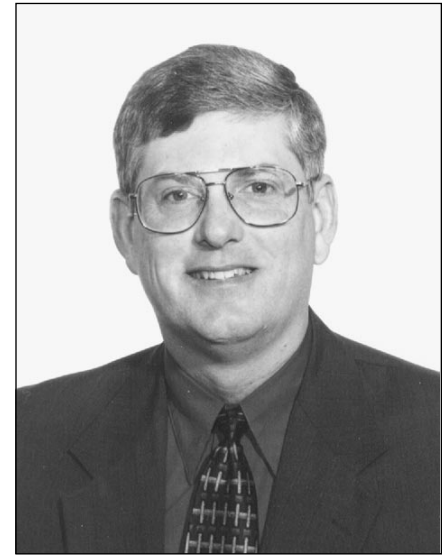


# Latest News Regarding Visiting Judge Dockets

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Visiting judge dockets have long been a fixture in the Circuit Court. The dockets have generally consisted of older civil cases and drug cases involving mandatory minimum sentences. Some changes have been made regarding the Court's use of visiting judge dockets, and other changes are on the way. Here's the latest news.

The Special Docket (a.k.a. "Under \$15,000 Docket") was created for cases subjected to case evaluation (formerly mediation) in Circuit Court under MCR 2.403, in which the aggregate award was \$15,000 or less. Cases are assigned to the docket if the parties do not accept the case evaluation award. The docket enables the Court to expeditiously process cases that would have otherwise been remanded to the district court prior to the repeal of the remand statute (MCL 600.641).

The visiting judge assigned to the Special Docket will handle all pre-trials and motions, and will attempt to settle each case. Cases that do not settle will be set for trial. The visiting judge assigned to the Special Docket will enter a final pre-trial order setting the trial dates and attesting to the fact that the attorneys stipulate to the trial readiness of the case. Trials expected to last up to three days will be conducted by any of several district court judges who have generously agreed to hear Special Docket cases. Trials lasting more than three days will be assigned to a Circuit Court visiting judge. Since the inception of the Special Docket three years ago, 648 of the 840 cases assigned to the docket have been disposed.

The Miscellaneous Civil docket is comprised of cases that are generally in excess of 24 months old, although more recent cases may be transferred. Each Circuit judge may transfer up to three jury and three non-jury cases at any given time. The transfer of cases to the Miscellaneous Civil docket is effectuated by the entering of a trial readiness certificate by the originally assigned judge with an attestation by the parties as to the trial readiness of the case.

Trial dates for cases on the Miscellaneous Civil docket are set by the Case Management Office and are expected to be firm. The presiding judge of the general jurisdiction division will hear all motions for adjournment. The visiting judges assigned to the Miscellaneous Civil docket have proven to be productive: 93 of the 116 cases on the docket in 2001 were disposed – 67 by trial and 26 by settling prior to trial.

Generally, two visiting judges are assigned to the Miscellaneous Civil docket – one to hear bench trials, the second to hear jury trials. – Trials will occur in courtrooms 1G and 1T, which are located adjacent to each other on the first floor of the Courthouse's west wing (immediately before the jury offices and assembly room).

The drug court was restructured last year to conform to federal grant requirements. In its previous form, the drug court handled mandatory minimum cases. The drug court, now referred to as the Adult Treatment Court (ATC), handles cases involving defendants charged with a non-violent offense for which community supervision is available under Public Act 511. The defendant must also be presumptively placed in a sentence guidelines straddle cell likely to lead to incarceration. A defendant sentenced to the ATC must, as a condition of probation, successfully complete a comprehensive and regimented drug treatment and rehabilitation program to avoid incarceration.

Given that the ATC is a grant-funded program subject to the limitations set forth by the granting agency, mandatory minimum cases cannot be transferred to the ATC docket. But not all is lost with respect to mandatory minimum cases. Judge Leo Bowman of the 50<sup>th</sup> District Court (Pontiac) has graciously offered to hear mandatory minimum drug cases. A tentative schedule calls for Judge Bowman to conduct trials during each of the last weeks of this coming August, September, October, and January. The schedule for the remainder of 2003 has not yet been determined.

The assigned judge will enter a final pre-trial order prior to the case being set for trial before Judge Bowman. The order will, among other things, attest to the trial-readiness of the case. Trials will be conducted in Courtroom 2C. The ATC, which also operates in Courtroom 2C, will be re-scheduled to an alternate week when its sessions conflict with Judge Bowman's schedule. Judge Bowman will preside over the voir dire, trial, and sentencing.

I'd like to thank Judge Bowman for giving of his time to assist with the mandatory minimum cases. Thanks also to Cynthia Walker, Court Administrator for the 50<sup>th</sup> District Court, and her staff for their efforts as we make the necessary arrangements.

Finally, a civil Settlement Week has been scheduled for the first week in October. Our goal is to schedule all older Type C and Type N civil cases for settlement conference. Cases that do not settle will be immediately set for trial before our visiting judges during the last quarter of 2002. – I'll devote my next column to Settlement Week and provide a thorough description of how the program will be managed.

Until next month ...