody/TPR appeals, respectively.

## Clearance Rate

The clearance rate reflects the number of cases disposed of compared to the number of new cases filed. In 2013, the Court achieved a clearance rate of 104.8%, disposing of 6,069 cases while receiving 5,789 new filings. This rate was significantly higher than prior years and results from the increase in dispositions for the year, coupled with the decrease in new filings. The line graph below shows the Court's clearance rate since 2004.



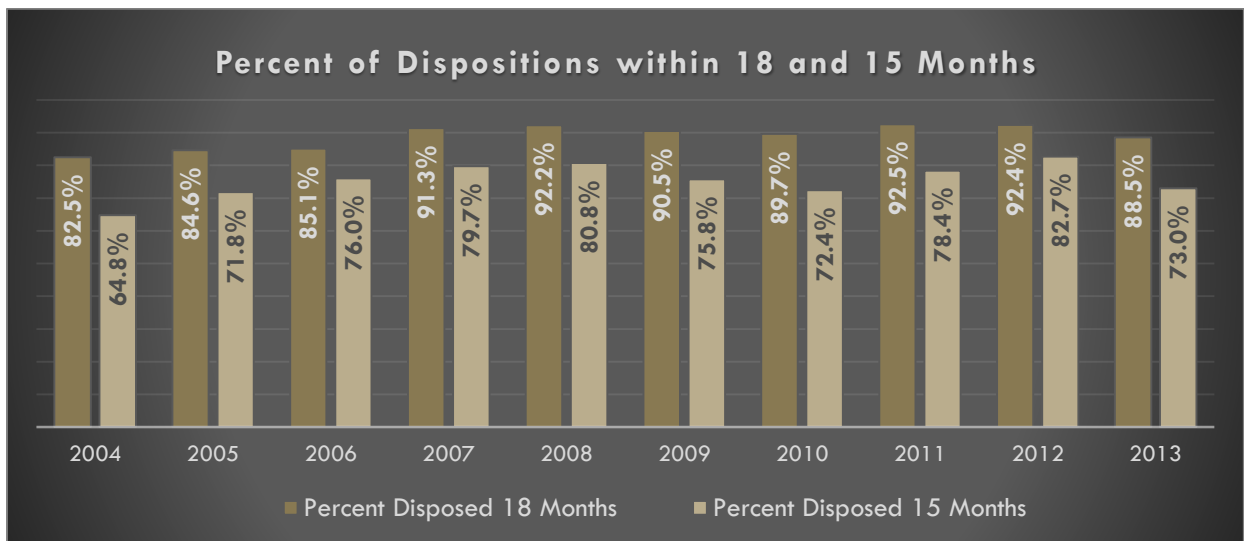
# Court Performance

## Percentage of Dispositions within 18 and 15 Months

For the delay reduction effort that began in 2002, the Court set a goal of disposing of 95% of all cases (i.e., by opinion or order) within 18 months of filing. In the first year of delay reduction, 65.8% of all cases were disposed within 18 months of filing. For just opinion cases, only about one-third were disposed within that time period. By comparison, in 2013, 88.5% of all cases and 73.9% of opinion cases were disposed within 18 months.

Being within just a few percentage points from achieving its “95-in-18” goal, in 2012 the Court set a new goal of deciding 95% of all cases within 15 months of filing. In 2013, 73% of all cases and 53.4% of opinion cases were decided within 15 months, respectively.

The slight decline in these categories from 2012 is attributable to the decision to focus on more complex cases and the less than full complement of case call panels. The bar graph below shows the percentage of all cases disposed within 18 months and 15 months for the years 2004 through 2013.



# Judicial Chambers

## Court of Appeals Judges

In 2013, the Court of Appeals was statutorily authorized to operate at twenty-eight judgeships, although legislation that was enacted in 2012 will eventually reduce the number to twenty-four through attrition. The judgeships are divided into four districts for election purposes but the judges sit statewide in panels of three, rotating with two other judges with equal frequency and among the three courtroom locations (Detroit, Lansing and Grand Rapids). Published opinions of the Court of Appeals are controlling across all four districts unless and until reversed or overruled by a special conflict panel of the Court or by the Supreme Court.

On May 28, 2013, the Michigan Supreme Court appointed Judge Michael Talbot as special judicial administrator to the 36<sup>th</sup> District Court in Detroit. As a result, the Court of Appeals operated with twenty-seven judges for the remaining portion of the year.



