

IV. CONCURRENT JURISDICTION PLAN APPLICATION

A. APPLICANT SUMMARY

1. Applicant: 22 ND CIRCUIT COURT, PROBATE COURT, 14A, 14B AND 15 TH DISTRICT COURTS		
101 E. HURON P.O. Box 8645		
Ann Arbor, MI 48107-8645		
2. Contact Person: Daniel B. Dwyer Title: 22 nd Circuit Court Administrator		
101 E. HURON P.O. Box 8645 (734) 222-3372 (734) 222-3370 fax email: dwyerd@ewashtenaw.org		
3. Concurrent Jurisdiction Type X Circuit and District Court Jurisdictions X Circuit and Probate Court Jurisdictions		

4. Chief Judge Signatures

Chief Circuit Court Judge: Archie Cameron Brown 22 nd Circuit Court	Signature:	Date: 02/25/2004
Chief Probate Court Judge: John N. Kirkendall Probate Court	Signature:	Date: 02/25/2004
Chief District Court Judges: J. Cedric Simpson Chief Judge, 14A District Court Ann Mattson Chief Judge, 15 th District Court John B. Collins Chief Judge, 14B District Court	Signature:	Date: 02/25/2004

CONCURRENT JURISDICTION PLAN OF TRIAL COURTS IN WASHTENAW COUNTY

B. PLAN DESCRIPTION

The Circuit, Probate, and District judges, subject to the approval by the Supreme Court and to certain other limitations as defined in the act and described in these requirements, by a majority vote of each group of judges, adopt a plan of concurrent jurisdiction for the participating trial courts. The plan of concurrent jurisdiction provides for:

- a. The 22nd Circuit Court and its judges may exercise the power and jurisdiction of the Probate Court.
- b. The Probate Court and its judges may exercise the power and jurisdiction of the 22nd Circuit Court.
- c. The 15th, 14A and 14B District Courts and their judges may exercise the power and jurisdiction of the 22nd Circuit Court as follows:
 1. Conducting arraignments in criminal cases cognizable in the Circuit Court.
 2. Accepting pleas in criminal cases cognizable in the Circuit Court with the consent of the defendant, defense attorney and prosecutor.
 3. The 14B District Court Chief Judge may consent to and exercise the discretion of the 22nd Circuit Court for the purpose of conducting driver's license restoration hearings.
- d. The 15th, 14A and 14B District Court and its Judges and Magistrates may exercise the power and jurisdiction of each other's Court, throughout Washtenaw County, as permitted by statute and this plan.
- e. This plan of concurrent jurisdiction adopted under 2002 PA 678 does not include delegation (MCLA 600.410) of any of the following:
 1. A power of appointment to a public office delegated by law to the circuit court or a circuit judge
 2. A power of appointment to a public office delegated by law to the probate court or a probate judge
 3. A power of appointment to a public office delegated by law to the district court or a district judge.
- f. [MCLA 600.841 (2)(a)] The circuit court shall have exclusive original jurisdiction over appeals from the district court and from administrative agencies as authorized by law.
- g. [MCLA 600.841 92)(b)] The circuit shall have exclusive original jurisdiction and power to issue, hear and determine prerogative and remedial writs consistent with Section 13 of Article VI of the State constitution of 1963.
- h. [MCLA 600.841(2)(d)] The district courts shall have exclusive original jurisdiction over small claims and civil infractions.
- i. [MCLA 600.8304(d)] The probate court shall have exclusive original jurisdiction over trusts and estates.

C. CERTIFICATION OF PLAN APPROVAL

This plan for concurrent jurisdiction is adopted by a majority vote of each group of judges of the 22nd Circuit Court, the Probate Court, and the 15th, 14A and 14B District Courts located in Washtenaw County.

The adoption of this plan is evidenced by the signature of each Chief Judge in Attachment A of this Plan.

D. PROPOSED JUDICIAL RESOURCE ALLOCATION & ADMINISTRATION

1. Concurrent Jurisdiction Plan Goals

This plan continues the successful case flow management and system process improvements implemented under the Washtenaw County Trial Court Demonstration Project.

