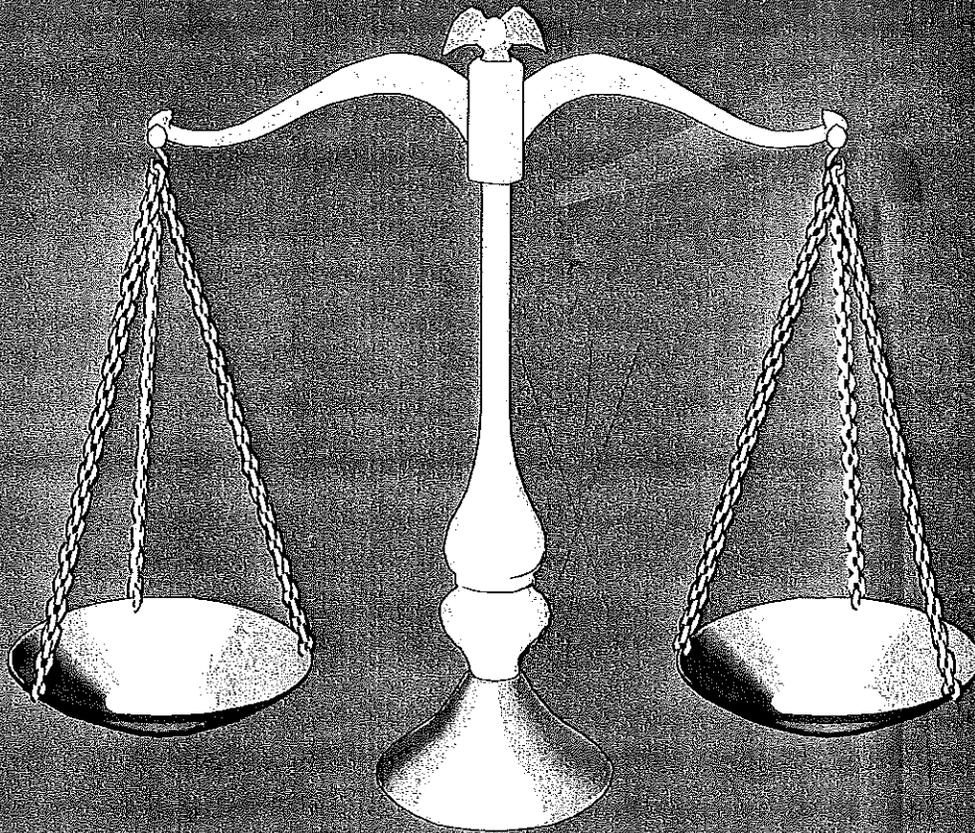


Isabella County Trial Court



Concurrent Jurisdiction
Plan

**CONCURRENT JURISDICITON PLAN
APPLICATION**

A. Application Summary

1. **Applicant:** Isabella County Trial Court
Address: 300 N. Main Street
City: Mt. Pleasant **State:** MI **Zip:** 48858
2. **Contact Person:** Lance S. Dexter **Title:** Court Administrator
Address: 300 N. Main Street
Phone: (989) 772-0911 x213
Fax: (989) 773-2419
E-Mail: ldexter@isabellacounty.org

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**

Honorable Paul H. Chamberlain
Chief Circuit Court Judge



Signature Date

Honorable William T. Ervin
Chief Probate Court Judge



Signature Date

Honorable William R. Rush
Chief District Court Judge



Signature Date

***Isabella County Trial Court
Concurrent Jurisdiction Plan***

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 group of judges.

1. 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.

2. This plan of concurrent jurisdiction does not include a delegation of any of the following:
 - a. A power of appointment to a public office delegated by constitution or statute to the circuit court or a circuit judge.
 - b. A power of appointment to a public office delegated by constitution or statute to the probate court or a probate judge.
 - c. A power of appointment to a public office delegated by constitution or statute to the district court or a district judge.

3. The plan of concurrent jurisdiction is further subject to the following exceptions:
 - a. The circuit court shall have exclusive jurisdiction over appeals from the district court and from administrative agencies as authorized by law.

- b. The circuit court shall have exclusive jurisdiction and power to issue, hear, and determine prerogative and remedial writs consistent with section 13 of article VI of the state constitution of 1963.
- c. The probate court shall have exclusive jurisdiction over trust and estate matters.
- d. The district court shall have exclusive jurisdiction over small claims and civil infraction actions.

