

# Order

June 19, 2013

ADM File No. 2004-04

Administrative Order No. 2013-7

Adoption of Concurrent Jurisdiction Plan  
for the 38th Circuit Court, the 1st District Court,  
and the Monroe County Probate Court

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Michigan Supreme Court  
Lansing, Michigan

Robert P. Young, Jr.,  
Chief Justice

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

Administrative Order No. 2003-1 and MCL 600.401 *et seq.* authorize Michigan trial courts to adopt concurrent jurisdiction plans within a county or judicial circuit, subject to approval of the Court.

The Court hereby approves adoption of the following concurrent jurisdiction plan effective immediately:

- The 38th Circuit Court, the 1st District Court, and the Monroe County Probate Court.

The plan shall remain on file with the state court administrator.

Amendments to concurrent jurisdiction plans may be implemented by local administrative order pursuant to MCR 8.112. Plan amendments shall conform to the requirements of Administrative Order No. 2003-1 and MCL 600.401 *et seq.*



00069198427  
LAO

**1995-8340-ML-A**  
BRENDA L. SMITH, REGISTER OF PROBATE  
06/19/2013 Ref # 229



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 19, 2013

Clerk

**MONROE COUNTY**  
**CONCURRENT JURISDICTION PLAN**



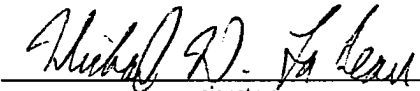
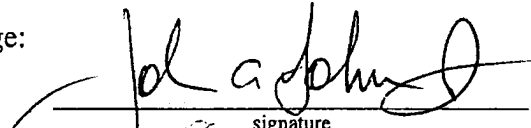
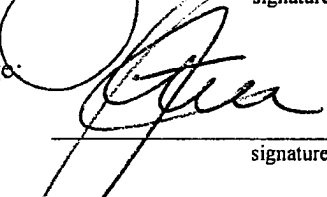
**MONROE COUNTY CIRCUIT COURT**  
38<sup>th</sup> Circuit Court

**MONROE COUNTY PROBATE COURT**

**MONROE COUNTY DISTRICT COURT**  
1<sup>st</sup> District Court

CONCURRENT JURISDICTION PLAN APPLICATION

A. Application Summary

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| <p>1. <i>Applicant:</i> 38<sup>th</sup> Circuit Court<br/>Monroe County Probate Court<br/>1<sup>st</sup> District Court</p> <p>Address: 106 E. First Street, Monroe, Michigan 48161</p>  |
| <p>2. <i>Contact Person:</i> Michelle M. Marcero      Title: 1<sup>st</sup> District Court Administrator</p> <p>Address: 106 E. First Street, Monroe, Michigan 48161<br/>Phone: (734) 240-7085<br/>Fax: (734) 240-7098<br/>E-Mail: <a href="mailto:michelle_marcero@monroemi.org">michelle_marcero@monroemi.org</a></p>  |
| <p>3. <i>Concurrent Jurisdiction Type:</i></p> <p><input checked="" type="checkbox"/> Circuit, Probate and District Court Jurisdictions<br/><input type="checkbox"/> Circuit and Probate Court Jurisdictions<br/><input type="checkbox"/> Circuit and District Court Jurisdictions<br/><input type="checkbox"/> District and Probate Court Jurisdictions</p>   |
| <p>4. <i>Chief Judge Signatures:</i></p> <p>Chief Circuit Court Judge:<br/>Michael W. LaBeau      <u></u>      Date: <u>2-21-13</u><br/>signature</p> <p>Chief Probate Court Judge:<br/>John A. Hohman, Jr.      <u></u>      Date: <u>2/21/13</u><br/>signature</p> <p>Chief District Court Judge:<br/>Jack Vitale      <u></u>      Date: <u>3/4/13</u><br/>signature</p> |

## **B. Plan Description**

Subject to approval by the Supreme Court and to certain other limitations as defined in 2012 PA 338 and described in these requirements, a plan of concurrent jurisdiction is adopted by a majority vote of the circuit, probate and district judges of Monroe 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 one or more probate judges may exercise the power and jurisdiction of the circuit court.
- d. The probate court and one or more probate judges 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 38<sup>th</sup> Circuit Court, the Probate Court of Monroe County and the 1<sup>st</sup> District Court is evidenced by the signatures of the judges of the respective courts 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 objectives 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 jail overcrowding

