

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

CIVIL/CRIMINAL DIVISION PLAN

**LOCAL ADMINISTRATIVE
ORDER: 2022-02**

(Rescinds Local Administrative Order 2018-01)

It is the intent of this Court to incorporate its civil and criminal case processing practices into a single local administrative order that provides an orderly protocol to follow for case assignment and the general administrative structure. This LAO would make the following LAO's no longer in effect: 05-03, 07-01, 08-01, 08-03, and 08-04. It is hereby ordered as follows:

I. ASSIGNMENT OF JUDGES

The following Circuit Judges are assigned to the Civil/Criminal Division: Circuit Judge Mark A. Trusock, Circuit Judge Paul J. Denefeld, Circuit Judge George Jay Quist, Circuit Judge J. Joseph Rossi, Circuit Court Judge Christina Elmore, Circuit Court Judge Curt A. Benson and Circuit Judge Scott A. Noto.

The Chief Judge of the Circuit Court shall have the authority and flexibility to determine the duration of a judge's service in the Civil/Criminal Division, consistent with the goal of developing judicial expertise in civil/criminal law and as workloads may require.

II. ADMINISTRATION

A. Authority of Chief Judge

Matters specific to the operation and administration of the Civil/Criminal Division will be decided by the Chief Judge of the Circuit Court under the authority granted by Michigan statutes and court rules, and will have supervisory authority over the administration of the Civil/Criminal Division, exercising that authority in an equitable manner, drawing upon the strengths and expertise of the other judges and the court staff.

B. General Administrative Structure

The Circuit Court as a whole, including the Civil/Criminal Division thereof, shall be administered by the Circuit Court Administrator, under the general supervision of the Chief Judge. The Administrator is responsible for all areas of non-judicial activity, which include caseflow management, jury management, court services, budget and

finance, and personnel management. The Administrator may, with the approval of County government, appoint an appropriate number of deputy administrators to assist them with their duties.

The Administrator shall meet regularly with his administrative staff, and the Chief Judge of the Circuit Court, to ensure effective communication and to promote the efficient operation of the Circuit Court.

C. Case Assignment

Assignment of cases to the Civil/Criminal Division shall comply with MCR 8.111, except as authorized by this plan or local administrative order adopted pursuant to MCR 8.112. Disqualification and reassignment of cases will be handled by the Chief Judge of the Circuit Court pursuant to MCR 2.003 and 8.111. Court Administration will regularly review with the Chief Judge the proportionality of judicial assignments and recommend adjustments as needed.

The succession of judges, judgeships, and caseloads is outlined in the attached appendix for reference. This is to be used in updating judge assignments on cases that may still be assigned to former judges in the Court's Case Management program.

D. After Hours Plan

It is expected that any attorney or other person seeking extraordinary or emergency judicial relief of any kind will do so during the normal and customary business hours of the court. If, given the circumstances then existing, such relief need be sought at some other time, the judge from whom such relief should be sought shall be determined as follows:

1. A bona-fide effort should be made to contact the assigned judge for a decision.
2. If, for whatever reason, the assigned judge cannot be located, if no judge has been assigned, or if the judge cannot be reasonably determined, the presiding judge of the Civil/Criminal Division shall be contacted for a decision.
3. If, for whatever reason, the presiding judge cannot be located, or cannot with reasonable diligence be determined, then the Chief Judge of the Circuit Court shall be contacted for a decision.
4. If, for any reason, the Chief Judge cannot be located, then any judge of the Civil/Criminal Division may be contacted for a decision.
5. Before presenting any petition for emergency relief, the attorney or person seeking such relief shall inform the judge whether another judge previously

has been consulted. If another judge has been contacted, a subsequent judge shall decline to act upon said matter, absent extremely emergency or extremely compelling reasons.

6. No judge contacted for such relief shall be assigned to then preside over the case in question unless he or she is determined to be the assigned judge in the customary manner.
7. Judicial contact, unless indicated otherwise by the judge(s) involved, shall be through the dispatch center of the Kent County Correctional Facility.

