

MICHIGAN SUPREME COURT

State Court Administrative Office



CONCURRENT JURISDICTION PLANNING, GUIDELINES, AND APPLICATION

STATE COURT ADMINISTRATIVE OFFICE
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I. PLANNING

Introduction

MCL 600.401 *et seq* (amended by 2012 PA 338, effective January 1, 2013) requires each judicial circuit or county to develop and implement concurrent jurisdiction plans, unless a majority of the judges in that jurisdiction vote to not have a plan. Courts have developed and implemented concurrent jurisdiction plans to remove institutional barriers to efficiency, innovation, and enhanced public service. Some of the real benefits of initiating this process include the opportunity to:

- Design a local court system customized to meet the specific needs of the community.
- Assign and organize the judicial and administrative workload to maximize access to the courts and the timely resolution of cases.
- Develop and assign support services that improve public availability and fully utilize the multiple skills of experienced staff.
- Improve local communication and cooperation among the judges and staff.
- Standardize practices and reduce appearances by counsel and litigants.
- Combine duplicative programs and services.

Developing and implementing a concurrent jurisdiction plan requires judicial and administrative leadership.

“The real challenge to courts is the culture within the courthouse, especially as it relates to the issue of court leadership. Leadership is the single most important variable in court performance. It relates to the leadership of judges by judges and the need to create and sustain effective court leadership teams of presiding judges and court managers. It transcends the local legal culture.” - Another View of Local Legal Culture: More Than Court Culture, by Judge Kevin Burke and Frank Broccolina.

This planning document is a template for the development of your concurrent jurisdiction plan. It provides a comprehensive list of goals and options from which a judicial circuit or county may select those most appropriate for its jurisdiction.

As you begin this process, identify your leaders and assess their strengths and weaknesses. Involve staff at all levels. Leadership does not always come from the top. Do not be apprehensive about “brainstorming” the possibilities and challenging long held paradigms. The results may be very enlightening. Review the frequently asked questions on the next page.

Frequently Asked Questions

1. **What is a plan of concurrent jurisdiction?**

MCL 600.401(3) states: “A plan of concurrent jurisdiction shall provide for the transfer or assignment of cases between the trial courts affected by the plan and to individual judges of those courts as necessary to implement the plan and to fairly distribute the workload among those judges.” In addition, MCL 600.401(4) states: “A plan of concurrent jurisdiction under this section may include agreements as to other matters involving the operation of the trial courts participating in the plan, as approved by the supreme court.” The State Court Administrative Office (SCAO) is available to assist in the development, submission, and implementation of any concurrent jurisdiction plan.

2. **Are courts required to develop a concurrent jurisdiction plan?**

Within each judicial circuit, subject to approval by the supreme court and to the imitations contained in sections 410, 841, and 8304, a plan of concurrent jurisdiction shall be adopted by a majority vote of all of the judges of the trial courts in the plan, unless a majority of all of the judges of the trial courts in that judicial circuit vote not to have a plan of concurrent jurisdiction.

3. **Does this mean that the courts would become a unified trial court?**

Not necessarily. If your courts want to become a unified trial court, then certainly concurrent jurisdiction is the means to do that. Concurrent jurisdiction plans vary greatly and may include the consolidation of only parts of the courts’ services and processes as appropriate to best serve the public, while fairly distributing the workload.

4. **Why would courts want to develop a plan of concurrent jurisdiction?**

Each jurisdiction in Michigan has unique resources, needs, and population distributions. By permitting the judges, court staff, and stakeholders most familiar with the community to determine how those services are best provided, concurrent jurisdiction plans enable courts to more evenly spread workloads, respond to budget concerns, make better use of facilities and staff by reducing redundancies, and more efficiently serve the needs of the public.

5. **How should a jurisdiction begin the process of developing a concurrent jurisdiction plan?**

Courts should contact their SCAO Regional Administrator to discuss their ideas on concurrent jurisdiction. The Regional Administrator will provide details regarding the development and approval of the concurrent jurisdiction plan.