### Pictured From Left to Right

**First row:** Jane E. Markey, E. Thomas Fitzgerald, Chief Judge Pro Tem David H. Sawyer, Chief Judge William B. Murphy, Mark J. Cavanagh, Joel P. Hoekstra, Peter D. O'Connell

**Second row:** Christopher M. Murray, Kurtis T. Wilder, Stephen L. Borrello, Donald S. Owens, Michael J. Talbot, Jane M. Beckering, Patrick M. Meter, Pat M. Donofrio, William C. Whitbeck

**Third row:** Cynthia Diane Stephens, Mark T. Boonstra, Douglas B. Shapiro, Elizabeth L. Gleicher, Amy Ronayne Krause, Michael J. Kelly, Michael J. Riordan

**Not pictured:** Kathleen Jansen, Henry William Saad, Kirsten Frank Kelly, Karen M. Fort Hood, Deborah A. Servitto



# Judicial Chambers

## Judicial Assistants

The Judicial Assistants (JAs) perform a wide variety of secretarial and administrative tasks to assist the judges in operating the judicial chambers in a confidential and professional manner. A few examples of these tasks include scheduling and maintaining the judges' calendars, preparing files for motion dockets and case calls, submitting and tracking votes and memos concerning motion docket and case call matters, docketing the receipt and transmission of lower court records, proofreading and cite-checking opinions, typing bench memoranda, draft opinions, and original correspondence, and monitoring various case management lists.



Judge William C. Whitbeck with his Judicial Assistant.

## Law Clerks

Each judge employs a single law clerk to assist him or her in handling the huge volume of motion docket and case call matters assigned to the judge. The law clerks read the appellate briefs of the parties and the staff reports written by Research Division attorneys, conduct independent research on the issues, and review the lower court files and transcripts to recommend appropriate resolutions of the issues and dispositions of the appeals. The law clerks also rewrite draft opinions written by the Research Division to reflect the judge's writing style or to add statements of facts and analyses of the legal issues. Further, the law clerks assist the judges in drafting concurrences and dissents, as well as those opinions where publication is recommended by the Research Division attorneys. In 2013, the law clerks collectively prepared bench memoranda and/or draft opinions in approximately 410 civil and criminal appeals that were assigned directly to the judges without the benefit of reports from the Research Division. The judges were assigned these cases without reports as a way of advancing the Court's delay reduction goals.

# Clerk's Office

## Overview

There are Clerk Offices in Detroit (District I), Troy (District II), Grand Rapids (District III), and Lansing (District IV). The district offices open new case files, docket incoming filings and correspondence, field inquiries by phone and at the public counters, review all filings for jurisdiction and compliance with the court rules, monitor numerous management lists to ensure that cases proceed without undue delay, process motions for submission to the judges, track the return of signed orders, and send the orders to the pertinent attorneys, parties, trial court judges, and staff. The Lansing Clerk's Office also schedules case call matters and releases the judges' opinions resolving those appeals. Lastly, the Clerk's Office is the public face of the Court in that it communicates with the general public, counsel of record, the parties, prospective litigants, lower courts or tribunals, and media representatives on case-related matters.



Entrance to the Clerk Office in Grand Rapids.

Since 2002, the staff of the Clerk's Office has been reduced by approximately 40% (from 48 to 29 total employees) due to budget cuts. While new filings have decreased over the last ten years by about 18%, the Clerk's Office staff has improved its efficiency through technology enhancements, creative processes, hard work, and positive attitudes.

