

STATE OF MICHIGAN 6 th JUDICIAL CIRCUIT COURT	METHOD FOR ASSIGNING GENERAL CIVIL AND CRIMINAL CASES IN THE CIRCUIT COURT	ADMINISTRATIVE ORDER 2025-04 RESCINDS LAO 2022-16
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SCOPE

This administrative order is issued in accordance with Michigan Court Rule 8.112 (B)(1) 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. The assignment of family division cases is addressed in Administrative Order 2024-04, or its successor LAO. Upon approval of this Administrative Order, Administrative Order 2022-16 is rescinded.

I. Assignment of cases

A. General.

1. Judicial assignments shall be accomplished by blind draw.
2. If a case is assigned pursuant to MCR 8.111(D) then the receiving judge gets an Excess Case as addressed in section III of this LAO.
3. If a case is reassigned, except in instances of mass reassignments under Section VII(F) and docket control reassignments under Section VII(G), then the judge receiving the reassigned case shall have 21 days to give back to the reassigning judge a case of similar type and age. If a case has not been submitted to the Case Management Office within 21 days the receiving judge waives the right to a "give back". The receiving and giving judges may stipulate to allow for a "give back" after the expiration of the 21-day period.
4. Any dispute as to the proper reassignment of any case pursuant to this LAO, shall be resolved by the chief circuit judge.

B. Civil cases.

Assignment shall occur at the time the case is filed unless otherwise provided by court rule, administrative order or written directive of the chief judge. The county clerk shall perform the blind draw for civil cases.

C. Criminal cases.

Unless otherwise provided by court rule, administrative order or written directive of the chief judge, the circuit judge will be assigned as follows: the Prosecutor's Office or the district court administrator shall advise the circuit court administrator of the case(s) to be assigned, either upon the presentation of notice for a warrant by the

Prosecutor's Office or the arraignment of a defendant in district court on an offense not cognizable by the district court, or upon bind over for cases initiated by the Attorney General. In each instance, the circuit court administrator shall immediately assign a circuit judge to the case by blind draw.

II. Blind Draw Procedure

A. Computerized blind draw packs shall be prepared under the written direction of the court administrator in the following categories:

1. General civil and appeals¹
2. Criminal
3. Homicide, defined as 1st or 2nd degree or open murder charges

B. Blind draw packs shall be assembled as follows:

1. Blind draw packs shall contain an equal number of judge assignments per judge with his/her name printed thereon; however, the chief judge may designate that each pack contain fewer cards for himself/herself and/or the chief judge pro tempore.
 - a. The chief judge may propose up to a combined 50% reduction in cases assigned to himself/herself and/or the chief judge pro tempore, and may allocate the reduction disproportionately (40/10, 35/15, etc.).
 - b. The chief judge may propose other unequal allocation of cases assigned by blind draw as necessary to ensure the efficient management of the court's caseload.
 - c. The chief judge shall notify each circuit judge in writing of his/her plan to modify the equal allocation of cases pursuant to this rule at least 14 days in advance of its implementation.
2. The blind draw packs for homicide cases shall contain one judge assignment for each judge handling homicides.

¹ For purposes of this order, appeals encompass all case codes identified in the Case File Management Standards at (A)(1). This includes appeals of criminal cases from the district court to the Sixth Judicial Circuit Court.

3. Records of the blind draw assignments shall be maintained by the court administrator's office. Requests to review the records of the blind draw must be made to the court administrator, or his/her/designee, in writing.
4. The following procedure will be used if the computerized blind draw is unavailable. When a case is filed, the top card bearing a judge's name shall have the case number recorded thereon in permanent ink. Once recorded, the card will be detached and the name of the judge disclosed. The card as recorded shall indicate the judge to whom the case is assigned, unless otherwise provided by this directive. The cards shall be preserved and filed in a locked depository. Requests to review blind draw cards must be made to the court administrator, in writing.

III. Excess Cases

This section applies to all case assignments as specified below. If more than one case is assigned to a judge as a result of exception(s) to the blind draw, the case(s) so assigned shall be designated as an "excess" case(s). A record of the number of cases exceeding one for that judge shall be maintained by the court administrator or his/her designee.

- A. All newly filed civil cases not subject to the blind draw will be treated as excess cases.
- B. A criminal case as referenced in Section IV(B)(2)(a-c) will be treated as an excess case.
- C. When drawn, a blind draw shall not be used if the judge named thereon has any "excess cases" recorded after his or her name, but the number of excess cases recorded for that judge shall be reduced by one.
- D. Homicide cases are to be commenced without regard to the status of the excess case list.