6. **Does SCAO provide any assistance in the development and implementation of the concurrent jurisdiction plan?**

Yes, SCAO staff is available to assist courts in the development of their plans, including an analysis of the feasibility of implementing the proposed changes. SCAO staff will also assist in the implementation of the plan, as needed.

Examples of Concurrent Jurisdiction Goals

Judicial Resources: Establish goals on the best use of judges, magistrates, and referees.

- Greater flexibility in assigning judges and quasi-judicial officers to cases
- Reduce redundant judicial activities
- Consolidate related matters
- Assign judicial resources based on need and workload
- More equitably distribute workloads
- Improve flexibility in covering absences and disqualifications

Governance and Decision Making: Establish goals on how the local courts participating in the plan will be governed and how decisions will be made.

- Improve communication among judges and administrative staff within the court
- Establish a formal method of communication with funding unit – consultation and involvement
- Ensure that decision making considers the needs of all court units
- Reduce competition between court units for resources
- Improve cooperation and teamwork

Administration and Fiscal Control: Establish goals to more efficiently design your administrative structure.

- Improve ability to assign support staff based on need
- Reduce duplication and redundancy of administrative activities
- Increase uniformity of budgeting and financial reporting
- Increase coordination and effectiveness of collections
- Maximize utilization of staff, facilities, and capital resources
- Improve utilization of courtrooms
- Standardize rules, policies, and procedures
- Create opportunities for planning, innovation, and self-evaluation

Information Systems: Establish goals for how the court can best use and/or improve technology?

- Improve integration of case management systems
- Improve public access to court information
- Achieve timely reporting of required data

Case Management: Establish goals to manage case processing more effectively and efficiently.

- Reduce delay, duplication, and unnecessary appearances by litigants
- Provide for the same level of access to all case types
- Increase use of alternative dispute resolution programs
- Improve compliance with time guidelines

OPTIONS TO CONSIDER IN DEVELOPING A CONCURRENT JURISDICTION PLAN

Area	Issues	Strategy Options
Judicial Resources	Judicial Assignment	<input type="checkbox"/> Assign cases by type (civil, criminal, etc.) <input type="checkbox"/> Assign cases by case characteristic (differential case management) <input type="checkbox"/> Assign cases by type of docket (trial expedited, substance abuse, etc.) <input type="checkbox"/> Establish divisions of judicial assignment <input type="checkbox"/> Create committee(s) to regularly review case management and judicial assignment practices
	Judicial Availability	<input type="checkbox"/> Expand use or authority of quasi-judicial officers (referees, magistrates) <input type="checkbox"/> Develop plan for judicial availability <input type="checkbox"/> Assign judge(s) to hear all cases at branch court location(s) <input type="checkbox"/> Combine referee and magistrate job descriptions <input type="checkbox"/> Assign referees to hear both juvenile and domestic relations cases
	Caseload Distribution	<input type="checkbox"/> Develop plan for monitoring caseloads and judicial activity <input type="checkbox"/> Provide for regular adjustment of cases <input type="checkbox"/> Provide back-up plan for jury trials, absences <input type="checkbox"/> Establish regular rotation of judges between divisions or subject matter
	New Judicial Competencies	<input type="checkbox"/> MJI, SCAO, and CWS trainings <input type="checkbox"/> MJI benchbooks <input type="checkbox"/> Judicial mentoring <input type="checkbox"/> MJI resource library <input type="checkbox"/> Develop internal resource library
	Judicial Support Activities	<input type="checkbox"/> Centrally coordinate ADR services <input type="checkbox"/> Standardize local rules of practice and procedure <input type="checkbox"/> Coordinate scheduling and judicial calendars <input type="checkbox"/> Combine related family matters involving children

