

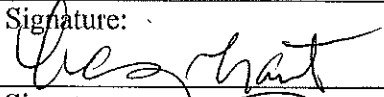

<b>STATE OF MICHIGAN 6<sup>th</sup> JUDICIAL CIRCUIT COURT/ OAKLAND COUNTY PROBATE COURT</b>	<b>OAKLAND CONCURRENT JURISDICTION PLAN</b>	<b>ADMINISTRATIVE ORDER CIRCUIT 2014-01J PROBATE 2014-01J</b>
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# **CONCURRENT JURISDICTION PLAN APPLICATION**

**Sixth Judicial Circuit Court**

**Oakland County Probate Court**

## A. APPLICANT SUMMARY

1. Applicant: 6 <sup>th</sup> Circuit Court of Oakland County and The Oakland County Probate Court		
Address: 1200 N. Telegraph		
City: Pontiac	State: MI	Zip: 48341
2. Contact Person: Kevin Oeffner, Circuit Court Administrator 248-858-0347 Rebecca A. Schnelz, Probate Court Administrator 248-858-5603		
Address 1200 N. Telegraph, Pontiac MI 48341		
Phone: See above		
Fax: Circuit: 248-858-1999      Probate: 248-975-9607		
E-Mail: <a href="mailto:oeffnerk@oakgov.com">oeffnerk@oakgov.com</a> , <a href="mailto:schnelzr@oakgov.com">schnelzr@oakgov.com</a>		
3. Concurrent Jurisdiction Type <input type="checkbox"/> Circuit, Probate, and District Court Jurisdictions <input checked="" type="checkbox"/> Circuit and Probate Court Jurisdictions <input type="checkbox"/> Circuit and District Court Jurisdictions <input type="checkbox"/> District and Probate Court Jurisdictions		
Multi-court Chief Judge (Name) <sup>1</sup>	Signature	Date
Chief Circuit Court Judge (Name): Hon. Nanci J. Grant	Signature: 	Date: 2-27-14
Chief Probate Court Judge (Name): Hon. Elizabeth Pezzetti	Signature: 	Date: 2-27-14
Chief District Court Judge(s) (Name):	Signature:	Date:

<sup>1</sup> If applicable

## **B. Plan and Instructions**

### **1. CONCURRENT JURISDICTION PLAN GOAL(S)**

Briefly outline the anticipated benefits that will be realized through the adoption of a plan of concurrent jurisdiction; in particular, the benefit(s) to litigants. Consider the examples of goals found in the planning and guidelines document.

This concurrent jurisdiction plan is based upon the administrative merger of the Oakland County Circuit and Probate Courts that was accomplished through the implementation of Joint Local Administrative Order 2000-03J. The administrative merger was initiated in 2000 during the implementation of the Family Court Plan for the Sixth Judicial Circuit Court. It has been further refined since that time as part of the court's ongoing efforts to improve efficiency and to meet budget goals.

The administrative merger consolidates the operations of the Circuit and Probate Courts in the following areas: jury office, case management, business and human resources, court clerk support, public information/special events coordination, data technology operations (including reporting), and attorney appointments.

The goals of the concurrent jurisdiction plan include:

- Eliminate duplication and redundancy of administrative functions
- Reduce personnel and operational costs
- Enhance the utilization of facilities
- Improve communication between the courts
- Allow flexibility in redirecting support staff as needed
- Promote unity between courts
- Simplify access to court services for the public and attorneys

### **2. JUDICIAL RESOURCES**

Describe the process for determining how cases will be assigned among or between the trial courts affected by the plan and to the individual judges of those courts as necessary to implement the plan and to fairly distribute the workload among those judges. [MCL 600.401(3), 600.406(3), 600.407(3), and 600.408(3)]

- A. Provide information and details regarding judicial assignment of cases:

1. Case assignment.
  2. Transition and handling of open/pending cases, if any.
  3. Plan for the rotation of judges within divisions; transfer of cases.
  4. How disqualifications will be processed within the jurisdiction.
- B. Reference existing or attach proposed local administrative orders (LAO) for assignment of cases pursuant to MCR 8.111.
- C. Reference LAOs concerning authority of magistrates, referees, and/or probate registers.
- D. Future amendments to any attached proposed local administrative orders will not require the submission of a revised plan, provided that the amendments do not fundamentally alter the concurrent jurisdiction plan.
- E. Attach any additional proposed orders necessary to implement the provisions of this plan.

A concurrent jurisdiction plan may incorporate a family court plan as provided in Chapter 10 of the Revised Judicature Act. [MCL 600.1011, as amended by 2002 PA 682] If this plan includes a family court, include a reference to the family court plan in the application.

- A. The concurrent jurisdiction plan will not directly affect the assignment of cases. General civil and criminal cases in the Circuit Court are assigned pursuant to LAO 2013-02. Cases in the Probate Court are assigned pursuant to LAO 2013-01. In addition, the Family Court Plan for the Sixth Judicial Circuit Court, as laid out in LAO 2011-03, specifies the process for the assignment of Family Division cases.
- B. Existing local administrative orders for assignment of cases
- Oakland County Circuit Court LAO 2013-02  
Oakland County Family Court Plan LAO 2011-03  
Oakland County Probate Court LAO 2013-01
- C. There are no applicable LAOs concerning authority of magistrates, referees, and/or probate registers in relation to the concurrent jurisdiction plan.
- D. It is not anticipated that future amendments to any of the attached local administrative orders will require modifications to this concurrent jurisdiction plan as long as the amendments do not fundamentally alter the plan.

### **3. COURT GOVERNANCE AND ADMINISTRATION**

Provide a description of the proposed court governance structure. If a new administrative structure is proposed, describe the roles of administrative staff. Attach an organizational chart describing proposed structure and lines of authority.

The traditional governance structure of each court remains intact. Each court remains a distinct court and has an appointed chief judge, administrator, managerial staff and line staff. For funding unit, budgetary and personnel administration purposes, the staff affected by the administrative merger is reflected in the Circuit Court budget. For daily operational purposes, the staff affected by the administrative merger is under the administrative oversight of the probate and circuit administrators, who have the ability to direct and assign work as needed. Attached are two organizational charts. Chart A reflects organizational structure and authority for purposes of the funding unit and personnel administration. Chart B reflects daily operational responsibilities and authority.

### **4. HUMAN RESOURCES**

Provide the proposed changes to staffing, including new or modified positions.

All required personnel changes have been made that were contemplated by Joint LAO 2000-03J. Minor personnel changes have been made as court needs have changed. No personnel changes are contemplated at this time.

Changes that were made at the time of implementation included the merging of staff in the affected operational areas, with reassignments made as necessary to obtain optimal use of resources.

### **5. BUDGET AND FISCAL MANAGEMENT**

Describe any proposed changes to processes and responsibilities for the preparation, presentation, and administration of court budgets, including contracting and purchasing authorization responsibilities.

There are no proposed changes at this time; this administrative merger was accomplished in 2000. Since that time, under the direction of the circuit and probate court administrators, the Business Administrator has been responsible for the preparation of the annual budgets and performs daily financial and budgetary oversight for both courts. This includes the management of contracting and purchasing issues on behalf of both courts.

Describe any planned change in revenue allocation. Attach funding unit agreements pertaining to the reallocation of revenue.

