

STATE OF MICHIGAN GENESEE COUNTY 7 th JUDICIAL CIRCUIT	In Re: Case Assignments	LOCAL ADMINISTRATIVE ORDER 2013-04
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7th Judicial Circuit Court, 900 S. Saginaw St., Flint, MI 48502 (810) 424-4355

Local Administrative Order 2012-6 is hereby rescinded:

Adult Felony Drug Court

67th District Court Judge Mark W. Latchana is designated as the adult felony drug court judge, until further order of the court. All cases accepted into drug court shall be assigned to Judge Latchana, sitting in the capacity of a circuit court judge.

Criminal Case Assignments

Pursuant to Concurrent Jurisdiction Plan (LAO 2004-4) a circuit judge will be assigned by lot, at the same time that a district judge is assigned.

If a defendant is arraigned on a single defendant case on the same day in both 67th and 68th District Courts, the circuit judge assigned on the 67th District Court case will be re-assigned to both cases.

If a single defendant is arraigned, in the same district court, on multiple single defendant felony cases, scheduled for the same initial pre-trial date, all cases will be re-assigned to the district and circuit judge assigned to the lowest case number.

In multiple defendant cases, the circuit judge assigned to the defendant with the earliest arraignment date will be the judge assigned to all co-defendant cases, pursuant to MCR 8.111(D)(1).

If a single defendant case is bound over to circuit court and the defendant has an earlier single defendant circuit court case pending, the judge to whom the earlier case is assigned will be reassigned to the subsequent case. A case in which the defendant is on probation is not an "open" case and no reassignment would be made.

Every 90 days, the court administrator will compile a list of all criminal cases assigned to each judge. An average will be determined and a random reassignment undertaken, if necessary, to arrive at an equal criminal caseload for all criminal division judges.

The cases to be reassigned will be randomly selected from the newest pending cases.

Effective October 1, 2013, new criminal cases will be assigned by blind draw with all criminal-civil division judges in the rotation with the following distribution: Judge Farah - 20%, Judge Fullerton - 20%, Judge Hayman - 20%, Judge Neithercut - 20% and Judge Yuille - 20%.

Civil Case Assignments

Effective October 1, 2013 through December 31, 2013, new civil cases will be assigned by blind draw as follows: Judge Farah - 20%, Judge Fullerton - 20%, Judge Hayman - 40% and Judge Neithercut - 20%.

Effective January 1, 2014, new civil cases will be assigned by blind draw with all criminal-civil division judges in the rotation with the following distribution: Judge Farah - 20%, Judge Fullerton - 20%, Judge Hayman - 20%, Judge Neithercut - 20% and Judge Yuille - 20%.

Miscellaneous Provisions

Closed criminal or civil cases will not be re-assigned. Post judgment activity will continue to be presided over by the originally assigned jurist, regardless of any provision set forth above.

Docket composition will be reviewed no later than October 1, 2014 to determine its efficacy, compliance with time guidelines and impact on prosecutorial resources.

Personal Protection Orders

The clerk of the court will assign personal protection orders to Family Division judges under the following circumstances and in the manner set forth below:

- Respondent is the spouse, former spouse, an individual with whom he or she has a child in common, an individual with whom he or she has or has had a dating relationship or an individual residing or having resided in the same household as the Petitioner.
- Petitioner (or Petitioner's spouse-girlfriend-boyfriend) has or has had a dating relationship with the Respondent (or Respondent's spouse-girlfriend-boyfriend).
- Respondent is a juvenile.

- Respondent is a friend or relative who has a role in the transportation or supervision of a child or children of parties to a DM, DP or DS case in which there is a custody and/or visitation order and the complained of activity arises out of the performance of that role.

The clerk of the court will assign all other personal protection orders to Criminal-Civil Division judges. In those cases, re-assignments will be made in the following circumstances:

- Petitions where both parties have a pending domestic matter in common will be re-assigned to the judge assigned to the earliest domestic case.
- If there is no common case pending between the parties, the Petition will be re-assigned to the judge assigned to any personal protection order pending against the same Respondent.
- Subsequent requests for personal protection orders between the same parties shall be assigned to the judge who was assigned to the earlier matter.

Notwithstanding any of the above provisions, Chief Judge Richard B. Yuille is eliminated from the blind draw for personal protection orders. Probate Judge Jennie E. Barkey will be substituted in the blind draw, along with the four (4) remaining criminal-civil division judges.

Petitions seeking to modify, or enforcement action related to, an existing personal protection order, will remain assigned to Judge Yuille.

Civil Case Spin Offs

No civil case that is beyond the time standards for disposition, or whose adjourned date would be beyond the time standards for disposition, shall be adjourned because the assigned judge is in trial on other matters, without first contacting all other Civil Division judges to determine if they are available to conduct the trial.

If an alternate judge conducts the trial, the case shall be re-assigned for all purposes. If the case is not disposed of or trial commenced, the case will be returned to the originally assigned judge and no re-assignment will be made.

If a trial is conducted, the alternate judge would have the option to re-assign a pending case, with the same case code classification, to be selected by blind draw, to the judge from whom the re-assignment was made.

Post Judgment Criminal Activity

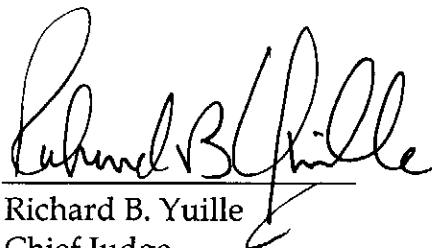
Post judgment filings on criminal cases that were originally assigned to a judge currently assigned to the Family Division or their predecessor, including probation violation proceedings, motions for relief from judgment or other requests that require a judicial determination, will be re-assigned by lot, to the current Criminal/Civil Division judges pursuant to MCR 8.111.

Reassignment of Juvenile Cases

Pursuant to the authority set forth in MCR 8.111(D), if there are petitions filed on more than one juvenile arising out of the same transaction or occurrence, the clerk of the court is directed to reassign all matter to the judge assigned the lowest case number.

Dated

September 4, 2013



Richard B. Yuille
Chief Judge
7th Judicial Circuit