



# BOARD OF COMMISSIONERS

1 S. Main St., 9<sup>th</sup> Floor  
Mount Clemens, Michigan 48043  
586.469.5125 FAX 586.469.5993  
macombcountymi.gov/boardofcommissioners

## JUSTICE AND PUBLIC SAFETY COMMITTEE

TUESDAY, JUNE 5, 2012

### FINAL AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda, **AS AMENDED, TO INCLUDE #7**
4. Approval of Minutes dated 04-10-12 (previously distributed)
5. Public Participation (five minutes maximum per speaker, or longer at the discretion of the Chairperson related only to issues contained on the agenda)
6. Presentation by Chief Judge David Viviano on Circuit Court Electronic Filing Project (page 2) (mailed)
7. Adopt Resolution Supporting House Bill 1082, Amending 1978 PA 368, Entitled Public Health Code (offered by DiMaria and Sabatini) (page 6) (attached)
8. New Business
9. Public Participation (five minutes maximum per speaker or longer at the discretion of the Chairperson)
10. Adjournment

**MEMBERS: DiMaria-Chair, Sabatini-Vice-Chair, Brown, Carabelli, Frascchetti, Gralewski, Miller, Sauger, Smith and Vosburg (ex-officio)**

### MACOMB COUNTY BOARD OF COMMISSIONERS

Kathy D. Vosburg  
District 8  
Chair

Marvin E. Sauger  
District 2  
Vice Chair

Fred Miller  
District 9  
Sergeant-At-Arms

Toni Mocerì - District 1

David Flynn - District 4

James L. Carabelli - District 6

Roland Frascchetti- District 10

Bob Smith- District 12

Phillip A DiMaria- District 3

Ray Gralewski- District 5

Don Brown- District 7

Kathy Tocco- District 11

Joe Sabatini- District 13

RESOLUTION NO. \_\_\_\_\_

FULL BOARD MEETING DATE: \_\_\_\_\_

AGENDA ITEM: \_\_\_\_\_

**MACOMB COUNTY, MICHIGAN**

**RESOLUTION TO** Receive and file the presentation by Chief Judge David Viviano on Circuit Court Electronic Filing Project

**INTRODUCED BY:** Commissioner Phillip DiMaria, Chair, Justice and Public Safety Committee

**COMMITTEE/MEETING DATE**  
JPS                      06/05/12  
\_\_\_\_\_  
\_\_\_\_\_



# Macomb County Circuit Court

**Circuit Judges:**

DAVID F. VIVIANO, *Chief Judge*  
JOHN C. FOSTER, *Chief Judge Pro Tem*  
PETER J. MACERONI  
MARY A. CHRZANOWSKI  
MARK S. SWITALSKI  
EDWARD A. SERVITTO, JR.  
RICHARD L. CARETTI  
MATTHEW S. SWITALSKI  
DIANE M. DRUZINSKI  
TRACEY A. YOKICH  
KATHRYN A. VIVIANO  
JAMES M. BIERNAT, JR.  
KATHRYN A. GEORGE\*

*\*Probate Judge assigned to Family Division*

*Clerk of the Court*  
CARMELLA SABAUGH

*Court Administrator*  
JENNIFER M. PHILLIPS

*Deputy Court Administrator*  
JOHN D. BRENNAN

## MEMORANDUM

To: Phil DiMaria, Chair Justice & Public Safety  
Macomb County Board of Commissioners

cc: Mark Hackel, Macomb County Executive  
Mark Deldin, Deputy County Executive  
Peter Provenzano, Finance Director  
Carmella Sabaugh, Clerk/Register of Deeds

From: David F. Viviano, Chief Judge 16<sup>th</sup> Judicial Circuit & Macomb County Probate Courts  
Jennifer Phillips, Court Administrator

Date: May 29, 2012

Re: Circuit Court Electronic Filing Project Update

Action: Receive and File June 5, 2012, JPS Committee Meeting

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On behalf of the 16<sup>th</sup> Circuit and Macomb County Probate Courts, I would like to take this opportunity to update the Justice & Public Safety Committee on the status of the 16<sup>th</sup> Circuit Court's Electronic Filing Project. Thanks to your support, the 16<sup>th</sup> Circuit Court has made great strides over the last eight months in our efforts to move to a paperless system.