IV. Exceptions to the Blind Draw

A. Assignment of civil cases arising out of the same transaction or occurrence is governed by MCR 8.111(D).

- a) 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.
- b) judge or judges or the chief judge may determine that a case assigned by blind draw arises out of the same transaction or occurrence as a previously filed case. In such case, an order reassigning the later filed case to the judge with the earlier case number shall be entered. The receiving judge is entitled to a "give back" and as such may transfer a case of similar type and age to the sending judge. If a case has not been submitted to the Case Management Office within 21 days, the receiving judge waives the right to a "give back". However, the giving and receiving judges may stipulate to allow for a "give back" after the expiration of the 21 days.

B. 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).

1. Civil case exceptions.

- a) All remanded cases returned to the circuit court shall be assigned to the judge or successor to whom the case was assigned in the circuit court when the appeal was taken. 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.
- b) 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.

- c) When a Driver's License Restoration Petition is filed and court records indicate that the petitioner's license was taken away because of a previous criminal case, the driver's license restoration petition shall be assigned to the judge who handled the previous criminal case.
- d) 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) A declaratory action shall be assigned to the same judge to whom the underlying case in controversy was assigned. If a declaratory action is filed prior to the case in controversy, the case in controversy shall be assigned to the same judge to whom the declaratory action was assigned.
- f) The chief judge may direct assignment of cases involving similar actions to one judge to achieve efficient use of court resources provided that the chief judge notify each circuit judge in writing at least 14 days in advance of such assignment.
- g) Previous or pending criminal action: A petition for a writ of habeas corpus, superintending control, or appeal from district court based upon or arising out of a current or prior criminal action in this Circuit shall be assigned to the judge to whom the underlying criminal case is assigned.

2. Criminal case exceptions.

- a) Multiple cases arising from the same criminal transaction - Where two or more criminal cases arise out of the same criminal transaction or occurrence the Case Management Office 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.

- b) 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 (defined 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.
- c) Multiple defendants, previous case(s) pending.
 - i. When a new case has multiple defendants, and one or more of them have a different pending case with this court, the entire new case shall be assigned to the judge with the oldest pending case involving one or more of the defendants (i.e. the lowest case number).
- d) 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.
- e) 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:
 - i. If a writ of habeas corpus, superintending control, or appeal from district 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.
 - ii. 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 court were a previous case pending.

- iii. However, this exception does not apply to a habeas corpus filed by the prosecutor.
- f) 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 shall be assigned to the judge previously assigned.
- g) A homicide resulting from a felony previously assigned shall be assigned to the judge handling the underlying felony.
- h) Appeals from a criminal case in district court shall not be assigned by blind draw if that criminal case is pending as defined below but shall be assigned to the circuit judge that was assigned to a prosecutor's order number.
- i) Definition of a pending criminal case for purposes of this section - Any case that has not been dismissed or removed from this Court in which the defendant has not been sentenced, or any case in which the defendant has been sentenced by a judge of this Court to a term of probation and the term remains outstanding.

V. Mass Tort Cases.

- A. Identification of Mass Tort Cases -A series of five or more cases arising out of the same transaction or occurrence shall be considered to be mass tort cases. An attorney or party, in accordance with MCR 1.109(D)(2) and MCR 8.111(D)(3), must notify the court of any previous actions arising out of the same transaction or occurrence. An attorney who fails to so notify the court is subject to disciplinary action.
- B. Notification shall be in writing to the court administrator. The court administrator shall advise the chief judge who will present the request for "mass tort" designation at the next scheduled Civil/Criminal Division Judges' meeting.

- C. Reassignment - This order applies to all pending and future actions filed in the Sixth Judicial Circuit Court, wherein there are five or more cases involving the same defendant. As provided at MCR 1.109(D)(2)(a)(ii), each new action must indicate on the first page of the complaint that:

"A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in [this court], where it was given docket number _____ and was assigned to Judge _____. The action [remains]/[is no longer] pending."

1. With exception of the judge with the lowest case number, subsequently called the original judge, each judge with a pending mass tort case shall prepare a reassignment order assigning the case to the original judge. The Case Management Office shall process the reassignment of all affected cases. The chief judge shall direct the Case Management Office to reassign all mass tort cases to the original trial judge.
2. A party or attorney who objects to the reassignment may raise the objection by filing a motion before the chief judge. Such motions must be filed within 14 days after the reassignment order is e-filed or mailed to the party or counsel, as determined by the proof of service.
3. The original judge to whom the mass tort cases are reassigned shall receive a docket adjustment equal to the number of mass tort cases reassigned to his/her docket.
4. The judge from whom the mass tort cases were reassigned shall receive an equal number of cases, of like age and case type, as may reasonably be expected, from the original judge to whom the mass tort cases were reassigned.

