

Calhoun County Judicial Council

Honorable James C. Kingsley
Chief Circuit Judge

Honorable John R. Holmes
Chief District Judge

Honorable Michael L. Jaconette
Chief Probate Judge



Jeffrey S. Albaugh
Circuit-Probate Court Administrator

Michelle D. Hill
District Court Administrator

Cindy Rude
Probate Court Manager - Register

August 23, 2013

Ms. Jill Booth
Region 5 State Court Administrator
POB 30048
Lansing, MI 48909

Re: Amended Calhoun County Concurrent Jurisdiction Plan

Dear Administrator Booth:

We are submitting the enclosed amended concurrent jurisdiction plan for the Circuit, Probate and District courts of Calhoun County for approval by the State Court Administrator.

The amendment is to item (H) on page 6 concerning appeals of recusal decisions. The amendment adds language after the 1st sentence (which is unchanged) of the provision similar to language found in the Allegan County approved plan concerning appeals when the challenged judge is the chief judge of that court. Although relatively minor, the amendment will be of assistance in assuring prompt disposition of such appeals without need for the State Court Administrator to intervene.

Sincerely,

James C. Kingsley,
Chief Judge
37th Circuit Court

Michael L. Jaconette,
Chief Judge
Calhoun County Probate Court

John R. Holmes,
Chief Judge
10th District Court

CALHOUN COUNTY
CONCURRENT JURISDICTION PLAN
(AMENDED 8-23-2013)

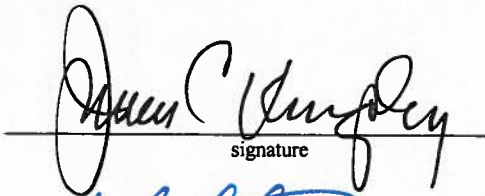

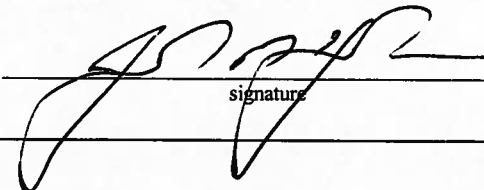
CALHOUN COUNTY CIRCUIT COURT
37th Circuit Court

CALHOUN COUNTY PROBATE COURT

CALHOUN COUNTY DISTRICT COURT
10th District Court

CONCURRENT JURISDICTION PLAN APPLICATION

A. Application Summary

<p>1. <i>Applicant:</i> 37th Circuit Court Calhoun County Probate Court 10th District Court</p> <p>Address: 161 East Michigan Avenue, Battle Creek, MI 49014-4066</p>	
<p>2. <i>Contact Person:</i> Jeffrey S. Albaugh Phone: (269) 969-6523 Fax: (269) 969-6663 E-Mail: jalbaugh@calhouncountymi.gov</p>	<p>Title: Circuit-Probate Court Administrator</p>
<p>3. <i>Concurrent Jurisdiction Type:</i></p> <p><input checked="" type="checkbox"/> Circuit, Probate and District Court Jurisdictions <input type="checkbox"/> Circuit and Probate Court Jurisdictions <input type="checkbox"/> Circuit and District Court Jurisdictions <input type="checkbox"/> District and Probate Court Jurisdictions</p>	
<p>4. <i>Chief Judge Signatures:</i></p> <p>Chief Circuit Court Judge: James C. Kingsley</p> <p> signature</p> <p>Date: 8/22/13</p> <p>Chief Probate Court Judge: Michael L. Jaconette</p> <p> signature</p> <p>Date: 8-26-13</p> <p>Chief District Court Judge: John R. Holmes</p> <p> signature</p> <p>Date: 8-22-13</p>	

B. Plan Description

Subject to approval by the Supreme Court and to certain other limitations as defined in 2002 PA 678 and described in these requirements, a plan of concurrent jurisdiction is adopted by a majority vote of each of the following groups of judges: circuit, probate and district judges of Calhoun County.

This plan of concurrent jurisdiction provides for exercise of power and jurisdiction as follows:

- a. The circuit court and one or more circuit judges may exercise the power and jurisdiction of the probate court.
- b. The circuit court and one or more circuit judges may exercise the power and jurisdiction of the district court.
- c. The probate court and judge may exercise the power and jurisdiction of the circuit court.
- d. The probate court and judge may exercise the power and jurisdiction of the district court.
- e. The district court and one or more district judges may exercise the power and jurisdiction of the circuit court.
- f. The district court and one or more district judges may exercise the power and jurisdiction of the probate court.

C. Certification of Plan Approval

Adoption of this plan by a majority of each group of judges of the 37th Circuit Court, the 10th District Court, and the Probate Court for Calhoun County is evidenced by their signatures on the attached appendices.