Governance & Policy	Alignment of Decision Making Process with Judicial Resource Allocation	<input type="checkbox"/> Establish a judicial council and define authority <input type="checkbox"/> Designate single chief judge <input type="checkbox"/> Include judges of all affected divisions in judicial council <input type="checkbox"/> Create judicial teams by case type, location, etc.
	Administrative Consistency	<input type="checkbox"/> Consolidate administrative positions <input type="checkbox"/> Delegate primary responsibility for administrative management to court administrator <input type="checkbox"/> Convene a staff management council to advise the judicial council on policy and procedural matters <input type="checkbox"/> Develop comprehensive administrative policy
	Internal Communication	<input type="checkbox"/> Include key administrative or support staff in judicial council <input type="checkbox"/> Provide a mechanism for input from the county clerk and/or external decision makers (prosecutor, public defender, funding unit rep) <input type="checkbox"/> Establish written bylaws with clear lines of authority <input type="checkbox"/> Schedule regular meetings with staff and other stakeholders for informational purposes <input type="checkbox"/> Increase opportunities for staff/judicial interaction <input type="checkbox"/> Develop a court-wide policy and procedure manual
Human Resources	Change Management	<input type="checkbox"/> Clarify management structure and supervising authority <input type="checkbox"/> Create new organizational chart(s) <input type="checkbox"/> Create work process improvement teams to develop best practices <input type="checkbox"/> Enlist staff input in developing new operational policies and procedures <input type="checkbox"/> Educational and team building sessions for management and staff to address change issues
	Alignment of Human Resources with New Structure	<input type="checkbox"/> Reorganize staff, space, and procedures along functional, rather than jurisdictional lines <input type="checkbox"/> Establish uniform procedures for employee evaluation, discipline, promotion, and retention <input type="checkbox"/> Establish single human resources policies for all courts <input type="checkbox"/> Review existing job descriptions, modify where appropriate <input type="checkbox"/> Ensure work condition equity for staff (equipment, furniture, supplies, office space) <input type="checkbox"/> Implement pay equity

Area	Issues	Strategy Options
Human Resources	Collective Bargaining	<ul style="list-style-type: none"> <input type="checkbox"/> Combine bargaining units, where appropriate <input type="checkbox"/> Organize units in line with related functional employee categories <input type="checkbox"/> The chief judge and/or designee represent the court in collective bargaining
	New Staff Competencies	<ul style="list-style-type: none"> <input type="checkbox"/> Conduct cross training <input type="checkbox"/> Establish “buddy” system for personnel to visit other court locations/divisions <input type="checkbox"/> Assign new staff to work with the best experienced staff <input type="checkbox"/> Create and empower employee task forces to identify and develop options to address key organizational issues <input type="checkbox"/> Provide specialized training for staff <input type="checkbox"/> Require that training include court-wide perspective for staff <input type="checkbox"/> Provide training opportunities for staff and encourage their participation
	Employee Morale	<ul style="list-style-type: none"> <input type="checkbox"/> Create work teams based upon core functions <input type="checkbox"/> Provide formal and informal opportunities for employee feedback and suggestions (internal surveys, staff meetings, etc.)
Budget & Fiscal Management	Streamline Management	<ul style="list-style-type: none"> <input type="checkbox"/> Prepare, submit, and administer a single or consolidated budget <input type="checkbox"/> Centralize purchasing and expenditure approval processes <input type="checkbox"/> Coordinate and centrally manage shared service contracts <input type="checkbox"/> Coordinate or centralize grant applications and management <input type="checkbox"/> Develop single system for appointed counsel selection and payment <input type="checkbox"/> Reallocate appropriated funds between units <input type="checkbox"/> Budget presentation by chief judge or designee <input type="checkbox"/> Coordinate or consolidate the enforcement of court ordered financial obligations <input type="checkbox"/> Establish uniform procedures for collection of outstanding obligations, including waiver and suspension

