

STATE OF MICHIGAN
GENESEE COUNTY
7th JUDICIAL CIRCUIT

In Re:
Case Assignments

LOCAL ADMINISTRATIVE
ORDER
2018-07

7th Judicial Circuit Court, 900 S. Saginaw St., Flint, MI 48502 (810) 424-4355

Local Administrative Order 2018-06 is hereby rescinded.

Effective May 1, 2018, Judge David J. Newblatt will be assigned as the 6th Judge in the Criminal-Civil Division.

Criminal Case Assignments

Effective April 5, 2018 Judge David J. Newblatt will be assigned by blind draw to 25% of new criminal filings. The remaining five Judges in the Criminal-Civil Division will be assigned by blind draw to 15% of new criminal filings.

Pending felony cases will be divided by FC or FH case type and by time guideline groups for each case type. Cases pending in excess of 301 days, shall remain with the originally assigned Judge.

All other criminal cases are eligible for reassignment to Judge Newblatt to create a pending criminal docket similar in composition and number to the pending criminal docket for the other five Judges in the Criminal-Civil Division.

25% of the total pending criminal docket, excluding cases pending in excess of the time guidelines shall be randomly reassigned to Judge Newblatt for this purpose.

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, presiding in the capacity of a circuit court judge.

Sobriety Court

67th District Court Judge Vikki Bayeh Haley is designated as the Genesee County sobriety court judge, until further order of the court. All felony OUIL cases will be assigned to Judge Bayeh Haley, irrespective of whether the case is referred to and accepted into sobriety court. Judge Bayeh Haley will preside in the capacity of a circuit court judge.

Criminal Case Processing

Pursuant to the 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 single defendant is arraigned, in the district court, on multiple single defendant felony cases, scheduled for the same initial probable cause conference 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. No reassignment would be made.

Every 90 days, the court administrator will compile a list of all criminal cases assigned to each judge. If directed by the Chief Judge, action may be taken to balance the pending criminal docket.

Civil Case Assignments

Effective April 5, 2018 Judge David J. Newblatt will be assigned by blind draw to 16% of new civil filings.

The pending civil cases will be divided by case type and time guideline groups for each case type. Cases pending in excess of 728 days shall remain with the originally assigned Judge.

All other civil cases, except: (1) City of Flint water cases (2) Legionnaires Disease cases or (3) Business Court cases, are eligible for reassignment to Judge Newblatt to create a pending civil docket similar in composition and number to the pending civil docket for the other five (5) Judges in the Criminal-Civil Division.

25% of the total pending civil docket, excluding cases pending in excess of the time guideline groups, shall be randomly reassigned to Judge Newblatt for this purpose.

Judge Richard B. Yuille is currently eliminated from the blind draw for civil filings and will continue to be exclusively assigned to new civil filings seeking damages based on lead or other contaminants in City of Flint water.

The remaining four Criminal-Civil Division Judges will be assigned by blind draw to 21% of new civil filings.

Judge Judith A. Fullerton is the designated Business Court Judge. For each Business Court case assigned to Judge Fullerton, the next civil case that would otherwise be assigned to her will be reassigned by blind draw to another criminal-civil division judge.

Domestic Case Assignments

Effective April 5, 2018, Judge David J. Newblatt will be removed from the blind draw for new domestic filings.

The remaining four Judges in the Family Division will receive 25% of all new domestic filings.

Pending domestic cases and closed domestic cases, with post judgment activity, currently assigned to Judge Newblatt, shall be re-assigned to the four Judges in the Family Division by blind draw.

Closed domestic cases, for all Judges, will be reviewed within 30 days and a re-assignment project undertaken to equalize the number of closed files assigned to Family Division Judges.

Juvenile Case Assignments

Effective April 19, 2018, Judge David J. Newblatt will be removed from the blind draw for new juvenile filings. The remaining four Judges in the Family Division will each receive 25% of new juvenile filings.

Judge Newblatt open cases shall be reassigned equally by blind draw between the four remaining Family Division Judges.

Judge Newblatt closed cases, no open petition or post-adjudication review activity, will be assigned by judicial case assignment policy should a new petition be filed.

Juvenile Case Processing

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.

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 five 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.

Dated: May 30, 2018



Richard B. Yuille
Chief Judge
7th Judicial Circuit