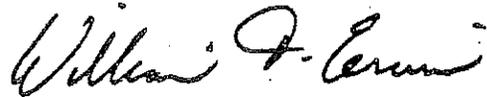
C. CERTIFICATION OF PLAN APPROVAL

The undersigned affirm that the information contained in this plan represents the full agreement of all Isabella County Trial Court Judges.



Honorable Paul H. Chamberlain
Chief Circuit Judge

Dated: _____



Honorable William T. Ervin
Family Division Judge

Dated: _____



Honorable William R. Rush
District Judge

Dated: _____

D. PROPOSED JUDICIAL RESOURCE ALLOCATION & ADMINISTRATION

1. Concurrent Jurisdiction Plan Goals

The purpose of this plan is to continue to provide efficient and effective services to residents and visitors of Isabella County and to share jurisdiction between circuit, probate and district courts so that all court resources are available for maximum flexibility. The courts have sought and received input from all judges, court staff, the local bar, the county clerk and local community that we serve.

The circuit judge, the probate judge, and the district judge, subject to approval by the Supreme Court and to certain other limitations as defined in 2002 PA 678 and described in these requirements, by a majority vote of the management council, adopt a plan of concurrent jurisdiction for the participating trial courts. The plan of concurrent jurisdiction provides for:

The circuit, probate and district court judges may exercise the power and jurisdiction of the circuit, probate, and district courts within Isabella County Trial Court.

2. Judicial Resources

Due to court consolidation, we have broken the traditional barriers which existed between the judges and their separate respective staffs. We operate as one court and one staff, and have achieved many efficiencies through consolidation. In keeping with the statutory requirements of one judge/one family (Public Act 682, Family Court Plan) we need to have the district judge assigned as a probate judge to hear the probate matters so that the probate judge can fulfill the statutory duties of the Family Court. If the probate judge has to handle the probate portion of the docket, then the district judge will have to handle some of the Family Court docket which is in conflict with Public Act 682. Our court has operated successfully in this manner since 1996 and it is not only in keeping with the spirit of the Family Court Act, it is in the best interest of the public that we continue this division of our caseload.

- a. Case Assignment and Scheduling Process: Isabella County has three judges and to increase caseload efficiency case assignments are selected using two charts. One chart titled Isabella County Trial Court Work Allocation, and the other titled Judges Schedule-Isabella County Trial Court. These two charts were conceived from the old Judicial Council, now Management Council, and adopted by all three judges. The Judges Schedule chart was developed using the Work Allocation chart and further breaks down this chart to days and times. (see Appendix 1)
- b. Proposed Caseload Distribution: To increase caseload efficiency Judge Chamberlain

Concurrent Jurisdiction Plan
Isabella County Trial Court

handles cases that are time consuming and longer in duration including most jury trials. Judge Rush handles all cases that are shorter in duration. Any cases that are family related (involving children) are designated to Judge Ervin to follow the one family/one judge concept. Each of the judges currently have cross assignments to sit in each others courts as needed. The three judges are committed to working together to achieve the best possible court system for Isabella County.

- i. Transition and Handling Open/Pending Cases: This is not an issue for our Court because our Judges have been operating this way since September 1996.
 - ii. Plan for Rotation of Judges within Divisions; Transfer of Cases: Local Administrative Order 1997-3, Disqualifications, outlines reassignment, rotation and disqualification.
 - iii. Plan for Appeals from Disqualification Rulings: Local Administrative Order 1997-3, Disqualifications, and Local Administrative Order 1997-2, Case Allocation, outlines reassignment, rotation and disqualification.
- c. Quasi-Judicial Resources
- i. Proposed Case Assignment and Scheduling of Cases: Currently, we have two attorney referees and one non-attorney magistrate. The Friend of the Court Referee hears FOC matters Monday-Friday, however, conducts arraignments on Wednesday afternoon and informal hearings on Thursday afternoon for the Magistrate. The Juvenile Referee hears juvenile matters Monday-Friday,
 - ii. however, conducts arraignments on Monday afternoon and informal hearings on Friday afternoon.
 - iii. The Friend of the Court Referee handles primarily Friend of the Court cases and is assigned as Magistrate duties on Wednesday and Thursday. The Juvenile Referee handles primarily Juvenile matters and is assigned as Magistrate on Monday and Fridays. If one of the Referees has to disqualify or is out of the office, the other Referee can hear those cases. Because the Magistrate is a non-attorney, she is only able to handle matters associated with non-attorney Magistrate duties, she is unable to perform Juvenile Referee or Friend of the Court Referee duties.