There are no planned changes to revenue allocations at this time; this administrative merger was accomplished in 2000. Revenue changes at the time of implementation were associated with the change of case types from the Probate Court to the Family Court and were not a direct result of the administrative merger. (For example, name change filing fees and reimbursement for placement costs in juvenile cases.)

Describe any potential budgetary impacts anticipated by implementation of the concurrent jurisdiction plan (start-up costs, system integration costs, equipment costs, etc.).

Any budgetary impacts caused by the administrative merger have been resolved since its implementation in 2000. The majority of budgetary impacts were in the area of personnel costs as positions were reassigned from one court to the other. This was accomplished through cooperatively working with the County's Human Resources and Fiscal Services Divisions to appropriately allocate resources. At this time, there are no anticipated budgetary adjustments that must be made as a result of the merger.

Describe proposed changes to the enforcement of court-ordered financial obligations, including the establishment of uniform procedures and coordination or consolidation of collections efforts.

There are no proposed changes to the enforcement of court ordered financial obligations at this time. No substantive changes were made to the procedures regarding collection efforts during the merger. Collection efforts for the two courts were handled by the County's Reimbursement Division and that was not changed. Allocation of the revenue was adjusted as necessary to coordinate with the change of case types to the Family Court and their assignment to the Family Division of the Circuit Court.

## **6. FUNDING UNIT**

MCL 600.425 requires the funding unit review the plan 30 days prior to submission to SCAO. Please provide evidence that the local funding unit has reviewed the plan to determine whether there are any financial implications to implementing the plan.

See attached letter from Timothy J. Soave, Manager, Fiscal Services Division, Oakland County Department of Management and Budget.

## **7. RECORDS MANAGEMENT**

Describe proposed changes to records management, including how new cases and pleadings will be filed and plans for records access, maintenance, and storage. If required by MCL 600.420, provide evidence of concurrence by the county clerk.

There are no proposed changes to records management at this time as all changes were accomplished when the merger was initiated. The County Clerk participated in this aspect of Family Court planning and accepted the responsibility as Record Keeper and daily processing for the necessary record types in relation to the Family Court Plan.

## **8. INFORMATION SYSTEMS**

- A. Describe court case management system(s) hardware platform and software applications.

At the time of the administrative merger, the Circuit and Probate courts were both utilizing a mainframe case management system developed by the County's IT department. This system was used for creating the Register of Actions, scheduling of cases, Friend of the Court needs and some fee collection issues. Since the merger, the Probate Court has moved to the TCS system through JIS.

**B. Describe proposed integration and/or system enhancements, such as centralized calendaring, collections, etc.**

There are no currently proposed system enhancements related to the administrative merger. Both courts utilize a county developed electronic document management system for the purpose of document management. Collections, personnel records and budgeting are all handled through county departments and are managed through the PeopleSoft application.

**C. Describe any plan for the standardization or enhancement of court recording/reporting systems.**

This is not an issue that needed to be addressed in the administrative merger. As a practical matter, the two courts are currently standardized.

## **9. FACILITIES AND INFRASTRUCTURE**

**Describe any proposed changes to facilities or their utilization, including security, courtroom utilization, records maintenance, location of support activities, etc.**

**Identify proposed changes in court hours.**

There are no proposed changes to facilities or their utilization; any necessary changes were accomplished at the time of the implementation of the administrative merger.

No changes are necessary regarding court hours. Each court has a separate LAO governing court hours.

## **10. JURY MANAGEMENT**

**Describe any plans for a new jury system, consolidated jury administration, and/or jury panels.**

At the time of the administrative merger, all functions related to jury management were moved to a central jury office. Sufficient jurors are called each day for any scheduled Probate and Circuit cases.

## **11. EXTERNAL RELATIONS AND ACCESS TO JUSTICE**

Describe how affected judges, court staff, and other persons and entities that provide court services, or are affected by the court's operations, will be involved with plan development.

Describe how external agencies and clients will be informed of changes in court policies, procedures, and processes.

There are no identified needs for changes at the current time. When the administrative merger was designed, appropriate representatives from the various affected areas were included in the planning and review stages. This would be the case should changes become necessary in the future.

There is no need for external communication about changes at this time. If changes become necessary, the courts will design a method of communicating that change to affected parties that is appropriate to the change being made. This could include mailings, press releases, contact with the local bar association, or other means as necessary.

## **12. TRAINING**

Describe anticipated training needs and training plans for judicial and court support staff.

There are no anticipated training needs or plans; the administrative merger was accomplished in 2000.



## **C. CERTIFICATION OF PLAN APPROVAL**

Please see Joint Local Administrative Order 2000-03J. Issuance of the LAO indicates concurrence by a majority of both the Circuit and the Probate Court benches at the time the merger was planned and implemented.

## **D. ORGANIZATIONAL CHART**

**Please see attached Organizational Charts.**

<p style="text-align: center;"><b>STATE OF MICHIGAN 6<sup>TH</sup> JUDICIAL CIRCUIT COURT AND OAKLAND COUNTY PROBATE COURT</b></p>	<p style="text-align: center;"><b>ADMINISTRATIVE MERGER OF 6<sup>TH</sup> CIRCUIT AND OAKLAND PROBATE COURTS</b></p>	<p style="text-align: center;"><b>JOINT ADMINISTRATIVE ORDER 2000-03J</b></p>
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This joint administrative order is issued in accordance with Michigan Court Rule 8.112(B) which allows a trial court to issue administrative orders governing internal court management and MCL 600.1001 which establishes the family division of circuit court.

This order authorizes the administrative merger and organizational restructuring of the circuit and probate courts and their staff. The merger is in keeping with the intent of the family division plan promulgated by the circuit and probate courts and approved by the Supreme Court in 1997. The family division plan contemplated the administrative restructuring of the courts two years after the family division began operations.

The revised organizational structure (attached) is a collaborative effort involving the circuit and probate courts, the County Clerk's Office, and the administrative departments of the County Executive's Office. The revised organizational structure reflects the operation of the circuit and probate courts since the implementation of the family division.

The revised organizational structure establishes three divisions of circuit court: the family division with jurisdiction over cases set forth in MCL 600.1021; the general jurisdiction division with jurisdiction over cases set forth in MCL 600.601 et. seq.; and the business division which shall provide administrative support to the family and general jurisdiction divisions and the probate court.

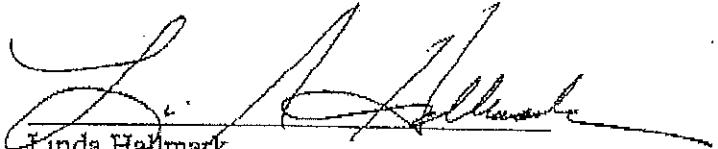
The administrative merger will be accomplished in two phases. Phase one established the organizational structure and corresponding administrative positions and was effective on June 17, 2000. During phase two, the circuit court budget and that portion of the probate budget pertaining to the family division will be consolidated. In addition, the circuit and probate chief judges will be working towards transferring probate employees currently assigned to the family division to the circuit court.

IT IS ORDERED that the administrative merger of the circuit and probate courts and their staff is approved and that the organizational structure of the courts is established effective June 17, 2000. The operations of the courts, administrative control and oversight, and managerial authority shall be conducted in accordance with the revised organizational structure, and as determined by the chief circuit and probate judges in accordance with MCR 8.110.

