

THE 10TH CIRCUIT COURT



111 SOUTH MICHIGAN AVENUE
SAGINAW, MICHIGAN 48602
AREA CODE 989-790-5470
FAX 989-793-8180

January 26, 2012

Mr. J. Bruce Kilmer
Regional Administrator
State Court Administrative Office
PO Box 750
Mt. Pleasant, MI 48804-0750

Re: Concurrent Jurisdiction Plan

Dear Mr. Kilmer:

We are pleased to submit the enclosed original concurrent jurisdiction plan for the circuit, probate and district courts of Saginaw County.

Also enclosed is the favorable report and recommendation of the county Courts & Public Safety Committee that was unanimously approved by the full Board of Commissioners on January 24, 2012, together with a cover letter from the Board Chair.

Also, please be advised that, in addition to judges and staff, we have affirmatively sought input of persons and entities affected by the courts' operations, including the county prosecutor, sheriff, chiefs of police, and bar association.

We believe that all requirements for approval under MCL 600.401 et seq. and AO 2003-1 have been satisfied.

Accordingly, we are requesting that you undertake the necessary steps to obtain formal approval of the plan by the Supreme Court. Thank you.

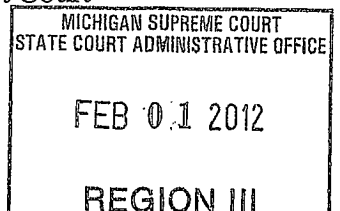
Hon. Robert L. Kaczmarek,
Chief Judge
10th Circuit Court

Sincerely,

Hon. Patrick J. McGraw,
Chief Judge
Saginaw County Probate Court

Hon. M. Randall Jurens
Chief Judge
70th District Court

Enclosures



SAGINAW COUNTY

CONCURRENT JURISDICTION PLAN



SAGINAW COUNTY CIRCUIT COURT
10th Circuit Court

SAGINAW COUNTY PROBATE COURT

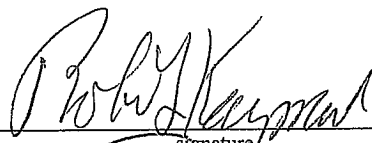
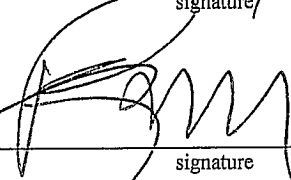
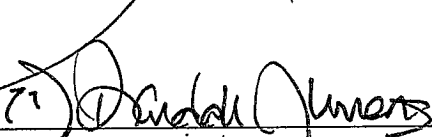
SAGINAW COUNTY DISTRICT COURT
70th District Court

MICHIGAN SUPREME COURT
STATE COURT ADMINISTRATIVE OFFICE

FEB 01 2012

CONCURRENT JURISDICTION PLAN APPLICATION

A. Application Summary

<p>1. <i>Applicant:</i> 10th Circuit Court Saginaw County Probate Court 70th District Court</p> <p>Address: 111 S. Michigan Avenue, Saginaw, Michigan 48602</p>	
<p>2. <i>Contact Person:</i> Dave Cable Title: Court Administrator</p> <p>Address: 111 S. Michigan Avenue, Saginaw, Michigan 48602 Phone: (989) 790-5411 Fax: (989) 793-8180 E-Mail: dcable@saginawcounty.com</p>	
<p>3. <i>Concurrent Jurisdiction Type:</i></p> <p><input checked="" type="checkbox"/> Circuit, Probate and District Court Jurisdictions <input type="checkbox"/> Circuit and Probate Court Jurisdictions <input type="checkbox"/> Circuit and District Court Jurisdictions <input type="checkbox"/> District and Probate Court Jurisdictions</p>	
<p>4. <i>Chief Judge Signatures:</i></p> <p>Chief Circuit Court Judge: Robert L. Kaczmarek</p> <p> signature</p> <p>Date: 1-26-12</p> <p>Chief Probate Court Judge: Patrick J. McGraw</p> <p> signature</p> <p>Date: 1-26-12</p> <p>Chief District Court Judge: M. Randall Jurrens</p> <p> signature</p> <p>Date: 1-26-12</p>	

