



THE DOCKET

The Newsletter of the Michigan Association of District Court Magistrates

Winter, 2005

2005 MADCM CONFERENCE

2005 MADCM Annual Conference by *Dennis Hall, Magistrate, 74th District Court and Conference Chair*

The 2005 Michigan Association of District Court Magistrates annual conference will be held at the Holiday Inn West Bay located on the shores of beautiful West Grand Traverse Bay, Traverse City, Michigan, where the blue waters and lovely vistas help create the perfect mood for a productive and relaxing experience.

Conference dates are September 21st, 22nd and 23rd (Wednesday, Thursday and Friday). As always, the education committee will provide the membership with an excellent program packed full of useful information to assist us in performing our duties as magistrates. Plus there will be group meetings that will enable the membership the opportunity to discuss individual problem solving solutions.

Registration for the conference will begin at 4:00pm Wednesday, September 21, with the general meeting beginning at 6:00pm.

For room reservations, please call the Holiday Inn directly at 1-800-888-8020 and identify yourself as a MADCM member for the special rate of \$89.00 per night, plus tax for a standard room.

Case Load Reporting

By Jim Pahl, Editor & Magistrate, 55th District Court, based upon information provided by Sandi Hartnell, SCAO

Very few district court magistrates south of Region 4 attended the recent Caseload Management training, also known as Caseload Part 4. A lot of part-time attorney magistrates also don't attend the MADCM conference, and may not be accessing the SCAO web site to get our recent communications.

Magistrates should know that the age of every case assigned to them which is actively pending at the end of each calendar year, and any case assigned which was disposed during each calendar year, will be reported by case type code and by age to SCAO as part of Caseload Part 4.

Court administrators and clerks who attended the training received a lot of information at the training. The Lansing session is posted on MJJ's webcast section. It is a "video" of Sandra Hartnell, plus the Power Point presentation. It runs 2 hours 16 minutes.

By this reporting, Magistrates will be accountable for the age of all the cases assigned to them and how well they meet the Time Guidelines as published by the Supreme Court is administrative order 2003-7. If any magistrate has any questions about Caseload Part 4, you should talk first with your own court administrator.

Intersection Safety Seminar, by *Jim Pahl, Magistrate 55th District Court, based upon information provided by Steve Schreier, OHSP.*

This seminar looks at solutions to intersection safety problems and how to address those solutions. I attended this seminar last year and found it very helpful in understanding how and when a particular intersection can receive a traffic signal. I found it also provides information as to help a magistrate understand if there is indeed a potential engineering problem with an intersection. OHSP is providing a partial scholarship for those who attend, so that your cost will be only \$10.00. Program is taught by faculty of Michigan Tech. University, working as part of the Local Technical Assistance Program.

Up coming classes are: 2/23/05 - Kalamazoo and 2/24/05 - Ann Arbor. If you are interested, contact LTAP @ 906-487-2102.

To Be Determined dates and locations:
March - Roscommon
March - Big Rapids
May - Hillsdale
May - Howell
June - St. Ignace
June - Lexington
July - Escanaba

<http://ustools.you-university.com/youtools/companies/mji/archivesLayout2.html#district>

August - Ironwood.

EMAIL LIST by *Charles Pope, Magistrate, 14-A District Court.*

The association is developing an email communication list for magistrates. If you have a question or concern or something of interest to other magistrates, you can send an email to the list administrator, who will forward it to everyone on the list. The list is currently being administered by Charlie Pope. If you want to be included on this list, email him at: popec@ewashtenaw.org

Driver Responsibility Fees

Part Two by Dennis Hall, Magistrate 74th District Court, based upon information provided by Sandy Aguire, SOS District Court Liaison.

As of December 1, 2004, 225,492 assessments were sent to the treasury with a value of \$81,553,600.00. Of this amount, \$15,037,594.00 has been collected in the 2004 fiscal year. That's 18% for those of you that are keeping score at home.

