

2005-3

Isabella County Trial Court

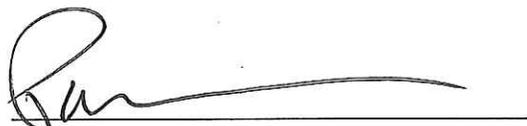


Family Court Plan



*Isabella County Trial Court
Family Court Plan*

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: 9/27/05



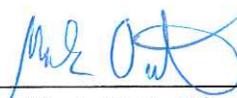
Honorable William T. Ervin
Family Division Judge

Dated: 9-23-05



Honorable William R. Rush
District Judge

Dated: 9.28.05



Honorable Mark H. Duthie
Circuit Judge

Dated: 9-28-05

1. Introduction

This plan for the operation of the Family Division of the Twenty First Circuit Court supercedes all other plans for operation of the Family Division of Circuit Court as required by Public Act 682 of 2002 and Supreme Court Administrative Order 2003-2. The purpose of this plan is to continue to provide efficient and effective services to families and individuals 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 other entities that provide services to the families we serve.

2. Administration

The Circuit, Probate, and District Courts in Isabella County are a Unified Trial Court under the Michigan Supreme Court Demonstration Project. Administratively the Isabella County Trial Court will continue to function pursuant to the Demonstration Project Plan, Contract with the Michigan Supreme Court, and all administrative orders relating thereto regardless of whether they are Trial Court or Supreme Court administrative orders. A Chief Judge, pursuant to Michigan Supreme Court Administrative Order 1996-6 (attached as Appendix 1) will be responsible for administration of the court with all authority and responsibility of a chief judge under MCR 8.110. In order to operate the court in this fashion it will be necessary for Administrative Order 1996-6 to continue in effect after December 31, 1997. The Chief Judge, Paul H. Chamberlain has supervisory authority over the administration of the Family Division of the Circuit Court.

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. MCR 8.110(B) (2) and (3). The chief judge pro tempore shall exercise the duties and responsibilities of the chief judge in the absence of the chief judge.

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 former Judge of Isabella County Probate Court, is the Presiding Judge in the family division. All four judges have designations within the four divisions (see Isabella County Trial Court Case Allocation document attached as Appendix 2). A 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 and Family Court see the Organizational Chart attached as Appendix 4.

Because we are a multi-judge family division, Judge William T. Ervin has been appointed presiding

judge of the family division.

3. Judicial Service and Case Assignment

In our Circuit Court we have two judges, in Probate Court and District Court we have one judge in each court. All courts are 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 four judges would be designated to the Family Division, however, Judge Ervin is designated to the Family Division full-time. Judge Ervin handles Estates (Wills and Trusts), all Guardianships, all Conservatorships and Mental Commitments, 75% Juvenile delinquencies, neglect & termination; Judge Duthie handles P.P.O.'s, Paternity, 50% Domestic Relations with children, and 25% Juvenile delinquencies, neglect & termination; Judge Chamberlain handles Domestic Relations without Children; Judge Rush, formally the District Court Judge, handles Weddings under our current structure.

A judge's service in the Family Division, pursuant to the Family Court Plan, shall be consistent with the goal of developing sufficient judicial expertise in family law, juvenile law and other areas of law affecting families and children to properly serve the interests of the families and children 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 Family Court 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 the Family Division ends, the pending cases of that judge may be designated to another judge or judges serving pursuant to the Family Court Plan or may be resolved by that judge.

To increase caseload efficiency Judge Chamberlain handles cases that are time consuming and longer in duration including most jury trials. Judge Rush and Judge Duthie handle most cases that are shorter in duration. Any cases that are family related (involving children) are designated to Judge Ervin or Judge Duthie following the one family/one judge concept. Each of the judges currently have cross assignments to sit in each other's courts as needed, except Judge Rush is no longer permanently cross assigned to the Probate bench. However, Judge Rush can hear Probate matters as an emergency backup and for temporary coverage for cases under the exclusive jurisdiction of another court when a judge from that court is not available. The four judges are committed to working together to achieve the best possible court system for Isabella County. Also, the judges meet with the County Commission Criminal Justice Committee periodically to discuss Court needs. The Judges support each other when requesting judicial resources from the County Commissioners.