Area	Issues	Strategy Options
Budget & Fiscal Management	Responsibility for Records Management	<input type="checkbox"/> Centralize records management <input type="checkbox"/> Establish consistent policies for access to court records and data <input type="checkbox"/> Role of the County Clerk <input type="checkbox"/> Provide ability to pay all court obligations at all court locations, through the web, or by phone
Information Systems	Information Integration	<input type="checkbox"/> Integrate existing case management systems <input type="checkbox"/> Expand court personnel access to case management systems <input type="checkbox"/> Integrate e-mail, local, and wide-area networks <input type="checkbox"/> Single hardware platform and operating system <input type="checkbox"/> Develop standards for office automation applications and equipment <input type="checkbox"/> Automate statistical reporting systems <input type="checkbox"/> Centralize calendar system
Facilities	Improve Utilization	<input type="checkbox"/> Provide central information center(s) <input type="checkbox"/> Standardize hours of operation across facilities <input type="checkbox"/> Provide one stop location(s) for filings, payments, etc. <input type="checkbox"/> Coordinate courtroom scheduling for maximum utilization <input type="checkbox"/> Coordinate or merge security functions
Jury Management	Streamline Jury Management	<input type="checkbox"/> Maintain a single system for jury administration, including notification, attendance, and payment <input type="checkbox"/> Draw from single juror pool
External Relations	Participation in Planning Process	<input type="checkbox"/> Create a justice system advisory committee <input type="checkbox"/> Involve system stakeholders in court workgroups <input type="checkbox"/> Chief and presiding judges meet regularly with local bar association
	External Communication	<input type="checkbox"/> Create website and on-line access to information, forms, staff contacts, dashboard, etc. <input type="checkbox"/> Develop user surveys and convene stakeholder focus groups <input type="checkbox"/> Create new publications and brochures <input type="checkbox"/> Invite funding unit representatives to participate <input type="checkbox"/> Highlight court efforts in annual report
Access to Justice	Coordinated Access Activities	<input type="checkbox"/> Combine informational services <input type="checkbox"/> Develop materials for pro-se litigants <input type="checkbox"/> Coordinate interpreting services <input type="checkbox"/> Coordinate LEP services

II. CONCURRENT JURISDICTION PLAN APPLICATION

CONCURRENT JURISDICTION PLAN APPLICATION

A. APPLICANT SUMMARY

1. Applicant:		
Address:		
City:	State:	Zip:
2. Contact Person:		Title:
Address		
Phone:		
Fax:		
E-Mail:		
3. Concurrent Jurisdiction Type		
<input type="checkbox"/> Circuit, Probate, and District Court Jurisdictions		
<input type="checkbox"/> Circuit and Probate Court Jurisdictions		
<input type="checkbox"/> Circuit and District Court Jurisdictions		
<input type="checkbox"/> District and Probate Court Jurisdictions		
Multi-court Chief Judge (Name) ¹	Signature	Date
Chief Circuit Court Judge (Name):	Signature:	Date:
Chief Probate Court Judge (Name):	Signature:	Date:
Chief District Court Judge(s) (Name):	Signature:	Date:

¹ If applicable

B. Plan and Instructions

Please provide a detailed description of your court's proposed plan according to the following outline. Describe any proposed changes to any of the identified areas (Delete the instructions after completing each section):

1. CONCURRENT JURISDICTION PLAN GOAL(S)

Briefly outline the anticipated benefits that will be realized through the adoption of a plan of concurrent jurisdiction; in particular, the benefit(s) to litigants. Consider the examples of goals found in the planning and guidelines document.

2. JUDICIAL RESOURCES

Describe the process for determining how cases will be assigned among or between the trial courts affected by the plan and to the individual judges of those courts as necessary to implement the plan and to fairly distribute the workload among those judges. [MCL 600.401(3), 600.406(3), 600.407(3), and 600.408(3)]

- A.** Provide information and details regarding judicial assignment of cases:
 - 1.** Case assignment.
 - 2.** Transition and handling of open/pending cases, if any.
 - 3.** Plan for the rotation of judges within divisions; transfer of cases.
 - 4.** How disqualifications will be processed within the jurisdiction.
- B.** Reference existing or attach proposed local administrative orders (LAO) for assignment of cases pursuant to MCR 8.111.
- C.** Reference LAOs concerning authority of magistrates, referees, and/or probate registers.
- D.** Future amendments to any attached proposed local administrative orders will not require the submission of a revised plan, provided that the amendments do not fundamentally alter the concurrent jurisdiction plan.
- E.** Attach any additional proposed orders necessary to implement the provisions of this plan.

