

Macomb Business Court gains national recognition

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Macomb County court officials have been recognized by the National Association of Counties for their initiation of the first business court in Michigan.

NACo awarded Circuit Court a 2013 Achievement Award in the Court Administration and Management category for its “exceptional results and unique innovations” in establishment of the Business Court, NACo says. The award will be presented July 21 at NACo’s annual conference in Tarrant County, Texas.

The court started in November 2011 under former chief Judge Mark Switalski, nearly a year before Gov. Rick Snyder signed a law that requires the specialized docket for large counties. Macomb’s court has been used as a model for other business courts statewide.

In a business court, complex business disputes are assigned to Judge John Foster instead of randomly dispersed among the nine circuit civil/criminal judges. Cases include business torts, antitrust, intellectual property, securities and commercial real estate.

It is designed to get business disputes resolved faster, and improve the justice system and business climate. It “provides economic development officials with an additional tool to help retain and attract business in Macomb County,” says the application co-penned by Court Administrator Jennifer Phillips and Specialty Court Chief Lisa Ellis.

The court, located in the downtown Mount Clemens courthouse, allows Foster to use “specific case management techniques to help resolve issues as effectively and efficiently as possible,” the officials said. Participants take advantage of several technologies, such as electronic filing and video conference through Skype and FaceTime. The state Court Administrative Office supplied new video conferencing equipment, which officials say appeals especially to out-of-state participants.

All opinions are placed on the circuit court’s web site.

Since it began, the court has handled 43 cases, closing 20 of those, Ellis said.

In a survey of attorneys involved in closed cases, all said their case’s process improved under the new court, and 83 percent said the case was resolved quicker, according to Ellis.

Regarding legal costs, 8.3 percent reported no savings, half said “little” savings, one-third reported “moderate” savings and 8/3 percent said “quite a lot” of savings, she said.

Officials say the court’s operational costs have been minimal.

In addition to Switalski, Foster, Phillips and Ellis, others instrumental in the court’s formation and success include Foster’s secretary Stacey Rautio and attorney Brian Wassom. Attorney Doug Toering has helped promote the

court.

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