IT IS FURTHER ORDERED that consolidation of the circuit court budget and the family division portion of the probate court budget shall be effective, subject to Board of Commissioners approval, on September 23, 2000.



\_\_\_\_\_  
Barry Howard  
Chief Judge, 6<sup>th</sup> Judicial Circuit Court



\_\_\_\_\_  
Linda Hallmark  
Chief Judge, Oakland County Probate Court

Dated: 7-18-00

STATE OF MICHIGAN 6 <sup>TH</sup> JUDICIAL CIRCUIT	METHOD FOR ASSIGNING GENERAL CIVIL AND CRIMINAL CASES IN THE CIRCUIT COURT	ADMINISTRATIVE ORDER  2013 - 02
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## Scope

This administrative order is issued in accordance with Michigan Court Rule 8.112(B) which allows a trial court to issue administrative orders governing internal court management. This order sets forth a method for assigning general civil and criminal cases in the Sixth Judicial Circuit Court. The assignment of family division cases is addressed in Administrative Order 2003-02J. Upon approval of this Administrative Order, Administrative Order 2012-05 is rescinded.

### I. Assignment of Cases

Judicial assignments shall be accomplished by blind draw.

#### A. Civil cases.

Assignment shall occur at the time the case is filed unless otherwise provided by court rule, administrative order or written directive of the chief judge. The county clerk shall perform the blind draw for civil cases.

#### B. Criminal cases.

Unless otherwise provided by court rule, administrative order or written directive of the chief judge, the circuit judge will be assigned as follows: the Prosecutor's Office or court administrator of the district court shall advise the court administrator of the circuit court of the case(s) to be assigned either upon the presentation of notice for a warrant by the Prosecutor's Office or the arraignment of a defendant in district court on an offense not cognizable by the district court, or upon bind over for cases initiated by the Attorney General; whereupon the court administrator of the circuit court shall immediately assign a circuit judge to the case by blind draw.

### II. Blind Draw Procedure

A. Blind draw packs shall be prepared by Information Technology under the written direction of the court administrator in the following categories:

1. General civil and appeals
2. Criminal
3. Homicide, defined as 1<sup>st</sup> or 2<sup>nd</sup> degree or open murder charges

B. Blind draw packs shall be assembled as follows:

1. Blind draw packs shall contain an equal number of cards per judge with his/her name printed thereon; however, the chief judge may designate that each pack contain fewer cards for himself/herself and/or the chief judge pro tempore.
    - a. The chief judge may propose up to a combined 50% reduction in cases assigned to himself/herself and/or the chief judge pro tempore, and may allocate the reduction disproportionately (40/10, 35/15, etc.).
    - b. The chief judge may propose other unequal allocation of cases assigned by blind draw as necessary to ensure the efficient management of the court's caseload.
    - c. The chief judge shall notify each circuit judge in writing of his/her plan to modify the equal allocation of cases pursuant to this rule at least 14 days in advance of its implementation.
  2. The blind draw packs for homicide cases shall contain one card for each judge handling homicides.
  3. Records of the blind draw assignments shall be maintained by the court administrator. Requests to review the records of the blind draw must be made to the court administrator.
  4. The following procedure will be used if the computerized blind draw is unavailable. When a case is filed, the top card bearing a judge's name shall have the case number recorded thereon in permanent ink. Once recorded, the card will be detached and the name of the judge disclosed. The card as recorded shall indicate the judge to whom the case is assigned, unless otherwise provided by this directive. The cards shall be preserved and filed in a locked depository. Requests to review blind draw cards must be made to the court administrator.
- III. Excess Cases** – This section applies to all case assignments as specified below. If more than one case is assigned to a judge as a result of exception(s) to the blind draw, the case(s) so assigned shall be designated as an "excess" case(s). A record of the number of cases exceeding one for that judge shall be maintained.
- A. All newly filed civil cases not subject to the blind draw will be treated as excess cases.
  - B. A criminal case as referenced in Section IV(E)(1-3) will be treated as an excess case.
  - C. When drawn, a blind draw card shall not be used if the judge named thereon has any "excess cases" recorded after his or her name, but the number of excess cases recorded for that judge shall be reduced by one.
  - D. Any blind draw card not utilized to assign a criminal case by reason of Section III(B) shall be stored as if it were a used blind draw card.
  - E. Homicide cases are to be commenced without regard to the status of the excess case list.
- IV. General civil and criminal exceptions to blind draw.**

- A. Assignment of civil cases arising out of the same transaction or occurrence is governed by MCR 8.111(D). For purposes of the blind draw, a civil case arises out of the same transaction or occurrence if:
  - 1. The parties are identical, and
  - 2. The case suffix codes are identical.
  
- B. A judge or judges or the chief judge may determine that a case assigned by blind draw arises out of the same transaction or occurrence as a previously filed case. In such case, an order reassigning the later filed case to the judge with the earlier case number shall be entered. The receiving judge may transfer a case of similar type and age to the sending judge pursuant to Section VI below.
  
- C. A case shall not be assigned by blind draw if it falls within one of the exceptions listed below. These exceptions supplement those identified in MCR 8.111(D).
  
- D. Civil case exceptions.
  - 1. All remanded cases returned to circuit court shall be assigned to the judge to whom the case was assigned upon original filing in the circuit court. This includes criminal cases remanded for further proceedings in district court and civil cases transferred to district court pursuant to MCR 2.227 and later appealed.
  - 2. When a Driver's License Restoration Petition is filed and court records indicate a previous driver's license restoration case for the same party, the new case shall be assigned to the judge who heard the prior case or cases.
  - 3. When a Driver's License Restoration Petition is filed and court records indicate that the petitioner's license was taken away as a result of a previous criminal case, the driver's license restoration petition shall be assigned to the judge who handled the previous criminal case.
  - 4. An appeal from a decision of the Parole Board shall be assigned to the same judge to whom the underlying criminal case was assigned.
  - 5. A declaratory action shall be assigned to the same judge to whom the underlying case in controversy was assigned. If a declaratory action is filed prior to the case in controversy, the case in controversy shall be assigned to the same judge to whom the declaratory action was assigned.
  - 6. The chief judge may direct assignment of cases involving similar actions to one judge to achieve efficient use of court resources provided that the chief judge notify each circuit judge in writing at least 14 days in advance of such assignment.
  - 7. Previous or pending criminal action: A petition for a writ of habeas corpus, superintending control, or appeal from district court based upon or arising out of a current or prior criminal action in this Circuit shall be assigned to the judge to whom the underlying criminal case is assigned.