B. Plan Description

Subject to approval by the Supreme Court and to certain other limitations as defined in 2002 PA 678 and described in these requirements, a plan of concurrent jurisdiction is adopted by a majority vote of each of the following groups of judges: circuit, probate and district judges of Saginaw 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 10th Circuit Court, the 70th District Court, and the Probate Court for Saginaw County is evidenced by their signatures 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 objections 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, 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, including:

(a) arraignments and pleas on misdemeanor charges¹

(C) *Circuit Court/Family Division:*

(1) The current Family Court Plan², 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, including:

(a) arraignments and pleas on felony charges³

(b) assignment of specified felony cases⁴

(c) civil infractions committed by juveniles⁵

¹ See attached LAO C10 2009-01J and D70 2009-01J

² See attached Family Court Plan

³ See attached LAO C10 2006-02J and D70 2006-02J

⁴ See attached LAO C10 2011-05J and D70 2011-03J

⁵ See attached LAO C10 2012-01J and D70 2012-01J

- (2) the probate court as authorized by now existing or hereafter adopted resolution, agreement, or local administrative order.
- (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 for 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).
- (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 10th Circuit Court, the 70th District Court, and the Probate Court for Saginaw County are separate and distinct. However, in furtherance of the goals stated in section D1 of this plan, a Judicial Council is established, comprised of the chief judge (or his or her delegate) of each of the three affected courts, to coordinate implementation of this plan 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 for their respective court.

4. Administrative Structure

This plan contemplates the present retention of a court administrator for each court, but also anticipates the affected courts will affirmatively review and act on opportunities to reduce costs and increase efficiency, including through coordinating portions of the courts' administrative and budgetary functions.

Attached is an organizational chart of the courts under this plan.

5. Human Resources

Except as otherwise provided, this plan contemplates retention of the current employment status (union, nonunion, bargaining units, benefits, etc.) of each court's staff.

This plan contemplates [re]classification of district court clerks performing circuit court clerk functions.

6. Budget and Fiscal Management

The Judicial Council shall coordinate the preparation and presentation of budgets.

The Judicial Council shall 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 respective county clerk, probate register, or district court clerk in the same manner as the method employed for record management before adoption of this plan. MCL 600.420.

8. Information System

The courts will work with the county (including its Information Systems and Services Department), to plan for further improvement and enhancement of the existing Integrated Justice Management system; this effort will include planning for transition, and acquiring funding in order to migrate to more modern and flexible programming systems and platforms.

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 single system for jury administration utilized by each of the 10th Circuit Court, the 70th District Court, and the Probate Court for Saginaw County.

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 Saginaw 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, *The Summons* (SCBA publication), SCBA listserv, and Saginaw 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 each group of judges of the 10th Circuit Court, the 70th District Court, and the Probate Court for Saginaw County.

14. Effective Date

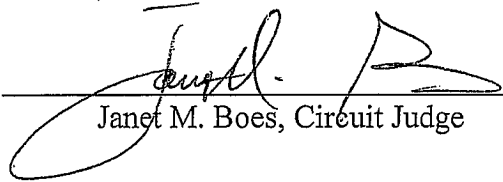
This plan shall be effective on July 1, 2012, or such later date that is 91 days after it is approved by the Supreme Court.

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Certificate of Approval


Judges of the 10th Circuit Court

The undersigned judges of the 10th Circuit Court do hereby approve and adopt the attached concurrent jurisdiction plan.



