



33rd JUDICIAL DISTRICT COURT

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Administrative Order 2021-

**Assignment of Cases
(Rescinds Order 2017-01)**

IT IS ORDERED:

This Administrative Order is issued in accordance with MCR 8.111. The purpose of this Order is to provide a system of case assignment that promotes effective case management in this two-judge multi-jurisdictional court. This Order becomes effective January 1, 2021.

I. Violation of State Statute:

- A. One Judge is assigned to preside over all filed cases alleging a violation of State Statute. The Judges of this Court will rotate the assignment every four months, with the rotation occurring on January 1, May 1, and September 1.
- B. Two-Week Pre-Assignment Period – Felony Cases: One week before the Judge’s last State docket day of the rotation, all newly filed Felony cases shall begin being assigned to the incoming State Docket Judge.
- C. Civil Infraction Cases – No Judge of Record will be assigned on state civil infractions paid within 10 days of issuance. If the fine is not paid within 10 days, the case will then be assigned to the Judge presiding over the State docket at the time of the assignment.
- D. Transitioning State Cases:
 - i. Misdemeanor Cases - At the end of each Judge’s State docket rotation, all State misdemeanor cases older than 45 days from the date of arraignment through the last day of the rotation, will remain with the outgoing Judge. All misdemeanor cases that have not reached 46 days from arraignment transfer to the incoming State Docket Judge.

- i. Exception: Cases less than 46 days from the date of arraignment will not transfer to the State Docket Judge if the Judge of Record issued a substantive ruling in the case (e.g., Motion to Dismiss, Motion to Suppress)
- ii. Felony Cases – Felony cases shall remain with the Judge originally assigned as the Judge of Record on the case. Such assignment is made at the time of arraignment.
 - i. Exception: Cases tolled due to Competency Examinations shall transfer to the Judge presiding over the State Docket at the time of the Competency Hearing.

II. Violation of Local Ordinance - Misdemeanor Cases:

- A. Misdemeanor ordinance violations are assigned to the Judge presiding over the Probation docket during the week the offense occurred. For purposes of this Order, “week” shall be defined as a seven-day period starting on Sunday and ending on Saturday.
- B. In the event the prosecution chooses to dismiss a misdemeanor charge prior to the disposition of the case in order to 1) enhance the charge (either as a high misdemeanor or as a felony) or 2) re-file as a violation under state statute, and the Judge of Record issued a substantive ruling in the case prior to dismissal, the case will be assigned to the Judge who was assigned the original misdemeanor.

III. Violation of Local Ordinance - Civil Infraction Cases:

- A. No Judge of Record will be assigned on Civil Infraction cases paid within 10 days of issuance.
- B. Civil Infraction cases not paid within 10 days are assigned to the Judge presiding over the Probation docket during the week the offense occurred.
- C. Appeals from Informal Hearings heard by a Judge shall be assigned to the alternate Judge. The Court Administrator shall keep a yearly log of cases appealed and the Judge to whom the appeal was assigned.

IV. General Civil Cases:

- A. Cases are assigned to the two Judges on a rotating basis. The first case filed on any given day is assigned to the Judge with that week’s Probation docket. The next case filed is assigned to the second Judge. The rotation will continue for all cases filed that day and starts over the next day with the Probation docket Judge. Judges rotate the Probation docket on a weekly basis.

- B. Exception – When the Plaintiff indicates on the complaint that the new case arises out of a previous case, or is a claim for monetary damages related to a previously filed summary proceeding, the Judge who handled the previous case is assigned to the new case.

V. Small Claims Cases:

- A. Cases are assigned to the two Judges on a rotating basis. The first case filed on any given day is assigned to the Judge with that week's Probation docket. The next case filed is assigned to the second Judge. The rotation continues for all cases filed that day and starts over the next day with the Probation docket Judge. Judges rotate the Probation docket on a weekly basis.

- i. Exception – When the Plaintiff indicates on the complaint that the new case arises out of a previous case, or is a claim for monetary damages related to a previously filed summary proceeding, the Judge who handled the previous case is assigned to the new case.

- B. For docket management and convenience of the parties, all cases filed by a plaintiff at one time shall be assigned to the same Judge.

VI. Landlord/Tenant Cases:

- A. Filed cases are assigned to the Judge not presiding over the State docket.

VII. Disqualification of Judge of Record:

- A. Disqualification cases shall be reassigned to the alternate Judge.
- B. The Court Administrator shall keep a yearly log of cases with disqualification orders filed and the Judge to whom the case was assigned.

VIII. Judge of Record:

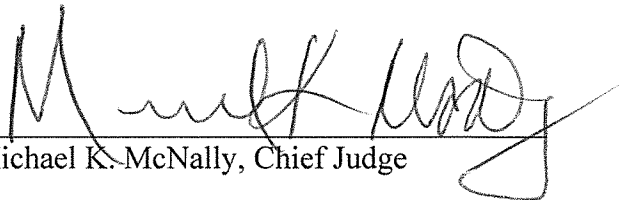
- A. The Judge of Record shall have the responsibility of handling all proceedings related to the case in the 33rd District Court.
- B. In the event of the unavailability of the Judge of Record, the other Judge of the Court may conduct any necessary proceeding, but the Judge of Record will retain responsibility for the case. However, if another Judge pronounces sentence, conducts a preliminary examination, or accepts a guilty plea without acquiring a defendant's waiver that they be sentenced by the Judge of Record, the matter will be reassigned to the Judge who conducted any of the foregoing.

IX. Sobriety Court:

A. Cases meeting the following criteria shall automatically be assigned to the Judge presiding over the Sobriety Court:

- i. The defendant is charged with a second or subsequent alcohol or drug-related driving offense within four years; and
- ii. The current charge meets one or more of the following criteria:
 - i. The defendant had a Blood Alcohol Content (“BAC”) of .20 or greater; or
 - ii. The defendant had a BAC of .15 or greater and was involved in an accident; or
 - iii. The defendant had a passenger under the age of 16; or
 - iv. The defendant had the presence of drugs.

B. For those cases where a defendant is not automatically assigned to the Judge presiding over the Sobriety Court, but is subsequently accepted into Sobriety Court, the case will be reassigned to the Judge presiding over the Sobriety Court at the time of acceptance.


Michael K. McNally, Chief Judge