VI. Disqualification of a Judge.

- A.** A judge who disqualifies himself/herself must prepare and sign an order of disqualification and submit it to the court administrator for processing. If the chief judge determines that a judge should be disqualified pursuant to MCR 2.003, he/she shall notify the judge to be disqualified, in writing, within seven days of the date the order of disqualification was entered.
- B.** Pursuant to MCR 8.111, if a judge is disqualified or for other good cause cannot undertake an assigned case, the chief judge may direct reassignment to another judge according to blind draw.
- C.** Following a disqualification and reassignment of a case, the judge receiving the reassigned case shall have 21 days to give back to the reassigning judge a case of similar type and age. If a case has not been submitted to the Case Management Office within 21 days, the receiving judge waives the right to a "give back". The chief judge shall approve the reassignment of cases under this provision in accord with MCR 8.111(D)(4). The giving and receiving judges may stipulate to allow for a "give back" after expiration of the 21 days.

VII. Assignment of Unpurged cases

- A. Assignment of Unpurged Cases**

Unpurged cases shall be assigned using the judge number designated at the time the case was purged and assigned to the judge currently presiding over that designated judge number. For dissolved dockets, where the judge number is unassigned, unpurged case numbers will be assigned a judge through blind draw.

VIII. Reassignment of cases.

- A.** Cases shall be reassigned according to the provisions of MCR 8.111 and this Local Administrative Order.

- B. If it appears to any two judges that the interests of justice would be better served by reassignment of any case between those two judges, then a case may be reassigned for good cause and by written order of the chief judge.
- C. Any motion to reassign a case pursuant to MCR 8.111(D), shall be heard by the judge with the lower case number. If the reassignment is approved, the court shall notify the Case Management Office to initiate an order of reassignment assigning the case(s) to the judge to whom the previously filed case (with the lower case number) was assigned. The judge receiving the reassigned case shall have 21 days to give back to the reassigning judge a case of similar type and age. If a case has not been submitted to the Case Management Office within 21 days, the receiving judge waives the right to a "give back". However, the giving and receiving judges may stipulate to allow for a "give back" after expiration of the 21 days.
- D. Pursuant to MCR 8.111(D), if a civil case arising out of the same transaction or occurrence as a case previously filed in this circuit is inadvertently assigned by blind draw to a judge other than the judge handling the previously filed case, the new case shall be reassigned to the judge handling the previously filed case. The judge receiving the reassigned case shall have 21 days to give back to the reassigning judge a case of similar type and age. If a case has not been submitted to the Case Management Office within 21 days the receiving judge waives the right to a "give back". However, the giving and receiving judges may stipulate to allow for a "give back" after expiration of the 21 days. If there is a dispute between the sending and receiving judge whether an action arises out of the same transaction or occurrence, the chief circuit court judge shall resolve the dispute.
- E. Administrative Error. If it comes to the attention of the court administrator that for any reason proper procedures were not followed in the assignment of any case, he/she shall notify the judges involved, and may initiate an Order of Reassignment in accordance with this administrative order or authorize a

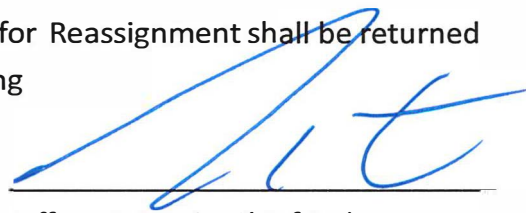
new blind draw.

- F. Pursuant to MCR 8.111(C)(2), and to satisfy MCR 8.112, the chief judge may authorize a mass docket reassignment resulting from a docket switch, creation of a new docket, collapsing of an existing docket, a concurrent jurisdiction plan, or other mass reassignment, as deemed necessary by the chief judge.
- G. The chief judge may approve the reassignment of cases to correct docket control issues resulting from the requirements of this rule in accordance with MCR 8.111(D)(4).

