

Rosemarie E. Aquilina
Judge

James B. Pahl
Magistrate &
Interim Court Administrator



Thomas P. Boyd
Chief Judge

55th Judicial District Court of the State of Michigan

700 Buhl Avenue, Mason, Michigan 48854 – Phone 517.676.8400

Administrative Order 2008-04

Case Assignment Policy

RESCINDS – 2007-01 CASE ASSIGNMENT POLICY

IT IS ORDERED Per MCR 8.111 and 8.112:

Michigan Court Rules mandates trial courts to assign cases randomly by lot. The assignment of cases in 55th Judicial District Court will be assigned via random selection at case initiation in the court's case management system.

The following shall serve as the method of assignment in 55th District Court:

1. **DATE OF ASSIGNMENT OF CASES:** All criminal cases shall randomly be assigned at case initiation (ticket entry or complaint and warrant submitted to the court). All civil cases shall randomly be assigned at time the filing is received in the court.
2. **SOBRIETY COURT ASSIGNMENT LIST:** All felony and misdemeanor OWI charges will be assigned as normal and will be transferred to the sobriety court judge by the respective judge of record upon finding of eligibility, recommendation from the prosecuting attorney and approval of the judge of record. The transfer will take place upon said approval. Criminal clerks shall modify the court's case management system algorithm to allow for an adjustment of the referring judge's random assignments in order to control docket problems resulting from any reassignment due to reassignment of cases into the sobriety court program.
3. **DOMESTIC VIOLENCE (DV) COURT ASSIGNMENT LIST:** All felony and misdemeanor DV charges will be assigned as normal and will be transferred to the DV court judge by the respective judge of record upon finding of eligibility, recommendation from the prosecuting attorney and approval of the judge of record. The transfer will take place upon said approval. Criminal clerks shall modify the court's case management system algorithm to allow for an adjustment of the referring judge's random assignments in order to control docket problems resulting from any reassignment due to reassignment of cases into the DV court program.

4. **DISQUALIFICATION:** Cases randomly assigned to a judge subject to disqualification pursuant to MCR 2.003 shall be transferred to the other judge. The judges may agree to blanket disqualifications concerning a party, lawyer or firm as provided in MCR 2.003. Criminal clerks shall modify the court's case management system algorithm to allow for an adjustment of the referring judge's random assignments in order to control docket problems resulting from any reassignment due to disqualification. In the event both Judges are disqualified, SCAO shall assign a judge to preside over the case.
5. **CO-DEFENDANT CASES OR CASES ARISING OUT OF THE SAME INCIDENT OR OCCURRENCE:** All co-defendant cases or cases arising out of the same incident or occurrence shall be assigned as normal but will be transferred to the judge already presiding over the related case(s) even in instances where a case(s) may be closed (MCR 8.111).

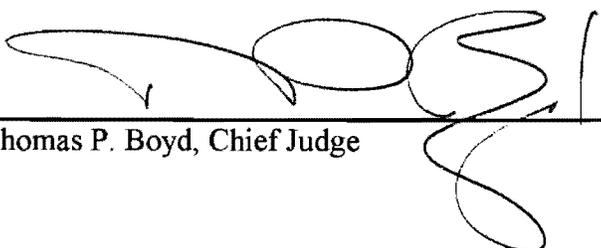
Co-defendant cases are defined as those cases in which two or more persons are charged out of the same document. If a co-defendant's case has already been resolved (adjudicated), a new assignment shall be made via random selection in the court's case management system.

Cases arising out of the same incident or occurrence are defined as those cases which arose from identical events leading to the other case or cases. Criminal clerks shall modify the court's case management system algorithm to allow for an adjustment of the referring judge's random assignments in order to control docket problems resulting from any reassignment.

6. **MULTIPLE OFFENSES – SAME INCIDENT:** If an individual is charged with more than one offense stemming from the same incident, all charges arising out of that incident shall be assigned as normal but will be transferred to the judge already presiding over the related case(s).
 - a. If an individual appears for arraignment and has other files open previously assigned to a judge, or is on probation to a particular judge, any and all new files shall be assigned as normal but will be transferred to the judge already presiding over the related case(s).
 - b. If an individual already has an open file pending before a judge and that individual needs to be arraigned on a new file, the new file shall be assigned as normal but will be transferred to the judge already presiding over the related case(s). The new file shall be placed with and the judge will arraign the individual on the new file the next time that person appears in court on the pending file provided the person has not appeared for arraignment on the new file in the interim.

- c. Criminal clerks shall modify the court's case management system algorithm to allow for an adjustment of the referring judge's random assignments in order to control docket problems resulting from any reassignment.
7. **COUNTER COMPLAINTS-SAME PARTIES (CIVIL):** Counter complaints or cases filed with the same parties shall be assigned to the same judge. Counter complaints receive the same case number as the original file and do not count as another case for assignment purposes. Cases filed with the same parties involving different issues shall count as a new case for assignment purposes.
8. **CASES PREVIOUSLY DISMISSED:** If a case has been previously dismissed and reissued, the file shall be assigned to the judge who handled the case previously.
9. **REASSIGNMENT OF CASES:** Reassignments, if appropriate under this order, the Chief Judge Rule (MCR 8.110) or applicable court rules, shall only occur after the initial assignment is made via random selection in the case management system and proper documentation is made on the record of action.
10. **ERRORS:** If a clerk discovers an error in the manner in which as assignment is made, the matter shall be immediately brought to the attention of the court administrator for appropriate and prompt resolution in a manner consistent with the intent of this order. All actions shall be properly documented.
11. **RELATIONSHIP WITH CASE REPORTING REQUIREMENTS:** The procedures as set forth above are an internal guide for the court in the assignment of cases only. They are not meant to alter case reporting requirements of the State. Each file shall be reported to the State for statistical purposes regardless of the court assignment policy.

The effective date of this order is June 5, 2008.


Thomas P. Boyd, Chief Judge

6.5.08
Date