

STATE OF MICHIGAN 6TH JUDICIAL CIRCUIT	METHOD FOR ASSIGNING GENERAL CIVIL AND CRIMINAL CASES IN THE CIRCUIT COURT	ADMINISTRATIVE ORDER 1997-5
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SCOPE

This administrative order is issued in accordance with Michigan Court Rule 8.112(B) which allows a trial court to issue administrative orders governing internal court management. This order sets forth a method for assigning general civil and criminal cases in the Sixth Judicial Circuit Court.

ASSIGNMENT OF CASES

1. Judicial assignment shall be accomplished by blind draw.
 - a. Civil cases.

Assignment shall occur at the time the case is filed unless otherwise provided by court rule, administrative order or directive of the chief judge. The County Clerk shall perform the blind draw for civil cases.
 - b. Criminal cases.

Unless otherwise provided by court rule, administrative order or directive of the chief judge, the circuit judge will be assigned as follows: upon arraignment of a defendant in district court on an offense not cognizable by the district court, the clerk or court administrator of the district court shall advise the court administrator of the circuit court who shall immediately assign a circuit judge to the case by blind draw.
 - c. Requests to review blind draw cards or print-outs must be made to the Court Administrator.
2. General Civil and Criminal Exceptions to Blind Draw.
 - a. Assignment of civil cases arising out of the same transaction or occurrence is governed by MCR 8.111(D).
 - b. If a party certifies on the caption of a complaint that a civil action between the parties or other parties arising out of the

same transaction or occurrence has been previously filed in this court, the case shall be assigned to the judge who heard the previous case.

- c. A case shall not be assigned by blind draw if it falls within one of the exceptions listed below. These exceptions supplement those identified in MCR 8.111(D).
- d. Civil case exceptions.
 - 1) All remanded cases returned to Circuit Court shall be assigned to the judge to whom the case was assigned upon original filing in the Circuit Court. This includes criminal cases remanded for further proceedings in district court and civil cases transferred to district court pursuant to MCR 2.227 and later appealed.
 - 2) When a Driver's License Restoration Petition is filed and court records indicate a previous driver's license restoration case for the same party, the new case shall be assigned to the judge who heard the prior case or cases.
 - 3) When a Driver's License Restoration Petition is filed and court records indicate that the petitioner's license was taken away as a result of a previous criminal case, the driver's license restoration petition shall be assigned to the judge who handled the previous criminal case.
 - 4) An appeal from a decision of the Parole Board shall be assigned to the same judge to whom the underlying criminal case was assigned.
- e. Criminal case exceptions.
 - 1) Multiple cases arising from the same criminal transaction. Where two or more criminal cases arise out of the same criminal transaction or occurrence, the Court Administrator shall perform only one blind draw. All cases then or subsequently started arising from that criminal transaction shall be assigned to the judge whose name was drawn.
 - 2) Single defendant, previous case pending. If a criminal defendant in a case being started is the sole defendant, and he/she has a previous pending case as defined in section (9) below, in which he/she is also the sole defendant, there shall be no blind draw. This case shall be assigned to the judge

who has the previous pending case.

- 3) Multiple defendants, previous case(s) pending. Section (2) above shall also apply to identical multiple defendants with previous case(s) pending.
- 4) Dismissed case started again. Upon starting any criminal case or cases arising out of the same transaction or occurrence as a case or cases dismissed without prejudice, the later criminal case or cases shall be assigned to the judge to whom the dismissed criminal case was previously assigned.
- 5) Previous Civil Actions. That the defendant in a criminal case being filed is or was a party to any previous civil action(s) commenced in the Circuit shall have no effect on this rule, except as follows:
 - a) If a writ of habeas corpus, superintending control, or appeal from district or probate court was previously filed, arises from the same transaction or occurrence as the criminal case now being started, and was assigned to one of the judges of this Circuit, there shall be no blind draw.
 - b) The new criminal case being started shall be assigned to the judge previously drawn, as if the habeas corpus, superintending control, or appeal from District or Probate Court were a previous case pending.
 - c) However, this exception does not apply to a habeas corpus filed by the prosecutor.
- 6) Assignment for purposes of appointment of counsel. Cases being bound over from district court to Circuit Court for trial which have been previously assigned by blind draw or otherwise in accordance with this rule for purposes of appointing counsel for defendant shall be assigned to the judge previously assigned to appoint counsel.
- 7) A homicide resulting from a felony previously assigned shall be considered a homicide for purposes of judicial assignment. In such cases, the Court Administrator will conduct a blind draw from the murder stack; the previous felony shall be reassigned to the judge to whom the

homicide is assigned.

8) Appeals from a criminal case in district court shall not be assigned by blind draw if that criminal case is pending as defined in (9) below, but shall be assigned to the judge who appointed counsel.

9) Definition of pending criminal case -- A criminal case shall be considered pending before the Circuit Court from the time the case is filed in the County Clerk's Office until the judge has sentenced the defendant, dismissed the charge against him, or ordered the case removed from the calendar.

f. Original judge no longer handling case type.

If a case otherwise satisfies the criteria listed above, but the original judge is no longer handling the case type, and the earlier or underlying case has been closed, assignment to a judge will be according to the alternate judge table in use at the time the earlier or underlying case was filed.

REASSIGNMENT OF CASES

1. Cases shall be reassigned according to the provisions of MCR 8.111.
2. Any dispute as to the proper reassignment of any case shall be resolved by the Chief Circuit Judge.

Effective: December 1, 1997

Dated: January 6, 1998

/s Hon. Edward Sosnick
EDWARD SOSNICK, Chief Judge