Isabella County has four judges and to increase caseload efficiency case assignments are selected using two charts. One chart titled Isabella County Trial Court Case Allocation (Appendix 2), and the other titled Judges' Schedule Isabella County Trial Court (Appendix 3). These two charts were conceived from the old Judicial Council, now Management Council, and adopted by all four Judges. The Judges' Schedule chart was developed using the Case Allocation chart and further breaks down this chart to days and times.

4. Caseflow Management

Assignment of cases do comply with MCR 8.111, Subrule 8.111(B) and Local Administrative Order 2005-1 (Appendix 8). In order to have one judge for all family division cases and to provide for necessary exceptions because of conflict we adopted LAO 1997-3 (Appendix 9).

5. Facilities and Records Management

Facility: 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.

Central Access Point: The Trial Court Business Office shall serve as a central access point for filing documents and public information about the family division. The Business Office is located on the first floor of the facility. Questions, whether by walk-in or telephone, regarding adoption, minors, juvenile delinquency, parental consent or domestic relations shall be referred to the appropriate family division or friend of the court staff for assistance. When an integrated JIS software is available and space allows, there will be a public access to the open court records by computer at the central access point.

a. Isabella County Non-Secure Detention Facility

The Non-Secure Detention Facility is located in a rural location in Isabella County. The Court contracts with a provider for the day-to-day operation of the facility. The Intensive Juvenile Probation Officer is the liaison between the provider and the Court and conducts at a minimum one meeting per month with the staff from the facility. This facility is managed by McBride Homes who reports directly to the Court Administrator.

b. Isabella County Day Treatment Facility

The Day Treatment Facility is located in a residential location in Isabella County. The Court contracts with a provider for the day-to-day operation of the facility. The Intensive Juvenile Probation Officer is the liaison between the provider and the Court. Also, the Intensive Juvenile Probation Officer has a satellite office in the facility because the juveniles on his caseload are in Day Treatment too. The Intensive Juvenile Probation Officer conducts at a minimum one meeting per month with the staff from the facility.

6. Training and Staff

Cross training of all individuals involved within the family division has already taken place and will continue to be achieved. Items requiring training will be identified through a process which will

Family Court Plan
Isabella County Trial Court

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, DHS, 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.

7. 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 (Appendix 6) and Weapons Control Policy 2000-3 (Appendix 7) regarding security in court facilities for continuity.

8. Evolving Family Court Plan

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, Chief Probate Judge and Court Administrator. Amendments to the plan shall be filed with the State Court Administrative Office and accepted for filing before implementation of the amended provisions.

Appendix

1. LAO 1996-6
2. Case Allocation
3. Judges' Schedule
4. Organizational Chart
5. LAO 1997-9
6. LAO 2001-3
7. Weapons Control Policy 2000-3
8. LAO 2005-1
9. Disqualification LAO 1997-3

Order

Entered: May 2, 1996

Administrative Order 1996-6

James H. Brickley
Chief Justice

Charles L. Levin
Michael F. Cavanagh
Patricia J. Boyle
Dorothy Comstock Riley
Conrad L. Mallett, Jr.
Elizabeth A. Weaver
Justices

**AUTHORIZATION OF DEMONSTRATION
PROJECTS TO STUDY COURT CONSOLIDATION**

In its report entitled "JUSTICE IN MICHIGAN: A Program for Reforming the Judicial Branch of Government; a Report to the People of Michigan from the Justices of the Michigan Supreme Court," the Supreme Court stated its intention to authorize demonstration projects to study and evaluate the merger of the circuit, probate and district courts into a fully consolidated trial court.

The following courts shall begin a two-year demonstration project, effective January 1, 1996:

ISABELLA COUNTY
21st Circuit Court
76th District Court
Isabella County Probate Court

During the two-year term of the demonstration project, these courts shall be referred to as the Isabella County Trial Court.

The Hon. Paul H. Chamberlain is appointed as the Chief Judge of the Isabella County Trial Court. He shall have all of the authorities and responsibilities of a chief judge under MCR 8.110 as to all of the participating courts.

The judges, magistrates and referees within the Isabella County Trial Court are assigned to serve the whole court. Subject to the direction of the chief judge, each judge may exercise the jurisdiction of a judge of the circuit, probate, and district court. Subject to the direction of the chief judge, each magistrate or referee may perform the functions of a domestic relations referee, a district court magistrate or a juvenile court referee, with the authority to conduct proceedings as allowed by law and court rule.

