



THE DOCKET

The Newsletter of the Michigan Association of District Court Magistrates

Winter, 2015

MAGISTRATE AUTHORITY EXPANDED

Magistrate Authority Expanded

*By Kevin McKay
2015 MADCM President*

Three bills introduced by Senators Jones and Hansen in the state legislature have passed and been signed into law. In large part, this is through the efforts of Association President Kevin McKay, Magistrate Ken Knowlton (56A District Court – Eaton County) and former Magistrate Brian Monton (formerly with 78th District Court-Oceana County). Our SCAO representatives provided this synopsis to the Association's Board of Directors at their meeting 1/15/15:

Statute Cite: MCL 600.8311 and MCL 600.8511

P.A. Number: [2014 PA 124](#)

Effective Date: January 1, 2015

What it Does: Expands the district court's jurisdiction and duties to include holding probable cause conferences and conducting circuit court arraignments. Also allows a district court magistrate to conduct the probable cause conferences, when authorized by the chief district court judge.

Statute Cite: MCL 780.651

P.A. Number: [2014 PA 383](#)

Effective Date: December 18, 2014

What it Does: Allows a judge or district court magistrate to sign an electronically issued search warrant when he or she is in any location in this state. Also allows a district court magistrate to issue a suppression order for a search warrant affidavit or tabulation.

Statute Cite: MCL 600.8512

P.A. Number: [2014 PA 384](#)

Effective Date: December 18, 2014

What it Does: Allows a district court magistrate to set aside a default or withdraw an admission in civil infraction cases and allows judicial immunity for acts expressly authorized by the chief judge.

Statute Cite: MCL 764.1

P.A. Number: [2014 PA 389](#)

Effective Date: December 22, 2014

What it Does: Allows a judge or district court magistrate to sign an electronically issued arrest warrant when he or she is in any location in this state.

A District Court Magistrate may not automatically begin to do these things, as they may only act as specifically authorized by their Chief Judge. This will require a new LAO be signed by the judge, if the judge is going to authorize their magistrate to exercise this

authority. SCAO has posted the revised model LAOs for both Non-Attorney Magistrates and Attorney Magistrates. Go to this link: <http://courts.mi.gov/administration/admin/pol/lao/pages/required-laos.aspx>

Other Legislation

By James Pahl, Editor

Other items also passed the legislature and were signed into law that impact District Court Magistrates.

Statute Cite: MCL 600.8311 and MCL 600.8511

P.A. Number: [2014 PA 124](#)

Effective Date: January 1, 2015

What it Does: Expands the district court's jurisdiction and duties to include holding probable cause conferences and conducting circuit court arraignments. Also allows a district court magistrate to conduct the probable cause conferences, when authorized by the chief district court judge.

Statute Cite: MCL 765.6b; 257.625a, 625c, 625d, 625g; 257.43a

P.A. Number: [2014 PA 316 and 2014 PA 315](#)

Effective Date: January 12, 2015

What it Does: PA 316 amends the Code of Criminal Procedure to authorize a court to release a defendant subject to conditions necessary for the protection of the public if the defendant has submitted to a preliminary roadside analysis test that detects the presence of alcohol, controlled substances or a combination *and* a subsequent chemical test is pending. It requires these protective conditions to be entered on LEIN by either the court or law enforcement. With respect to a defendant who has been released subject to conditions for the protection of another person, the Code is amended to permit the court or law enforcement to enter the protective conditions on LEIN. PA 315 amends the motor vehicle code to update language and replace "preliminary chemical breath test" with "preliminary roadside analysis" and states that provisions that currently apply to

preliminary chemical breath tests would apply to preliminary roadside analysis.

Statute Cite: MCL 769.1k (Cunningham)

P.A. Number: [2014 PA 352](#)

Effective Date: Immediate

What it Does: Amends MCL 769.1k to provide the authority for a court to impose on a guilty defendant any cost reasonably related to the court's actual costs. Also requires courts that imposed those costs to report annually to the State Court Administrative Office, which has to report annually to the Governor and the Legislature.

This is your Newsletter – CONTEST ANNOUNCED

By James Pahl, Editor

This is your newsletter – I can only publish what each of you provides. PLEASE send me your interesting stories or other items that may be of interest to your fellow magistrates! I love interesting letters you receive from the motoring public as they attempt to explain their civil infractions. I have had promises of articles, but nothing has been received.

So to help me out, the Board of Directors is announcing an annual contest for the most interesting submission to the DOCKET. Be it an article you write or a letter you receive or whatever, a sub-committee of the board will review all submissions and present an appropriate award at our conference.

I would also like to start publishing pictures of the court house where you work. We have a number of interesting buildings around the state. So please take a picture and send it to me with the name of the court and location.