## Internal Operating Procedures (IOPs)



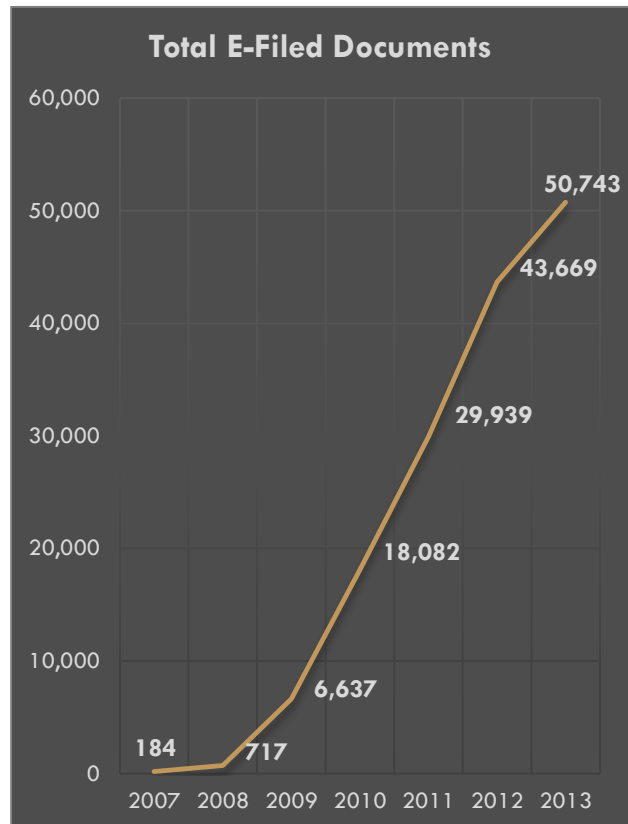
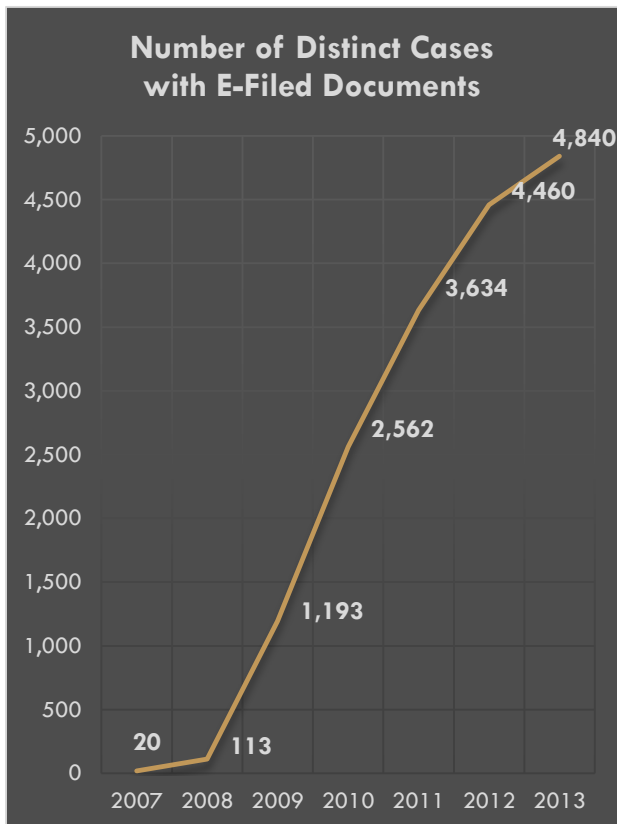
Common libraries in each district office contain current reference materials.

The IOPs were initially developed in 1998 by a task force of judges, court personnel, and appellate practitioners. The IOPs track the numbering system of the court rules and reflect the evolving practices and procedures of the Clerk's Office to implement the requirements of the Michigan Court Rules. The IOPs are updated continuously to reflect new practices or procedures that are occasioned by changes to the court rules or Court policy. The IOPs are available to the public on the Court's website at <http://courts.mi.gov/courts/coa/clerksoffice/pages/iop.aspx>.

# Clerk's Office

## Electronic Filing

In 2006, the Court deployed an electronic filing system through a third-party vendor (Wiznet Inc., now Tyler Technologies, Inc.) that litigants can use to initiate an appeal or original action, file all pleadings and forms in all case types with electronic cover sheets (including proofs of service), and electronically serve filings on opposing parties. Court fees are paid directly through the e-filing system. Although e-filing is not mandatory, the number of e-filed documents has increased exponentially over the years. At the end of 2013, 47% of the active cases had at least one document that was filed electronically. Of the cases with at least one document that was e-filed in 2013, approximately 63% were civil and 37% were criminal. Further, 51% of all appellant briefs and 61% of all appellee briefs were e-filed. The two bar graphs below show the number of distinct cases with e-filed documents and the total number of e-filed documents for the years 2007 through 2013.



When electronic documents are received and docketed, a link to the document is created in the Court's case management system. The judges and staff can immediately access the document from any location connected to the Court's network.

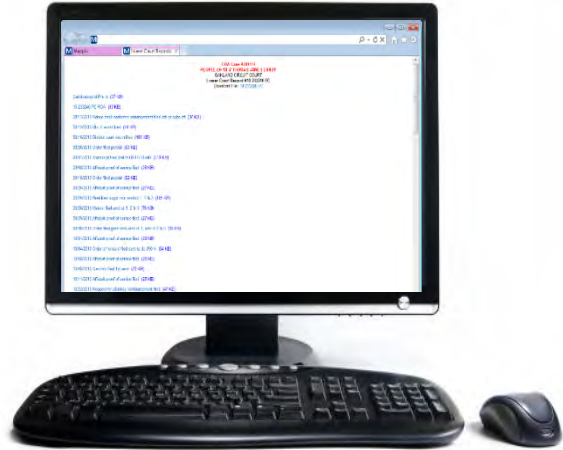
Training and best practice documents are available on the Court's website that provide guidance for users to create the most useful PDF documents for e-filing, ensure that the e-filings meet the technical requirements of the system and conform to the Michigan Court Rules.

# Clerk's Office

## Electronic Records

Just as an increasing number of documents are filed and stored electronically, more lower court and tribunal records exist in electronic form only. In 2011, the Court set up a File Transfer Protocol (FTP) server to receive the electronic records on appeal from lower courts and tribunals.

