



LIVINGSTON COUNTY, MICHIGAN
DISTRICT COURT

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MEMORANDUM

To: Livingston County Board of Commissioners

From: Marisa Lutz, District Court Administrator

Date: October 3, 2023

RE: Resolution to Approve the Appointment of Emily Kocienski as Backup Magistrate for the 53rd District Court

Emily Kocienski is a current full-time law clerk for District Court's Honorable Daniel B. Bain. She has been an active member of the Michigan State Bar since 2011 and her P# is 74616.

The backup on-call magistrate is an essential function in the law clerk job description. The magistrate duties include adjudicating civil infraction cases, conducting arraignments in felony and misdemeanor cases, sentencing misdemeanor charges as provided by statute, disposing of minor offenses before trial, issuing arrest and search warrants, and setting or denying bail.

Per MCL 600.8507, Emily meets all the requirements to become a magistrate. Upon meeting these requirements, MCL 600.8501 requires the boards consent, "*All magistrates provided for shall be appointed by the judges of the district and the appointments shall be subject to approval by the county board of commissioners before a person assumes the duties of the office of magistrate*".

The magistrate function of the position is provided for in the current budget.

Thank you for your consideration to this important matter.