

Judge Potts Concludes Term as Chief Judge

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Circuit Court Administrator



At noon on January 1, 2010, the Honorable Wendy Potts concluded her third consecutive term as chief judge of the Sixth Judicial Circuit Court in Oakland County. For six years she held the position of leader of the second-largest circuit court in Michigan with an average budget during that period of \$60 million, 19 circuit judges, and 450 employees.

The life cycle of an organization is marked by transitions. During my tenure with the court, this will be the fifth transition to a new chief judge. The Honorable Nanci Grant was appointed by the Supreme Court to serve as chief judge for the two-year term that began January 1, 2010. Next month I will devote this column to an introduction of Judge Grant although she needs no introduction to the legal community, as she is one of our longest-tenured judges, having served for more than a dozen years.

But for this article I will focus on the accomplishments that occurred on Judge Potts' watch. I can only address a few of those accomplishments as space is limited. Judge Potts would be the first to tell you that others played an important role in bringing some of these accomplishments to fruition, and no doubt that is true. Still, she articulated a vision and set us on a course that enabled the court to move forward with dramatic changes over the past six years, and for that she rightly deserves recognition.

Newly appointed Chief Judge Potts was welcomed to the position in 2004 with distressing budget news. The court has just cut its budget in 2003, and the financial projections would necessitate further cuts. In retrospect, the Circuit Court cut its budget in four of the six years in which she served as chief. More than \$7 million was cut on her watch, yet the cuts were made in such a way as to render negligible their effect on the court's ability to perform its statutory duties. This is a testament to the leadership of Judge Potts and our bench, and the ability of our employees to keep up the pace with fewer resources at their disposal.

Budget challenges inevitably make an organization ponder the use of technology. Resources were declining but the workload remained constant. Several technology initiatives

were launched while Judge Potts was at the helm. The use of technology created efficiencies that helped mitigate the loss of positions and dollars. It also provided an opportunity to enhance access to the court.

In November 2006 the Circuit Court, in tandem with the County Clerk's Office, introduced *Court Explorer* enabling lawyers and parties to view the Register of Actions via the Internet. *Court Explorer* is a free application that enables the user to conduct a search of legal records related to cases filed in this court. The user can view the Register of Actions, view parties and attorneys listed on a case, and purchase public court records. No longer does one have to drive to the courthouse to view the Register of Actions and order court records – it can now be done from the convenience of home or the office. You can learn more about *Court Explorer* by going to the court's Web site at www.oakgov.com/courts/ and clicking on the *Court Explorer* icon.

The court began its initial foray into eFiling in late 2005 and through most of the following year on an experimental basis. The results were promising and the feedback encouraging, so a second and more expansive pilot eFiling program was launched in August 2007. The legal community embraced eFiling, so much so that the pilot program has grown to include half of the civil docket. In late November the Family Division judges recommended the creation of a pilot eFiling program for divorce cases involving no children. eFiling has saved attorneys and parties countless hours of travel time to and from the courthouse. It is also estimated that about 700,000 pieces of paper were saved, helping to foster Judge Potts' vision of a "green" courthouse and judicial system.

In late 2007 Judge Potts spoke to me of using audio and video technology to allow for virtual court appearances so that attorneys and parties could participate in various court proceedings from remote locations. And so it was that we embarked upon an audio and video conferencing project known as Judge On-Line.

About 400 Judge On-Line conferences have taken place with attorneys and parties calling in from more than 30



states and such faraway places as Australia, Iraq, Belgium, Russia, Hong Kong, South Africa, Kuwait, Germany and Spain. Judge On-Line is efficient for the court, convenient for its users, and a fitting example of how the administration of justice can benefit from today's technology.

Sustainability of the drug treatment courts in dire economic times is something about which many of our judges are passionate. Judge Potts has been a champion of furthering the role the drug courts play helping substance abuse offenders to overcome their addictions.

THE RESTORE FOUNDATION

To say that Judge Potts was instrumental in marshalling efforts to create the RESTORE

Foundation is an understatement. The Foundation, under the directorship of a board of talented community leaders, was created under the IRS Code as a non-profit corporation organized for the purpose of receiving and administering funds to support the drug courts and further their objectives. The RESTORE Foundation may well be the lynchpin that ensures the long-term economic viability of the drug courts. If so, all of Oakland County's residents will benefit, not the least of whom will be those offenders placed in the drug courts who otherwise would have little hope and motivation to overcome their addictions.

Of all the issues during her term as chief, perhaps none was as prevalent throughout her six years in leadership as jail overcrowding. From August 2005 through November 2007, Oakland County experienced nine jail overcrowding emergencies that resulted in the mass release of some 2,500 convicted felons – the releases being required by Michigan law.

Thanks to the persistence of Judge Potts, and with the help of others including State Representative Paul Condino and Oakland County Corporation Counsel Judy Cunningham, legislation was adopted that amended the Jail Over-

crowding State of Emergency Act. Among other things, the amendments provide for the targeted and limited releases of certain non-violent offenders, including those on pre-dispositional status who are held on low bonds.

By allowing for limited releases of inmates who some would argue should not be in jail in the first place, jail beds are made available for convicted and sentenced felons. It is not a coincidence that Oakland County has not experienced a single mass release due to jail overcrowding since the amendments took effect in late 2007. There were nine mass releases in the 28 months prior to the amendments taking effect – that's one release every three months. Subsequent to the amended Act there have been no mass releases in 24 months. Judge Potts deserves a great deal of credit in changing Michigan law for the better.

Mentioning these few accomplishments doesn't adequately describe the number and complexity of administrative issues on Judge Potts' plate these past six years. She worked tirelessly to move our court forward in challenging economic times. Her imprint on the court will be visible for many years to come.

Court administrators work closely with chief judges. I was able to observe Judge Potts as she led this court through both uneventful and challenging times. Her leadership was steady and sure. The best interests of the court and the administration of justice were at the front and center of her administrative decisions.

As was mentioned earlier, transitions occur and this court will transition to a new administration with the appointment of Judge Nanci Grant as chief judge. Just as it has been under the stewardship of Judge Potts, the court will be in good hands under the leadership of Judge Grant. Please stay tuned as next month I will introduce Judge Grant and her leadership team.

A CALL FOR NOMINATIONS

The OCBA's Nominating Committee is looking for talented, dedicated, hardworking, and contributing members who want to join the board of directors to help our organization continue to grow and contribute to the legal profession. Are you interested? Do you have ideas and a passion to make a difference?

Completed applications are due no later than 5:00 p.m. on Friday, January 22, 2010.

For more information or an application please contact Lisa Stadig Elliot at (248) 334-3400 or visit the OCBA Web site at www.ocba.org