The Isabella County Trial Court may form divisions. These divisions may correspond to the existing workload of the circuit, probate, and district courts, or may reflect another partition of the workload of the court; provided that the Isabella County Trial Court will incorporate into one general division issues affecting the family.

During this demonstration project, the Isabella County Trial Court may enter into cooperative agreements with state and local non-judicial branch agencies to test the feasibility of the court to carry out essential court functions, such as record-keeping, felony probation services, information systems management, personnel management and financial management.

The chief judge of the trial court shall cooperate with the State Court Administrative Office by abiding by the terms of the project agreement, which include reporting and evaluation requirements.

Specific administrative and procedural requirements for each project, as needed, will be implemented through local administrative order or local court rule pursuant to 8.112.

The State Court Administrative Office shall submit a status report to the Supreme Court at the end of each year of the demonstration project.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of Court.

May 2, 1996 *Corbin R. Davis*

Clerk

**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

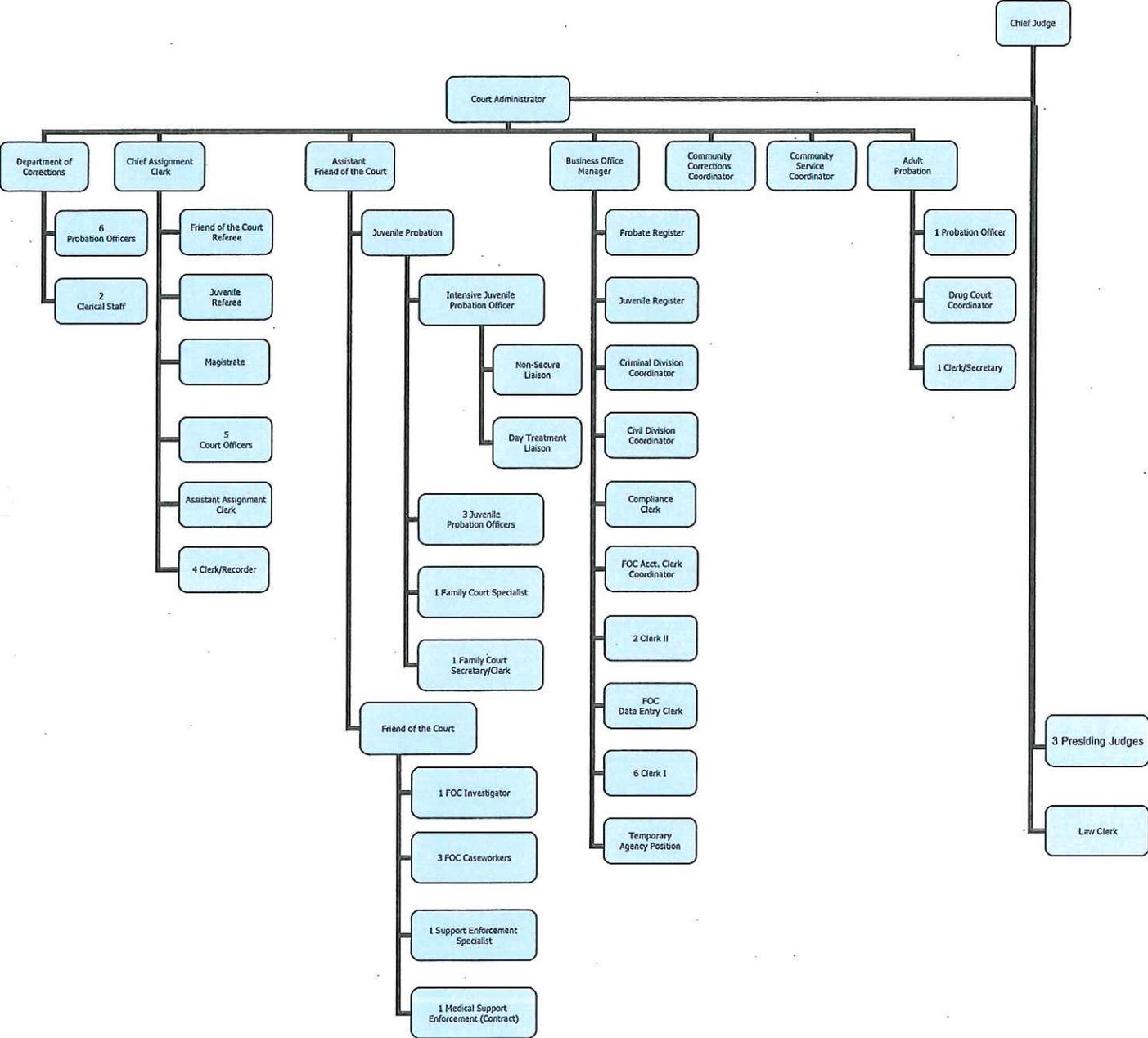
JUDGES' SCHEDULE
ISABELLA COUNTY TRIAL COURT