E. Criminal case exceptions.

1. Multiple cases arising from the same criminal transaction – Where two or more criminal cases arise out of the same criminal transaction or occurrence the court administrator shall perform only one blind draw. All cases then or subsequently started arising from that criminal transaction shall be assigned to the judge whose name was drawn.
2. Single defendant, previous case pending – If a criminal defendant in a case being started is the sole defendant, and he/she has a previous pending case (defined below), in which he/she is also the sole defendant, there shall be no blind draw. This case shall be assigned to the judge who has the previous pending case.
3. Multiple defendants, previous case(s) pending. Section IV(E)(2) shall also apply to identical multiple defendants with previous case(s) pending.
4. Dismissed case started again. Upon starting any criminal case or cases arising out of the same transaction or occurrence as a case or cases dismissed without prejudice, the later criminal case or cases shall be assigned to the judge to whom the dismissed criminal case was previously assigned.
5. Previous Civil Actions. That the defendant in a criminal case being filed is or was a party to any previous civil action(s) commenced in the circuit shall have no effect on this rule, except as follows:
  - a. If a writ of habeas corpus, superintending control, or appeal from district or probate court was previously filed, arises from the same transaction or occurrence as the criminal case now being started, and was assigned to one of the judges of this circuit, there shall be no blind draw.
  - b. The new criminal case being started shall be assigned to the judge previously drawn, as if the habeas corpus, superintending control, or appeal from district or probate court were a previous case pending.
  - c. However, this exception does not apply to a habeas corpus filed by the prosecutor.
6. Assignment for purposes of appointment of counsel. Cases being bound over from district court to circuit court for trial which have been previously assigned by blind draw or otherwise in accordance with this rule for purposes of appointing counsel for defendant shall be assigned to the judge previously assigned to appoint counsel.
7. A homicide resulting from a felony previously assigned shall be assigned to the judge handling the underlying felony.
8. Appeals from a criminal case in district court shall not be assigned by blind draw if that criminal case is pending as defined below, but shall be assigned to the judge who appointed counsel.



9. Definition of a pending criminal case for purposes of this section – A criminal case shall be considered pending before the Circuit Court from the time a circuit judge was assigned to a prosecutor order number until the judge has sentenced the defendant, dismissed the charge against him or her, or ordered the case removed from the calendar.

#### V. Mass Tort Cases.

- A. Identification of Mass Tort Cases – A series of five or more cases arising out of the same transaction or occurrence shall be considered to be mass tort cases. An attorney or party, in accordance with MCR 2.113(C)(2) and MCR 8.111(D)(3), must notify the court of any previous actions arising out of the same transaction or occurrence. An attorney who fails to so notify the court is subject to disciplinary action.
- B. Notification shall be in writing to the court administrator. The court administrator shall advise the chief judge who shall request “mass tort” designation at the next scheduled judges’ meeting.
- C. Reassignment - This order applies to all pending and future actions filed in the Oakland County Circuit Court, wherein there are five or more cases involving the same defendant. Each new action must indicate on the first page of the complaint that:

“A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in [this court]/[\_\_\_\_\_ Court], where it was given docket number \_\_\_\_\_ and was assigned to Judge \_\_\_\_\_. The action [remains]/[is no longer] pending.”  
MCR 2.113(C)(2)(b).

1. With exception of the judge with the lowest case number, subsequently called the original judge, each judge with a pending mass tort case shall prepare a reassignment order assigning the case to the original judge. The Case Management Office shall process the reassignment of all affected cases. The chief judge shall direct the Case Management Office to reassign all mass tort cases to the original trial judge.
2. A party or attorney who objects to the reassignment may raise the objection by filing a motion before the chief judge. Such motions must be filed within 14 days after the reassignment order is mailed to the party or counsel, as determined by the proof of service.
3. The original judge to whom the mass tort cases are reassigned shall receive a docket adjustment equal to the number of mass tort cases reassigned to his/her docket.
4. The judge from whom the mass tort cases were reassigned shall receive an equal number of cases, of like age and case type, as may reasonably be expected, from the original judge to whom the mass tort cases were reassigned.

#### VI. Reassignment of cases.

- A. Cases shall be reassigned according to the provisions of MCR 8.111 and this Local Administrative Order.
- B. If it appears to any two judges that the interests of justice would better be served by reassignment of any case, that case may be reassigned to another judge of this circuit for good cause and by written order of the chief judge.
- C. If a civil case arising out of the same transaction or occurrence as a case previously filed in this circuit is inadvertently assigned by blind draw to a judge other than the judge handling the previously filed case, the new case shall be reassigned to the judge handling the previously filed case.
- D. If a previously filed civil case has been closed, and the judge who handled the previously filed case is no longer handling that case type, any new or subsequent case arising out of the same transaction or occurrence will be assigned to the successor judge. If the successor judge cannot be determined, the case will be assigned by blind draw.
- E. Administrative Error. If it comes to the attention of the court administrator that for any reason proper procedures were not followed in the assignment of any case, he/she shall notify the judges involved, and may initiate an Order of Reassignment in accordance with this Administrative Order or authorize a new blind draw.
- F. Any dispute as to the proper reassignment of any case shall be resolved by the chief circuit judge.

#### **VII. Disqualification of a Judge.**

- A. A judge who disqualifies himself/herself must prepare and sign an order of disqualification and submit it to the court administrator for processing. If the chief judge determines that a judge should be disqualified pursuant to MCR 2.003, he/she shall notify the judge to be disqualified, in writing, within seven days of the date the order of disqualification was entered.
- B. If a judge is disqualified or for other good cause cannot undertake an assigned case, the chief judge may direct reassignment to another judge according to the appropriate Alternate Judge Table.
- C. When a case is reassigned as a result of a judge being disqualified, and later the basis for disqualification is removed, the case shall be returned to the original judge. If the original judge is no longer handling that case type, the case will not be reassigned.
- D. Following disqualification and reassignment of a case, the judge receiving the reassigned case shall have 14 days to give back to the reassigning judge a case of similar type and age. If the judge has not selected a case to give back within 14 days, the court administrator shall propose a case for reassignment from the docket of the receiving judge within 7 days thereafter. The chief judge shall approve the reassignment of cases under this provision in accord with MCR 8.111(D)(4).

### VIII. Procedure for Orders of Reassignment.

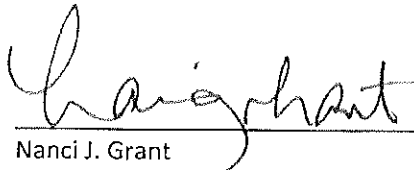
A. All orders for reassignment shall be on forms prepared by the court administrator and approved by the chief judge. The order shall contain the reason for reassignment. If the reason for reassignment is based upon an Order for Consolidation or Disqualification of a Judge, such order shall be attached to the Order for Reassignment.

B. All orders for reassignment shall first be presented to the judge to whom the case will be reassigned, second to the judge transferring the case, and finally to the chief judge for signature.

C. All orders for reassignment shall be initiated by the court administrator and recorded prior to circulation for signature. After approval by the chief judge, the Order for Reassignment shall be returned to the court administrator for processing prior to filing in the County Clerk's Office.

Dated:

5 June 2013



Nanci J. Grant  
Chief Judge

#### NOTES:

1. This Administrative Order replaces Administrative Order 2007-02. This Administrative Order provides for advance written notice for adjustments to the blind draw that would change the equal distribution of cases (Section II. B. 1.), confirms that the distribution of excess cases shall apply to all newly filed civil and criminal cases not subject to the blind draw (Section III), defines the phrase "same transaction or occurrence" as referenced in MCR 8.111(D) for purposes of the blind draw (Section IV. A.), revises the definition of a "pending criminal case" for purposes of determining exceptions to the blind draw (Section IV. E. 9.), requires bench approval for "mass tort" designation (Section V. B.), and provides that the chief judge, if he/she determines that another judge shall be disqualified from hearing a case, must provide the disqualified judge with written notice (Section VII. A.).
2. Upon approval of this Administrative Order, Administrative Order 2007-02 is rescinded.
3. Upon approval of the Administrative Order, Administrative Order 2011-02 is rescinded.
4. This Administrative Order rescinds Administrative Order 2012-05. The number of cards in the homicide blind draw stack was revised from two (2) to one (1) per bench approval on June 4, 2013. See Section II (B) (2).