D. Proposed Judicial Resource Allocation & Administration

1. Concurrent Jurisdiction Plan Goals

The anticipated benefits that will be realized through the adoption of this plan include:

- a. **Judicial Resources**
 - greater flexibility in assigning judges and quasi-judicial officers to cases
 - reduce redundant judicial activities
 - ability to consolidate related matters

- ability to assign judicial resources based on need and workload
 - more equitable distribution of workloads
 - improve flexibility in covering absences and disqualifications
- b. Governance and Decision Making
- improve communication of goals and objections within the court
 - improve communications with funding unit
 - ensure that decision making considers the needs of all court units
 - reduce competition between court units for resources
 - improve cooperation and teamwork
- c. Administration and Fiscal Control
- increase ability to assign support staff based on need
 - reduce duplication and redundancy of administrative activities
 - increase uniformity of budgeting and financial reporting
 - increase coordination and effectiveness of collections
 - maximize utilization of facilities and capital resources
 - improve utilization of courtrooms
 - standardization of rules, policies and procedures
 - increase opportunities for innovation and self-evaluation
- d. Information Systems
- improve integration of case management systems
 - improve public access to court information
 - more timely reporting of required data
- e. Case Management
- reduce delay
 - minimize appearances by and inconvenience to litigants, witnesses and attorneys
 - improve ADR
 - improve compliance with time standards
 - reduce local jail population

2. Judicial Resources

Fully appreciating the historical jurisdiction of the respective courts, and recognizing that judges themselves are not wholly interchangeable, but recognizing the benefits of providing for the transfer or assignment of cases between the courts to fairly distribute the workload among the courts and the individual judges, cases will be assigned among or between the courts affected by this plan and to individual judges of those courts as follows:

- (A) *General Rule: Except as otherwise provided in this plan, cases will be assigned to the court and to the judges of that court as if this plan had not been adopted.*

(B) *Circuit Court*: The circuit court and one or more circuit judges may exercise the power and jurisdiction of:

(1) the probate court as authorized by now existing or hereafter adopted resolution, agreement, or joint local administrative order, including:

(a) inter court assistance per joint LAO C37 2012-3J, D10 2012-01J, P13 2012-02J.

(2) the district court as authorized by now existing or hereafter adopted resolution, agreement, or joint local administrative order, including:

(a) adjudication of misdemeanor charges in cases bound over as a felony per the attached case management directive.

(b) inter court assistance per joint LAO C37 2012-3J, D10 2012-01J, P13 2012-02J.

(C) *Circuit Court/Family Division*:

(1) The current Family Court Plan, joint LAO C37 2012-01J, P13 2012-01J, as it may be amended from time to time, is incorporated by reference.

(D) *Probate Court*:

(1) Assignment of circuit court family division cases to the probate judge is governed by the current Family Court Plan, as it may be amended from time to time.

(2) The probate court and judge may exercise the power and jurisdiction of:

(a) the circuit court as authorized by now existing or hereafter adopted resolution, agreement, or joint local administrative order including inter court assistance per joint LAO C37 2012-3J, D10 2012-01J, P13 2012-02J;

(b) the district court as authorized by now existing or hereafter adopted resolution, agreement, or joint local administrative order including inter court assistance per joint LAO C37 2012-3J, D10 2012-01J, P13 2012-02J

(E) *District Court*: The district court and one or more district judges may exercise the power and jurisdiction of:

- (1) the circuit court as authorized by now existing or hereafter adopted resolution, agreement, or joint local administrative order, including:
 - (a) arraignments and pleas on felony charges per joint LAO C37 2005-05J; D10 2005-06J;
 - (b) civil infractions committed by juveniles per joint LAO C37 2000-01J; D10 2000-01J;
 - (c) inter court assistance per joint LAO C37 2012-3J, D10 2012-01J, P13 2012-02J.
 - (2) the probate court as authorized by now existing or hereafter adopted resolution, agreement, or joint local administrative order, including inter court assistance per joint LAO C37 2012-3J, D10 2012-01J, P13 2012-02J:
- (F) *Cross Assignment*: Implementation of this plan is subject to cross assignment of the participating judges by the State Court Administrative Office.
- (H) *Disqualification Appeals*: If a challenged judge denies a motion for disqualification, *MCR 2.003*, upon the request of a party, the challenged judge shall refer the motion to the chief judge of the challenged judge's own court (i.e. regardless of case type). If the challenged judge is the chief judge of that court, then the appeal shall go to a chief judge of another Calhoun County court as follows: 1) The appeal of a recusal decision from the Chief District Judge shall be heard by the Chief Probate Judge. If the Chief Probate Judge is not available then the appeal shall be heard by the Chief Circuit Judge; 2) The appeal of a recusal decision from the Chief Probate Judge shall be heard by the Chief Circuit Judge. If the Chief Circuit Judge is not available then the appeal shall be heard by the Chief District Judge; 3) The appeal of a recusal decision from the Chief Circuit Judge shall be heard by the Chief District Judge. If the Chief District Judge is not available then the appeal shall be heard by the Chief Probate Judge.
- (I) *Local Administrative Orders*: Implementation of the case assignment provisions of this plan will be by joint local administrative order adopted by the affected court(s) from time to time. Future amendment(s) to any attached joint local administrative orders will not require the submission of a revised concurrent jurisdiction plan, provided that the amendment(s) does not fundamentally alter this plan.
- (J) *Pending Cases*. Except as otherwise expressly provided, assignment of cases pending before the effective date of this plan will remain unaffected by this plan.
- (K) *Special Assignments*. Nothing in this plan limits the authority of the State Court Administrative Office to assign any judge(s) for temporary or emergency service in any court.