To date, the Court regularly receives records in electronic format directly to its FTP server from the Public Service Commission, 4<sup>th</sup> Circuit Court (Alpena County), 13<sup>th</sup> Circuit Court (Grand Traverse County), 16<sup>th</sup> Circuit Court (Macomb County), 20<sup>th</sup> Circuit Court (Ottawa County), 6<sup>th</sup> Circuit Court (Oakland County), and the St. Clair Probate Court. Having records accessible electronically through the Court's case management system allows the judges, law clerks, and staff attorneys to access the records simultaneously and instantly, and greatly reduces costs associated with the physical transfer of the printed records.



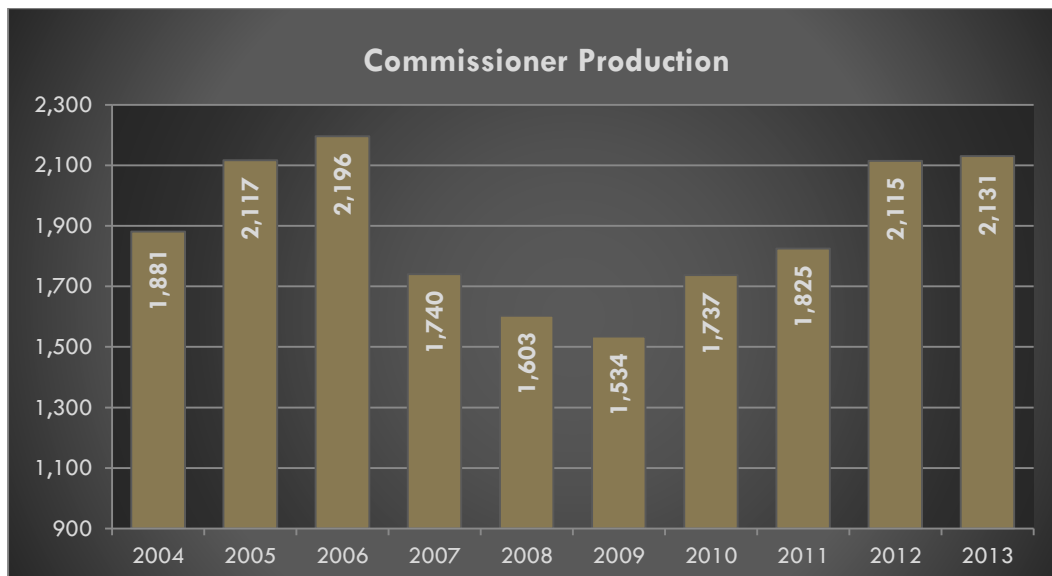
E-records enable the judges, law clerks, and staff attorneys to access the records simultaneously and instantly.

# Research Division

## Commissioners

The commissioners are experienced staff attorneys whose primary functions are to prepare written reports and proposed orders for (1) applications for leave to appeal (which are discretionary appeals) and any accompanying motions, (2) original actions, such as complaints for writs of habeas corpus, superintending control, and mandamus, and (3) motions to withdraw as counsel in termination of parental rights appeals and criminal appeals. The commissioners also review incoming emergency applications and work closely with the judges to resolve priority matters on an expedited basis. They are also responsible for the jurisdictional review of applications and original actions and for ensuring the pleadings comply with the Michigan Court Rules. The commissioners are located in each of the four district offices — Detroit, Troy, Lansing, and Grand Rapids.

In 2013, the commissioners prepared reports in 2,131 leave applications and miscellaneous matters. The graph below shows the production of commissioner reports for the past ten years.



## Research, Senior Research and Contract Attorneys

Research attorneys are typically recent law school graduates who are hired for a period of one to three years. Although these graduates are primarily recruited from in-state law schools, the Research Division also made an on-campus recruitment visit in 2013 to the University of Notre Dame Law School in Indiana. In addition, many students from other out-of-state law schools were interviewed at the Research offices in Detroit, Lansing, and Grand Rapids. In 2013, the research staff represented the in-state law schools of Michigan State University, Thomas M. Cooley, University of Michigan, University of Detroit Mercy, and Wayne State University, and the out-state law schools of Ave Maria (Naples, FL), Boston University (Boston, MA), DePaul (Chicago, IL), Chicago-Kent (Chicago, IL), Howard University (Washington, DC), Indiana University Mauer School of Law (Bloomington, IN), Loyola University

# Research Division

(Chicago, IL), Northwestern University (Chicago, IL), Notre Dame (South Bend, IN), University of Illinois at Urbana-Champaign (Urbana, IL), and West Virginia University (Morgantown, WV). Most research attorneys ranked in the top 5 percent of their graduating classes.