Concurrent Jurisdiction Plan
Isabella County Trial Court

3. **Court Governance**

- a. The Management Council continues to function in an advisory capacity to the chief judge. Four divisions, family, civil, criminal and appellate, have been created. Judge Ervin, the Probate Court Judge, is the Presiding Judge in the family division. All three judges have designations within the four divisions (see Isabella County Trial Court Work Allocation document attached as Appendix 1).
- b. The Circuit, Probate, and District Courts in Isabella County are a Unified Trial Court under the Michigan Supreme Court Demonstration Project and we wish to continue to function this way pursuant to this Concurrent Jurisdictional Plan. The chief judge will be responsible for administration of the court with all authority and responsibility of a chief judge under MCR 8.110. Chief Judge Paul H. Chamberlain has supervisory authority over the administration of the Isabella County Trial Court.
- c. The chief judge pro tempore shall be appointed by the chief judge unless selected by the Supreme Court and serves at the pleasure of the chief judge. [MCR 8.110(B)(2) and (3)] The chief judge pro tempore shall serve a two-year term beginning January 1 of each even-numbered year and shall fulfill such functions as the chief judge assigns. The chief judge pro tempore shall exercise the duties and responsibilities of the chief judge in the absence of the chief judge.
- d. The Court Administrator directs day-to-day operations of the court and implements policy. The Administrator reports directly to the chief judge. Presiding judges within the Trial Court will function with all authority and responsibility conferred upon them by court rule or administrative order. For an organizational overview of the Trial Court see the Organizational Chart attached as Appendix 3.
- e. Each court in Isabella County is a one judge court with all three courts being located in the same geographical area. The courtrooms of each court are located on the same floor in the same building. Under certain circumstances all three judges would be designated to the Family Division, Civil Division, Criminal Division or Appellate Division. Our Case Allocation is described in Appendix 1 and 2. Under our current structure, Judge Rush, the District Court Judge, handles Estates (wills and trusts) weddings, adult guardianships, adult conservatorships and mental commitments. We wish to have the District Court Judge assigned to assist with docket to handle the above matters that are under the exclusive jurisdiction of the probate court, so that we are able to continue functioning in this manner.

Concurrent Jurisdiction Plan
Isabella County Trial Court

- f. A judge's service in any division, pursuant to the Concurrent Jurisdiction Plan, shall be consistent with the goal of developing sufficient judicial expertise in that division in order to properly serve the residents and visitors of Isabella County whose cases are designated to that judge. The chief judge of the Circuit Court has the authority and flexibility to determine the duration of a judge's service pursuant to the Concurrent Jurisdiction Plan in furtherance of this goal. The chief judge of the Circuit Court, at his or her discretion, may provide that when a judge's service in a division ends, the pending cases of that judge may be designated to another judge or judges serving pursuant to the Concurrent Jurisdiction Plan or may be resolved by that judge.

4. **Administration Structure**

See Appendix 3.

5. **Human Resources**

Effective January 1, 1998, all of the union membership was consolidated. At the beginning of the demonstration project, the staff members of the probate court and the district court belonged to different unions, and the staff members of the county clerk did not belong to a union. The only differences among the employees involved fringe benefits. The Court Administrator, along with labor counsel, represents the Court in collective bargaining and the County Administrator is also involved. In 1999, we created Team Management as a way to communicate from the bottom up, rather than the top down.

a. **Team Management**

We established Team Management within our Court in 2000. Currently, we have six teams: Caseflow & File Management Team, Courtroom Operations Team, Facilities Team, Internal & External Communications Team, Office Procedures & Policies Team, and Security Team.

b. **Team Purpose**

The Isabella County Trial Court is being confronted by unprecedented changes in the types, sources, and severity of issues it must address. Because the environment surrounding the Isabella County Trial Court is changing, we want to be prepared to meet these changes.

c. **Selection of the Teams**

Concurrent Jurisdiction Plan
Isabella County Trial Court

Teams are selected by the Management Council and Court Administrator by what individual team members bring to the table based on knowledge, experience, and work assignments. However, each team member is encouraged to exchange information and gain ideas from individuals in their work areas. Once the initial teams are working and producing we will be constructing other teams and subcommittee teams to tackle other projects.

d. Structure of the Teams

Each team will have a team leader who is responsible for scheduling team meetings with an agenda. The agenda and schedule will be coordinated through the Court Administrator to the Management Council and approved by the Chief Judge. Attendance is mandatory. Any member requesting to be absent from a meeting will have to be granted approval from the Court Administrator. Any decisions or changes to current work assignments will be through the Court Administrator to the Management Council and approved by the Chief Judge.

e. Use of Teams

Individuals for the Isabella County Trial Court will participate in the team planning and management effort by serving on teams responsible for:

- Defining and carrying-out specific tasks needed to meet objectives outlined in this team plan;
- Developing evaluation and performance indicators;
- Documenting processes; and,
- Reporting progress and results through the Court Administrator to the Management Council with approval by the Chief Judge.