	JUDGE CHAMBERLAIN	JUDGE ERVIN	JUDGE RUSH	JUDGE DUTHIE
Monday	9:00 - 4:30 Jury Trials Non-Jury Trials Civil & Criminal	8:00-9:00 Meeting Juvenile Probation 9:00 - 4:30 Divorce Matters	9:00-12:00 Pleas & Sentences Misdemeanor 1:00 - 1:45 Video Arraignments 1:45-4:30 Civil Bench Trials	9:00-4:30 Felony Pleas & Sentencings Motion Day Felony Probation Violations
Tuesday	8:00 - 9:00 Meeting Supervisors 9:00 - 4:30 Trials	9:00 - 4:30 Divorce Matters	9:00 - 12:00 Small Claims, Landlord/Tenant Forfeitures/Foreclosures, Civil Motion 1:00 - 1:45 Video Arraignments 1:45 - 4:30 Formal Hearings	9:00-4:30 Divorce Matters Paternity
Wednesday	9:00 - 4:30 Trials Settlement Conferences (as available)	8:00-9:00 Meeting FOC Staff 9:00 - 2:15 Juvenile Matters Neglect Abuse Matters Guardianships Conservatorships Mentals - Probate FOC Showcauses 2:15- 4:30	9:00 - 12:00 Pleas & Sentences Misdemeanor 1:00 - 1:45 Video Arraignments Settlement Conferences (as available) 1:45 - 2:45 PVs, Showcauses-contempt arraignments 2:45 - 4:30 Misdemeanor Motion Hearings PVs, Showcauses-contempt	9:00-4:30 Criminal Forfeitures Claim & Delivery Prelim Overflows Conflict Matters License Restoration Settlement Conferences (as available)
Thursday	9:00 - 4:30 One-day Trials Judge Duthie Conflicts	9:00 - 12:00 Juvenile Matters Guard/Conser/Adoptions 1:00 - 4:30 Neglect Abuse Matters	9:00 - 12:00 Preliminary Exams 1:00 - 1:45 Video Arraignments 1:45 - 4:30 Preliminary Exams	9:00-4:30 PPOs Juvenile Abuse/Neglect Matters License Restoration
Friday	8:00 - 9:00 Judges Meeting All Civil Matters 9:00 - 4:30 Motion Day Judge Duthie Conflicts (felony cases)	8:00 - 9:00 Judges Meeting 9:00 - 12:00 Miscellaneous 1:15-4:30 Showcauses/Miscellaneous	8:00 - 9:00 Judges Meeting 9:00-12:00 Pleas & Sentences Misdemeanor 1:00 - 1:45 Video Arraignments 1:00 - 4:30 Miscellaneous Hearings Misdemeanor Motion Overflow Drug Court	8:00 - 9:00 Judges Meeting 9:00-4:30 Final Pre-Trials Pleas & Sentencings

This list may not be inclusive of the total scope of job functions to be performed. Duties and responsibilities may be added, deleted or modified at anytime by the Chief Assignment Clerk.

Appendix 3

Isabella County Trial Court Organizational Chart

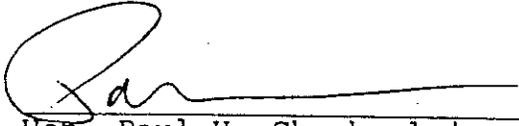


STATE OF MICHIGAN
ISABELLA COUNTY TRIAL COURT

ADMINISTRATIVE ORDER 1997- 9
Re: Judicial Council

PURSUANT TO the November 9, 1995, Court Consolidation Demonstration Project Description and Application Requirements published by memorandum of the Michigan Supreme Court, State Court Administrative Office, there is hereby created the Isabella County Trial Court Judicial Council. The Judicial Council is created to provide advice and input to the Chief Judge in the administration of the Demonstration Project and shall consist of one judge from each court located in Isabella County including the Saginaw Chippewa Tribal Court, the Court Administrator, County Clerk and administrative staff designated by the Chief Judge. Meetings of the Judicial Council shall be held at least monthly at a time and place to be designated by the Chief Judge. Regular input from other key justice system administrators and stakeholders shall be actively sought by Council membership and such persons shall be allowed input through oral or written presentations to the Council.