The research attorneys generally prepare research reports in cases that are determined to be easy to moderately difficult.<sup>1</sup> A research report is a confidential internal Court document that contains a comprehensive and neutral presentation of the material facts with citation to the lower court record, a recitation of the issues raised by the parties, a summary of the parties' arguments, a thorough analysis of the law and facts on each issue, and a recommendation as to the appropriate disposition. In cases involving non-jurisprudentially significant issues, which do not require a published opinion, the research attorneys also prepare rough draft opinions to accompany the reports. The judges and their law clerks are responsible for preparing those opinions when publication is recommended, as well as editing, refining, or rewriting the rough draft opinions provided by the research attorneys.

Senior research is comprised of experienced attorneys who have worked as a research attorney and as a law clerk to one of the Court's judges, and/or who have worked in private practice or at other courts. Unlike the research attorneys, the tenure of the senior research attorneys is not for a limited duration. The primary function of senior research attorneys is to prepare research reports in the longer or more complex cases for case call. The content of these research reports is the same as those prepared by the research attorneys, but the cases are typically more difficult in nature.<sup>2</sup> The main office of senior research is located in Detroit, but several attorneys also work in Lansing and Grand Rapids.

Contract attorneys work for the Court on a contractual basis, primarily preparing reports and rough draft opinions for a significant number of routine criminal and civil appeals, as well as for routine termination of parental rights (TPR) appeals. Most of the contract attorneys previously worked for the Court in research or senior research. The contract attorneys now work from their homes and are not otherwise engaged in the practice of law.

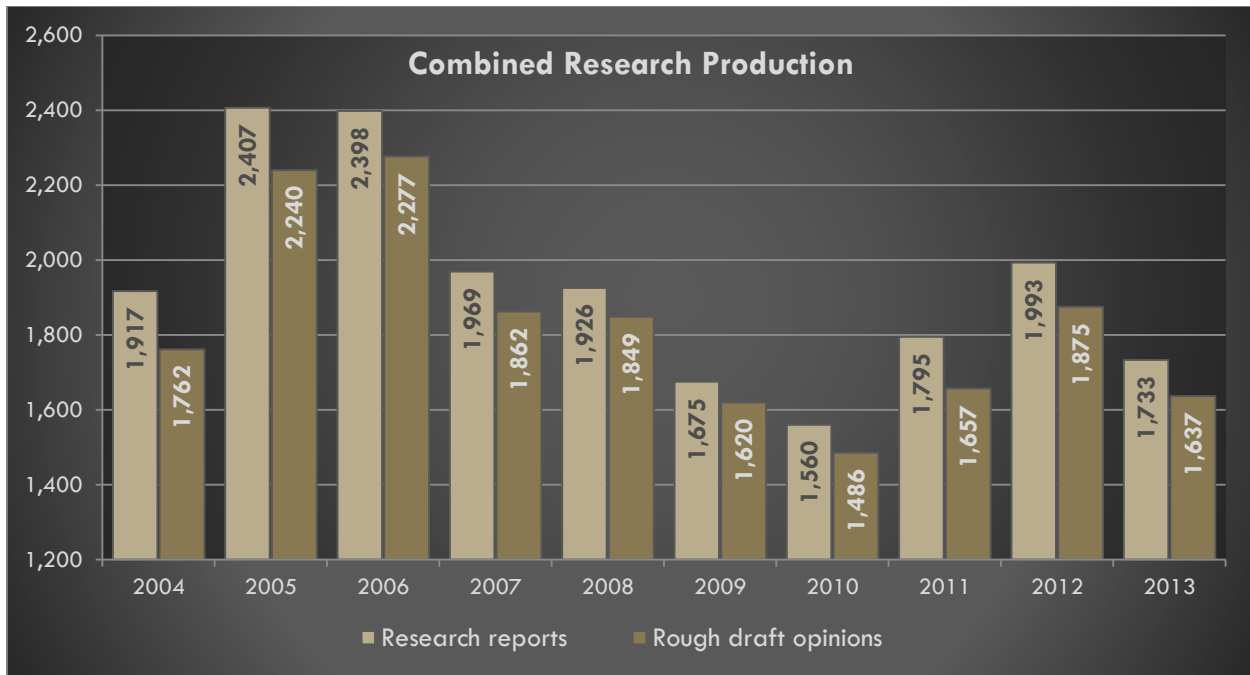
Combined, the research attorneys, senior research attorneys, and contract attorneys prepared 1,733 research reports and 1,637 rough draft opinions in cases that were submitted on case call. The graph on page 16 compares the combined production numbers from 2004 to 2013.