3. Court Governance

The 37th Circuit Court, the 10th District Court, and the Probate Court for Calhoun County are separate and distinct. However, in furtherance of the goals stated in section D1 of this plan, the previously established Judicial Council, comprised of the chief judge of each of the three affected courts, shall act to coordinate implementation of this plan by consensus.

The chief judge of each court will continue to be selected pursuant to MCR 8.110 and, except as otherwise provided for in this plan, will possess the duties and powers of chief judge for their respective court.

4. Administrative Structure

This plan contemplates the present retention of a court administrator for each court, but also anticipates the affected courts will affirmatively review and act on opportunities to reduce costs and increase efficiency, including through coordinating portions of the courts' administrative and budgetary functions.

Attached is an organizational chart of the courts under this plan.

5. Human Resources

Except as otherwise provided, this plan contemplates retention of the current employment status (union, nonunion, bargaining units, benefits, etc.) of each court's staff.

6. Budget and Fiscal Management

The Judicial Council shall coordinate the preparation and presentation of budgets.

The Judicial Council shall coordinate initiatives for improvement of court operations through appropriate use of existing and future technologies, including imaging and e-filing.

The Judicial Council shall coordinate collections activities, in order to provide efficient and robust enforcement of the courts' financial assessments.

7. Records Management

The records of the circuit court, probate court, and district court shall continue to be maintained by the respective county clerk, probate register, or district court clerk in the same manner as the method employed for record management before adoption of this plan. MCL 600.420.

8. Information System

The courts will work with the county (including its Information Systems and Services Department) and State Court Administrative Office, to plan for further improvement and

enhancement of the existing Information system; this effort will include planning for transition, and acquiring funding in order to migrate to more modern and flexible programming systems and platforms.

9. Facilities and Infrastructure

This plan contemplates no current changes to facilities or their utilization (including security, courtroom utilization, court hours, records maintenance, or location of support activities). However, it is noted that a facilities use review has been requested in the 2013 county capital improvement budget to assist in determining if allocation of existing facilities remains the most efficient use of currently assigned space and determine the feasibility of expanding juror seating in District and Probate courtrooms to accommodate felony jury trials.

10. Jury Management

This plan contemplates maintaining the current unified system for jury administration utilized by each court and administered principally by the Circuit Court.

11. Alternate Dispute Resolution

This plan contemplates maintaining the current unified system for alternate dispute resolution utilized by each court and administered principally by the Circuit Court.

12. Planning Process / External Relations

In developing this plan, input has been sought from judges, court staff, and other persons and entities that provide court services or are affected by the courts' operations.

Additionally, the plan is being submitted to the Calhoun County Board of Commissioners for a review of the plan's financial implications at least 30 days before submission to the State Court Administrative Office.

Upon adoption of this plan, persons and entities will be informed of changes in court policies, procedures, and processes via public media outlets, CCBA listserv, and the Calhoun County government website.

13. Training

For successful implementation, this plan contemplates appropriate training and materials for judicial and court support staff.

