

CALHOUN COUNTY COURTS

HONORABLE MICHAEL L. JACONETTE

Chief Judge, Circuit, Probate & District Courts

HONORABLE JOHN A. HALLACY

Chief Judge Pro Tempore

HONORABLE BRIAN K. KIRKHAM

Presiding Judge, Circuit Court Family Division

HONORABLE SARAH S. LINCOLN

Presiding Judge, Circuit Court Civil / Criminal Division

HONORABLE FRANKLIN K. LINE, JR.

Presiding Judge, District Court



KRISTEN L. GETTING

Circuit/Probate Court Administrator/

Friend of the Court

Judicial Council Administrator

KATHERINE K. AMBROSE

District Court Administrator

CINDY RUDE

Probate Court Manager - Register

LOCAL ADMINISTRATIVE ORDER C37-2019-05J and CALHOUN COUNTY PROBATE COURT P13-2019-03J

RE: CASE ASSIGNMENT ORDER

Rescinds LAO C37-2017-05

IT IS ORDERED:

As permitted by the provisions of MCR 8.110, 8.111 and 8.112:

The 37th Judicial Circuit Court is divided into two divisions: the Circuit Court Civil/Criminal Division and the Family Division. Judges Sarah S. Lincoln and John A. Hallacy are assigned to the Civil/Criminal Division and Judges Brian K. Kirkham and Tina Yost Johnson are assigned to the Family Division. With the exception of matters referred to in section 4(D), judges assigned to each division will provide back up as needed in their respective division unless directed otherwise by the Chief Judge. Judge Michael L. Jaconette is assigned to the Calhoun County Probate Court and cross-assigned to the Circuit Court.

1. Assignment of New Cases

- A. Cases will be assigned to a judge at the time of the initial filing with the Circuit Court and Probate Court Clerk. The attached case assignment system chart with an effective date of January 23, 2020, identifies specific case types and assigned judges in the Probate and Circuit Courts. The assignments contained on the attached chart shall apply unless otherwise modified by this order.
- B. Except as otherwise provided by Michigan Court Rule or this order, judges must be assigned by lot within the case assignment groups and in the ratios provided in the attached chart. Should a new case type be authorized by the State Court

Administrator subsequent to the entry of this order, the case type will be assigned to the appropriate category by written directive of the Chief Judge.

- C. In non-murder capital (FC) and all non-capital felony criminal cases (FH), if the defendant was bound over to circuit court in a previous criminal case in which a final disposition has not yet been entered, the new case involving that defendant will be assigned to the judge, or successor, to whom the prior case was assigned. Further, if a criminal case is a refiling of a criminal case that was previously dismissed, then the re-filed case shall be assigned to the judge assigned the prior case. The Prosecutor will indicate on the initiating filing in Circuit Court if it is a re-filed case, noting the prior circuit court case number. This provision does not apply if the judge assigned to the prior case is no longer eligible to receive case assignments for the case type.
- D. For criminal cases in which a guilty or no contest plea has been accepted by a 10th District Court judge, the case will be assigned to a Circuit judge by the District Court at the time of plea acceptance.

For District Court case numbers ending in 00 through 24 and 50 through 74, the case shall be assigned to Judge Sarah S. Lincoln. For District Court case numbers ending in 25 through 49 and 75 through 99, the case shall be assigned to Judge John A. Hallacy. Notwithstanding the foregoing, if the defendant has a currently pending circuit court criminal case, the case shall be assigned to the circuit judge assigned to the pending case.

- E. Cases assigned to the Drug Court shall be assigned or re-assigned, as applicable, to the judge assigned to the Drug Court without need for a specific re-assignment order. The court clerk shall note the re-assignment in the register of actions with reference to this provision.
- F. Appeals from the parole board (AP case type) shall be assigned directly to the judge assigned the criminal case for which the defendant is appealing the Parole Board decision. If the judge assigned the underlying criminal case is no longer serving then the case will be assigned in accordance with provision 1(B) above.
- G. An ancillary action set forth in MCL 600.1021(2)(a) and (b), referred to the Circuit Court by the Probate Court, shall be assigned to Judge Brian K. Kirkham if there is a pending domestic relations case involving the parties. If the ancillary action involves a case with the same parties of a pending family division action assigned to Judge Yost Johnson or Judge Jaconette, the ancillary action shall remain in the Probate Court and shall be assigned to Judge Yost Johnson.

