

OFFICE OF COURT ADMINISTRATOR / FRIEND OF THE COURT
THIRTY-SEVENTH JUDICIAL CIRCUIT OF MICHIGAN
CALHOUN COUNTY PROBATE COURT

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Chief Judge



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LOCAL ADMINISTRATIVE ORDER C37-2016-06

RE: Assignment of Cases to Judges

Rescinds LAO C37-2016-04.

IT IS ORDERED:

As permitted by the provisions of MCR 8.110, 8.111 and 8.112:

1. Assignment of New Cases

- A. Cases will be assigned to judges at the time of initial filing with the Circuit Court Clerk.
- B. Except as otherwise provided by Michigan Court Rule or this order, judges must be assigned by lot within the case assignment groups and in the ratios provided in the attached chart. Should a new case type be authorized by the State Court Administrator subsequent to the entry of this order, the case type will be assigned to the appropriate category by directive of the Chief Circuit Judge.
- C. In non-murder capital (FC) and all non-capital felony criminal cases (FH), if the defendant was bound over to circuit court in a previous criminal case in which a final disposition has not yet been entered, the new case involving that defendant will be assigned to the judge, or successor, to whom the prior case was assigned and is still pending. Further, if a criminal case is a refiling of a criminal case that was previously dismissed, then the re-filed case shall be assigned to the judge assigned the prior case. The Prosecutor will indicate on the initiating filing in Circuit Court if it is a re-filed case noting the prior circuit court case number. This provision does not apply if the judge assigned to the prior case is longer eligible to receive case assignments for the case type.
- D. For criminal cases in which a guilty or no contest plea has been accepted by a Tenth District Court judge, the case will be assigned to a Circuit judge by the District Court at the time of plea acceptance. For District Court case numbers ending in 00 through 24 and 50 through 74, the case shall be assigned to Judge Sarah S. Lincoln. For District Court case numbers ending in 25 through 49 and 75 through 99, the case shall be assigned to Judge John A. Hallacy.

Notwithstanding the foregoing, if the defendant has a currently pending circuit court criminal case, the case shall be assigned to the circuit judge assigned to the currently pending case.

E. Cases assigned to the Drug Court shall be assigned or re-assigned, as applicable, to the judge assigned to the Drug Court without need for a specific re-assignment order. The court clerk shall not the re-assignment in the register of actions with reference to this provision.

F. Appeals from the parole board (AP case type) shall be assigned directly to the judge assigned the criminal case for which the defendant is appealing the Parole Board decision. If the judge assigned the underlying criminal case is no longer serving then the case will be assigned in accordance with provision 1.B. above.

G. An ancillary action set forth in MCL 600.1021(2) (a) and (b) referred by the Probate Court shall be assigned to the family division judge assigned to any family division case involving the party. In the event there is no pending family division matter it will be assigned in accordance with provision 1.B. above.

H. Cases relating to the Michigan General Property Tax Act filed by the County Treasurer shall be directly assigned to the presiding civil/criminal division judge.

I. Cases relating to the Michigan Election Code shall be assigned directly to the presiding civil/criminal division judge.

J. Upon filing a new case or matter within the family division, the Circuit Court Clerk shall examine the records to determine if a previous family division action is currently pending or was filed and resulted in a final judgment/order/disposition within the immediately preceding five (5) years and involves the same child, parties or mother. If there is such a previous or currently pending action, the Clerk shall assign the new case/matter directly to the family division judge assigned to the current or previous case or matter if that judge is otherwise eligible for assignment of new cases for that particular case type in accordance with the attached chart. With regard to a new NA or DL case or petition being filed, "previous family division action" shall mean a previous NA, DL, DM, DP, DS, DC, or interstate such action with a case suffix beginning with "U." In all other such cases the assignment shall be in accordance with 1.B. above.

2. Record of assignment and re-assignment.

A. The Circuit Court Clerk shall note the name of the judge assigned on the register of actions, case file folder (if any) and on the originating document filed in each case.

B. The court administrator shall cause to be maintained a record of cases assigned, by judge, to annually demonstrate the number of cases assigned and re-assigned to each judge in each assignment group noted in the attached chart. The record shall also indicate if the assignment or re-assignment was random (by lot) or direct.

3. Re-assignment of cases.

- A. If a judge is disqualified or for other good cause cannot undertake an assigned case, the case shall be reassigned to an eligible judge within the same assignment group.
 - B. If a case is to be reassigned and there are no eligible judges available for assignment within the same assignment group, the Court Administrator shall request that the State Court Administrative Office designate a visiting judge for the case.
 - C. The court clerk, on behalf of the Chief Judge, shall enter an order reassigning the case to the indicated judge which shall be placed in the court file and the court clerk shall update the record of assignment in the register of actions and on the file folder, if any. The court clerk shall notify attorneys of record and unrepresented parties as well as the newly assigned judge of the re-assignment.
 - D. In designated juvenile criminal cases (DJ), the assigned family division judge will conduct a trial management conference promptly after bind over from the district court. Subsequent to the conference, or any adjourned such conference, the family division judge will determine if settlement negotiations are unsuccessful. In such event, the family division judge will request re-assignment of the case to a civil/criminal division judge for trial.
 - E. Notwithstanding any other provision of this order, if a civil/criminal division case has been called in for trial and the assigned judge is unable to conduct the trial due to another case being tried, the chief judge may re-assign the case immediately to another judge in order to avoid adjournment of the scheduled trial.
4. Post judgment actions.
- A. Post judgment actions in family division cases assigned to Judge Kingsley or Garbrecht and other than in delinquency (DL) or child protective proceedings (NA) assigned to Judge Reed, shall be handled by Judge Kirkham. Such actions in cases assigned to Judge Miller or Sindt shall be handled by Judge Yost Johnson. Post disposition or subsequent petitions filed in a child protective (NA) or delinquency (DL) action in matters assigned to Judge Reed shall be handled by Judge Yost Johnson. A directed re-assignment will be entered if necessary to accurately reflect the assigned judge as indicated and in accordance with provision 2.B. above.
 - B. Post judgment actions in criminal and civil cases will be handled by the assigned judge or successor if that judge is eligible for new case filings for the case type involved. In all other cases the matter will be re-assigned pursuant to 2. A. above.
 - C. A routine petition/motion for discharge from probation that does not require a hearing shall be submitted to the judge of record or his/her successor in the case. If a hearing is required then provision 4.B. above applies.