IX. Procedure for Orders of Reassignment.

- A. All order for reassignment shall be initiated by the court administrator and recorded prior to circulation for signature.
- B. All orders for reassignment shall be on forms prepared by the court administrator and approved by the chief judge. The order shall contain the reason for reassignment. If the reason for reassignment is based upon an Order for Consolidation or Disqualification of a Judge, such order shall be attached to the Order for Reassignment.
- C. All orders for reassignment shall first be presented to the judge to whom the case will be reassigned, second to the judge transferring the case, and finally to the chief judge for signature.
- D. After approval by the chief judge, the Order for Reassignment shall be returned to the case management office for processing

DATED: 6-4-25



Jeffery S. Matis, Chief Judge

NOTES:

1. Addition made to reflect that giving and receiving judges may agree to allow for a give back case beyond the 21-day deadline. Changes to the criminal case exceptions to blind draw were made to serve judicial economy and to include open probation cases within the definition of "pending". Other changes were made to reflect the court's migration to a computerized blind draw system. Removal of section VI(C) was

made to reflect current court procedure and to enhance judicial economy.

2. Removed any reference to judicial appointment of attorney for the purposes of Criminal Case Exceptions at IV(B)(2(f) and 2(h) due to the implementation of the MIDC.
3. Replaced section IV(A)(a) by requiring that a case be exempted from the blind draw and assigned to a predecessor judge if a party commences an action and certifies that a prior action was filed regarding the same transaction or occurrence. This replacement eliminates the requirement that a filing must have identical parties and case suffix codes in order to be exempted from blind draw and reassigned to a predecessor judge.
4. Newsection VII was inserted to provide a mechanism to assign an unpurged case.
5. Sections IV(F) and (G) are intended to provide authority to the chief judge to authorize mass reassignments that include but are not limited to;
 - a. When a judge leaves family court or reassignments as a result of the Family Court Plan LAO.
 - b. When all or a portion of a previous judge's docket must be reassigned.
 - c. Creation of a new docket.
 - d. Collapsing of an existing docket.
 - e. Docket switches resultant from a significant change in docket, i.e. moving from family to general jurisdiction, or moving from general jurisdiction to business court.
6. LAO 2019-14 replaces LAO 2016-01. The LAO has been revised to eliminate the use of the Alternate Judge Table and has increased the period for a give back from 14 days to 21 days.
7. LAO 2016-01 replaces LAO 2013-02. Section VI.C. was revised to clarify that a motion to reassign a case to the judge to whom a previously filed case was assigned must be decided by the judge with the previously filed case. The judge will determine if the subsequent case arises out of the same transaction or occurrence as the previously filed case. If so, the subsequent case must be reassigned to the judge with the previously filed case pursuant to MCR 8.111(D) and this LAO. This revision was approved by the bench on September 13, 2016.
8. LAO 2013-02 replaces LAO 2012-05. The number of cards in the homicide blind draw stack was revised from two (2) to one (1) per bench approval on June 4, 2013. See Section II (B) (2).
9. LAO 2012-05 replaces LAO 2011-02. A civil case exception to the blind draw may occur if there is a previous or pending criminal action and a petition for a writ of habeas corpus, superintending control, or appeal from the district court arising out of that criminal action. In that case the civil matter will be assigned to the judge to whom the underlying criminal case is assigned, per bench approval on October 2, 2012. See Section IV (D) (7).
10. LAO 2011-02 replaces LAO 2007-02. LAO 2011-02 was revised to address the allocation of cases via the blind draw, to specify that civil and criminal case assignments as a result of exceptions to the blind draw will be designated as excess cases, and to define "same transaction or occurrence" as referenced in MCR

8.III(D) for purposes of the blind draw. Specific revisions include the following:

- a. in addition to receiving notice of a warrant issued by the prosecutor or the arraignment of a defendant on an offense not cognizable by the district court, a case initiated by the Attorney General shall prompt the assignment of a circuit judge upon bind over of the case to circuit court. (Section I. 8.)
- b. the chief judge may propose up to a 50% reduction in case assignments for himself/herself and/or the chief judge pro tempore. (Section II. 8. 1. a.)
- c. the chief judge may propose other unequal allocation of case assignments by blind draw as necessary (Section II. 8. 1. b.) and the judges must be given at least 14 days advance notice of any proposed modification of the blind draw (Section II. 8. 1. c.)
- d. each criminal and civil case assignment resulting as an exception to the blind draw will be designated as an excess case (Section III. A and 8)
- e. the phrase "same transaction or occurrence" for purposes of the blind draw is defined (Section IV. A.) An order shall be entered reassigning a later case to the judge with a previously filed case if a determination is made that the later case arises out of the same transaction or occurrence as the previously filed case, and the receiving judge may transfer a case of similar type and age to the sending judge, (Section IV. 8.)
- f. with prior approval of the bench, the chief judge may direct the assignment of cases involving similar actions to one judge to achieve the efficient use of court resources. (Section IV. D. 6.)
- g. the definition of a pending criminal case was revised to be the time from the assignment of a judge to a prosecutor order number until the case is disposed. (Section IV. E.9.)
- h. bench approval is required to designate cases as "mass tort cases." (Section V. 8.)
- i. if a previously filed case is closed and the judge who handled the case is no longer handling that case type, a new case arising out of the same transaction or occurrence will be assigned to the successor judge. (Section VI. D.)
- j. the chief judge must notify a judge in writing if she/he determines that the judge should be disqualified pursuant to MCR 2.003. (Section VII. A.)
- k. the court administrator is authorized to propose a case for reassignment to a judge who disqualifies himself/herself if the receiving judge does not select a case of similar type and age within 14 days of receiving the disqualified judge's case. (Section VII. D.)