- H. Cases relating to the Michigan General Property Tax Act filed by the County Treasurer shall be directly assigned to Judge Sarah S. Lincoln.
- I. Cases relating to the Michigan Election Code shall be assigned directly to Judge John A. Hallacy.
- J. Upon the filing of a new child protective proceeding (NA) case or petition, the Circuit Court Clerk shall examine the records to determine if a domestic relations case involving the same parties is pending or active. If there is a pending or active domestic relations case, the Clerk shall reassign that domestic relations case directly to Judge Yost Johnson. Following the entry of the final order domestic relations case and termination of jurisdiction or termination of parental rights, the domestic relations case shall be reassigned to Judge Kirkham and any post-judgement actions shall be heard by Judge Kirkham. In all other cases, the assignment shall be in accordance with 1(B) above, unless the judges confer and mutually agree to an alternative assignment based upon case needs.
- K. All Personal Protection Orders shall be assigned to Judge Yost Johnson. Notwithstanding the foregoing, if an Ex Parte Domestic Personal Protection Order (PP) is requested, the following assignment applies:
 - 1. Pending Pre-Judgement domestic relations case with the same parties: PPO assigned to Judge Brian K. Kirkham. PPO reassigned to Judge Yost Johnson upon the conclusion of the domestic relations case.
 - 2. Post-Judgment domestic relations motions with the same parties: PPO assigned to Judge Yost Johnson.
 - 3. No domestic relations cases shall be assigned or reassigned based upon the filing of a PPO.
- L. For all purposes of this order "pending" shall refer to the status of the case or matter as defined by the State Court Administrative Office for use in compiling case statistics.
- M. All Minor Guardianship (GM) and Limited Guardianship (LG) cases filed in Probate court, and not transferred to Circuit Court as ancillary cases, shall be assigned to Judge Yost Johnson. The cases shall remain assigned to the Probate Court.
- N. All Juvenile Delinquency matters (DL, DJ, TL) shall be assigned to Judge Jaconette.

2. Record of Assignment and Re-assignment.

- A. The Circuit Court Clerk shall note the name of the judge assigned on the register of actions and on the originating document filed in each case.
- B. The court administrator shall maintain a record of cases assigned, by judge, to annually demonstrate the number of cases assigned and re-assigned to each judge in each assignment group noted in the attached chart. The record shall also indicate if the assignment or re-assignment was random (by lot) or direct.

3. Re-assignment of cases.

- A. If a judge is disqualified or for other good cause cannot undertake an assigned case, the case shall be reassigned to an eligible judge within the same division of the court.
- B. If a case needs to be reassigned and there are no eligible judges available for assignment within the same court division, the Court Administrator shall request that the State Court Administrative Office designate a visiting judge for the case.
- C. The Court Clerk shall reassign every case affected by this order and update the record of assignment in the case management system so that it will display in the register of actions.
- D. Notwithstanding any other provision of this order, if a Civil/Criminal Division case has been called in for trial and the assigned judge is unable to conduct the trial due to another case being tried, the Chief Judge may re-assign the case immediately to another judge in order to avoid adjournment of the scheduled trial.

4. Support and Parenting Time Enforcement Act proceedings and post judgment actions.

- A. Post-judgment actions in all domestic relations cases shall be handled by Judge Kirkham (except as provided for in section 1(J)). A direct re-assignment will be entered if necessary to accurately reflect the assigned judge as indicated and in accordance with provision 2(B) above.
- B. Post-judgment actions in criminal and civil cases will be handled by the assigned judge or successor if that judge is eligible for new case filings for the case type involved. In all other cases the matter will be re-assigned pursuant to 2(A) above.

- C. A routine petition/motion for discharge from probation in a criminal case that does not require a hearing shall be submitted to the judge of record or his/her successor in the case. If a hearing is required then provision 4(B) above applies.
- D. All child and spousal support enforcement actions brought under the Support and Parenting Time Enforcement Act shall be heard and decided by Judge Kirkham, regardless of the underlying case type. In the event Judge Kirkham is not available, the matters will be heard and decided by Judge Jaconette or as otherwise directed in writing by the Chief Judge.

5. Equalizing assignments.

- A. The Court Administrator will periodically review the distribution of random and direct assignments and re-assignments and may recommend to the Chief Judge adjustments to case assignments and/or caseloads.

6. Assignment by electronic means.

- A. In those cases where random case assignment is allowed under this Local Administrative Order, the court may provide for case assignment and reassignment by electronic data processing means. The Court Administrator shall certify and file with the court clerk a written memoranda approved by the Chief Judge satisfying to the court the assignment and reassignment of cases complies with the intent of Michigan Court Rules and as directed by this order. The memoranda filed with the clerk is not a public record and the contents thereof shall be disclosed only to the State Court Administrator or to persons specifically authorized by the Chief Judge in writing to receive the information.