## *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, or by local administrative order, 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 local administrative order

- (2) The district court as authorized by now existing or hereafter adopted resolution, agreement, or local administrative order

(C) *Circuit Court/Family Division:*

- (1) The current Family Court Plan<sup>1</sup>, as it may be amended from time to time, is hereby incorporated by reference.
- (2) Newly filed Personal Protection Order Petitions shall be assigned to the circuit judge assigned to any underlying domestic relations case.

(D) *Probate Court:*

- (1) Assignment of circuit court Family Division cases to probate judges is governed by the current Family Court Plan, as it may be amended from time to time.
- (2) The probate court and one or more probate judges may exercise the power and jurisdiction of:
  - (a) The circuit court as authorized by now existing or hereafter adopted resolution, agreement, or local administrative order
  - (b) The district court as authorized by now existing or hereafter adopted resolution, agreement, or local administrative order

(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 local administrative order.
  - (a) Arraignments and pleas on felony charges<sup>2</sup>
  - (b) The district court's jurisdiction over juvenile civil infractions as authorized by local administrative order<sup>3</sup>
  - (c) The district court magistrates' authority to set bond for persons arrested on violations of personal protection orders after hours and on holidays and weekends as provided by MCL 764.15b(3)
- (2) The probate court as authorized by now existing or hereafter adopted resolution, agreement, or local administrative order.

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<sup>1</sup> See attached Family Court Plan, LAO 2013-01

<sup>2</sup> See attached LAO 2005-04J

<sup>3</sup> See attached LAO 2000-02J

- (F) *Blind Draw*: In any event, except as otherwise provided by local administrative order, cases will be assigned by lot among the participating judges within a given caseload division, *MCR 8.111*.
- (G) *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 or 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, the appeal shall go to a chief judge of one of the remaining courts as selected by blind draw.
- (I) *Local Administrative Orders*: Implementation of the case assignment provisions of this plan will be by local administrative order adopted by the affected court(s) from time to time. Future amendment(s) to any attached 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 38<sup>th</sup> Circuit Court, the Probate Court of Monroe County and the 1<sup>st</sup> District Court are separate and distinct. However, in furtherance of the goals stated in section D.1. of this plan, a Judicial Council is established. The council shall be comprised of the chief judges (or his or her delegate) of each of the three courts. Decisions of the council shall be 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 of his/her respective court.

### 4. Administrative Structure

This plan contemplates retention of the current court administrators in the Probate Court of Monroe County and the 1<sup>st</sup> District Court. It anticipates the courts will affirmatively review and act on opportunities to reduce costs and increase efficiency, including coordination of the courts' administrative and budgetary functions.

### 5. Human Resources

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 actively pursue and 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 county clerk, probate register, and district court clerk in the same manner as employed before adoption of this plan. MCL 600.420.

#### *8. Information System*

The courts will work with the county (including its Information Technology Department), to plan for further improvement and enhancement of the case management systems, including planning for transition, and acquiring funding in order to migrate to more modern and flexible programming systems and platforms as needed.

#### *9. Facilities and Infrastructure*

This plan contemplates no changes to facilities or their utilization (including security, courtroom utilization, court hours, records maintenance, or location of support activities).

#### *10. Jury Management*

This plan contemplates maintaining the current jury administration system utilized by each of the 38<sup>th</sup> Circuit Court, the Probate Court of Monroe County and the 1<sup>st</sup> District Court.

#### *11. 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 Monroe 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, and the Monroe County website.

### *12. Training*

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

### *13. 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 the judges of the 38<sup>th</sup> Circuit Court, the Probate Court of Monroe County and the 1<sup>st</sup> District Court.

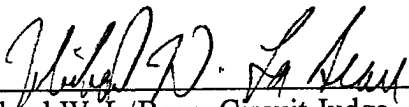
### *14. Effective Date*

This plan shall be effective upon approval by the Supreme Court.