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<sup>1</sup> When cases are ready for reports from the Research Division, an experienced staff attorney reviews the lower court records and appellate briefs and, based on established criteria, assigns a day evaluation to them. The day evaluations represent how long it should take an average research attorney to complete reports in the cases. The day evaluations are calculated in whole numbers only (i.e., no fractions of a day). Research attorneys generally work on cases that are evaluated at six days or lower, and are expected to complete the reports within the day evaluations of the cases, as measured on a monthly basis.

<sup>2</sup> Senior research attorneys generally work on cases that are evaluated at seven days or more (see footnote 1, *supra*). They have higher production requirements than the research attorneys and are expected to complete the reports in approximately 25% less time than the day evaluations.

# Research Division



The lower number of reports and opinions from the previous year was due (in part) to an increased emphasis on eliminating a backlog of the larger day-evaluated cases (referred to as “box cases”). As explained further below, there also was a slight decrease in the staffing level and a slight increase in average day evaluations of all cases screened, which also contributed to the decrease in the number of reports and opinions.

The number of research reports and rough draft opinions produced annually by the Research Division correlates directly with the staffing levels and average day evaluations of the cases for any given year.

The table to the right shows the number of research and senior research attorneys, as well as the average day evaluation of the cases, for 2013 and the prior ten years.

	Number of Research & Senior Research Attorneys	Average Day Eval of All Cases Screened
2004	44.8	3.99
2005	45.4	3.97
2006	42.8	3.99
2007	37.5	4.15
2008	36.4	4.06
2009	36.8	3.95
2010	32.4	3.99
2011	35.3	3.88
2012	45.4	4.05
2013	44.6	4.15

# Court Highlights

## Court of Claims

With the passage of 2013 PA 164, effective November 12, 2013, the Court of Appeals became home to the Michigan Court of Claims. Operation of that Court was previously a function of the 30<sup>th</sup> Circuit Court in Ingham County. On November 13, 2013, the Michigan Supreme Court unanimously selected Court of Appeals' Judges Michael J. Talbot, Pat M. Donofrio, Deborah A. Servitto, and Amy Ronayne Krause to serve as judges of the Court of Claims. Judge Talbot was named Chief Judge of the Court.



Representatives from the Court of Appeals met with Ingham Circuit Court management and other stakeholders to plan the transition. Approximately 120 active Court of Claims cases were transferred from Ingham Circuit to the Court of Appeals Clerk's Office as of the effective date of the legislation. Chief Judge Talbot immediately issued an order staying all pending Court of Claims matters for a period of 30 days to allow the judges and Clerk's Office to assign and organize the active cases. Over the next few weeks, under the provisions of the statute, several dozen cases pending in the circuit courts were also transferred to the Court of Claims. By year end, the Court of Claims caseload consisted of over 150 open matters.

In December 2013, the Court of Claims contracted with the State Court Administrator's Judicial Information Systems division to provide the Court with its MiCS case management system by February 2014. In addition, the Court retained a project manager to coordinate the remaining aspects of the transition. At the expiration of the 30-day blanket stay order, the new Court of Claims judges began to hold hearings and issue orders on their assigned cases. Policies and procedures, as well as logistical issues, continue to be developed and refined, but at the end of 2013 the Court of Claims was fully functioning in its new location.

## Departure and Hiring of Chief Clerk and Research Director

On May 15, 2013, former Chief Clerk and Research Director Larry Royster was recommended to the full Supreme Court to assume the role of Chief Clerk and Chief of Staff to the Michigan Supreme Court. During his 27-year tenure at the Court, Larry was a law clerk for Judge Richard Maher, Supervisor of the senior research attorneys (then known as Advanced Research), Deputy Research Director (under former Research Director Carl Gromek) and then Research Director. Larry was selected to succeed Sandra (Sandy) Schultz Mengel as Chief Clerk in 2011 and continued to serve as Research Director.



Chief Judge Murphy congratulates Larry Royster during a farewell reception.

# Court Highlights

On May 23, 2013, the judges and staff gathered for Larry's farewell reception at the Hall of Justice. "I'm sure I speak for the entire Michigan Court of Appeals family, [in thanking Larry] for his dedicated and competent service to this Court over many years, and most recently as Chief Clerk/Research Director," said Chief Judge Murphy. The following day, Chief Justice Robert P. Young, Jr. announced Larry's appointment in a press release stating, "We are extremely fortunate to have someone of Larry's caliber to fill these very important roles for the Court."

Upon the announcement of Larry's departure, Chief Judge Murphy appointed ten judges to a search committee to make a recommendation for the position of Chief Clerk. Before the committee interviewed several internal and external candidates, Chief Judge Murphy named Angela DiSessa, the District Clerk for the Troy Clerk's Office, as "Acting Chief Clerk."