### INTRODUCTION

Paperless systems and electronic filing are rapidly becoming a common and expected means of conducting court business. Implementing electronic filing technology provides an efficient and expedient means for county staff, other government agencies, the legal community and pro se litigants to interact

with the Court. Further, the electronic storage and maintenance of documents enhances case processing efficiency, while reducing storage and other related costs. To this end, the Court and County Clerk's office have forged a partnership to move to a paperless system in order to enhance our internal efficiency, improve our service to the citizens of Macomb and reduce overall system costs.

In August 2011, Judge John Foster and I took a leap into the digital age when we launched e-filing. At this juncture, with enhancements identified in this memorandum, we are poised to expand the Circuit Court Electronic Filing initiative to include the remaining seven judges in our Criminal/Civil Division and to rapidly expand to the Family Division and Probate Court soon thereafter.

## BACKGROUND

After a thorough review of our current systems, systems used in neighboring jurisdictions and the RFP process, the Macomb e-filing committee, comprised of members from the Court, Clerk's Office and IT, chose eUniversa as the product to use for the electronic filing of circuit court cases in Macomb. The e-filing product allows court patrons to file their cases, including accepting payments for filing fees, through the internet rather than filing paper copies in person or by mail in the Clerk's Office. For the added convenience, fees ranging from five dollars or eight dollars are charged for use of the system.

E-filing gets the documents "in the door" of the courthouse. At that point, the electronic documents are stored as images and routed through the Court's document management system. Additionally, data from the documents is either electronically or manually entered into the Court's case management system for processing and reporting requirements. Essentially all three systems: e-filing, document management and case management need to work in unison to create a paperless environment.

## CURRENT STATUS

In August, 2011, the Circuit Court eUniversa Electronic Filing system went live for all new contract and negligence cases assigned to Judges Viviano and Foster. As of the end of April, we have opened 786 cases that have been designated electronic filing cases and for which all documents have been received and served electronically. In the past eight months, the Court and Clerk's Office staff have gained knowledge and discovered modifications and expansion initiatives that will improve the system as used by judges, clerks, the filing community and the general public in order to successfully move to a paperless environment.

Our primary focus in expanding the use of electronic filing is in making documents and processes simple and straight-forward for the judges and staff to work with. The addition of Mentis Technology's aiSmartBench software will greatly improve the current courtroom workflow with efficiencies that meet or exceed current paper processes. The aiSmartBench product is currently the only vendor designated by the National Center for State Courts for this purpose. Connecting with any case management system and document management system, aiSmartBench aggregates data into an intuitive dashboard providing access to all case dockets, docket images, and events with in-court data capture and the generation of court orders. Additionally, aiSmartBench provides high-speed, full text searches across all documents while giving the document reviewer the capability to add notes and pushpins (bookmarks) to the text as needed. In simpler terms, aiSmartBench will allow our judges and staff to effectively and efficiently use electronic documents once they have been brought into our system through e-filing.

Mentis Technology, the creator of aiSmartBench, was referred to our Court by the Michigan State Court Administrator's Office, which has committed to reimbursing \$15,000 for the cost of the installation of this product in Judge John Foster's courtroom to support his innovative business court docket. At this time, Mentis Technology is the sole source for this product. For additional information, please go to Mentis Technology, [www.MentisTechnology.com](http://www.MentisTechnology.com), and/or to the National Center for State Courts' website, [http://www.ncsconline.org/d\\_tech/vendorlist/vendbyproduct.asp?id=47](http://www.ncsconline.org/d_tech/vendorlist/vendbyproduct.asp?id=47).

Another area that we have found needs improvement is the automated processes that happen behind the scenes in our case management system when documents are received and filed. Currently, the receipt of a document and corresponding entry in the register of actions by a clerk results in system notes being sent to other areas of the court, such as the Assignment Clerk's Office, to notify staff of tasks to be completed, events to be scheduled, etc. Currently, when those register of action entries are made through e-filing, the system notes are not being auto-generated and staff must run additional reports to ascertain the receipt of such documents and perform the corresponding tasks. The addition of the CourtView IJIS Broker to our existing case management system will automate these processes regardless of the method of receipt of documents and eliminate the unnecessary manual processing.

