

**MICHIGAN SUPREME COURT**  
**State Court Administrative Office**



***Concurrent Jurisdiction  
Guidelines and Application***

**STATE COURT ADMINISTRATIVE OFFICE**  
**Michigan Hall of Justice**  
**P.O. Box 30048**  
**Lansing, Michigan 48909**  
**(517) 373-0130**

**January 2009**

## **Concurrent Jurisdiction Plan**

### **Submission            Checklist**

- \_\_\_\_\_ Applicant Summary Page with Authorized Signatures
- \_\_\_\_\_ Concurrent Jurisdiction Plan Application
- \_\_\_\_\_ Proposed Concurrent Jurisdiction Local Administrative Orders
- \_\_\_\_\_ Organizational Chart(s)

**Please forward one copy of your completed plan, including the above items, to your regional office and one copy to the central office at the following address:**

Address for First Class Mail:

State Court Administrative Office  
Michigan Hall of Justice  
P.O. Box 30048  
Lansing, MI 48909

Address for Courier Delivery:  
(Federal Express/UPS/ etc.)

State Court Administrative Office  
Michigan Hall of Justice  
925 West Ottawa  
Lansing, MI 48915

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# I. General Guidelines

Public Act 678 of 2002 (MCL 600.401 *et seq.*), effective April 1, 2003, allows trial courts to adopt a plan of concurrent jurisdiction within a county or judicial circuit. Supreme Court Administrative Order 2003-1 authorizes courts to develop plans for concurrent jurisdiction. A plan must be submitted to the local funding unit(s) at least 30 days before it is submitted for approval to the Supreme Court in the format specified by the State Court Administrative Office (SCAO). A local administrative order (LAO) and the accompanying plan of concurrent jurisdiction will not take effect until at least 90 days after it is approved by the Supreme Court.

## Cross Assignments

Questions may arise concerning whether a concurrent jurisdiction plan must substitute for cross assignment orders that are in place within a particular jurisdiction. Under Const 1963, art VI, § 23, “The Supreme Court may authorize persons who have been elected and served as judges to perform judicial duties for limited periods or specific assignments.” Art VI, § 4 also gives the Supreme Court “general superintending control over all courts . . .” Thus, the Supreme Court has authority to assign judges of one court to perform the duties of another court.

As a general rule, these orders should be used in two particular circumstances. First, assignment orders are appropriate to address issues related to docket coverage. For example, the judges within the jurisdiction may properly be cross assigned to cover for one another in instances of vacation, illness, attendance at conferences, vacancies in judicial office, etc. “Blanket” cross assignment orders limited to such situations are acceptable. Second, ongoing cross assignments to cover “specific assignments,” to use the language of section 4 of article VI, are also acceptable. For example, the cross assignment of a district judge or judges to accept felony pleas in circuit court would not necessarily require the development of a concurrent jurisdiction plan.

Blanket assignment orders that do not address docket coverage issues related to judicial unavailability, or assignment orders that are not limited to a discrete portion of a court’s jurisdiction, should be replaced with a concurrent jurisdiction plan. For example, orders that permit the judges of the district court to perform all the duties of the judges of the circuit court, and vice versa, without limitation, should be replaced with a concurrent jurisdiction plan.

There will certainly be cases that fall between these extremes. The SCAO will work with you to address the unique circumstances of your jurisdiction.

Finally, it may be appropriate to put cross assignment orders in place in jurisdictions that also have a concurrent jurisdiction plan or plans. If your jurisdiction wishes to cross assign some judges within the context of a concurrent jurisdiction plan, you should note this request in your plan application.

## **Demonstration Courts**

Trial courts which are currently operating as court consolidation demonstration projects must submit a plan for continuation or modification of their court consolidation status, within the limits as provided in the Act and these guidelines.

## **Plan Format**

Plans must follow the outline provided in Section III, Plan Application. Supporting documentation and required items should be included in accordance with later instructions. These guidelines are also available in an electronic format upon request to the SCAO or on the Michigan Supreme Court website at <http://www.courts.mi.us/scao/resources/standards#>.

## **Due Dates**

A plan may be submitted at any time after May 1, 2003. A detailed time line is provided in the following section. Courts should take ample time to thoughtfully consider and develop a plan of concurrent jurisdiction. Once a plan is developed, however, the legislation specifies certain time frames to allow funding units to consider cost implications and to provide for an appropriate amount of planning time for the organizational change within the justice system environment. The following due dates must be observed:

1. Plans shall be submitted to the local funding unit(s) 30 days prior to submission to the SCAO for review of the plan's financial implications. Consistent with art VII, § 8 of the State Constitution of 1963, the cost of implementing a plan of concurrent jurisdiction is subject to approval by the funding unit or units through the funding units' budgeting process.
2. The plan, along with proposed local administrative orders (LAO) for implementation and case assignment, should be provided to SCAO for review and approval at least 180 days prior to the intended effective date.
3. Plans shall not become effective until the first day of the month at least 90 days after Supreme Court approval.