In February of 2004, the first assessments were sent out to individuals who were convicted of certain Category 2 Offenses. That means if you are convicted of a certain offense, you get an assessment.

The second year assessments for Category 2 Offenses will not be sent out until April of 2005. In September of 2004, the first assessments were sent out to individuals who accumulate seven or more points on their driving record.

Suspension of Driver's License Due to Unpaid Fees: Programming has not been completed for the "suspension" phase of the program. So as it stands, so what if I don't pay my fees you can't suspend me because your computers wouldn't let you. Now we shouldn't shoot the messengers as Sandi and Peggy are just passing along the information from their department.

Law tightens 'hazmat' endorsement requirements *Secretary of State says changes help protect state, country*

(From a press release issued by Michigan Secretary of State)

Starting January 31, 2005, commercial drivers applying to haul hazardous materials must first undergo fingerprint and federal background record checks as required under the USA PATRIOT Act, announced Secretary of State Terri Lynn Land.

The fingerprint and background checks also will apply to hazardous materials endorsement renewals beginning May 31. The new requirements apply to all states and are part of a move to strengthen homeland security and protect against terrorist threats.

"These changes are crucial to strengthening homeland security and defending against terrorist threats," Land said. "The world has changed since 9-11, and we need to take these precautions in order to protect the citizens of this great state and country. We will work with applicants to make sure that they understand the new process. "

The federal Transportation Security Administration (TSA) oversees the implementation of the new requirements. The TSA has selected Integrated Biometric

The real problem lies in the legislature not funding the programming for the law that they passed. No programming, therefore no license suspension for not paying your driver responsibility fees.

Can anyone say Catch 22?

Technologies to assist states in identifying local companies to process fingerprint and federal background checks.

In Michigan, Integrated Biometric Technologies has chosen Examination Management Services Inc., 27260 Haggerty Road, Suite A21, Farmington Hills. Additional companies will be added to the list in the near future. To begin the process, drivers must preregister by submitting an application by Internet or telephone. There is an online application available on the TSA Hazmat. Telephone applications can be submitted by calling a toll-free driver help desk at (877) 429-7746. Drivers may also pay the \$94 processing fee with a credit card or an electronic check when they preregister.

Once the application is submitted, drivers must appear in person at one of the companies authorized to collect fingerprints, present a valid driver's license or other document certifying their driver qualifications, have their fingerprints taken, provide any other information required and pay the \$94 fee if they have not already done so. Only a money order made payable to Integrated Biometric Technology, LLC will be accepted.

Drivers appearing at a company for fingerprinting who have failed to preregister will be asked to call in their application information to the toll-free driver help desk before any further action is taken.

The TSA estimates that most background checks will be completed within 30 days.

However, the process could take as long as 45-60 days. The TSA will notify all drivers in writing with the results. Drivers must bring the written TSA approval to a Secretary of State office before a hazardous materials endorsement can be issued.

The Department of State issues about 250 new and 1,200 renewed hazardous materials endorsements each month. A hazardous materials endorsement allows drivers to haul products, such as flammable solids, liquids and gases, explosives, poisons or radioactive materials, which pose a risk to

EXPERIENCED MAGISTRATES SEMINAR,

based upon information provided by MJI.

Mark your calendars now for a two day training seminar hosted by MJI. July 12 and 13, 2005. Specifics will be coming - topics to be determined.

SOS DRIVING RECORDS, *based upon information provided by Sandy Aguirre of SOS.*

The Michigan Secretary of State publishes a great little pamphlet titled: "How to Effectively Interpret Information Found on a Driving Record".

This contains things that even the experienced magistrate will find useful, such as all of the codes and abbreviations commonly found on a driving record. Contact your District Court Liaison for a copy. Peggy Leese at LeeceP@Michigan.gov and Sandy Aguirre at AguirreS@Michigan.gov.