Benefits of this plan, as proven through the implementation of the Washtenaw County Trial Court Demonstration Project, include:

- a. The prompt and just disposition of matters brought before the Court.
- b. The efficient and effective operation of the County justice system, including, but not limited to:
 - 1. improved caseflow management;
 - 2. reduced jail bed days;
 - 3. reduced prisoner transport costs; and
 - 4. improved access and service to justice system stakeholders and customers of the Court.

Plan goals include:

- a. Maintain a county-wide centralized preliminary examination system within Washtenaw County, regardless of jurisdiction and geographic boundaries, including arraignments and acceptance of pleas in criminal cases cognizable in the Circuit Court
- b. Provide for the shared jurisdiction and cross-assignment of all District Court Judges in Washtenaw County.
- c. Provide for the shared jurisdiction and cross-assignment of all Magistrates in Washtenaw County.
- d. Provide for the merger of the Probate and Circuit Courts into the Family Division.
- e. Provide all District Court Judges the power and authority to conduct marriage ceremonies anywhere in Washtenaw County.
- f. Provide all District Court Magistrates the power and authority to sign search warrants anywhere within Washtenaw County.
- g. Provide the 14B Chief Judge the power and authority to conduct Driver’s License Restoration hearings.

2. Judicial Resources

ASSIGNMENT OF CASES:

Circuit Division

- a. Criminal cases will be assigned by lot among circuit judges
- b. Civil cases will be assigned by lot among the circuit judges
- c. Other cases will be assigned by lot among the circuit judges

Family Court

- a. Domestic relations cases shall be assigned as outlined in the Washtenaw County Family Division Plan.
- b. Juvenile cases shall be assigned to the family division judges as outlined in the Washtenaw County Family Division Plan.
- c. Personal Protection Orders shall be assigned in compliance with the Case Assignment Local Administrative Order (LAO).

Probate Court

- a. Probate cases shall be assigned as outlined in the Washtenaw County Family Division Plan.

District Court

- a. Each District Court, 14A, 14B and 15th, will manage its case assignments as set forth by its respective Chief Judge.

REASSIGNMENT OF CASES:

Assist with Docket

- a. Judges of each bench may cover for each other as necessary and possible, within jurisdictional limitations as set forth within this plan and with the consent of the judge whose assistance is requested.

Disqualification

Family Court

- a. Upon disqualification of a family division judge of this court from a family law case, reassignment shall be limited to the other family division judges of the bench.
- b. In the event no family division judge is able to hear a case in this category, the case will be directed to the Circuit Court Chief Judge for reassignment to any judge of the bench able to adjudicate the case.
- c. All other Disqualification cases – The Central Assignment Office will assign the case, by lot, to another circuit/probate judge.
- d. In consideration of administrative responsibility, the Chief Judge of the 22nd Circuit Court will be included in the selection of successor judges in disqualification cases at a reduced rate.

Circuit Court

- a. Upon disqualification of a circuit judge of this court from a case, reassignment shall be limited to the other circuit judges of the bench.
- b. In the event no circuit judge is able to hear the case, it will be directed to the Circuit Court Chief Judge for reassignment to any judge of the bench able to adjudicate the case.
- c. All other Disqualification cases – The Central Assignment Office will assign the case, by lot, to another circuit judge.
- d. In consideration of administrative responsibility, the Chief Judge of the 22nd Circuit Court will be included in the selection of successor judges in disqualification cases at a reduced rate.

District Court

- a. Upon disqualification of a District Court judge for the 14A, 14B or 15th District Courts, reassignment of that case will be made to another Judge within that District.
- b. Should other judges within the District also disqualify themselves or be otherwise unavailable, reassignment of the case will be made to a Judge in one of the other two (2) Districts within Washtenaw County in the following order: 14A District Court to 14B District Court, 14B District Court to 15th District Court, and 15th District Court to 14A District Court.

RECORD OF REASSIGNMENT:

The Clerk of each respective Court shall make appropriate computer and case file entries of cases reassigned to include:

- a. Copy of reassignment order.
- b. Name of reassigned judge.
- c. Date of reassignment.

