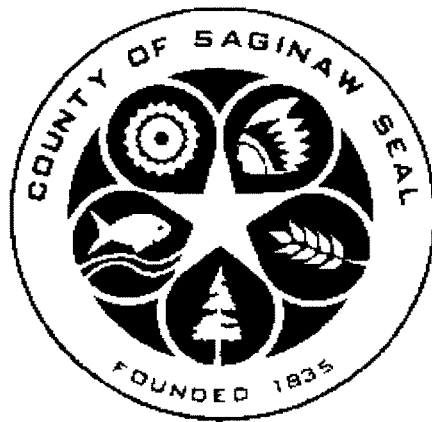


**SAGINAW COUNTY**  
**CONCURRENT JURISDICTION PLAN**



**SAGINAW COUNTY CIRCUIT COURT**  
10<sup>th</sup> Circuit Court

**SAGINAW COUNTY PROBATE COURT**

**SAGINAW COUNTY DISTRICT COURT**  
70<sup>th</sup> District Court

CONCURRENT JURISDICTION PLAN APPLICATION

A. Application Summary

1. Applicant: 10<sup>th</sup> Circuit Court  
Saginaw County Probate Court  
70<sup>th</sup> District Court

Address: 111 S. Michigan Avenue, Saginaw, Michigan 48602

2. Contact Person: Dave Cable Title: Court Administrator

Address: 111 S. Michigan Avenue, Saginaw, Michigan 48602

Phone: (989) 790-5411

Fax: (989) 793-8180

E-Mail: [dcable@saginawcounty.com](mailto:dcable@saginawcounty.com)

3. Concurrent Jurisdiction Type:

Circuit, Probate and District Court Jurisdictions

Circuit and Probate Court Jurisdictions

Circuit and District Court Jurisdictions

District and Probate Court Jurisdictions

4. Chief Judge Signatures:

Chief Circuit Court Judge:

Robert L. Kaczmarek

\_\_\_\_\_ Date: \_\_\_\_\_

signature

Chief Probate Court Judge:

Patrick J. McGraw

\_\_\_\_\_ Date: \_\_\_\_\_

signature

Chief District Court Judge:

M. Randall Jurrens

\_\_\_\_\_ Date: \_\_\_\_\_

signature

## **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 10<sup>th</sup> Circuit Court, the 70<sup>th</sup> 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 charges<sup>1</sup>

(C) *Circuit Court/Family Division:*

- (1) The current Family Court Plan<sup>2</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, including:
  - (a) arraignments and pleas on felony charges<sup>3</sup>
  - (b) assignment of specified felony cases<sup>4</sup>
  - (c) civil infractions committed by juveniles<sup>5</sup>

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<sup>1</sup> See attached LAO 2009-01-J

<sup>2</sup> See attached Family Court Plan

<sup>3</sup> See attached LAO 2006-01-J

<sup>4</sup> See attached LAO 2011-03-J

<sup>5</sup> See attached written agreement pursuant to MCL 712A.2e

- (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 10<sup>th</sup> Circuit Court, the 70<sup>th</sup> 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 10<sup>th</sup> Circuit Court, the 70<sup>th</sup> 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 10<sup>th</sup> Circuit Court, the 70<sup>th</sup> District Court, and the Probate Court for Saginaw County.

### *14. Effective Date*

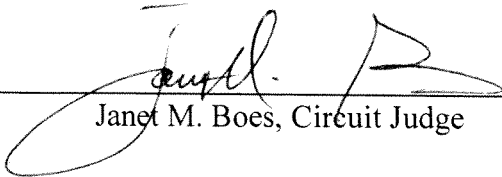
This plan shall be effective on \_\_\_\_\_, or such later date that is 91 days after it is approved by the Supreme Court.

# # #


**Certificate of Approval**  
**Judges of the 10<sup>th</sup> Circuit Court**

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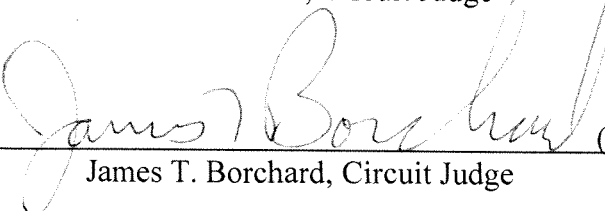
The undersigned judges of the 10<sup>th</sup> Circuit Court do hereby approve and adopt the attached concurrent jurisdiction plan.

  
\_\_\_\_\_  
Janet M. Boes, Circuit Judge (P37714)

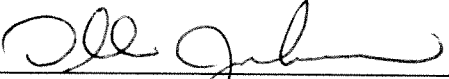
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Fred L. Borchard, Circuit Judge (P11003)

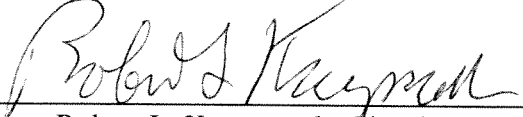
Date: 12-14-11

  
\_\_\_\_\_  
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**

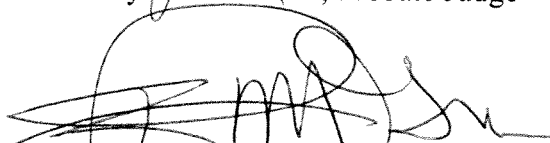
**Judges of the Saginaw County Probate Court**

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

  
\_\_\_\_\_  
Faye M. Harrison, Probate Judge (P14687)

Date: 12/15/2011

  
\_\_\_\_\_  
Patrick J. McGraw, Probate Judge (P34430)

Date: 12/13/11