14. Amendment / Termination

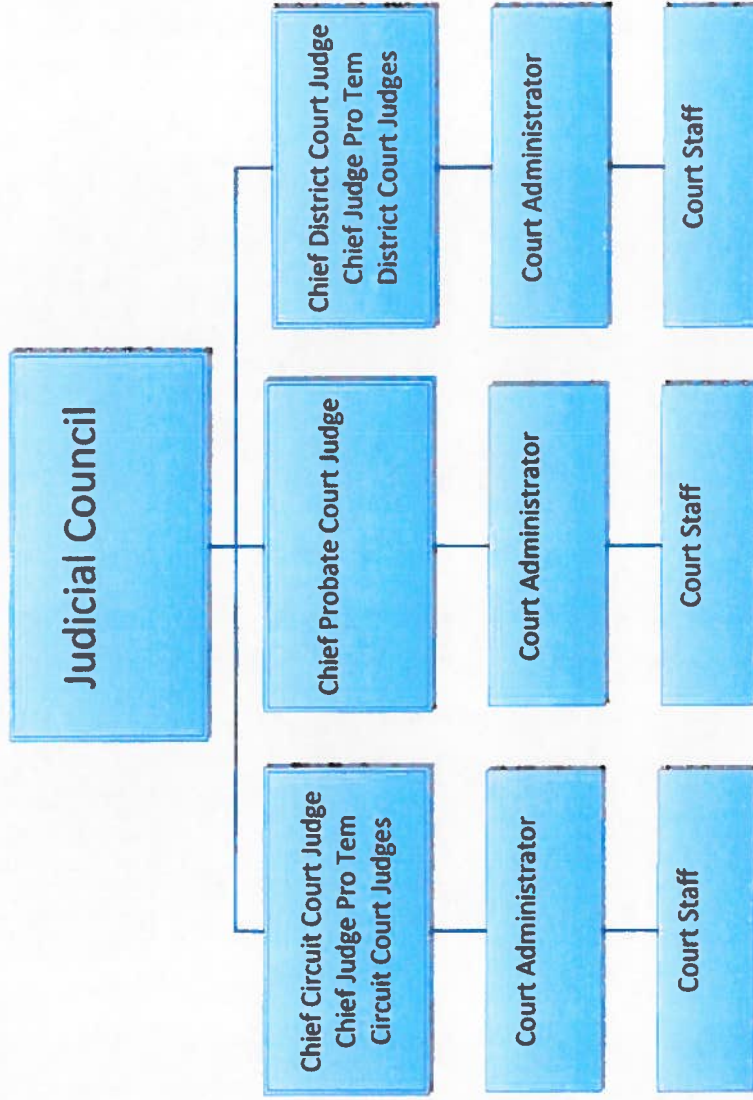
Except as otherwise allowed or required by law, this plan may be amended in whole or in part upon the majority vote of each group of judges of the 37th Circuit Court, the 10th District Court, and the Probate Court for Calhoun County.

13. Effective Date

This amended plan shall be effective upon approval by the State Court Administrator or as otherwise directed by the State Court Administrator.

Calhoun County Court System

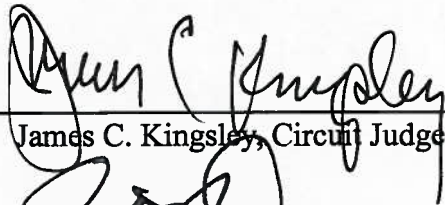
Organizational Chart



Certificate of Approval

Judges of the 37th Circuit Court

The undersigned judges of the 37th Circuit Court do hereby approve and adopt the attached concurrent jurisdiction plan.



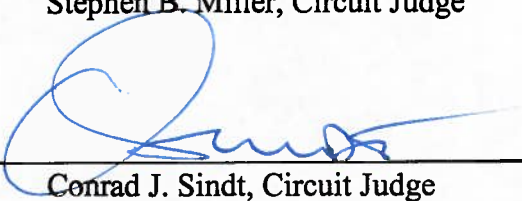
James C. Kingsley, Circuit Judge

Date: 8/22/13



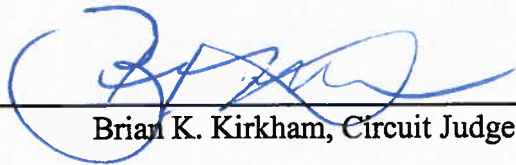
Stephen B. Miller, Circuit Judge

Date: 8/22/13



Conrad J. Sindt, Circuit Judge

Date: 8-22-13

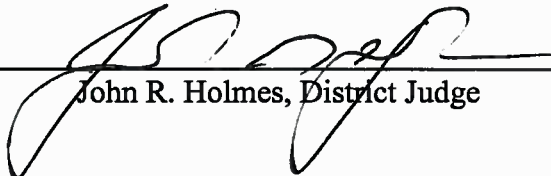


Brian K. Kirkham, Circuit Judge

Date: 8-22-13


Certificate of Approval
Judges of the 10th District Court

The undersigned judges of the 10th District Court do hereby approve and adopt the attached concurrent jurisdiction plan.




John R. Holmes, District Judge

Date: 8-22-13



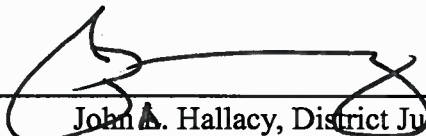
Franklin K. Line, Jr., District Judge

Date: Aug. 22, 2013



Samuel I. Durham, District Judge

Date: 8.22.13



John A. Hallacy, District Judge

Date: 8-22-13

Certificate of Approval

Judge of the Calhoun County Probate Court

The undersigned judge of the Calhoun County Probate Court hereby approves and adopts the attached concurrent jurisdiction plan.



Michael L. Jacquette, Probate Judge

Date: 8-26-13