A concurrent jurisdiction plan may incorporate a family court plan as provided in Chapter 10 of the Revised Judicature Act. [MCL 600.1011, as amended by 2002 PA 682] If this plan includes a family court, include a reference to the family court plan in the application.

3. COURT GOVERNANCE AND ADMINISTRATION

Provide a description of the proposed court governance structure. If a new administrative structure is proposed, describe the roles of administrative staff. Attach an organizational chart describing proposed structure and lines of authority.

4. HUMAN RESOURCES

Provide the proposed changes to staffing, including new or modified positions.

5. BUDGET AND FISCAL MANAGEMENT

Describe any proposed changes to processes and responsibilities for the preparation, presentation, and administration of court budgets, including contracting and purchasing authorization responsibilities.

Describe any planned change in revenue allocation. Attach funding unit agreements pertaining to the reallocation of revenue.

Describe any potential budgetary impacts anticipated by implementation of the concurrent jurisdiction plan (start-up costs, system integration costs, equipment costs, etc.).

Describe proposed changes to the enforcement of court-ordered financial obligations, including the establishment of uniform procedures and coordination or consolidation of collections efforts.

6. FUNDING UNIT

MCL 600.425 requires the funding unit review the plan 30 days prior to submission to SCAO. Please provide evidence that the local funding unit has reviewed the plan to determine whether there are any financial implications to implementing the plan.

7. RECORDS MANAGEMENT

Describe proposed changes to records management, including how new cases and pleadings will be filed and plans for records access, maintenance, and storage. If required by MCL 600.420, provide evidence of concurrence by the county clerk.

8. INFORMATION SYSTEMS

- A. Describe court case management system(s) hardware platform and software applications.
- B. Describe proposed integration and/or system enhancements, such as centralized calendaring, collections, etc.
- C. Describe any plan for the standardization or enhancement of court recording/reporting systems.

9. FACILITIES AND INFRASTRUCTURE

Describe any proposed changes to facilities or their utilization, including security, courtroom utilization, records maintenance, location of support activities, etc.

Identify proposed changes in court hours.

10. JURY MANAGEMENT

Describe any plans for a new jury system, consolidated jury administration, and/or jury panels.

11. EXTERNAL RELATIONS AND ACCESS TO JUSTICE

Describe how affected judges, court staff, and other persons and entities that provide court services, or are affected by the court's operations, will be involved with plan development.

Describe how external agencies and clients will be informed of changes in court policies, procedures, and processes.

12. TRAINING

Describe anticipated training needs and training plans for judicial and court support staff.

C. CERTIFICATION OF PLAN APPROVAL

You must provide documentation that the proposed plan of concurrent jurisdiction has been adopted by a majority vote of judges for the participating trial courts as described above.

D. ORGANIZATIONAL CHART

CONCURRENT JURISDICTION PLAN

SUBMISSION CHECKLIST

- _____ A. Applicant Summary Page with Authorized Signatures
- _____ B. Concurrent Jurisdiction Plan Application
- _____ C. Proposed Concurrent Jurisdiction Local Administrative Orders
- _____ D. Organizational Chart(s)
- _____ E. Verification of Funding Unit Review

Please send your completed plan by e-mail, including the above items, to the SCAO -- one copy to the Regional Administrator and one copy to Trial Court Services:

Region I

Paul Paruk, Region I Administrator
E-mail: region1-info@courts.mi.gov

Region II

Jodi Latuszek, Region II Administrator
E-mail: region2-info@courts.mi.gov

Region III

J. Bruce Kilmer, Region III Administrator
E-mail: region3-info@courts.mi.gov

Region IV

Jerome M.P. Kole, Region IV Administrator
E-mail: region4-info@courts.mi.gov

Region V

Jill Booth, Region V Administrator
E-Mail: region5-info@courts.mi.gov

Region VI

Jennifer Phillips, Region VI Administrator
E-Mail: region6-info@courts.mi.gov

Trial Court Services

Jennifer Warner, Director
E-mail: TrialCourtServices@courts.mi.gov