5. Equalizing assignments.
 - A. The court administrator will periodically review the distribution of random and direct assignments and re-assignments and may recommend to the chief judge adjustments to case assignments and/or caseloads.

6. Assignment by electronic means.
 - A. The court may provide for case assignment and reassignment by electronic data processing means. The court administrator shall certify and file with the court clerk a written memoranda approved by the chief judge satisfying to the court the assignment and reassignment of cases complies with the intent of Michigan Court Rules and as directed by this order. The memoranda filed with the clerk is not a public record and the contents thereof shall be disclosed only to the State Court Administrator or to persons specifically authorized by the chief judge in writing to receive the information.

7. Re-assignment of pending cases due to changes effected by this order.
 - A. The Circuit Court Administrator will coordinate and direct the re-assignment of pending cases as specified in this provision consistent with the terms of this order and may utilize the assistance of court administrative, judicial and clerk's staff as he may determine.
 - B. Initial reassignments will occur prior to January 1, 2017. A "clean up" reassignment will occur on or after January 1, 2017, for cases filed subsequent to the initial reassignments for case types the currently assigned judge will no longer be assigned on and after January 1, 2017.
 - C. Judge Jaconette's pending DL, DJ, TL and NA cases and petitions will be reassigned to Judges Kirkham and Miller (Yost Johnson as successor) except as to any matter that he decides to retain through either disposition of the case or petition/matter immediately pending. Re-assignment to Judges Kirkham and Miller (Yost-Johnson as successor) shall be consistent with the chart appended to this local administrative order.
 - D. Judges Hallacy and Lincoln will retain through disposition any pending appeal cases not disposed of prior to January 1, 2017.
 - E. The Court Administrator will provide notice of this order to staff, affected judges and the secretary of the Calhoun County Bar Association (for notice to Bar members.)
 - F. The Court Administrator will cause counsel of record and unrepresented parties to be notified of reassignments affecting their case or cases by the most efficient means. Notice may be by individual case or multiple case listings. Reassignments made pursuant to this order shall refer to this order as the reason for re-assignment.

8. Rescission of previous orders.

Local administrative order C37-2016-04 is rescinded upon the effective date of this order.

This order is effective January 1, 2017.

Dated: December 21, 2016



MICHAEL L. JACQUETTE, Chief Circuit Judge

CALHOUN COUNTY CIRCUIT COURT
Case Assignment System effective 1-1-17

Effective January 1, 2017, new cases will be assigned by lot, except as otherwise provided by Michigan Court Rule or Local Administrative Order, within the following assignment groups and to the eligible judges (Sarah S. Lincoln = SSL; John A. Hallacy = JAH; Tina Yost Johnson = TYJ; Brian K. Kirkham = BKK) per the percentages shown:

ASSIGNMENT GROUP	CASE TYPES	ELIGIBLE JUDGES/%
Capital Criminal - Murder	FC (murder as principle count)	JAH - 50% SSL - 50%
Capital Criminal - other	FC (except murder)	JAH - 50% SSL - 50%
Criminal - non capital	FH, FJ, AX, AP, AR	JAH - 50% SSL - 50%
Civil*	ND, NF, NH, NI, NM, NO, NP, NS, NZ, CC, CD, CE, CF, CH, CK, CL, CP, CR, CZ, PC, PD, PR, PS, PZ	JAH - 50% SSL - 50%
Appeals	AA, AE, AV, AH, AL, AS, AW	BKK - 100%
Divorce w/o Children	DO	BKK - 50% TYJ - 50%
Divorce w/ Children & Child custody	DM, DC	BKK - 50% TYJ - 50%
Domestic Relations/Family matters	DP, DS, DZ, UD, UE, UF, UI, UM, UN, UT, UW, EM, ID, NB, NC, PW, VF, JG. Also the following Probate case types when filed with the Circuit Court as an ancillary matter: DD, GM, LG, PO, CA, CY, GA, GL, JA, MI and other Probate case types.	BKK - 50% TYJ - 50%
PPO - Domestic/Juvenile	PJ, PP, VP	BKK - 50% TYJ - 50%

PPO - Non Domestic	PH	BKK - 50 % TYJ - 50%
Adoptions	AB, AC, AD, AF, AG, AM, AN, AO, AY, RB, RL	BKK - 50% TYJ - 50%
Juvenile Delinquency	DJ, DL, TL	TYJ - 50% BKK - 50%
Child Protective	NA	TYJ - 2/3 BKK - 1/3

Civil Business	CB	BKK - 100%
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*Civil cases, including all CB case types, within the jurisdiction of the business court are to be directly assigned/re-assigned to Judge Brian K. Kirkham.

Jeffrey S. Albaugh,
Circuit Court Administrator
12-09-16