Date: October 30, 1997



Hon. Paul H. Chamberlain, Chief Judge
Isabella County Trial Court

STATE OF MICHIGAN



ISABELLA COUNTY TRIAL COURT

300 NORTH MAIN STREET

MT. PLEASANT, MICHIGAN 48858

TEL. (989) 772-0911 FAX (989) 772-7337

HON. PAUL H. CHAMBERLAIN
CHIEF JUDGE

LANCE S. DEXTER
COURT ADMINISTRATOR

HON. WILLIAM R. RUSH
TRIAL JUDGE

HON. WILLIAM T. ERVIN
TRIAL JUDGE

HON. MARK H. DUTHIE
TRIAL JUDGE

Local Administrative Order 2001-3

SECURITY POLICY FOR COURT FACILITY

This administrative order is issued in accordance with Michigan Supreme Court Administrative Order 2001-1. The purpose of this order is to address the presence of weapons in court facilities.

IT IS ORDERED:

1. No person, except as provided in the *Weapons Control Policy of Isabella County Trial Court*, dated September 20, 2000, and incorporated by reference, will be permitted to carry a weapon into or within the Isabella County Courthouse regardless of whether they have a CCW permit.
2. All persons, their belongings, and all hand carried items are subject to screening by Court officers for the purpose of keeping weapons and contraband from entering the facility.
3. A copy of the *Weapons Control Policy of Isabella County Trial Court* shall be posted at the Courthouse entrance. All persons and parcels are subject to a search for weapons and restricted items as a condition of entry. At any time a person being searched may be allowed to terminate the searching process, collect his or her belongings and immediately exit the building. Any person who moves beyond the point of screening without first clearing the screening process is in violation of this order and may be held in contempt of court.

Date: _____

Honorable Paul H. Chamberlain
Chief Judge



ISABELLA COUNTY TRIAL COURT WEAPONS CONTROL POLICY

2000-3

August 18, 2000

POLICY:

To preserve the security of the courthouse; to deter those who would take violent action against the court, court personnel, court users or public; to maintain court decorum.

PURPOSE:

To establish a screening procedure for screening court personnel, court users, and the public in a thorough and expedient manner, preventing weapons, contraband, and prohibited goods that threaten the security of the court facility from entering the courthouse.

DEFINITIONS:

Contraband: Items of lawful possession by non-law enforcement officers, including but not limited to guns, bombs, clubs, and knives.

Guns:

Authorized: Hand guns only.

Unauthorized: Shot guns, rifles, and automatic weapons.

Hand Held Detector: A metal detector that can be held in the hand of an operator. These are generally used for bodily inspection of individuals. They can be used separately or as part of a system to support Walk Through Detectors.

Magnetometer/Walk Through Detector: Resembling a frame of a door, this type of detector is designed to detect metallic objects on an individual passing through it, and activate a visual and/or audible alarm upon detection of a metallic object.

Manual Inspection/Hand Search: The physical inspection and searching of hand held items before they are taken into a secured area.

Negative Reading: Indicates the patron appears to not have weapons, contraband or prohibited goods on their person.

Pass Line: Is the gate located next to the magnetometer which is utilized by only wheel chaired patrons. The wheel chaired patron will be manually inspected and hand searched.

Positive Reading: Indicates the patron appears to have weapons, contraband or prohibited goods on their person.

Prohibited Goods: Items that threaten courthouse security, including but not limited to sharp objects, mace, handcuff keys, pocket knives, nail files, sharp combs etc.

Proper Identification: Identification as a police officer and have an official departmental issued photo identification card.

Screening: A system of guarding and protecting whereby electronic devices and manual inspection are employed to prevent forbidden items from entering a secured area.

X-Ray: A machine capable of penetrating various thicknesses and display on a screen the shapes of objects contained inside containers.