AUTHORITY TO REASSIGN WORKLOAD

The authority to reassign workload and facilitate the implementation of this plan resides with the Chief Judge of each respective Court.

FAMILY COURT PLAN

This plan for concurrent jurisdiction includes a Family Court Plan as provided in Chapter 10 of the Revised Judicature Act. The Family Court Plan is attached as Local Administrative Order 2003 -06D.

3. Court Governance

A primary outcome of this plan is to institutionalize the system and process improvements successfully implemented through the Washtenaw County Trail Court Demonstration Project.

To accomplish this outcome, the courts governed by this plan establish a Judicial Council comprised of the Chief Judge and Administrator of each of the five (5) courts and the Presiding Judge of Civil/Criminal. The Judicial Council has the responsibility to implement and manage the processes established in this concurrent jurisdiction plan. The Judges are voting members. The Administrators are advisory and non-voting.

The Judicial Council will meet on a quarterly basis, or as needed. Records of Council meetings and actions will be taken, maintained and distributed by the Court Administrator of the Circuit Court.

In summary, the plan:

- a. Establishes a Council to oversee court planning, implementation, management and external relations, as they relate to this concurrent jurisdiction plan.

- b. Vests management authority with the Chief Judge of each Court, in accordance with MCR 8.110.
- c. And, identifies judicial jurisdiction and authority, administrative authority and control, and financial authority and control within its relevant sections.

Together, these steps provide a simple and effective architecture for planning, management and decision making.

4. Administrative Structure

An organizational chart of Washtenaw County Courts is attached. Administrative responsibilities of this plan are articulated throughout this document.

Each Court may employ a Court Administrator who will be responsible to and report to the Chief Judge of the Court for which he/she is employed in accordance with MCR 8.110.

5. Human Resources

EMPLOYMENT STATUS

No changes are anticipated as a result of this plan.

AUTHORITY AND RESPONSIBILITY

The Chief Judge of the Circuit Court is responsible for personnel matters for the 22nd Circuit Court, Friend of the Court, Juvenile Center, Central Assignment and Community Corrections.

The Chief Judge of the Probate Court is responsible for personnel matters for the Probate Court. The Circuit Court Administrator is delegated the responsibility for all of those divisions via the Family Court Plan.

The 14A, 14B and 15th District Court Chief Judges are responsible for all personnel matters for their respective courts.

6. Budget and Fiscal Management

The 15th and 14B District Courts are independently responsible for the preparation and management of their budgets. County funded Courts collaborate in the development and management of their respective budgets.

There are no planned changes to collection or revenue allocation or additional costs associated with the implementation of this plan.

7. Records Management

There are no planned changes to records management, access, maintenance or storage.

The Washtenaw County Service Center, located in Pittsfield Township, is the central repository for all initial filings of felony cases. Files are transferred to the County Clerk's office in the downtown courthouse after initial proceedings

are concluded, or transferred to the District Court of originating jurisdiction if only misdemeanor charges remain.

Prior to bind over, bond reduction motions and other pleadings in felony proceedings may be filed at the central preliminary examination site (located at the County Service Center) to support the efficiencies gained in this process.

8. Information Systems

All Courts in Washtenaw County share the eNACT (formerly known as FULCRUM) case processing system. The system is managed by the Circuit Court Systems Manager and a management analyst, who are members of the Circuit Court Administrator's office.

The Circuit Court Systems Manager and Management Analyst will respond to requests for assistance from all courts in a timely manner.

Any substantial upgrades to eNACT or changes in the case processing or management information systems will be paid pro rata by each Court, based upon the number of judicial officers employed in that Court.

9. Facilities and Infrastructure

Facility, infrastructure and security are significant impediments for all court operations in Washtenaw County including, but not limited to the centralized preliminary examination system.

10. Jury Management

No changes proposed.

11. Planning Process / External Relations

The Judicial Council serves as the planning and external relations body, as it relates to this concurrent jurisdiction plan, for the participating courts.

12. Training

The plan formalizes system and process improvements successfully implemented through the Washtenaw County Trial Court Demonstration Project. Judicial and support staff will continue to work collaboratively to identify professional development needs as they may occur.