<p style="text-align: center;">STATE OF MICHIGAN IN THE SIXTH JUDICIAL CIRCUIT COURT</p>	<p style="text-align: center;">FAMILY COURT PLAN FOR THE SIXTH JUDICIAL CIRCUIT COURT</p>	<p style="text-align: center;">ADMINISTRATIVE ORDER 2011-03</p>
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This amended Family Court Plan supersedes the July, 2003 plan for the Sixth Judicial Circuit (Oakland County). Upon approval by the State Court Administrator, this plan shall control operations within the Family Division. It represents agreement by the Chief Probate Judge and the Chief Circuit Judge for the Oakland County Probate and Circuit Courts. This plan comports with MCL 600.1001-1043 and A.O. 2003-2 of the Michigan Supreme Court.

I. GENERAL

A. Judicial Leadership

The Chief Circuit Judge has supervisory authority over the administration of the Family Division. Upon consultation with the judges of the division, the Chief Circuit Judge shall appoint a presiding judge of the Family Division, who shall fulfill such functions as the Chief Circuit Judge assigns pursuant to MCR 8.110(B)(2).

Policy decisions on all Family Division matters shall be made by the judges of the Family Division, subject to the approval of the Chief Circuit Judge.

B. Administration

The Chief Circuit Judge may delegate administrative responsibilities to the Circuit Court Administrator or others, as provided in MCR 8.110(C)(6).

II. JUDICIAL SERVICE

A. Judicial Resources.

The Family Division shall be comprised of a sufficient number of Circuit and Probate judges, as determined by the Chief Circuit Judge, to meet the workload of the division. The names of the judges assigned to the Family Division, which may vary from time to time, are listed in Attachment I. Assignment of Circuit Judges to the Family Division shall be made by the Chief Circuit Judge. Assignment of Probate Judges to the Family Division shall be made by the Chief Probate Judge subject to the approval of the Chief Circuit Judge.

B. Term of Service.

The term of service of a judge in the Family Division will be six years. The Chief Circuit Judge shall have the authority and flexibility, after consultation with the Chief Probate Judge, to modify the duration of a judge's service pursuant to this plan, in furtherance of the goal that judges of

the Family Division will have sufficient judicial expertise in Family Division matters. The Chief Circuit Judge and Chief Probate Judge will consult regarding any modification of a Probate judge's service, with the understanding that the Chief Probate Judge is responsible for the caseload management of the Probate Court.

If a Circuit Judge elects not to stay in the Family Division after the completion of the term, he or she shall notify the Presiding Judge by July 1 of the final year of his/her term. The Presiding Judge shall notify the Chief Circuit Judge.

C. Filling of Vacancies.

Vacancies in the Family Division shall be filled as follows:

1. Judges may volunteer to serve in the Family Division. Volunteers will be selected by seniority from the pool of available judges.
2. If no judges volunteer, the Chief Circuit Judge shall poll the other Circuit judges to determine interest. Likewise, the Chief Probate Judge shall poll the other Probate judges to determine interest.
3. If after polling the Circuit judges there are still no volunteers, the Chief Circuit Judge will select Circuit judges to serve in the Family Division, in reverse seniority order. Judges who have previously served or are presently serving in the Family Division are exempt from this provision.

If after polling the Probate judges there are no volunteers, the Chief Probate Judge will select Probate judges to serve in the Family Division in reverse seniority order.

4. This methodology shall be used to fill vacancies unless the Chief Circuit Judge, after consultation with the Chief Probate Judge, determines that it is not in the best interest of the division, or other good cause exists not to use this method of filling vacancies.

D. Completion of pending cases upon entry to or exit from the Family Division; Reassignment of Open Cases.

1. Judges leaving the Family Division shall complete all pending motions, trials, and dispositions (*i.e.*, where one or more issues have not been adjudicated or have a final judgment or order entered or initial disposition has not been completed). Subject to chief judge approval, a judge may select to keep a case or cases that are included in those to be reassigned. Any disputes about the responsibility for cases will be resolved by the Chief Circuit Judge. All other open cases<sup>1</sup> on the departing judge's docket (where the court continues to exercise supervision) will be assigned to the incoming judge or other judges in the Family Division. The Chief Circuit Judge may adjust dockets in accordance with MCR 8.110.

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<sup>1</sup> An 'open' case is one on which the court *may* exercise its jurisdiction over the parties, including reviews of guardianships or juvenile proceedings, or post-judgment domestic relations matters where minor children have not emancipated or the case is otherwise closed.

2. Judges selected to serve in the Family Division who have pending non-Family Division cases will complete any in-progress trials, hearings or decide any matters under advisement. Upon completion, the judge will notify the Chief Judge of Probate or the Chief Circuit Judge to request reassignment of the case. The chief judge may adjust dockets in accordance with MCR 8.110.

3. A judge entering the Family Division shall assume the docket of the judge he/she replaces; similarly a Family Division judge moving to another division of the Circuit Court or to the Probate Court shall assume the docket of the judge he/she replaces. The respective Chief Judge may adjust dockets in accordance with MCR 8.110.

### III. CASEFLOW MANAGEMENT

#### A. Generalized Dockets

1. Each Family Division judge will hear and decide all aspects of the cases within the subject matter jurisdiction of the court. Family Division cases will be divided among the judges.

2. To the extent practicable, all matters within the jurisdiction of the Family Division involving a family<sup>2</sup> will be assigned to the same judge.

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<sup>2</sup> *Family* means ‘spouse or persons having one or more minor children in common and the minor children of both of them, whether or not living in the same household, or individuals not otherwise defined and living in the same household who are subject to a Personal Protection Order.’



Whenever a new case is filed, the responsible clerk will determine whether a prior action is pending or open which involves a member of the same family.

3. The Family Division will make full use of Referees as allowed by Statute and Court Rule. Referees will be assigned to cases pursuant to MCR 3.215 and MCR 3.913. Referees may be assigned to any matter within the Family Division jurisdiction, unless the Referee hearing is prohibited by law.

#### B. Case Assignment

1. Family Division cases initiated in the County Clerk's office will be assigned to a Family Division judge on a random basis, pursuant to MCR 8.111, except as set forth herein.

2. The Probate Register shall assign petitions for guardianship of minors to Probate judges, unless ancillary, in which instance they will be assigned to the Family Division judge having the principal matter.

3. Petitions for Personal Protection orders shall be assigned only to the Circuit Judges in the Family Division, unless ancillary, in which instance they will be assigned to the judge having the principal matter.

4. Petitions under the Mental Health Code shall be assigned only to Probate judges, unless ancillary to a Family Division matter in which

instance it may be assigned to the Family Division judge having the principal matter.