SCREENING PROCEDURES:

Screening will occur at the main entrance or as instructed by the Chief Judge or Court Administrator. Screening procedures at the main entrance will be operational during normal court business hours and all other times deemed necessary.

As individuals enter the courthouse the Court Officers assigned to conduct screening will direct the flow of people. Individuals shall remove all metal objects from their persons and place them in trays. The items in the trays shall be inspected for contraband. The items may be picked up by the owner on the other side of the screening device. All briefcases, handbags, purses, pocket books, knapsacks, etc., shall be placed on the conveyor belt to be moved through the x-ray machine and/or manually inspected/ hand searched. Court Officers may require large objects to be turned over and re-run through the x-ray machine. Items passed through the x-ray machine may be retrieved by the owner after successfully passing through the magnetometer.

An individual upon passing through the magnetometer with a negative reading, shall be permitted to collect their property and proceed. If an individual trips a positive reading on the magnetometer they shall be so advised and given an opportunity to ascertain whether they have any other metal objects in their possession which they previously overlooked and then required to pass through the magnetometer again. If a second positive reading is registered, the individual shall be searched using the hand held detector. If a hand held search locates a metallic object, it shall be removed if at all possible. In all cases another complete search with the hand held detector shall be done, as the person may have more than one metallic object. If a weapon or contraband is located on an unauthorized individual, appropriate action shall be taken. **AT ANY TIME, A PERSON BEING SEARCHED MAY BE ALLOWED TO TERMINATE THE SEARCHING PROCESS, COLLECT HIS OR HER BELONGINGS AND IMMEDIATELY EXIT THE BUILDING.**

All objects are subject to being opened and the contents visually inspected. Coats must be worn through the magnetometer or scanned by the x-ray. Court officers may request to manually inspect coats.

Wheel chair patrons and all others unable to be screened by magnetometer shall be screened by placing their belongings (i.e. brief cases, purses, pocket books) on the x-ray machine conveyor belt for visual inspection. The individual shall be searched with the manually searched with the hand held detector and hand searched before being allowed to proceed.

EVERYONE including but not limited to staff, police, attorneys, and the general public must be screened prior to entering the building.

AUTHORIZED AND UNAUTHORIZED WEAPONS

Judges: All local Judges will be allowed to carry a concealed weapon after completing a handgun safety course and having a valid concealed carry permit (CCW).

Police/Peace Officers: Uniformed police and peace officers and non-uniformed police officers who are not involved in their own personal court cases, including but not limited to civil, criminal or domestic, will be allowed to carry their duty issued belt and weapons into the courthouse upon the showing of proper identification.

Officers from outside Isabella County: Will follow the same procedures as local law enforcement (Police/Peace Officers).

Prisoner Transport Officers: Federal, state, and local prisoner transport officers, while on duty, will be allowed to carry weapons into the Courthouse upon the showing of proper identification..

DOC/Probation Officers: All local DOC Officers will be allowed in the Courthouse with a carrying concealed weapons (CCW) permit and proper identification.

General Public: No civilians will be permitted to carry a weapon into the Courthouse regardless of whether they have a CCW permit.

Appropriate Action for Possession by Unauthorized Individuals: Weapons, contraband, or prohibited goods found to be carried legally or illegally shall not be secured by the Court Officers. The individual shall be denied entrance with the item. The individual may choose to return to their vehicle to store the item. Court Officers shall immediately notify law enforcement as well as the Court Administrator or Chief Judge when illegally possessed weapons or contraband are located.

NOTICE:

This policy is to be posted at the screening station in public view and for public access.

STATE OF MICHIGAN



ISABELLA COUNTY TRIAL COURT

300 NORTH MAIN STREET

MT. PLEASANT, MICHIGAN 48858

TEL. (989) 772-0911 FAX (989) 772-7337

HON. PAUL H. CHAMBERLAIN
CHIEF JUDGE
LANCE S. DEXTER
COURT ADMINISTRATOR

HON. WILLIAM R. RUSH
TRIAL JUDGE
HON. WILLIAM T. ERVIN
TRIAL JUDGE
HON. MARK H. DUTHIE
TRIAL JUDGE

LOCAL ADMINISTRATIVE ORDER
2005-1

Case Allocation

IT IS ORDERED:

This administrative order is being adopted in accordance with the Michigan Supreme Court Administrative Order 2003-1 and MCL 600.401. Effective January 1, 2005. There is hereby created within the Isabella County Trial Court a family division, civil division, criminal division, and appellate division.