## **Plan Review & Amendment**

Submitted plans will be reviewed by the regional administrator and other SCAO staff. Applicant courts may be asked to make modifications to plans prior to submission to the Supreme Court for approval. Following Supreme Court approval of a plan and SCAO approval of related LAOs, amendments to a plan for concurrent jurisdiction may be made by submitting a proposed LAO that includes the entire plan, including any amendments, and rescinds the prior LAO. Amendments will be effective only after review and approval of the new LAO.

## **SCAO Contact**

Courts may contact either their regional administrator or the Trial Court Services Division of SCAO at (517) 373-7496 for assistance in developing a plan for concurrent jurisdiction.

## II. Concurrent Jurisdiction Plan Application

### A. Applicant Summary

1. Applicant:		
Address:		
City:	State:	Zip:
2. Contact Person:		Title:
Address		
Phone:		
Fax:		
E-Mail:		
3. Concurrent Jurisdiction Type		
<input 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		
4. Chief Judge Signatures		
Chief Circuit Court Judge (Name):	Signature:	Date:
Chief Probate Court Judge(Name):	Signature:	Date:
Chief District Court Judge(s) (Name):	Signature(s):	Date:

## B. Plan Description

At a minimum, items must be specifically addressed in each plan of concurrent jurisdiction as indicated in *italicized text*. Describe your proposed court configuration by selecting the appropriate boilerplate language from the following choices.

**Counties with First and Second Class District Courts**  
(See next section for requirements addressing counties with third class district courts:  
Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw and Wayne Counties)

*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 group of judges as follows (choose one):*

- (a) *circuit, probate, and district judge(s)*
- (b) *circuit and probate judge(s)*
- (c) *circuit and district judge(s)*
- (d) *probate and district judge(s)*

*This plan of concurrent jurisdiction provides for exercise of power and jurisdiction as follows (choose one or more):*

- (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.*

<p style="text-align: center;"><b>Counties with Third Class District Courts</b> <b>(Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw and Wayne Counties)</b></p>
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**Circuit and Probate Court:**

*The circuit judges and the probate judges, subject to approval by the Supreme Court and to certain other limitations as defined in the act and described in these requirements, by a majority vote of each group of judges, adopt a plan of concurrent jurisdiction for the circuit and probate courts. This plan of concurrent jurisdiction provides for (choose one or more):*

- (a) The circuit court and one or more circuit judges may exercise the power and jurisdiction of the probate court.*
- (b) The probate court and one or more probate judges may exercise the power and jurisdiction of the circuit court.*

**Circuit, Probate and County-Funded District Court:**

*The circuit judges, the probate judges, and the district judges, subject to approval by the Supreme Court and to certain other limitations as defined in the act and described in these requirements, by a majority vote of each group of judges, adopts a plan of concurrent jurisdiction for the participating trial courts. The plan of concurrent jurisdiction provides for (**choose one or more**):*

- (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 within the county-funded district court district.*
- (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 within the county-funded district court district.*
- (e) The district court and one or more district judges in the county-funded district court district within the county may exercise the power and jurisdiction of the circuit court.*

- (f) *The district court and one or more district judges in the county-funded district court district within the county may exercise the power and jurisdiction of the probate court.*

### **Circuit, Probate and Participating District Court Districts:**

*The circuit judges, the probate judges, and the district judges, subject to approval by the Supreme Court and to certain other limitations as defined in the act and described in these requirements, by a majority vote of each group of judges, adopt a plan of concurrent jurisdiction for the participating trial courts. The plan of concurrent jurisdiction provides for the following (choose one or more):*

- (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 within the participating district court districts within the county.*
- (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 within the participating district court districts within the county.*
- (e) *The district court and one or more district judges in the participating district court districts within the county may exercise the power and jurisdiction of the circuit court.*
- (f) *The district court and one or more district judges in the participating district court districts within the county may exercise the power and jurisdiction of the probate court.*

A plan of concurrent jurisdiction involving district court districts of the third class may include an agreement as to the allocation of court revenue, other than revenue payable by statute to libraries or state funds, and court expenses. This agreement must be approved by the county board of commissioners and by each local funding unit of each participating district of the third class. A copy of the agreement must be submitted with the plan.