III. Criminal Case Assignment

A. Filing System

In criminal matters this Court utilizes a filing system which does not assign the same number to cases against co-defendants, allegedly involved in the same criminal conduct, but assigns a different case number to each defendant. Although criminal cases which arise out of the same episode could more efficiently and effectively be handled by one judge, the possibility exists that different judges could be assigned these cases.

B. Definitions

The following definitions apply for the purposes of this order:

1. "Co-defendants" are individuals charged with crimes arising out of the same criminal incident or episode.
2. "Filing" means either
 - a. The receipt of the felony complaint in the Circuit Court Clerk's Office; or
 - b. The entry of a felony guilty plea in district court, at which time a circuit court case number and judge are assigned.
3. "Pending" means any case in which the defendant has not been sentenced, or any case in which the defendant has been sentenced by a judge of this Court to a term of probation and the term remains outstanding.

C. Process

The following process will be used for assigning judges to criminal cases:

1. The Kent County Clerk's Office/Courts Division will assign judges at bindover. In cases where the defendant is going to plead guilty to a felony to

a District Court Judge, identification of the Circuit Judge will be performed by the Kent County Prosecutor and/or the Kent County Clerk's Office/Courts Division prior to the plea.

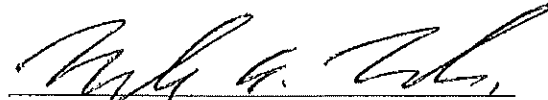
2. If a defendant has a pending case, the new case will be assigned to the judge already assigned to the defendant's pending case.
3. All criminal cases against co-defendants arising from the same criminal conduct are to be assigned to the same judge and are to be processed together for all purposes, including trial, unless and until the assigned judge, on motion of any party or on the Court's own motion, determines to sever the cases for any appropriate reason.
4. If one of the co-defendants has a pending case, even though separate and apart from the same criminal incident or episode, all of the cases will be assigned to the judge on the pending case. If none of the co-defendants have a pending case, judicial assignment will be determined by the first defendant to receive a random judicial assignment.
5. If more than one co-defendant has a pending case, the judge assignment will be based on the defendant whose case is the oldest. If the first defendant does not have a pending case, each co-defendant's name will be checked for a pending case beginning with the co-defendant with the next oldest file date, and the case will be assigned to the first judge found to have a pending case. If a co-defendant is bound over after the others have already been assigned a judge, the co-defendant will be assigned the same judge assigned to the co-defendants.
6. Once the District Court Judge ascertains which judge of this Court will be assigned the case in which the plea is about to be taken, the Circuit Judge so identified is to be the judge to whom the case is assigned when it is filed in this Court, whether as a result of the anticipated plea, bindover without a plea or a plea of guilty entered at a later.
7. If a defendant's case is dismissed and subsequently re-filed, the case will be assigned to the judge that had been assigned originally. The Prosecutor's Office will be responsible for bringing this to the attention of the court.
8. If a defendant's case is dismissed, and a new, unrelated case is filed before the first case is re-filed, then the re-filed case will be assigned to the judge on the pending case.
9. If, after assignment, the judge assigned the case determines that, by some criteria listed in this plan, the case should be reassigned to another judge, then the order to reassign will be prepared by the judicial staff of the judge doing the reassignment and submitted to the Chief Judge for approval.

As required by MCR 8.112(B)(3), this Order was submitted to the State Court Administrator for review. Accordingly, as is permitted by MCR 8.111(B), this Order supersedes the customary provision of said rule with regards to criminal cases filed in this Court.

IV. DYNAMIC DOCUMENT

This Plan supersedes all prior Plans for the operation of the Civil/Criminal Division. The Court recognizes that this Plan is a “dynamic” document and as such it will be reviewed annually and revised as may be necessary by the Chief Judge.

Date: AUG 26 2022



Mark A. Trusock
Chief Circuit Court Judge
17th Circuit Court, Kent County