Further, feedback from the filing community has brought to light several minor modifications to the e-filing system itself that we have determined will greatly improve the electronic filing process for both filers and our own Court and Clerk's Office staff. These modifications include the auto-population of email addresses for service, the delivery of a true-copy of all accepted documents to the filer and service recipients, the addition of a billing memo field to assist law firms with their e-filing business processes as well as an electronic notice enhancement to our case management system.

Per our Court's annual report to the State Court Administrative Office, the first five months of electronic filing in Macomb County found 430 cases being designated as e-filing cases. The Macomb County Circuit Court received 1,007 filings against those cases which produced a total of \$6,682 that was collected in electronic filing fees. In the first four months of 2012, there were an additional 356 e-filing cases opened which produced over \$12,000 in electronic filing fees during that period. Based on that rate of growth, it is anticipated that the expansion of electronic filing to the remaining civil judges will result in the collection of approximately \$235,000 in annual e-filing revenue. The Circuit Court further intends to expand electronic filing to Criminal and Family cases in the Circuit Court as well as to the Mental and Wills & Estates Divisions of the Probate Court. These expansions will further increase the fees collected.

### COST AND FUNDING

The total cost for the enhancements and modifications outlined above is estimated at \$355,400, with the largest portion of the cost going to aiSmartBench at \$146,000 and the IJIS Broker at \$90,000. Of the original appropriation authorized by the Board in 2010 for this initiative, \$81,000 is still remaining. Additionally, as noted above, the State Court Administrator's Office will fund \$15,000 of the aiSmartBench purchase. Funding for the remaining costs has been appropriated from the IT Capital Improvement Fund. Further, the Court is working closely with the Finance Department and together we have designated an account for e-filing revenue, estimated at \$235,000 annually, which will be used to reimburse the fund.

## SUMMARY

In August 2011, Macomb County Circuit Court took a giant technological leap forward and successfully launched e-filing. In the last eight months, the Court and Clerk's Office have been working together to identify the enhancements needed to create an efficient, cost-effective and state-of-the-art electronic filing system. Working with the Finance Department, the Court has identified funding and earmarked an ongoing revenue stream to fund our paperless vision now and into the future.<sup>1</sup> Again, on behalf of the Macomb Circuit and Probate Courts, I would like to express our appreciation for the continued support of the Board and the Office of the County Executive on moving our courts into the digital age.

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<sup>1</sup> E-filing allows the court to capture and retain records moving forward but does not address the volumes and volumes of existing paper records stored by the Court and Clerk's Office. The Court and Clerk are currently discussing scanning options and are considering consulting with Plante & Moran to develop a strategic scanning plan in order to achieve our ultimate goal of having a paperless system.

RESOLUTION NO. \_\_\_\_\_

FULL BOARD MEETING DATE: \_\_\_\_\_

AGENDA ITEM: \_\_\_\_\_

**MACOMB COUNTY, MICHIGAN**

**RESOLUTION TO** adopt a resolution supporting House Bill 1082 Amending 1978 PA 368, Entitled Public Health Code

**INTRODUCED BY:** Phillip DiMaria, Chair, and Joe Sabatini, Vice-Chair

**COMMITTEE/MEETING DATE**

JPS            06-05-12

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Official Resolution  
Of the Board of Commissioners  
Macomb County, Michigan

**A Resolution Supporting House Bill 1082  
Amending 1978 PA 368, Entitled Public Health Code**

Commissioners Phillip A. DiMaria and Joe Sabatini,  
On Behalf of the Board of Commissioners,  
Offers the Following Resolution:

**WHEREAS**, the Macomb County Board of Commissioners supports the passing of House Bill 1082 in order to amend 1978 PA 368, entitled "Public Health Code"; and

**WHEREAS**, the bill adds certain controlled substances to the schedule of controlled substances that are listed under the Public Health Code. "Controlled substances; schedules; synthetic cannabinoids; classify as schedule 1 controlled substances and prohibit sales and offer to sell certain products represented to contain controlled substances or having the effects of controlled substances. Amends sec. 7212 of 1978 PA 368 (MCL 333.7212); adds sec. 7417"; and

**WHEREAS**, the bill adds the dangerous, chemically altered substances that are readily available to the public by being sold in convenience stores and gas stations and labeled as "Spice," "K2" and "K6" and many other names;

**WHEREAS**, passing House Bill 1082 will ban the sale of dangerous substances, such as synthetic cannabinoids and other substances that are altered and produce an unpredictable high.