## **C. Certification of Plan Approval**

You must provide documentation that the proposed plan of concurrent jurisdiction has been adopted by a majority vote of judges for the participating trial courts as described above.

## **D. Proposed Judicial Resource Allocation & Administration**

At a minimum, each application should describe the anticipated benefits to litigants of the concurrent jurisdiction plan, the allocation of judicial resources, and proposed governance structure (items 1-3). Courts should review the sections on administration (4-12) and describe proposed changes in each of these areas that apply to their particular plan.

### **1. Concurrent Jurisdiction Plan Goal(s)**

Briefly outline the anticipated benefits that will be realized through the adoption of a plan of concurrent jurisdiction, in particular, the benefit(s) to litigants.

### **2. Judicial Resources**

Describe the process for determining how cases will be assigned among or between the trial courts affected by the plan and to individual judges of those courts as necessary to implement the plan and to fairly distribute the workload among those judges. [MCL 401(3), 406(3), 407(3), and 408(3)] Case assignments should be specified in a LAO pursuant to MCR 8.111.

A concurrent jurisdiction plan may incorporate a family court plan as provided in Chapter 10 of the Revised Judicature Act. [MCL 600.1011, as amended by 2002 PA 682] If this plan includes a family court, include the family court plan in the application.

1. Provide information and details regarding judicial assignment of cases:
  - a. case assignment and scheduling process,
  - b. proposed caseload distribution,
  - c. transition and handling of open/pending cases, if any,
  - d. plan for rotation of judges within divisions; transfer of cases,
  - e. plan for appeals from disqualification rulings.

Please attach LAO for assignment of cases pursuant to MCR 8.111.

2. Provide information and details regarding utilization and assignment of quasi-judicial resources (referees and magistrates):
  - a. proposed assignment and scheduling of cases,
  - b. proposed caseload distribution,
  - c. transition and handling of pending cases.

Attach LAOs concerning authority of magistrates and/or referees and the assignment of cases.

Provide copies of any additional proposed orders necessary to implement the provisions of this plan.

### **3. Court Governance**

1. Provide description of proposed court governance structure:
  - a. describe type of structure (judicial council, chief judge(s), presiding judge(s), etc.),
  - b. describe roles and responsibilities of chief judge, presiding judges, etc.,
  - c. describe decision making process (who participates, how, etc.).

### **4. Administrative Structure**

1. If a new administrative structure is proposed, describe the roles of administrative staff. Attach an organizational chart describing proposed structure and lines of authority (see attached example).

### **5. Human Resources**

1. Provide proposed changes to staffing, including new or modified positions.
2. Provide description of current staff's employment status (union, non-union, bargaining units, benefits) and proposed changes.
3. Describe any potential employee status issues that are involved with the concurrent jurisdiction plan and potential impact on the plan.

## **6. Budget and Fiscal Management**

1. Describe any proposed changes to processes and responsibilities for the preparation, presentation, and administration of court budgets, including contracting and purchasing authorization responsibilities.
2. Describe any planned coordination or consolidation of collections.
3. Describe any planned change in revenue allocation. Attach funding unit agreements pertaining to the re-allocation of revenue.
4. Describe any potential budgetary impacts anticipated by implementation of the concurrent jurisdiction plan (start-up costs, system integration costs, equipment costs, etc.).

## **7. Records Management**

1. Describe proposed changes to records management, including how new cases and pleadings will be filed and plans for records access, maintenance, and storage.
2. If required by MCL 600.420, provide evidence of concurrence by the county clerk.

## **8. Information System**

1. Describe court case management system(s) hardware platform and software applications.
2. Describe proposed integration and/or system enhancements, such as centralized calendaring, collections, etc.
3. Describe any plan for the standardization or enhancement of court recording/reporting systems.

## **9. Facilities and Infrastructure**

1. Describe any proposed changes to facilities or their utilization, including security, courtroom utilization, records maintenance, location of support activities, etc.
2. Identify proposed changes in court hours.

## **10. Jury Management**

1. Describe any plans for a new jury system, consolidated jury administration, and/or jury panels.

## **11. Planning Process / External Relations**

1. Describe how affected judges, court staff, and other persons and entities that provide court services or are affected by the court's operations will be involved with plan development.
2. Describe how external agencies and clients will be informed of changes in court policies, procedures, and processes.

## **12. Training**

1. Describe anticipated training needs and training plans for judicial and court support staff.

# Sample Organizational Chart

# Sample Organizational Chart