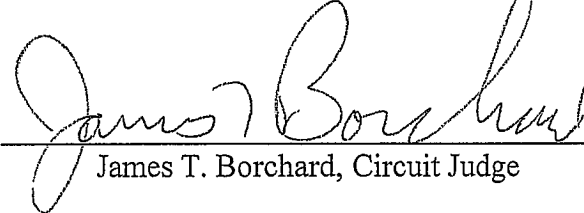
Janet M. Boes, Circuit Judge (P37714)

Date: 12/14/11



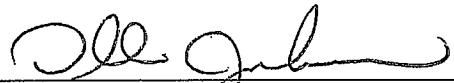
Fred L. Borchard, Circuit Judge (B11003)

Date: 12-14-11



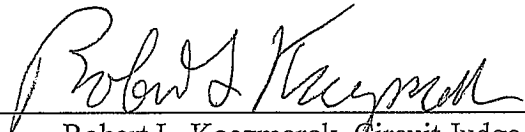
James T. Borchard, Circuit Judge (P27015)

Date: 12-14-11



Darnell Jackson, Circuit Judge (P34737)

Date: 12-14-11



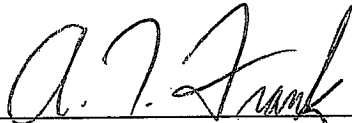
Robert L. Kaczmarek, Circuit Judge (P15639)

Date: 12-13-11

Certificate of Approval

Judges of the 70th District Court

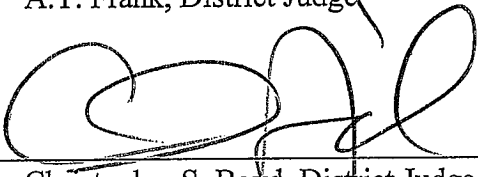
The undersigned judges of the 70th District Court do hereby approve and adopt the attached concurrent jurisdiction plan.



(P45016)

Date: 12/13/2011

A.T. Frank, District Judge



(P29107)

Date: 12/13/2011

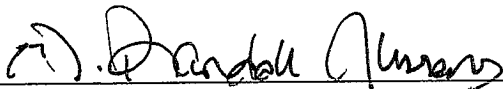
Christopher S. Boyd, District Judge



(P32605)

Date: 12/13/2011

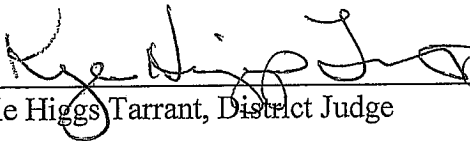
Terry L. Clark, District Judge



(P27637)

Date: 12/13/2011

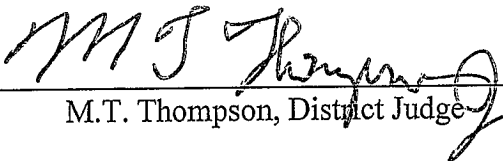
M. Randall Jurens, District Judge



(P24286)

Date: 12/13/2011

Kyle Higgs Tarrant, District Judge



(P28291)

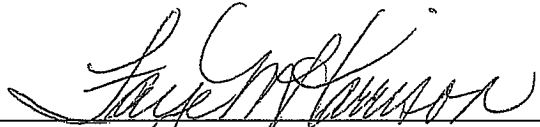
Date: 12/13/2011

M.T. Thompson, District Judge

Certificate of Approval

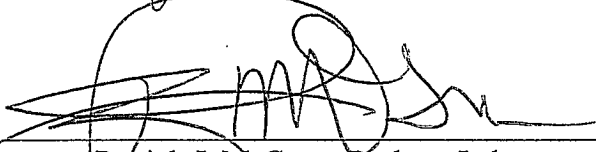
Judges of the Saginaw County Probate Court