LAO 2011-02 was approved by the bench on April 6, 2011.

11. LAO 2007-02 replaces LAO 2006-01. LAO 2007-02 was revised in Section I(B) to allow a judge to be assigned to a criminal matter when a felony warrant is presented. A one-year pilot was approved by the bench on March 6, 2007.
12. LAO 2006-01 replaces LAO 2001-06 and combines LAO 2001-06 with CJD 1985-3. References Family Division case assignment addressed in LAO 2003-021 Added language detailing the Blind Draw Procedure (Sec. II), Excess Cases (Sec. III), Reassignment of Cases (Sec. VI), Disqualification of a Judge (Sec. VII) and Procedures for Orders of Reassignment (Sec. VIII) as per CJD 85-3. Definition of "same transaction or occurrence" deleted. Also removed was language requiring that homicides resulting from previously assigned felonies be assigned by blind draw from the murder stack. This was replaced by policy stating a

homicide resulting from a previously assigned felony shall be assigned to the judge handling the underlying felony. Approved by the bench on March 7, 2006.

13. LAO 2001-06 replaces LAO 2001-05. Section (2)(a) specifically defines "Same transaction or occurrence." The wording pertaining to the original judge no longer handling a case type was removed and procedures for Mass Tort Cases Identification and Reassignment were added to Section (2)(e). Also added under Section (2)(f) were procedures for reassignment when two judges agree to do so. Approved by the bench on September 11, 2001.
14. LAO 2001-05 replaces LAO 1997-05. The procedure for a declaratory action assignment as related to the underlying case is outlined. Section IV. D. 5. was added to provide that declaratory actions will be handled as exceptions to the civil blind draw. This amendment was approved by the bench on May 8, 2001.
15. LAO 1997-05 replaces CJD 85-2 and CJD 85-3. This Administrative Order was created in accordance with MCR 8.112(B), which allows a trial court to issue LAOs governing internal court management, and expanded on the procedures as outlined in CJD 85-2/CJD 85-3 because it was determined that an LAO was the more appropriate format. It outlined the blind draw procedure as well as civil and criminal case exceptions to the blind draw. It allowed for assigning a case to a judge immediately following arraignment in District Court, whether or not the attorney will be appointed or retained. This change was requested by the prosecutor. Included was a provision for reassignment when the original judge no longer hears that type of case and directed to MCR 8.111 when issues of reassignment arose. Approved by the bench on November 4, 1997.
16. CJD 85-3 replaces CJD 85-2. Protocols for reassigning cases due to identification that a civil action arises from the same transaction or occurrence as a previous case, administrative error, or disqualification of a judge are outlined. Revisions were made in September of 1998, consolidating CJD 85-2 and CJD 85-3, removing references to Family Division case assignments which would follow protocols outlined in LAO 1997-3, differentiating automated/IT from manual blind draw, and further clarifying assignments when a civil case arises from the same transaction or occurrence as a previous case and in instances of disqualification of a judge, including utilizing the alternate judge table as appropriate. In addition to the references found in CJD 85-2, the consolidated CJD 85-3 references former Administrative Orders 82-4 and 82-5 and former Administrative Resolution 76-5.
17. CJD 85-2: This Chief Judge Directive outlined the method for the assignment of cases, including how to implement the blind draw procedure and the exclusions allowed. References included MCR 8.111; former Local Court Rule 5; former Administrative Orders 82-2, 82-3, 82-6, 82-7 and 83-1; and former Administrative Resolution 80-9. This directive also included items from Judges' Meetings going back to 1974. Became effective on October 22, 1985. Revisions were made 3/8/88, 5/10/88, 9/12/89, 3/26/91, 5/10/94, 11/22/94, 2/14/95, 5/14/96, 7/23/96, and 1/7