**THEREFORE BE IT RESOLVED**, that the Macomb County Board of Commissioners does hereby offer our support of House Bill 1082; and

**BE IT FURTHER RESOLVED** that copies of this resolution be transmitted to Governor Rick Snyder and members of the State legislature who represent the citizens and taxpayers of Macomb County.



*added to agenda*

*Item # 7A*

*JPS*  
*6-5-12*

OFFICIAL RESOLUTION  
OF THE BOARD OF COMMISSIONERS  
MACOMB COUNTY, MICHIGAN

A RESOLUTION IN SUPPORT OF THE DECLARATION OF SYNTHETIC CANNABINOIDS  
AND SYNTHETIC CATHINONES AS AN IMMINENT HEALTH DANGER BY THE  
MACOMB COUNTY EXECUTIVE AND THE MACOMB COUNTY HEALTH DEPARTMENT

COMMISSIONER JAMES CARABELLI, ON  
BEHALF OF THE BOARD OF COMMISSIONERS,  
OFFERS THE FOLLOWING RESOLUTION:

WHEREAS, synthetic cannabinoids and synthetic cathinones are reported to be widely available for sale in Macomb County, and

WHEREAS, the emergency department at Henry Ford Macomb Hospital and other local emergency departments report seeing significant and increasing numbers of persons suffering serious health effects from use of synthetic cannabinoids and synthetic cathinones, and

WHEREAS, the regional Poison Control Center reports a doubling in the rate of cases of Macomb County residents poisoned by synthetic cannabinoids from 2011 to 2012, and

WHEREAS, there is imminent danger to the health or lives of Macomb County residents from the unregulated use of synthetic cannabinoids and synthetic cathinones and immediate action needs to be taken to protect the citizens of Macomb County

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS SPEAKING FOR AND ON BEHALF OF ALL COUNTY CITIZENS AS FOLLOWS:

1

THAT BY THESE PRESENTS, the Macomb County Board of Commissioners supports the Macomb County Executive and the Macomb County Health Department declaration of synthetic cannabinoids and synthetic cathinones as an imminent health danger

*Distributed*

added to agenda

Item # 7B

OFFICIAL RESOLUTION  
OF THE BOARD OF COMMISSIONERS  
MACOMB COUNTY, MICHIGAN

JPS  
6-5-12

A RESOLUTION TO ENCOURAGE THE CITIZENS OF MACOMB COUNTY  
TO EXPRESS THEIR OPPOSITION TO THE SALE OF  
SYNTHETIC CANNABINOIDS AND SYNTHETIC CATHINONES

COMMISSIONER JAMES CARABELLI, ON  
BEHALF OF THE BOARD OF COMMISSIONERS,  
OFFERS THE FOLLOWING RESOLUTION:

WHEREAS, synthetic cannabinoids and synthetic cathinones are reported to be widely available for sale in Macomb County, and

WHEREAS, the emergency department at Henry Ford Macomb Hospital and other local emergency departments report seeing significant and increasing numbers of persons suffering serious health effects from use of synthetic cannabinoids and synthetic cathinones, and

WHEREAS, the regional Poison Control Center reports a doubling in the rate of cases of Macomb County residents poisoned by synthetic cannabinoids from 2011 to 2012, and

WHEREAS, there is imminent danger to the health or lives of Macomb County residents from the unregulated use of synthetic cannabinoids and synthetic cathinones,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS SPEAKING FOR AND ON BEHALF OF ALL COUNTY CITIZENS AS FOLLOWS:

I

THAT BY THESE PRESENTS, the Macomb County Board of Commissioners encourages the citizens of Macomb County to express their opposition to the sale of synthetic cannabinoids and synthetic cathinones and to cooperate with the Macomb County Health Department by reporting establishments that sell the synthetic cannabinoids and synthetic cathinones in violation of the order of imminent danger.

Distributed