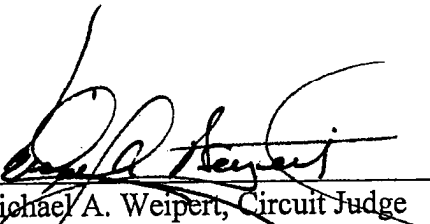
**Certificate of Approval**

**Judges of the 38<sup>th</sup> Circuit Court**

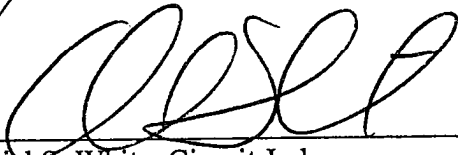
The undersigned judges of the 38<sup>th</sup> Circuit Court do hereby approve and adopt the attached concurrent jurisdiction plan.

  
\_\_\_\_\_  
Michael W. LaBeau, Circuit Judge (P23716)

Date: 2-21-13

  
\_\_\_\_\_  
Michael A. Weipert, Circuit Judge (P35050)

Date: February 21, 2013

  
\_\_\_\_\_  
Daniel S. White, Circuit Judge (P33070)

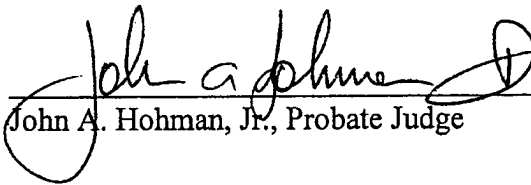
Date: 2/21/13

**Certificate of Approval**

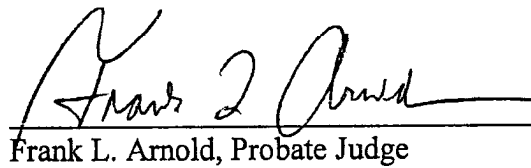
**Judges of the Monroe County Probate Court**

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The undersigned judges of the Monroe County Probate Court do hereby approve and adopt the attached concurrent jurisdiction plan.

 (P33143)  
John A. Hohman, Jr., Probate Judge

Date: 2/21/13


 (P52771)  
Frank L. Arnold, Probate Judge


Date: 3/13/13

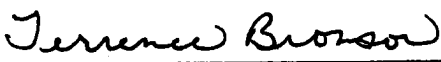
**Certificate of Approval**  
**Judges of the 1<sup>st</sup> District Court**

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The undersigned judges of the 1<sup>st</sup> District Court do hereby approve and adopt the attached concurrent jurisdiction plan.

  
\_\_\_\_\_  
Jack Vitale, District Judge (P21847)      Date: 3/4/13

  
\_\_\_\_\_  
Mark S. Braunlich, District Judge (P32926)      Date: March 1, 2013

  
\_\_\_\_\_  
Terrence P. Bronson, District Judge (P26847)      Date: February 22, 2013

## **Concurrent Jurisdiction Local Administrative Orders**

- LAO 2013-01, 38<sup>th</sup> Judicial Circuit Court Family Court Plan
- LAO 2005-04J, Monroe County Circuit Court Arraignments in District Court
- LAO 2000-02J, Waiver of Jurisdiction over Civil Infractions Committed By Juveniles

**From:** region2-info@courts.mi.gov(Region2 Info)  
**To:** jack\_vitale@monroemi.org, john\_hohman@monroemi.org, Michael\_LaBeau@monro...  
**CC:** Region2 Info  
**Date:** 7/17/2013 11:37 AM  
**Subject:** Monroe County Concurrent Jurisdiction Plan

Monroe County Concurrent Jurisdiction Plan  
C38 2013-03J, D01 2013-02J, P58 2013-02J

Your plan for concurrent jurisdiction, approved by the Michigan Supreme Court to be effective June 19, 2013, has been given the above local administrative order numbers. Future revisions of the plan may be approved by the SCAO Regional Administrator provided that those revisions do not substantially alter the plan or change the participating courts. The revised plan must be submitted as an LAO and rescind the current LAO.

James Hughes  
Region II Administrator  
Michigan State Court Administrative Office  
P.O. Box 30048  
Lansing, MI 48909  
517-373-9353

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