C. Emergencies

On a rotating basis, each Family Division judge shall serve as duty judge for a period of seven calendar days beginning on Monday and ending on Sunday. During his/her assigned week, the duty judge may hear the following matters:

1. Requests for issuance of personal protection orders when the assigned judge is unavailable. Unavailable means the assigned judge is not in the building;

2. Requests for ex parte relief when the assigned judge is unavailable;

3. Motions for entry of default or consent judgments of divorce when the assigned judge is unavailable.

4. Requests for Order to Transport (for mental health evaluation);

5. Other emergencies<sup>3</sup>

IV. RECORDS MANAGEMENT

A. Point of Filing

The County Clerk is the Clerk of the Court for the Circuit Court. The Probate Register is the Clerk of the Court for the Probate Court.

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<sup>3</sup> Emergencies on matters not otherwise within the designated authority of the Family Division will be handled by the general jurisdiction circuit judges or probate judges.

Except as delineated below, matters within the subject matter jurisdiction of the Family Division and identified by case type codes listed in the Michigan Supreme Court Case File Management Standard Component 39 will be filed with the County Clerk.

1. Petitions to commence proceedings under the juvenile code in child protective, delinquency, status offender and designated proceedings will not be filed until a judge or referee has authorized the filing of the petition. Until filing of the petition is authorized, these matters will be considered confidential files and will be handled pursuant to the Juvenile Diversion Act, MCL 722.821 *et seq.*<sup>4</sup>
2. Minor guardianship petitions will be filed with the probate court, as jurisdiction for these matters is only ancillary in the Family Division. Additionally, other ancillary matters described in MCL 600.1021 will be filed in the probate court.
3. Adoption petitions will be filed in the adoption unit of the Family Division, although records and receipts of adoption petition filings will be maintained by the County Clerk. MCL 710.21 *et seq.* Case files will be maintained by the Family Division until a final order is entered. At that time, all legal records within the case file will be

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<sup>4</sup> This statement clarifies that those complaints and petitions which the court declines to authorize will remain confidential. Only those petitions which the court authorizes filing with the county clerk will be public record.

under the custodianship of the County Clerk. Confidential records will be maintained by the Family Division.

4. Mental health petitions do not come within the jurisdiction of the Family Division except as ancillary proceedings. Petitions will be filed in Probate Court.
5. Waiver of parental consent for abortion cases will be filed with court administration.
6. Youth Assistance records are diversion files.
7. Juvenile traffic citations will be maintained by juvenile intake.

B. Confidentiality of Records.

The court may, by administrative order, define those records which it deems to be confidential, and establish procedures for access, inspection and copying of confidential records.

C. County Clerk's participation.

The County Clerk has been afforded the opportunity to participate in the plan for the management of court records.

V. JUDICIAL AND STAFF TRAINING

A. Orientation

Upon entering the Family Division, a judge and his or her staff members shall be offered an orientation that will review policy and

procedures that exist. Court staff and stakeholders may be utilized to provide this orientation.

B. Continuing Education

All jurists and court staff shall meet continuing educational requirements necessary to maintain their competency in their specialty and to aid in their development. Consistent with financial limitations, the court will encourage staff to aggressively pursue these educational opportunities.

C. Michigan Judicial Institute Training

Court staff and judges of the Family Division shall avail themselves of training opportunities from the Michigan Judicial Institute consistent with the goal of developing sufficient expertise in the subject matters within the jurisdiction of the Family Division.

D. Contractor or Appointee Training

The court may require individuals who enter into service contracts or attorneys who accept appointments from the Family Division to have training in court procedures and practices and to complete court-sponsored training as a condition precedent to court-appointed or contractual work.

## VI. COORDINATION OF SERVICES

### A. Coordination of Services

The Family Division's creation presented exciting and challenging opportunities to improve and expand upon a well-respected and diversified service delivery system. Since the implementation of the family plan, advances have been made in integrating services, sharing information, and cross-service planning. Examples include:

1. Creation of the QUAD Agency committee, including representatives from the court, DHS, the Oakland County Prosecutor's office, and the Friend of the Court. This committee meets regularly to address common issues, resolve difficulties in area such as procedures, and creatively improve services.
2. Increased sharing of reports and information between FOC family counselors, the psychological clinic, and juvenile caseworkers.
3. Emphasis on use of County's intranet for sharing of documents, and communication between multiple individuals.
4. Creation of Data Tech Unit to evaluate, develop and implement technological solutions to increase communication between the various service units.

5. Reviewed and updated the Local Administrative Order regarding access to confidential records to ensure that necessary service units had access to appropriate information.

6. Participated in implementation of touch screen information kiosks for use by members of the public who are accessing the courthouse.

7. Increased coordination between administration of Circuit and Probate Courts to address issues of public access to services, procedures and sharing of information.

8. Consolidated multiple service units of the Circuit and Probate courts to serve both courts, reducing duplication and unifying procedures.

B. Collaboration with Stakeholders

Since its inception, the Family Division has emphasized and expanded collaborative efforts with its stakeholders across all services. Emphasis has remained on increasing communication and coordination of services, with the goal of providing comprehensive, timely, and appropriate assistance to the families the court was established to serve.

Collaboration has occurred between the court and the Oakland County Executive Departments of Human Resources, Management and Budget, Information Technology, Facilities, Community Corrections, Circuit Court Probation, and Health and Human Services; the Oakland County Board of

Commissioners; the Oakland County Clerk's Office; the Oakland County Prosecuting Attorney; the Department of Human Services; the Oakland County Sheriff's Department; the Oakland County Bar Association; the American Academy of Matrimonial Lawyers; Oakland Mediation Center; Citizens Alliance for the Oakland County Probate and Circuit Courts; the Oakland County Bar Foundation; and HAVEN.

VII. MISCELLANEOUS PROVISIONS

A. Review and Revision

This plan shall be reviewed periodically by the Family Division judges and appropriate court personnel. Revisions shall be made as necessary to ensure that the plan continues to best serve the variety of needs it was designed to meet.



## **ATTACHMENT I**

### **Oakland County Judges Assigned to Family Division**

Judge Mary Ellen Brennan (Circuit)

Judge Lisa Gorcyca (Circuit)

Judge Linda S. Hallmark (Probate)

Judge Cheryl A. Matthews (Circuit)

Judge Elizabeth Pezzetti (Probate)

Judge Edward Sosnick (Circuit)

Judge Joan E. Young (Circuit)

(Rev. 6-7-11)

STATE OF MICHIGAN OAKLAND COUNTY PROBATE COURT	METHOD FOR ASSIGNING CASES IN THE PROBATE COURT	ADMINISTRATIVE ORDER 2013-01
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### Scope

This administrative order is issued in accordance with Michigan Court Rule 8.112(B) that allows a trial court to issue administrative orders governing internal court management, and pursuant to Michigan Court Rule 8.111(B), which requires a LAO for assignment methods other than by lot. This order rescinds Oakland County Probate Court Local Administrative Order 2009-01.

### Assignment of Cases

- I. Judicial assignment of cases shall be by blind draw
  - A. The Chief Probate Judge may revise the judicial assignment of all probate cases such that assignments are weighted by case type in order to create a balanced workload. Each probate judge's docket will take into consideration whether the particular judge is assigned to Family Division. Within each case type, the selection of judge shall be by blind draw cards that are weighted to reflect the specific percentage to be assigned to each judge.
  - B. The percentage weight of case types assigned to each judge may be modified from time to time by the Chief Probate Judge in order to ensure a balanced docket or to correct docket control problems.
  - C. Requests to review blind draw cards or print-outs must be made to the Probate Court Administrator or Probate Register.
  