SCAO UPDATE, *based upon information provided by Sandra Hartnell, SCAO.*

LEGISLATION:

494 PA 2004. Those who abandon a vehicle may be charged with littering, a state civil

health, safety and property during transportation.

More information about the USA PATRIOT Act hazardous materials endorsement requirements is available through the department's Web site at

<http://www.michigan.gov/sos>

infraction, if they meet the definition found in MCL 257.252a.

511 PA 2004. Trailers and semitrailers may now be up to 102 inches wide on all roads.

CASE LAW:

Remember that People v Pitts, 222 Mich App 260, ruled that tinted windows is defective equipment and is to be treated the same as any other section 683 violation. If the tint is removed within the time frame allowed, all fines/costs must be waived and there is no abstract to SOS.

MISCELLANEOUS:

The Code of Judicial Conduct applies to Magistrates. Please refer to Canon 3 A.(4), which discusses ex parte communications.

There is a new chart (12/04) that details MIP and Open Intoxicants penalties and sanctions in an easy to read grid format. Copies can be obtained from SCAO at hartnells@michigan.gov

DRIVER RESPONSIBILITY BROCHURE, *based upon information provided by Sandy Aguirre of SOS.*

Anyone having questions about the driver responsibility fee can be referred to a web site maintained by the state at:

www.michigan.gov/driverresponsibility.

There is also a brochure you can print and have available to members of the public at: www.michigan.gov/documents/DRBrochure_88983.pdf.

If you want to see a sample of the letter that is sent to those who are being assessed the fee, you can view that letter at:

Programing is not in place to allow processing of these abstracts, so they are being held until programing is complete. There is no completion target date. These abstracts will error out on the DR1320 Court Error Message Report, reading "INV OFFENSE CODE." Ignore this error code until the programming is in place - really.

DISMISSAL ABSTRACTS FOR MIP DEFERMENTS, *based upon information provided by Sandy Aguirre of SOS.*

If a defendant successfully completes the term of probation and the court is sending an abstract to SOS, the offense code field is 1360, (NOT 1360M). Then put an "M" (merit dismissal) in the "Trial" field, along with a reason for the dismissal typed in the "Comment" field.

If you submit an abstract of dismissal with an offense code of 1360R and that is rejected by SOS, (NON ALC-ACQUIT/DISMIS), you need to resend that abstract with the correct offense code of 1360. In the past, courts have been told to ignore this error message, however, this is no longer the case if the this dismissal abstract was submitted with code 1360R.

Peggy Leese: (810) 760-2961
Sandy Aguirre (517) 636-0129

www.michigan.gov/documents/screen-shot_88424.pdf.

NO INSURANCE, *based upon information provided by Sandy Aguirre of SOS.*

As of December 29, 2004, the Secretary of State has received 962 abstracts of conviction for no insurance at all, under code 3108. There are also approximately 250 FAC/FCJ suspensions under this same code.

As of January 18, 2005, there have been 2347 MIP deferrals filed with the Secretary of State.

From Prevention Network News, *as provided to the Docket by Dennis Hall, Magistrate, 74th District Court.*

NHTSA proposed general side-impact safety regulations last May which involve side airbags and other equipment. But by August they announced they are at least two years away from being able to make specific recommendations for the safety of children in side-impact crashes. NHTSA said they lack a full understanding of just how injury and death are caused in these crashes, citing a need for advanced technology and an adequate child-size crash dummy that can measure side-impact injury in order to carry out studies.

Side-impact crashes are a particular concern with children. A Children's National Medical Center Study indicated, "Lateral impact crashes resulted in significantly more children being injured severely than frontal crashes." And one study by the Insurance Institute for Highway Safety found that side impact accounts for the greatest number of crash deaths-forty percent-among children who were restrained in safety seats.

Child safety advocates point out additional concerns. More cars now come with rigid latch systems to secure child safety seats, and the anchor locations for these require placing children in side positions, next to doors and windows. At the same time, some child seat manufacturers advise against placing their seats next to side airbags.