On July 11, 2013, Chief Judge Murphy announced the appointment of Jerome ("Jerry") W. Zimmer, Jr., as Chief Clerk. Jerry, who earned his undergraduate degree in Economics from the University of Michigan and law degree from the Detroit College of Law, joined the Court in 1995 as a prehearing attorney. He served as regulatory counsel for a financial corporation from 1997 to 2000, and returned to the Court as an assistant to then Chief Clerk Sandy Mengel. He then became an assistant clerk in the Troy Clerk's Office and subsequently the district clerk of the Detroit Clerk's Office in 2011. In his press release, Chief Judge Murphy stated, "In all his service to this court, Jerry has addressed critical issues, including delay reduction and use of new technologies, with innovative thinking and sound leadership."



Chief Judge Murphy conducted the swearing-in for Chief Clerk Jerry Zimmer.

On October 9, 2013, Chief Judge Murphy announced the selection of Julie Isola Ruecke as Research Director, stating that, "Julie brings a multitude of experience and leadership skills to the position; the Court will certainly benefit from having someone with her wide-ranging expertise fill this key role." Julie joined the Court of Appeals as a prehearing attorney in 1992. She served as law clerk to the Honorable Myron H. Wahls from 1993 to 1995, before returning to the Research Division as a Prehearing Supervisor. In 1999, Julie became a District Commissioner in the Court's Detroit Office and served in that capacity until being named Research Director in 2013. Prior to her tenure with the Michigan Court of Appeals, Julie was associated with Barris, Sott, Denn & Driker in their litigation department. Julie graduated from Michigan State University with a B.A. in Business Administration and earned her law degree from Wayne State University Law School.

# Court Highlights

## Ace Award

The Ace Award is named after Donald L. (“Ace”) Byerlein, who served as court administrator from the Court’s inception in 1965 until his retirement in 1997. Mr. Byerlein was known for being conscientious, dedicated, loyal, selfless, upbeat, civil, and possessed a “can-do” attitude. In 1998, the Court created the annual Ace Award in honor of Mr. Byerlein as a way to recognize current Court employees who possess those same qualities. The Ace Award is given to an outstanding employee (or employees) who was nominated by his or her peers and selected by a committee of judges and administrators.

Russell Rudd, Finance Director, was nominated by his peers and selected by a committee of judges and administrators as the 16<sup>th</sup> annual recipient of the Ace Award. Russ is a 1982 graduate of the University



Russ Rudd, Finance Director,  
and Chief Judge Murphy.

of Michigan and worked in city and township governments before joining the Court in May of 2003. Those who nominated Russ described him as financially savvy, helpful with any questions, and committed to making the Court function more efficiently and smoothly. The nominations also noted his willingness to engage in “hard physical work” in order to cut costs and to complete office renovation projects timely and properly (with one nomination referring to Russ as “a Jack of all Trades”). These fellow workers also pointed out that Russ consistently has a pleasant and cheerful manner and positive attitude.

At the ceremony in June of 2013, Chief Judge Murphy presented the award to Russ. In addition, Sandy Justian (Judicial Assistant to Chief Judge Pro Tem David Sawyer) presented Russ with the “Travel Expense Voucher Award” on behalf of the judicial assistants in recognition of his dedication to assisting the JAs with online expense vouchers.

# Court Highlights

Prior Ace Award honorees include:

Year	Ace Award Recipient(s)	Office Location
2013	Russell Rudd, Finance Director	Lansing
2012	Irene Coffee, Judicial Assistant	Grand Rapids
2011	Kathy Donovan, Technology Training Specialist	Lansing
2010	Matthew Johnson, Docket Clerk	Troy
2009	Anna Campbell, Judicial Assistant	Detroit
2008	Martha Sutton, Judicial Assistant	Lansing
	-and- Claudette Bexell Frame, Judicial Assistant	Lansing
2007	Rebekah Neely, Programmer (awarded posthumously)	Lansing
2006	Bob Kwiatkowski, Lead Court Officer	Detroit
2005	Thomas Rasdale, Assistant Clerk	Lansing
2004	Carol Abdo, PC Network Specialist	Lansing
	-and- Bobbie Dembowski, Commissioner Assistant	Lansing
2003	Elizabeth Gordon, Research Support	Lansing
2002	Suzanne Gammon, Judicial Assistant	Saginaw
2001	Mark Stoddard, District Commissioner	Grand Rapids
2000	John Pratt, Court Officer	Lansing
1999	Deborah Messer, Judicial Assistant	Petoskey
1998	Mary Lu Hickner, Deputy Clerk	Lansing

# Court Highlights

## Service Recognition

In June of every year, the Court recognizes current employees who have celebrated a five-year incremental anniversary with the Court during the preceding twelve months. In 2013, service recognition ceremonies were held in Detroit, Troy, Lansing, and Grand Rapids to honor thirty-two employees who represented 480 years of combined service. The employees were awarded lapel pins and certificates that indicate the individual's specific years of service. Immediately following the ceremonies, the Court also recognizes the contributions of all employees to the effective operation of the Court with a brief party and social gathering. Pictured below are those employees who were recognized for their service to the Court in 2013.