1. The Circuit Judges shall handle the following matters:
 - a. Judge Paul H. Chamberlain
 - i. Family Division: Domestic relations without children.
 - ii. Civil Division: All trials; general civil (no limit); other statutory duties including appointment authority.
 - iii. Criminal Division: All jury trials and felony non-jury trials.
 - iv. Appellate Division: All except conflict.
 - b. Judge Mark H. Duthie
 - i. Family Division: All personal protection orders; paternity; 50% domestic relations; 25 % juvenile delinquencies, neglect and termination.
 - ii. Civil Division: Criminal forfeitures; claim and delivery; other statutory duties including appointment authority.
 - iii. Criminal Division: felony cases up to trial; felony jury trials-conflict overflow; prelim-overflows; license restoration; misdemeanor jury trials.
 - iv. Appellate Division: By assignment.
2. The Probate Judge shall handle the following matters:
 - a. Judge William T. Ervin

- i. Family Division: 50% domestic relations with children; adoptions; all guardianships; all conservatorships; 75% juvenile delinquencies, neglect & termination; estates (wills & trusts); parental consent waivers; and mental commitments.
- ii. Civil Division: Election commission; drain appeals; other statutory duties including appointment authority.
- iii. Criminal Division: Juvenile drug court; juvenile traffic; domestic violence through trial by assignment when defendant already involved in case in the family division.
- iv. Appellate Division: By assignment.

3. The District Judge shall handle the following matters:

a. Judge William R. Rush

- i. Family Division: Weddings.
- ii. Civil Division: Landlord/tenant; small claims; civil forfeitures and foreclosures; other statutory duties including appointment authority.
- iii. Criminal Division: All video arraignments; adult drug court; preliminary exams; misdemeanor prior to trial; non-jury misdemeanor trials; all traffic, except juvenile.
- iv. Appellate Division: By assignment.

When a Judge has original jurisdiction within a division all ancillary jurisdiction shall be assigned to the presiding judge in the original case. Within the appellate division Judge Chamberlain shall hear all appeals unless a conflict exists whereupon, the case will be assigned within the appellate division to the other Judges by blind draw.

Statutory appointment authority given to any Judge of any Court within Isabella County shall remain with the Judge designated by statute.

This Order rescinds Local Administrative Order 1997-2, Case Allocation.

Date:

Hon. Paul H. Chamberlain
Chief Judge

STATE OF MICHIGAN
IN THE ISABELLA COUNTY TRIAL COURT

LOCAL ADMINISTRATIVE ORDER 1997- 3
Re: Disqualifications

Assignment of motions for disqualification and assignment of cases after disqualification by a Judge of the Isabella County Trial Court.

If a motion is filed requesting that one of the judges of the Isabella County Trial Court be disqualified, the challenged judge shall decide the motion. If the challenged judge denies the motion,

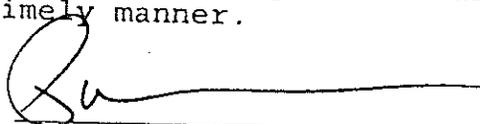
- (a) on the request of a party, the challenged judge shall refer the motion to the chief judge, who shall decide the motion de novo;
- (b) or if the challenged judge is the chief judge, on the request of a party, the challenged judge shall refer the motion to the State Court Administrator for assignment to another judge, who shall decide the motion de novo.

If one of the judges of the Isabella County Trial Court is disqualified, or for other good cause cannot undertake an assigned case, the chief judge will reassign it on a rotating basis to one of the two other judges in the Isabella County Trial Court.

If all three judges are disqualified, the chief judge will refer the case to the State Court Administrator for assignment of another judge.

If it becomes necessary because of the number of disqualifications to seek the assistance of a judge from outside of the Isabella County Trial Court, the chief Judge will request that the Regional State Court Administrator assign a judge from outside of the county who will be included in the rotation for assignment on cases where an Isabella County trial Court Judge is disqualified. If necessary, the rotation may include more than one judge from outside the county. Furthermore, if necessary, as long as random assignment is maintained, the judges assigned from outside of the county may take the proportion of cases necessary to allow the Isabella County Trial Court judges to maintain their dockets in an efficient and timely manner.

Date: 11-5-97



Hon. Paul H. Chamberlain, Chief Judge
Isabella County Trial Court