6. Budget & Fiscal Management

In 1997, we submitted a 1998 consolidated budget to the county commissioners and it was approved. The consolidated budget permits the trial court to set priorities together and avoid competing for available monies. Also, expenses that can be combined, such as personnel and the public defender contract, are now combined into a single line item at an anticipated cost savings to the court. In spite of original resistance by the commissioners and the county accountant, all concerned agree the consolidated budget has made the budget process much easier.

Concurrent Jurisdiction Plan
Isabella County Trial Court

7. Records Management

Assignment of cases do comply with MCR 8.111, Subrule 8.111(B) and a local administrative order. In order to have one judge for all family division cases and to provide for necessary exceptions because of conflict we adopted LAO 1997-9.

Central Access Point: The Trial Court Business Office shall serve as a central access point for public information regarding the Trial Court. The Business Office is located on the first floor of the facility. Case information, payment of fines and costs of any division is handled by the Business Office.

8. Information Systems

In 1996, all three courts were on separate computer systems which needed to be integrated and networked using the circuit court software system as a point of departure. Conversion to an updated JIS system was funded under the demonstration project. A unified case management system was utilized in 1997. Judges and court staff expected its use to improve the efficiency of their operations. We will continue urging the Supreme Court in making the unified JIS software a priority.

9. Facilities & Infrastructure

- a. All courtrooms and hearing rooms are located in the same facility. There are four hearing rooms on the first floor and four courtrooms on the second floor.
- b. Security: All public and court employees enter the courthouse through a single entrance and must pass through a magnetometer to detect any weapons or other objects not allowed and all packages, briefcases, purses, etc. are run through an x-ray machine. All court employees have security cards that are imprinted with a code detailing that individual's building access clearance. Employees only have access to areas of the facility where they conduct their day-to-day business. The Court has adopted Local Administrative Order 2001-3 regarding security in court facilities for continuity.

10. Jury Management

Our jury management system is a single streamlined system which we draw from a single juror pool and is administered through the scheduling clerks office.

Concurrent Jurisdiction Plan
Isabella County Trial Court

11. Planning Process/External Relations

The Court Administrator meets with the County Commission Criminal Justice Committee bi-weekly keeping them up-to-date on Child Care Fund, Public Defender Contract, Drug Court grants and other Court administrative activities. The judges meet with the County Commission Criminal Justice Committee periodically to discuss Court needs.

Judges meet each month with the local Bar Association to discuss Court procedures, plans etc.

On a bi-annual basis we have scheduled meetings with State Senators and State Representatives.

12. Training

Cross training of all individuals involved within divisions has already taken place and will continue to be achieved. Items requiring training will be identified through a process which will solicit input from staff as well as administration. In order to maximize the local resources available for this effort, staff will be sent to sponsored training programs from SCAO, MJI, FIA, etc., when and where available. The court has two Computer Disk Interactive (CDI) players for training clerks in customer service and public access and is actively training staff through MJI Web Cast.

13. Concurrent Jurisdiction Plan Modifications

The Court recognizes that this plan is a living document, which will continue to evolve. Operational changes without amendment to this plan may be implemented by the parties. The plan will be reviewed and revised periodically, as necessary, by the Chief Judge, Court Administrator and Management Council. Amendments to the plan shall be filed with the State Court Administrative Office and accepted for filing before implementation of the amended provisions.