Troy Service Pin Recipients (above)

Detroit Service Pin Recipients (left)

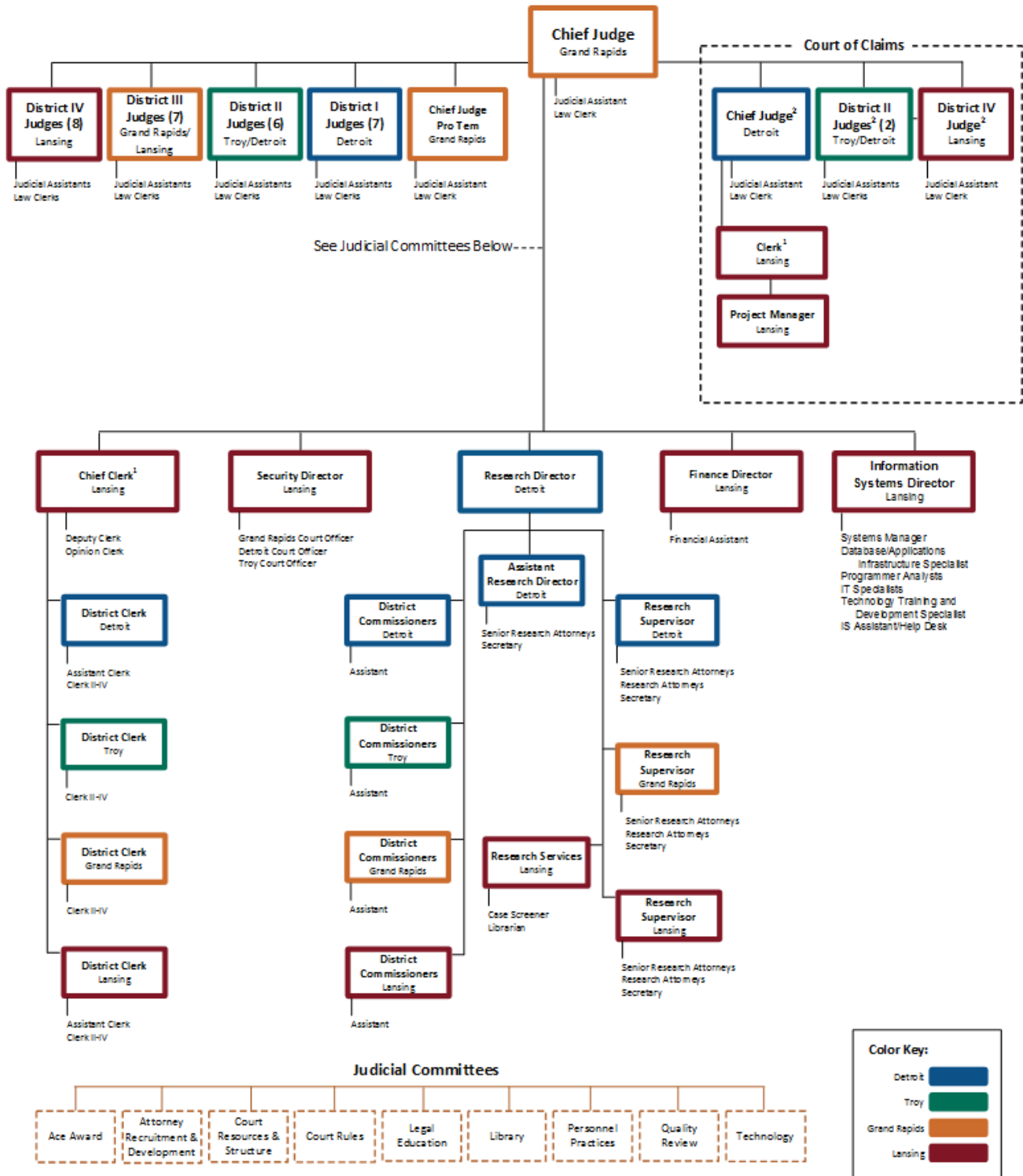


Grand Rapids Service Pin Recipient



Lansing Service Pin Recipients

# Organizational Chart



<sup>1</sup> The Chief Clerk for the Court of Appeals is also the Clerk for the Court of Claims.

<sup>2</sup> These Judges are also Judges for the Court of Appeals.

December 2013

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Detroit, MI 48202-6020  
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District II Clerk's Office – Troy  
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District III Clerk's Office – Grand Rapids  
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