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



Faye M. Harrison, Probate Judge

Date: 12/15/2011



Patrick J. McGraw, Probate Judge

Date: 12/13/11

COUNTY OF SAGINAW

BOARD OF COMMISSIONERS

Michael P. O'Hare, Chair



Saginaw County
Governmental Center
111 S. Michigan Avenue
Saginaw, MI 48602

PHONE (989) 790-5267

BOC@SAGINAWCOUNTY.COM

FAX (989) 790-5569

DISTRICT #1
MICHAEL P. O'HARE

January 25, 2012

DISTRICT #2
RONALD L. SHOLTZ

DISTRICT #3
CHERYL M. HADSALL

Hon. Robert L. Kaczmarek
Chief Judge

Hon. M. Randall Jurens
Chief Judge

Hon. Patrick J. McGraw
Chief Judge

DISTRICT #4
DENNIS H. KRAFFT

10th Circuit Court
Saginaw County Courthouse

70th District Court
Saginaw County Courthouse

Saginaw County Probate Court
Saginaw County Courthouse

DISTRICT #5
PATRICK A. WURTZEL

111 S. Michigan Avenue
Saginaw, MI 48602

111 S. Michigan Avenue
Saginaw, MI 48602

111 S. Michigan Avenue
Saginaw, MI 48602

DISTRICT #6
EDDIE F. FOX

DISTRICT #7
ROBERT M. WOODS, JR.

Dear Honorable Judges:

DISTRICT #8
CARL E. RUTH

At the January 11, 2012 Courts & Public Safety Committee meeting, your proposed plan of concurrent jurisdiction (received for review in accordance with MCL 600.425 on January 4, 2012) was approved for presentation to the full Board of Commissioners.

DISTRICT #9
MICHAEL J. HANLEY

At the January 24, 2012 regular session of the Board of Commissioners, following comprehensive discussion and review of the plan's financial implications, the Saginaw County Board of Commissioners expressed its agreement with the plan and encouraged its approval by the Michigan Supreme Court. Courts & Public Safety Committee Report #3.1 is attached.

DISTRICT #10
BREGITTE K. BRADDOCK

DISTRICT #11
SUSAN A. MCINERNEY

DISTRICT #12
TIMOTHY P. KELLY

On behalf of the Board of Commissioners and the citizens of Saginaw County, we thank you for pursuing this initiative.

DISTRICT #13
ANN M. DOYLE

Sincerely,

DISTRICT #14
KIRK W. KILPATRICK

DISTRICT #15
TIMOTHY M. NOVAK

Michael P. O'Hare, Chair
Saginaw County Board of Commissioners

llm

BOARD STAFF -
SUZY KOEPLINGER,
COORDINATOR
AURA L. MCCLEAN,
ASST COORDINATOR
CINDY L. LOUCHART,
STAFF ASSISTANT

Your committee considered Communication No. 1-24-8 from Honorable Judges Kaczmarek, McGraw and Jurrens, submitting a plan of concurrent jurisdiction that will enable the courts to more efficiently match judicial resources with caseload.

We met with Judge Jurrens and Judge McGraw, who stated they are in the process of obtaining approval from the Michigan Supreme Court for a plan of concurrent jurisdiction. Subject to approval by the Supreme Court and certain other limitations as defined in 2001 PA 678, a plan of concurrent jurisdiction is adopted by a majority vote of each of the following groups of judges: Circuit, District and Probate. The Plan would allow the Courts to exercise the power and jurisdiction of each in Saginaw County. Benefits that would be shared include Judicial Resources, Governance and Decision Making, Administration and Fiscal Control, Information Systems and Case Management. The plan would reduce costs and increase efficiency, including coordinating portions of the courts' administrative and budgetary functions. (A copy of the Plan is on file in the Board Office)

It is the recommendation that the Saginaw County Courts submit the plan of concurrent jurisdiction to the Michigan Supreme Court; that the proper County officials be authorized and directed to sign the necessary documents on behalf of the County subject to review by the Controller as to substance and Counsel as to legal form.

Respectfully submitted,

COMMITTEE ON COURTS & PUBLIC SAFETY

abs/ Cheryl M. Hadsall
Cheryl M. Hadsall, Chair

s/ Bregitta K. Braddock
Bregitta K. Braddock

s/ Kirk W. Kilpatrick
Kirk W. Kilpatrick

s/ Patrick A. Wurtzel
Patrick A. Wurtzel, Vice-Chair

s/ Ann M. Doyle
Ann M. Doyle

s/ Michael P. O'Hare
Michael P. O'Hare

llm

APPROVED
SAGINAW COUNTY BOARD
OF COMMISSIONERS

DATE: January 24, 2012

ATTESTED: Suzy Koepflinger
Suzy Koepflinger
Board Coordinator