Reserve These Dates!

2015 MADCM Annual Training Conference is at Crystal Mountain, September 23, 24 & 25.

Planning is well underway and the educational committee is searching for interesting speakers and topics for this year.

Tax Exempt Status

By Pat Brennan, Association Treasurer

Our association is now officially tax exempt under section 501(c)(3) of the Internal Revenue Code.

This enables us to solicit and receive money from individuals and/or groups that are a tax deductible contribution to us. For example, we can seek funds to expand our conference programs, provide new services to association members and further the goals of the association.

Also, expenses you personally incur (and not reimbursed) on association business, including attending the annual conference, are also deductible. This includes mileage at the rate of \$.14 cents per mile.

This status will also allow us to apply for grants from public and private foundations, which are usually limited to only providing funds to 501c3 organizations. So anyone with grant writing experience and a desire to help out the association, please contact Treasurer Pat and/or President Kevin.

2015 Officers and Directors

Officers-one year term

President

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(Two year terms - expiring 12/31 of the year listed)

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State Liaisons

SCAO and MJI have staff members devoted to providing communication and liaison with the local courts. Please contact them with any questions you may have. They are:

State Court Administrative Office

<http://courts.michigan.gov/scao/>

Julia Norton, Management Analyst
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MJI Magistrate Specialty Seminar

Wednesday, July 29, 2015

A full day training session for new and experienced District Court Magistrates is conducted by Michigan Judicial Institute

MJI Conference Center
Michigan Hall of Justice
925 W. Ottawa Street
Lansing, MI 48913

New Magistrate School

By James Pahl, Editor

The New Magistrate School is currently scheduled for February 25, 26 and 27 at the Hall of Justice in Lansing. Pete reports as many as 30 new magistrates will be attending.



MADCM 2014 Treasurer's Report

By Pat Brennan, Association Treasurer

Beginning Balance per Bank- \$5,845.31

Income:

2014 Dues - \$ 2,775.00
2014 Conference - \$8,436.00
2015 Dues - \$6,300.00
State Reimbursement - \$472.35
Interest Earned: \$ 2.12
TOTAL INCOME: \$ 23,830.78

Expenditures:

Board Meetings (3) - \$2,678.96
2014 Conference - \$7,217.83
Speakers - \$524.77
Hospitality Room - \$306.87
Decorations, ect - \$1,262.71
Scholarships - \$1,350.00
2015 Conference Deposit - \$500.00
IRS 501(c)(3) filing - \$400.00
New Magistrates Dinner - \$531.08
Misc. Expenses - \$524.78
(Postage, Web site, ect.)
TOTAL EXPENDITURES: \$15,297.00

ENDING BALANCE: \$13,750.05

ACCOUNT BALANCES:

Checking Account	\$ 8,533.78
Unrecorded Deposits	\$150.00
Money Market Account	\$5,066.27
TOTAL	\$13,750.05

Reviewing the 2014 financial report, it's obvious that our primary source of funds is thru membership dues and conservative spending practices. We generate funds from conference registrations but this program is not yet at a breakeven point. Our next largest expenditure is from the new magistrate's dinner but this expenditure is justified by the number of new members to the association.

To protect your funds, the Treasurer provides quarterly financial statements to the Board of Directors. All checks require two (2) authorized signatures and all of our accounts provide 24/7 internet account balance access to the President and Vice President. This is to ensure accountability and supervision of all association funds. Lastly, the association is audited annually by an independent committee appointed by the Board. Please feel free to contact Treasurer Pat directly through his cell phone: (586) 549-9002, or email: jbrennan@ferndalecourt.com if you have any questions or comments.

MADCM Committee Appointments

By Keven McKay, President

At the meeting of the Board of Directors on January 15, 2015, our president announced the following committee assignments and appointments.

2015 Conference

- Location Procurement & Logistics – Tom & Norene
- Education – Jessica & Norene
- Registration – Pat & Melissa King
- Door Prizes & Conference Gift – Charity & Sue
- Goody bags - Dena
- Hospitality Suite – Robert & Tom

- Editor of the Docket – Jim Pahl
- SCAO Forms Committee – Jessica Testolin-Reinke & Liz Stankewitz
- State Bar Committee on Judicial Ethics – Jim Pahl
- Legislative Committee – Colleen Currie

2016 Conference, Location, Procurement & Logistics: Norene Kastys

Where We Work

By James Pahl, Editor

There are a wide variety of courthouses throughout our state, so I hope to feature one or two in each issue of the DOCKET. Please submit a photo of your courthouse so we can see where you work.

This is the Gratiot County courthouse, the home of Stacey Schafer, Magistrate, 65th District Court.