Appendices

1. Work Allocation
2. Judges' Schedule
3. Organizational Chart

ISABELLA COUNTY TRIAL COURT JUDICIAL CASE ALLOCATION

CHAMBERLAIN

ERVIN

RUSH

DUTHIE

	CHAMBERLAIN	ERVIN	RUSH	DUTHIE
FAMILY DIVISION	Domestic Relations without children	50% Domestic Relations with children Adoptions Guardianships - All Conservatorships - All 75% Juvenile delinquencies, neglect & termination Estates (Wills & Trusts) Parental Consent Waivers Mental Commitments	Weddings	P.P.Os - All Paternity 50% Domestic Relations 25% Juvenile delinquencies, neglect & termination
CIVIL DIVISION	All Trials General Civil (no limit) Other statutory duties including appointment authority	Election Commission Drain Appeals Other statutory duties including appointment authority	Landlord/Tenant Small Claims Civil Forfeitures and Foreclosures Other statutory duties including appointment authority	Criminal Forfeitures Claim & Delivery Other statutory duties including appointment authority
CRIMINAL DIVISION	All Jury Trials & Felony Non-Jury	Juvenile Drug Court Juvenile Traffic Domestic Violence through trial by assignment when Defendant already involved in case in Family Division	All Video Arraignments Adult Drug Court Preliminary Exams Misdemeanor prior to trial Non-Jury Misdemeanor Trials All Traffic, except Juvenile	Felony up to Trial Felony Jury Trials-Conflict & Overflow Prelim-Overflows License Restoration Misdemeanor Jury Trials
APPELLATE DIVISION	All, except conflict	By Assignment	By Assignment	By Assignment

ISABELLA COUNTY TRIAL COURT WORK ALLOCATION

CHAMBERLAIN

ERVIN

RUSH

FAMILY DIVISION	Domestic Relations without children	Domestic Relations with children Adoptions Minor Guardianships Minor Conservatorships Juvenile delinquencies, neglect, & termination Personal Protection Orders (P.P.O.) Parental Consent Waivers Paternity	Estates (Wills & Trusts) Weddings Adult Guardianships Adult Conservatorships Mental Commitments
CIVIL DIVISION	All Trials General Civil (no limit) Criminal Forfeitures Claim and Deliveries Other statutory duties including appointment authority	Election Commission Drain Appeals Other statutory duties including appointment authority	Landlord/Tenant Small Claims Civil Forfeitures and Foreclosures Other statutory duties including appointment authority
CRIMINAL DIVISION	Jury Trials & Felony Non-Jury License Restoration	Domestic Violence by assignment when Defendant already involved in case in Family Division, up to Trial	All Traffic, including Juvenile Criminal up to Trial (except Domestic Violence)
APPELLATE DIVISION	All, except conflict	By Assignment	By Assignment

**JUDGES' SCHEDULE
ISABELLA COUNTY TRIAL COURT**

JUDGE RUSH

JUDGE ERVIN

JUDGE CHAMBERLAIN

Day	Judge Chamberlain	Judge Ervin	Judge Rush
Monday	08:00 - 09:00 Arraignments 09:00 - 4:30 Jury Trials Non-Jury Trials	08:00 - 4:30 Divorce Matters Trials DeNovo Hearings	08:15 - 12:00 Misdemeanor Pleas & Sentences 1:30 - 4:00 Arraignments for County/Shepherd/CMU 4:00 - 4:30 Sentence Reviews
Tuesday	08:00 - 09:00 Probation Violations & Arraignments 09:00 - 4:30 Trials	08:00 - 4:30 Juvenile Matters Delinquency Review Hearings Pre-trials Trials Adoptions	08:15 - 12:00 Small Claims Lanlord/Tenant Forfeitures/Foreclosures Civil Motions Formal Hearings Non-Jury Trials
Wednesday	08:00 - 09:00 Criminal Forfeitures Claim and Deliveries License Restorations 09:00 - 4:30 Trials	08:00 - 4:30 Juvenile Matters Delinquency Review Hearings Pre-trials Trials Guardianships (minors) Conservatorships (minor)	08:15 - 10:00 1st Offense Drunk Driver Pleas Probation Violations Show Causes Pre-trials Pleas & Sentences Misdemeanor Motions 10:00 - 11:30 Arraignments for State/Tribe/City 11:00 - 2:30 Felony Settlement Conferences/Final Pre-trials Felony Motions 2:30 - 4:30 Misd. Settlement Conferences/Final Pre-trials
Thursday	08:00 - 09:00 Pro-Cons Final DO Divorce Pre-trials One-day Trials DO Divorce Alimony DeNovo Hearings 1 hr-1 day Misc. Hearings	08:00 - 4:30 Divorce and Paternity Matters Pro-Cons Show Cause Hearings Motions PPO's DeNovo Hearings	08:15 - 12:00 Preliminary Exams 1:00 - 4:30 Administrative Matters
Friday	08:00 - 09:00 DC General Civil 09:00 - 1:00 Appeals Schedule over-runs 1:00 - 4:30 Civil Settlement Conferences Civil Final Pre-trials Civil Motions	08:00 - 4:30 Juvenile Matters Delinquency Review Hearings Pre-trials Trials Show Causes Teen Jury	08:15 - 12:00 Felony Pleas Felony Arraignments Felony Scheduling Conferences Felony Sentences Probate Matters