7. Re-assignment of pending cases due to changes effected by this order.

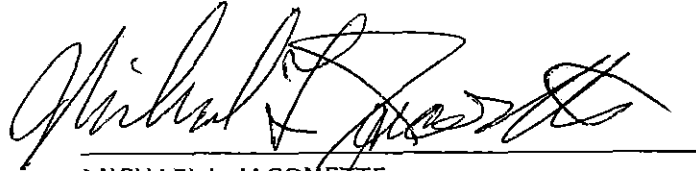
- A. The Circuit-Probate Court Administrator will coordinate and direct the re-assignment of pending cases as specified in this provision consistent with the terms of this order and may utilize the assistance of court administrative, judicial and court clerk's staff she may determine. All pending cases shall be reassigned consistent with this order on January 23, 2020, unless otherwise directed by the Chief Judge.
- B. The Court-Probate Court Administrator will notify counsel of record and unrepresented parties of reassignments affecting their case or cases by the most efficient means. A notice shall be sent to the local bar association for distribution.

8. Rescission of previous orders.

Local administrative order C37-2017-05^{05/18} is rescinded upon the effective date of this order.


This order is effective January 23, 2020, subject to approval by the Supreme Court Administrator's Office.

Dated: December 13th, 2019



MICHAEL L. JACOMETTE,
Chief Judge Calhoun County Courts

**CERTIFIED COPY OF
ORIGINAL ON FILE**



**37th JUDICIAL CIRCUIT
DEPUTY COURT CLERK**

CALHOUN COUNTY CIRCUIT COURT AND PROBATE COURT

Case Assignment System – Chart - effective January 23, 2020

Effective January 23, 2020, new cases will be assigned by lot, except as otherwise provided by Michigan Court Rule or Local Administrative Order, within the following assignment groups and to the eligible judges (Sarah S. Lincoln = SSL; John A. Hallacy = JAH; Tina Yost Johnson = TYJ; Brian K. Kirkham = BKK, Michael L. Jaconette - MLJ) per the percentages shown:

ASSIGNMENT GROUP	CASE TYPES	ELIGIBLE JUDGES %
Capital Criminal - Murder	FC (murder as principle count)	JAH - 50% SSL- 50%
Capital Criminal - other	FC (except murder)	JAH - 50% SSL - 50%
Criminal - non capital	FH, FJ, AX, AP, AR	JAH - 50% SSL - 50%
Civil *	ND, NF, NH, NI, NM, NO, NP, NS, NZ, CC, CD, CE, CF, CH, CK, CL, CP, CR, CZ, PC, PD, PR, PS, PZ	JAH - 50% SSL - 50%
Appeals	AA, AE, AV, AH, AL, AS, AW	BKK - 100%
Divorce w/o Children	DO	BKK - 100%
Divorce w/ Children & Child custody	DM, DC	BKK – 100%
Domestic Relations/Family Matters #	DP, DS, DZ, UD, UE, UF, UI, UM, UN, UT, UW, ID. Also the following Probate case types when filed with the Circuit Court as an ancillary matter: DD, GM, LG, PO, CA, CY, GA, GL, JA, MI and other Probate case types.	BKK – 100%

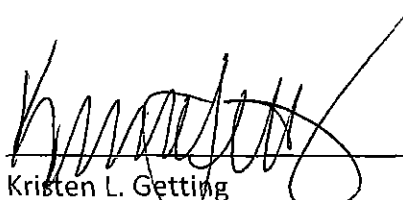
Non-Domestic Relations Family Matters	EM, NB, NC, PW, VF, JG	TYJ – 100%
Personal Protection Orders**	PJ, PP, VP, PH	TYJ – 100%
Adoptions	AB, AC, AD, AF, AG, AM, AN, AO, AY, RB, RL	TYJ – 100%
Juvenile Delinquency	DJ, DL, TL	MLJ – 100%
Child Protective	NA	TYJ - 100%
Civil Business	CB	BKK - 100%
Probate Court	All case types other than GM, LG	MLJ – 100%
Probate Court	GM, LG	TYJ – 100%

* Civil cases, including all CB case types, within the jurisdiction of the business court are to be directly assigned/re-assigned to Judge Brian K. Kirkham.

** All Personal Protection Orders shall be assigned to Judge Yost Johnson. Notwithstanding the foregoing, if an Ex Parte Domestic Personal Protection Order (PP) is requested, the following assignment applies:

1. If there is a pending Pre-Judgment domestic relations case with the same parties: PPO assigned to Judge Brian K. Kirkham. The PPO shall be reassigned to Judge Yost Johnson upon the conclusion of the domestic relations case.
2. If there is a Post-Judgment domestic relations motion with the same parties: PPO assigned to Judge Yost Johnson.
3. No domestic relations cases shall be assigned or reassigned based solely upon the filing of a PPO.

See section 1(J) of Case Assignment Administrative Order for special assignment of domestic relations cases related to child protective proceedings


 Kristen L. Getting
 Circuit Court Administrator