

Prosecutor Office Reorganization Request Assistant Prosecuting Attorney (APA)

I'm requesting to reorganize the prosecutor office by adding an APA 3 and eliminating an APA 1. The request would not result in a change of the FTE equivalents for the office, but would recognize the judicial assignments of the APAs and the degree of responsibility and complexity those assignments have. As an added bonus, I believe the reorganization would assist with the retention of experienced and long term prosecutors employed in the office. Finance has provided a cost analysis for the reorganization, which is attached.

The prosecutors office has different areas of operation. Broken down for simplification they are:

- Appeals: One prosecutor is assigned to appeals for the office. Other APAs may assist from time to time with those appeals. The appeals attorney is an APA 2.
- Family: One prosecutor is assigned to the family division. Family matters are assigned to the circuit and probate judges (four). Other APAs may assist from time to time with those family matters. The family office is physically separate from the prosecutor's main office. The family prosecutor manages his staff and budget which are part of the prosecutor's office. The family prosecutor is an APA 3 given his staff and budget responsibilities.
- Juvenile: Two prosecutors are assigned to the juvenile and neglect/abuse docket. Coverage would be for the probate judge, circuit judge and the juvenile court referee. From time to time assignment of these juvenile matters may be made to the other circuit judges. The staff consists of an APA 2 and an APA 1.
- District Court: Two prosecutors are assigned to each district judge (four total). In one courtroom one prosecutor handles the misdemeanor docket and the other prosecutor handles the felony docket. The felony docket is one with more complexity and responsibility. One district judge has an APA 1 and an APA 3 assigned to the courtroom. The other district judge has two APA 1s in the courtroom. I am asking for the APA 1 who handles the felony docket to be advanced to an APA 2 grade level. The APA 3 at the district court also handles more complex cases on an assigned basis as needed and acts as the lead prosecutor for the district court. Other APAs may assist from time to time as needed with the district court docket.
- Circuit Court: There are three circuit court judges. The Brighton circuit judge primarily handles the family docket as described above as well as the juvenile docket described above. The other two circuit judges primarily handle the criminal docket with the probate judge and the Brighton circuit judge taking some assignments as needed. Two prosecutors are assigned to the circuit judge who handles the bulk of the criminal docket. One is an APA 3, the other an APA 2. The APA 3 in that courtroom would handle the most serious felonies for that courtroom. The other circuit judge handling the criminal docket has one APA 2 assigned to the courtroom. I am asking for this APA 2 position to be changed in grade to an APA 3 position. The APA assigned to this courtroom would handle

all felonies in front of that judge, including the most serious felonies that our office prosecutes. The district court APA 3 would also handle serious felony matters in either circuit courtroom from time to time.

- Specialty Courts: There are a number of specialty courts that the prosecutor's office participates in. Adult Misdemeanor Drug Court, Adult Felony Drug Court, Juvenile Drug Court, Veterans Court and Intensive Treatment Court all have prosecutors assigned to them.

Historically Livingston County has had six judges during the 21st century. When I first served as a circuit judge starting in 2005 there were three district judges, two circuit judges and one probate judge. During my tenure as chief judge I lobbied with the state court administrator's office to reallocate the judge assignments to eliminate a district court judge and replace it with a circuit court judge, to achieve docket parity for the judges. The caseload studies conducted by SCAO supported the addition of a circuit judge and the elimination of a district judge. SCAO did recommend that to the legislature and with the retirement of Judge Carol Reader at the end of 2018, her district court seat was converted to a circuit court judgeship. I believe this additional circuit seat would support the creation of an APA 3 position and the elimination of a district court seat would support the elimination of an APA 1 position. A felony judge position was created and a misdemeanor judge position was eliminated.

Operationally, the felony attorney in the district court should be an APA 2 position and the lone prosecutor in the circuit courtroom assigned to the criminal docket should be an APA 3 position. The prosecutors that I have in mind for the grade level changes both have the years of experience that warrant their advancement. Advancing them, I believe, would aid in their retention in the office for years to come and would recognize their talent and experience. It would also recognize the responsibility and complexity of the type of cases they handle. The change in the budget would be incremental, based upon board policy as shown in the review conducted by finance which is attached.

Please feel free to reach out to me if you have any questions.