- II. Blind Draw Procedure
  - A. Blind draw lists shall be prepared by Information Technology under the direction of the Probate Court Administrator in the following categories:
    1. Decedent Estates and Trusts and Miscellaneous
    2. Adult Guardianship and Conservatorship
    3. Minor Guardianship and Conservatorship
    4. Developmentally Disabled
  
  - B. Blind draw lists shall be printed onto cards and bound into packs which shall contain the appropriate percentage of cards for each judge to accomplish the docket percentage of each case type assigned to the particular judges.

- C. Blind draw shall be done manually using the following procedure to secure blind draw cards: When a case is filed, a case number shall be assigned using a consecutive numbering system. The top blind draw card for the appropriate case type shall be pulled and the case number written on the back side. Once the number is on the card, the name of the Judge may be disclosed. The card with the written case number shall indicate the judge to whom the case is assigned, unless otherwise provided by this directive. The cards shall be preserved and filed in a locked depository.

### III. Exceptions

- A. A case shall not be assigned by blind draw if it falls within one of the exceptions listed below.
1. Probate cases that are ancillary to cases within the Family Division shall be assigned pursuant to the Family Division Plan for the 6<sup>th</sup> Circuit Court. Assignment under the Family Division Plan supersedes other exceptions as listed in this Local Administrative Order.
  2. Guardianship and conservatorship cases involving the same individual shall be companioned with the same judge according to the first file opened if an earlier filed case remains open.
  3. When a new petition that would reopen a closed adult or minor guardianship or conservatorship, or DD guardianship is filed, the file shall remain assigned to the same judge, except as limited by paragraph 14.
  4. Minor guardianship and minor conservatorship files identified at the time of filing as involving minor siblings or minor half-siblings shall be assigned to the same judge.
  5. Guardianship and conservatorship files on parents (whether an adult or minor) and their minor children shall be companioned to the same judge if the earliest filed case is open at the time the subsequent file is commenced.
  6. If there is an open minor conservatorship for an individual reaching the age of majority and a petition for an adult conservatorship or developmentally disabled case is filed on that individual, the new case shall be assigned to the same judge as the minor conservatorship if that judge hears that case type.
  7. Trust and decedent files for the same individual shall be assigned to the same judge according to the first case opened.

8. When a new petition that would reopen a closed decedent estate or trust is filed, the file shall remain assigned to the same judge, except as limited by paragraph 14.
9. Civil cases shall be companioned to the underlying probate case, if there is one.
10. New decedent files with an open conservatorship file on the same individual shall be assigned to the judge assigned to the conservatorship file.
11. New decedent files involving individuals who were married at the earliest date of death and that are filed at the same time shall be companioned with the same judge.
12. Guardianship, conservatorship, trust, miscellaneous and protective order files identified as involving currently married individuals and filed at the same time shall be assigned to the same judge according to the first file opened.
13. Probate judges shall be assigned to hear mental health commitment and treatment cases on a weekly rotational system. Mental Health commitment and treatment cases shall be assigned and/or reassigned to a probate judge according to the appropriate hearing date at the time a petition is filed. A judge may direct that a specific case remain assigned to her or him to promote judicial economy or where necessary to maintain continuity in the case.
14. In all situations under subsection (A), if there are no currently open files regarding an individual and the judge previously assigned to a file that is now closed is no longer on the bench or no longer hearing the type of case being filed, then the blind draw procedure shall be followed.
15. In all situations under subsection (A), a protective order case shall be treated the same as a conservatorship case.

B. Reassignment of Cases

1. Cases shall be reassigned according to the provisions of MCR 8.111.
2. If it appears to any two judges that the interests of justice would better be served by reassignment of any case, that case may be reassigned to

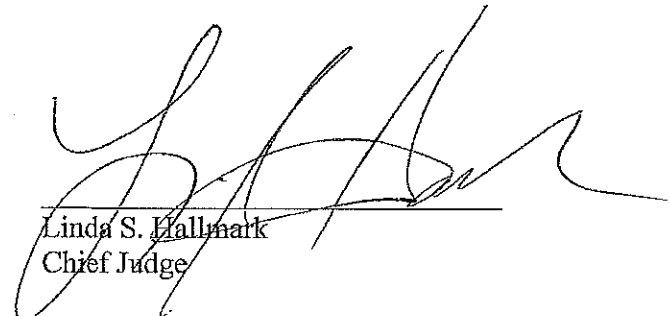
another judge of this probate court by written order of the Chief Probate Judge.

3. If it comes to the attention of the Probate Court Administrator or Probate Register that for any reason proper procedures were not followed in the assignment of any case, he/she shall notify the judges involved, and may initiate a Chief Judge Order of Reassignment in accordance with this Administrative Order.
4. Disqualification of Judge
  - a) If a judge is disqualified or for other good cause cannot undertake an assigned case, the Chief Probate Judge may direct reassignment to another judge by lot through the use of the appropriate random Alternate Judge Table.
  - b) Following disqualification and reassignment of the case, the judge receiving the reassigned case shall have 14 days within which to give back to the reassigning judge a case of similar type and age. If a case has not been reassigned back within 14 days, the Court Administrator or Probate Register shall propose a case for reassignment from the docket of the receiving judge within seven days thereafter.
5. Procedures for Orders of Reassignment
  - a) All orders for reassignment shall contain the reason for reassignment. If the reason for reassignment is based upon a disqualification of a judge, such order shall be attached to the Order for Reassignment.
  - b) All orders for reassignment shall be approved by the Chief Probate Judge.
6. Any dispute as to the proper reassignment of any case shall be resolved by the Chief Probate Judge.

Effective Date of Order:

Dated:

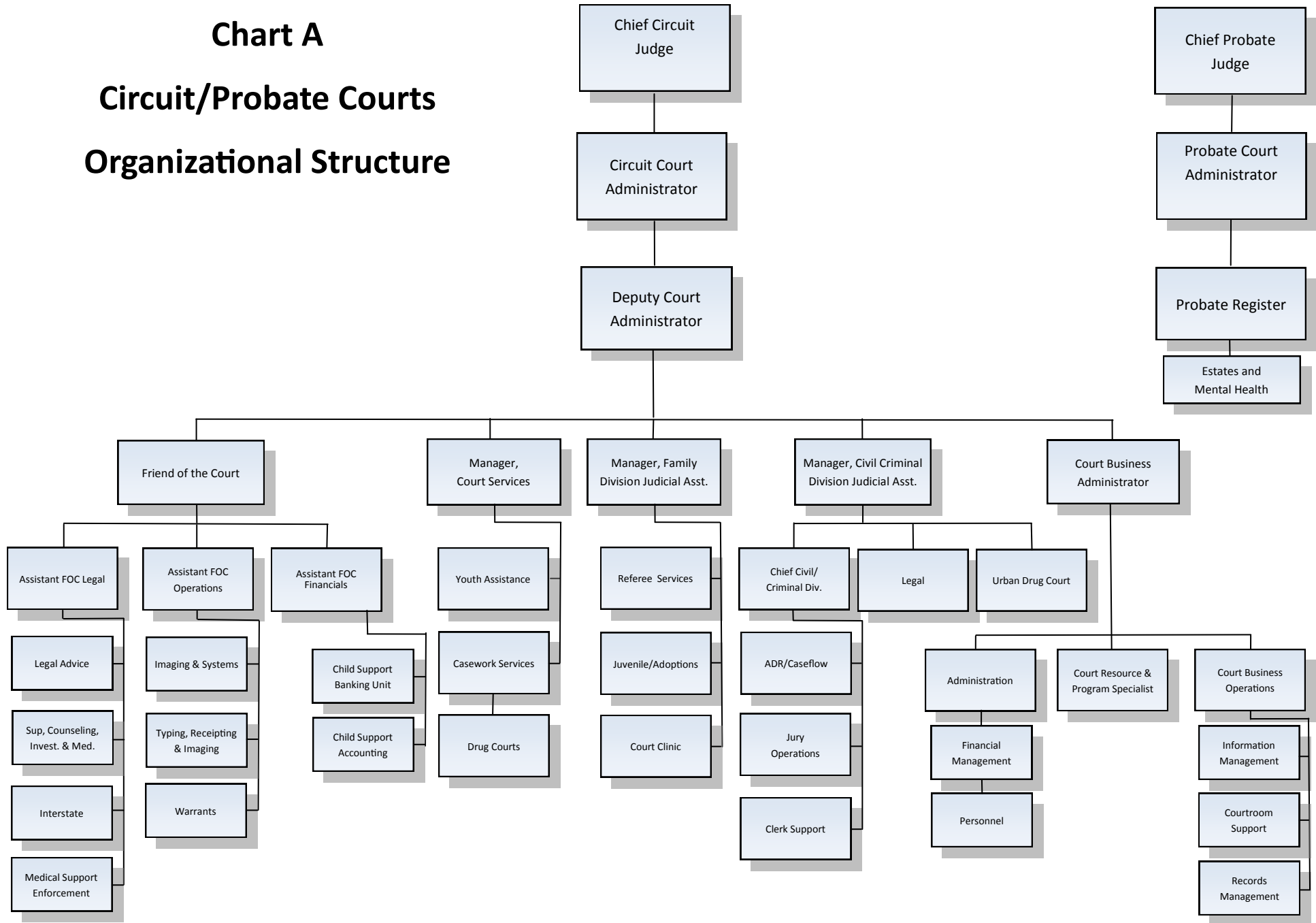
4-9-12

  
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Linda S. Hallmark  
Chief Judge

# Chart A

## Circuit/Probate Courts

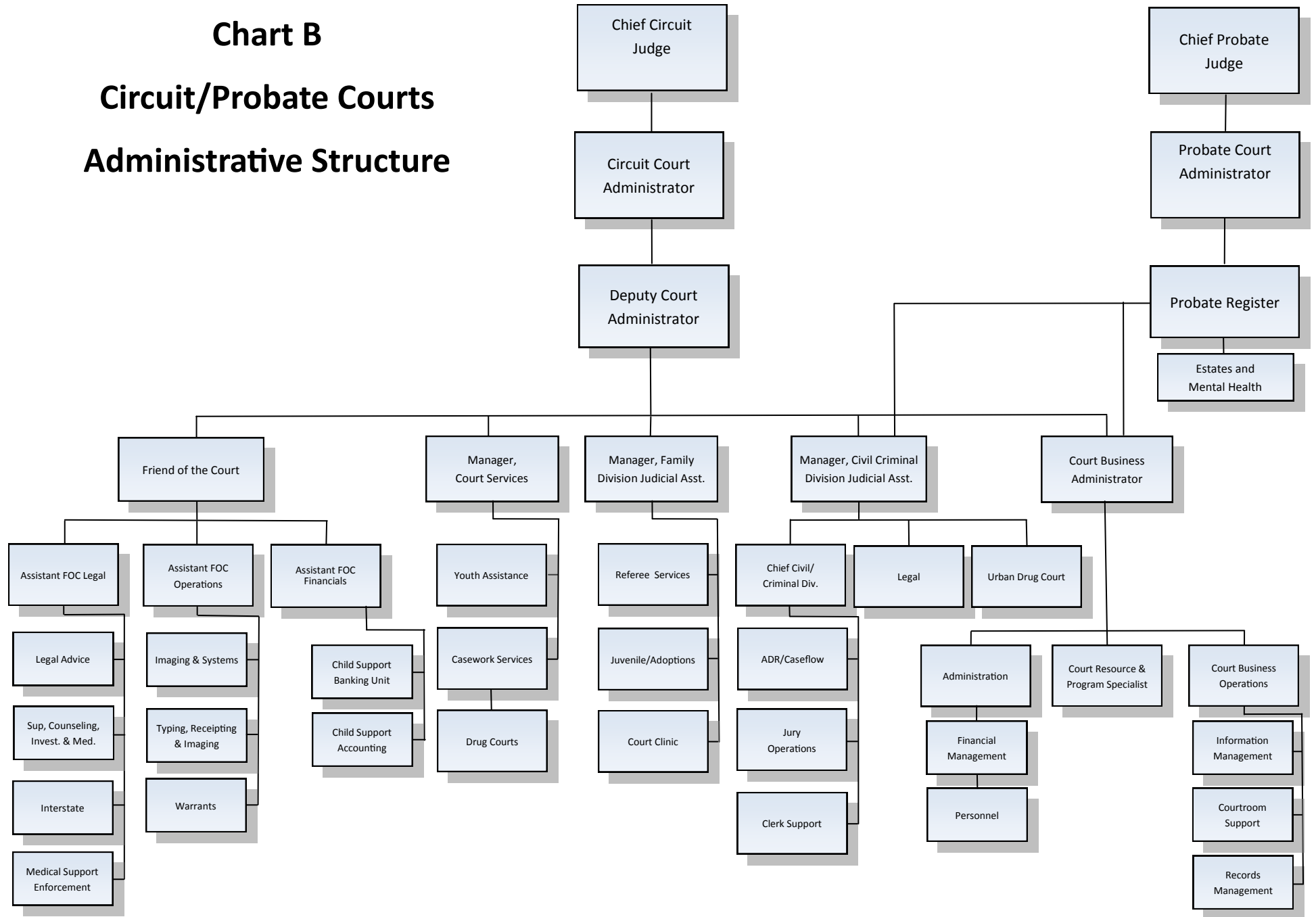
### Organizational Structure



# Chart B

## Circuit/Probate Courts

### Administrative Structure





L. BROOKS PATTERSON, OAKLAND COUNTY EXECUTIVE

C O U N T Y M I C H I G A N  
D E P A R T M E N T O F M A N A G E M E N T A N D B U D G E T

FISCAL SERVICES DIVISION  
Timothy J. Soave, Manager

February 20, 2014

This correspondence is to confirm that the Oakland County, Department of Management and Budget, Fiscal Services Division, representing the 6<sup>th</sup> Judicial Circuit Court and Oakland County Probate Court funding unit, has reviewed the Court's Concurrent Jurisdiction Plan and finds no financial implications related to the plan's implementation which have not already been included in the County's budgeting and accounting practices.

Sincerely,

*Timothy J. Soave*

Timothy J. Soave, CPFO  
Manager, Fiscal Services Division  
Department of Management and Budget