
The Circuit Court

For
The Sixteenth Judicial Circuit of Michigan

Circuit Judges

RICHARD L. CARETTI, Chief Judge
JAMES M. BIERNAT, SR., Chief Judge, Pro Tempore
DONALD G. MILLER, Presiding, Civil/Criminal
ANTONIO P. VIVIANO, Presiding, Family
PETER J. MACERONI
MARY A. CHRZANOWSKI
MARK S. SWITALSKI
EDWARD A. SERVITTO, JR.
MATTHEW S. SWITALSKI
DIANE M. DRUZINSKI
TRACEY A. YOKICH
JOHN C. FOSTER
DAVID F. VIVIANO



Clerk of the Court
CARMELLA SABAUGH

KEITH R. BEASLEY
Court Administrator

STATE OF MICHIGAN

CIRCUIT COURT FOR THE COUNTY OF MACOMB

In re Assignment of Cases
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Administrative Order 2009-4

I. Family Division Cases

(A) Juvenile offenses, abuse and neglect, adoption, and parental consent cases, shall be filed at the North Rose facility and assigned by lot among the Family Division judges; except, if a domestic relations matter involving the same family is pending in the Family Division and is assigned to a judge, the new juvenile matter shall be assigned to that judge.

(B) All other new Family Division cases, including name changes, shall be filed at the North Main facility and shall be assigned by lot among the Family Division judges; except:

(1) If a juvenile case is pending involving the same family, the new Family Division matter shall be assigned to the judge assigned to the pending juvenile case;

(2) Personal protection order actions involving stalking, case suffix 'PH,' shall be assigned by blind draw to the judges of the Civil/Criminal Division who are assigned civil cases.

(C) "Family" for purposes of this order includes individuals who are related as husband or wife, parent, step-parent, guardian, child or sibling. An action may still be deemed to involve a "family" although an unrelated individual is involved as a complainant or a party.

II. Civil Cases

All new civil cases shall be assigned by lot among the Circuit judges who are not serving in the Family Division.

III. Criminal Cases

(A) Criminal cases shall be assigned by lot among the Circuit judges who are not serving in the Family Division; except:

(1) Extradition cases shall be assigned to the Chief Judge; and,

(2) Circuit Court cases of defendants determined to be eligible for a district court drug court shall be assigned to the Chief Judge upon bind-over. The district court drug court judge shall be assigned to assist with the docket and shall handle all further proceedings in such cases.

(B) If a juvenile or domestic relations matter is pending involving that same family or a new civil or criminal action arises from the relationship of parties involved in a juvenile or domestic relations matter, so far as is practical, the civil or criminal case shall be assigned to the Family Division judge assigned to the juvenile or domestic relations matter.

(C) The Assignment Clerk shall determine whether to assign a civil or criminal case to a Family Division judge under this section to further the concept of one judge/one family. In the event of a question as to whether a case should be so assigned under this section, the Family Division judge case who would receive the case shall be consulted and make the determination.

IV. Miscellaneous Matters

Miscellaneous matters, including, but not limited to, group proceedings for admission to the State Bar of Michigan, ex parte freeze orders, writs which are not related to a particular case, warrants prior to cases being bound over, petitions for a grand jury and show cause proceedings against jurors which are not related to a particular case shall be assigned to the Chief Judge. The Chief Judge shall notify the Bench of the filing of a petition for a grand jury. In addition:

A. ONE-PERSON GRAND JURY

If a petition for a one-person grand jury is granted, the judge who shall act as the grand juror shall be selected by blind draw from the judges assigned to the Criminal/Civil Division. Upon presentment of an indictment, a new judge shall be selected by blind draw from the remaining judges assigned to the Criminal/Civil Division, to preside over any subsequent trial proceedings.

B. CITIZENS GRAND JURY

(1) If a petition for a citizens' grand jury is granted, the Chief Judge shall direct the jury clerk to draw the names of a specified number of persons to appear for selection to serve as grand jurors. The Chief Judge shall preside over the selection of a number of the grand jurors as prescribed in MCL 767.11 and any alternates the Chief Judge deems appropriate.

(2) Upon presentment of one or more indictments by the grand jury, assignment of the indictments shall be conducted by blind draw from the judges assigned to the Civil/Criminal Division.

V. Repeal of Local Administrative Order 2006-1

Local Administrative Order 2006-1 is REPEALED.

VI. Effective Date

This order shall take effect on approval by the State Court Administrative Office.

Richard L. Caretti,
Chief Judge

Dated: December 8, 2009

Approved by SCAO on: