

Washtenaw County Trial Court Media Guide

2022

Dear Media Member:

We have compiled this Media Guide as part of our ongoing effort to enhance the cooperative relationship between the Washtenaw County Trial Court and the members of the various media sources who cover court-related events. We hope the information in this document will prove useful to you in your pursuit of information/stories about or involving the Trial Court (22nd Circuit Court, Probate Court, Juvenile Division and Friend of the Court)

Steve Matthews
Trial Court Administrator

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Contacts List

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Hon. Archie C. Brown *Tracy Feeman	Circuit Court Judge Judicial Coordinator	(734) 222-3376
Hon. Patrick J. Conlin, Jr. *Katherine Streeter	Circuit Court Judge Judicial Coordinator	(734) 222-3399
Hon. Timothy P. Connors *Sherry Fire	Circuit Court Judge Judicial Coordinator	(734) 222-3361
Hon. Carol Kuhnke *Betty Jo Beeding	Chief Circuit Court Judge Judicial Coordinator	(734) 222-3386
Hon. Darlene O'Brien *Roxanne Angelocci	Probate Court Judge Judicial Coordinator	(734) 222-3006
Hon. Julia Owdziej *Lucile Kirk-Malcom	Probate Court Judge Judicial Coordinator	(734) 222-3351
Hon. Tracy Van den Bergh *Kanisha Thomas	Circuit Court Judge Judicial Coordinator	(734) 222-6916
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Overview

The Vision of the Washtenaw County Trial Court: *To create a single trial court united in purpose, with assignment by division, coordinated judicially and administratively to provide fair and efficient justice of the highest quality.*

The Washtenaw County Trial Court consists of the 22nd Circuit Court, (Civil/Criminal Division, Juvenile Division and the Family Division), the Friend of the Court and the Washtenaw County Probate Court.

Washtenaw County Trial Court Civil/Criminal Division (public hours 8:00am – 4:30pm)

The Civil/Criminal Division of the Washtenaw County Trial Court has jurisdiction over all civil filings in Washtenaw County over \$25,000, all civil appeals from administrative agencies, and all felony criminal cases. Five judges are assigned to the division: Judge Archie C. Brown, Judge Timothy P. Connors, Chief Judge Carol Kuhnke, Judge Darlene O'Brien and Judge Patrick Conlin.

Washtenaw County Trial Court Family Division (public hours 8:00 am – 4:30 pm)

The Family Division of the Washtenaw County Trial Court has jurisdiction over domestic relations cases as well as Personal Protection Orders. The judges sitting in the Family Division are Judge Julia Owdziej, Judge Tracy Van den Bergh, Judge Timothy P. Connors, and Judge Darlene A. O'Brien.

Juvenile Division (public hours 8:00 am – 4:30 pm)

The Juvenile Division of the Washtenaw County Trial Court has jurisdiction over delinquency, neglect & abuse and parental consent bypass cases. The judges sitting in the Juvenile Division are Judge Julia Owdziej, Chief Judge Carol Kuhnke and Judge Darlene A. O'Brien.

1. Delinquency: Family Court Proceedings (Criminal Code Offenses, Status Offenses); Criminal Court Proceedings (Waiver).
2. Child Protective Proceedings (child abuse and neglect and religious-based denial of medical care for a child)
3. Parental Consent Bypass

Probate Court (public hours 8:00 am – 4:30 pm)

The Probate Court has jurisdiction over cases involving decedents' estates, mental health commitments, guardianships, and conservatorships, as well as adoptions. The judge sitting in the Probate Court is Judge Julia Owdziej.

Friend of the Court (public hours 8:00 am – 4:30 pm)

The Friend of the Court office has the following duties:

1. Investigating and making custody, parenting time and child support recommendations in domestic relations cases.
2. Offering mediation as an optional way of settling disagreements over custody or parenting time.
3. Collecting, recording and sending out all support payments as ordered by the court.
4. Providing enforcement services on all custody, parenting time and support orders entered by the court.

Washtenaw County Court Clerk – Court Services (public hours 8:00 am – 4:30 pm)

Court Services of the Washtenaw County Trial Court is the keeper of all records for the 22nd Circuit Court as well as the Probate Court. Cases that are filed in the Trial Court include civil cases with damages over \$25,000, felony criminal filings, domestic filings, juvenile division filings and Probate Court filings.

Washtenaw County Trial Court Location

The Washtenaw County Courthouse

101 E. Huron St., P.O. Box 8645, Ann Arbor, MI 48107-8645
phone: (734) 222-3270 fax: (734) 222-3077

Location: On the corner of Huron Street and Main Street in downtown Ann Arbor, the County Courthouse houses the **22nd Circuit Court**, the **Washtenaw County Probate Court**, the **Friend of the Court**, the **Clerk of the Court (Court Services)** and the **Juvenile Division**.

Directions: From I-94, take Exit 175, Ann Arbor-Saline Road. Go north on Ann Arbor-Saline Road (it eventually turns into Main Street) and follow it all the way into downtown Ann Arbor (approximately 3 miles). As you proceed north, Huron Street intersects with Main Street after Washington Street. The courthouse is located at the corner of Huron Street and Main Street.

From M-14, take Exit 3, Main Street, Ann Arbor. Go south on Main Street into downtown Ann Arbor (approximately 1 mile). As you proceed south, Huron Street intersects with Main Street after Ann Street.

Parking: There is metered, street parking throughout the downtown area. There is a parking structure across Main Street from the northwest corner of the Courthouse on Ann Street between Main Street and Ashley Street.

Appendix 1

<p><i>WASHTENAW COUNTY TRIAL COURT</i></p> <p>POLICY/PROCEDURE</p>	<p>EFFECTIVE DATE:</p> <p>05/05/2019</p>	<p>PAGE:</p> <p>1 of 2</p>
<p>SUBJECT: Media Coverage Administrative Responsibilities and Issues Policy #: 5.2.03</p>	<p>SUPERSEDES:</p> <p>N/A</p>	<p>UNIT</p> <p>Administration</p>

- I. **Purpose:** To enhance the cooperative relationship between the Washtenaw County Trial Court and the members of the various media sources who cover court-related events.

- II. **Definitions:** “media” or “media agency” means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, professional journal, or other news reporting or news gathering agency.

- III. **Policy/Procedure:**

SECTION 1: Rules Governing Procedures:

- A. Film or electronic media coverage shall be permitted in court proceedings upon written request per **Supreme Court Administrative Order 1989-1**(Appendix 2).
- B. Requests by representatives of the media for such coverage shall be made in writing on the Washtenaw County Trial Court Media Form (Appendix 3) or on the State Court Administrative Office approved form MC-27, Request and Notice for Film and Electronic Media Coverage of Court Proceedings, to the Court Administrator’s office not less than three (3) business days in advance of the time the proceeding is scheduled to begin.
- C. The Trial Court Administrator shall present the original request to the assigned judge for review, and will provide notice to the parties upon approval of the media request.
- D. The judge has sole discretion to exclude, terminate, suspend or limit film or electronic media coverage. He/she may do so at any time upon a finding, made and articulated on the record in the exercise of discretion that fair administration of justice requires such action, or that rules established under this order or additional rules imposed by the judge have been violated. The judge has sole discretion to exclude coverage of certain witnesses.
- E. The Trial Court Administrator/Media Liaison shall notify the attorneys of record or parties, if unrepresented, that a request for media coverage has been received and approved by the assigned judge.
- F. Any objection to a judge’s decision to permit media coverage must be made on the record.

- G. Once the attorneys/parties have been notified, the original Media Request form shall be signed and dated by the Trial Court Administrator and submitted to the County Clerk's Office, Court Services Division.

SECTION 2. Rules Governing Equipment and Behavior of the Media:

- A. In all courtrooms, only one (1) videotape or television camera shall be permitted unless specific approval is granted by the assigned judge. Arranging for the pooling of resources is the responsibility of the media members requesting access. The first request submitted shall have priority if pooling arrangements cannot be arranged. Requests for pooling should be made to the Court Administrator's office (note: see Administrative Order 1989-1 (4) (d).
- B. No media personnel shall be permitted inside the litigation arena. All equipment, with the exception of wireless microphones, must be positioned in the rear of the courtroom prior to the beginning of the proceeding, or other alternative location as approved by the presiding judge. No lighting or flash devices will be permitted. (note: see Administrative Order 1989-1 (6) (a) & (b)
- C. Wireless microphones in the litigation area shall be limited to one at the center podium and one at the witness stand. No microphones shall be permitted at the attorney tables or at the bench.
- D. All other rules outlined in the Supreme Court Administrative Order 1989-1 shall be enforced by the Washtenaw County Trial Court. (Appendix 2)

IV. **Forms Used:** Media Request Form

Supreme Court Administrator's Office form MC - 27

Appendix 2

ADMINISTRATIVE ORDER NO.1989-1

[as amended effective January 1, 2013]

Film or Electronic Media Coverage of Court Proceedings

The following guidelines shall apply to film or electronic media coverage of proceedings in Michigan courts:

1. Definitions.

(a) "Film or electronic media coverage" means any recording or broadcasting of court proceedings by the media using television, radio, photographic, or recording equipment.

(b) "Media" or "media agency" means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, professional journal, or other news reporting or news gathering agency.

(c) "Judge" means the judge presiding over a proceeding in the trial court, the presiding judge of a panel in the Court of Appeals, or the Chief Justice of the Supreme Court.

2. Limitations.

(a) In the trial courts.

(i) Film or electronic media coverage shall be allowed upon request in all court proceedings. Requests by representatives of media agencies for such coverage must be made in writing to the clerk of the particular court not less than three business days before the proceeding is scheduled to begin.

A judge has the discretion to honor a request that does not comply with the requirements of this subsection. The court shall provide that the parties be notified of a request for film or electronic media coverage.

(ii) A judge may terminate, suspend, limit, or exclude film or electronic media coverage at any time upon a finding, made and articulated on the record in the exercise of discretion, that the fair administration of justice requires such action, or that rules established under this order or additional rules imposed by the judge have been violated. The judge has sole discretion to exclude coverage of certain witnesses, including but not limited to the victims of sex crimes and their families, police informants, undercover agents and relocated witnesses.

(iii) Film or electronic media coverage of the jurors or the jury selection process shall not be permitted.

(iv) A trial judge's decision to terminate, suspend, limit, or exclude film or electronic media coverage is not appealable, by right or by leave.

(b) In the Court of Appeals and the Supreme Court.

(i) Film or electronic media coverage shall be allowed upon request in all court proceedings except for good cause as determined under MCR 8.116(D)(1). Requests by representatives of media agencies for such coverage must be made in writing to the clerk of the particular court not less than three business days before the proceeding is scheduled to begin. A judge has the discretion to honor a request that does not comply with the

requirements of this subsection. The court shall provide that the parties be notified of a request for film or electronic media coverage.

(ii) A judge may terminate, suspend, limit, or exclude film or electronic media coverage at any time upon a finding, made and articulated on the record, that good cause requires such action or that rules established under this order or additional rules imposed by the judge have been violated. If a court makes such a finding, it must issue an order that states with particularity the reasons for termination, suspension, limitation, or exclusion of film or electronic media coverage.

(iii) If a judge of the Court of Appeals terminates, suspends, limits, or excludes film or electronic media coverage, the person who requested permission to film or otherwise provide for electronic media coverage may appeal that decision to the Chief Judge of the Court of Appeals. If the Chief Judge affirms the judge's decision, the requester may appeal by leave to the Supreme Court.

3. Judicial Authority. Nothing in these guidelines shall be construed as altering the authority of the Chief Justice, the Chief Judge of the Court of Appeals, trial court chief judges, or trial judges to control proceedings in their courtrooms, and to ensure decorum and prevent distractions and to ensure the fair administration of justice in the pending cause.

4. Equipment and Personnel. Unless the judge orders otherwise, the following rules apply:

(a) Not more than two videotape or television cameras, operated by not more than

one person each, shall be permitted in any courtroom.

(b) Not more than two still photographers, utilizing not more than two still cameras each with not more than two lenses for each camera, and related necessary equipment, shall be permitted in any courtroom.

(c) Not more than one audio system for radio and/or television recording purposes shall be permitted in any courtroom. If such an audio system is permanently in place in the courtroom, pickup shall be made from that system; if it is not, microphones and wires shall be placed as unobtrusively as possible.

(d) Media agency representatives shall make their own pooling arrangements without calling upon the court to mediate any dispute relating to those arrangements. In the absence of media agency agreement on procedures, personnel, and equipment, the judge shall not permit the use of film or electronic media coverage.

5. Sound and Light Criteria.

(a) Only television, photographic, and audio equipment which does not produce distracting sound or light shall be utilized to cover judicial proceedings. Courtroom lighting shall be supplemented only if the judge grants permission.

(b) Only still camera equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. No artificial lighting device of any kind shall be employed with a still camera.

(c) Media agency personnel must demonstrate in advance, to the satisfaction of

the judge, that the equipment proposed for utilization will not detract from the proceedings.

6. Location of Equipment and Personnel.

(a) Television camera equipment and attendant personnel shall be positioned in such locations in the courtroom as shall be designated by the judge. Audio and video tape recording and amplification equipment which is not a component of a camera or microphone shall be located in a designated area remote from the courtroom.

(b) Still camera photographers shall be positioned in such locations in the courtroom as shall be designated by the judge. Still camera photographers shall assume fixed positions within the designated areas and shall not move about in any way that would detract from the proceedings.

(c) Photographic or audio equipment may be placed in, moved about in, or removed from, the courtroom only during a recess. Camera film and lenses may be changed in the courtroom only during a recess.

(d) Representatives of the media agencies are invited to submit suggested equipment positions to the judge for consideration.

7. Conferences. There shall be no audio pickup, broadcast or video close-up of conferences between an attorney and client, between co-counsel, between counsel and the judge held at the bench at trial, or between judges in an appellate proceeding.

8. Conduct of Media Agency Personnel. Persons assigned by media agencies to operate within the courtroom shall dress and deport themselves in ways that will not detract from the proceedings.

9. Nonexclusivity. These guidelines shall not preclude coverage of any judicial proceeding by news reporters or other persons who are employing more traditional means, such as taking notes or drawing pictures.

APPENDIX 3

State of Michigan Washtenaw County Trial Court 22 nd Circuit, Probate and Juvenile Court 101 E. Huron St. Ann Arbor, Michigan 48104 Fax: 734.222.3077 Phone: 734.222.3270 Email: lc-admin@washtenaw.org	REQUEST, NOTICE & ORDER FOR FILM & ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS	Case Number: _____
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Plaintiff(s)/Petitioner(s): <input type="checkbox"/> People of the State of Michigan <input type="checkbox"/> _____	-V-	Defendant(s)/Respondent(s): _____
Attorney name, Bar no., address, phone no. & email address, or plaintiff/petitioner address, phone no. & email address if not represented by legal counsel.		Attorney name, Bar no., address, phone no. & email address, or defendant/respondent address, phone no. & email address if not represented by legal counsel.

Case Type: Civil Criminal Probate Proceeding Date/Time: _____ a.m./p.m. on _____, 20__

Request

I request permission to record broadcast photograph courtroom proceedings in this case for _____ person(s) using the following equipment: _____

(Requestor signature) _____	(Request Date) _____
(Requestor name, typed/printed) _____	(Requestor phone) _____
(Organization) _____	(Requestor email) _____

Notice to Parties/Attorneys

A request to allow film or electronic media coverage of the above-noted case has been filed. Supreme Court Administrative Order 1999-1 requires that the request be honored unless the judge exercises discretion to terminate, suspend, limit or exclude the coverage.

I certify that on this date, I provided notice of this request to the parties or their attorneys indicated above via the following:
 personal service by ordinary mail by telephone by email.

(Date) _____ (Court Administrator) _____

Order

IT IS ORDERED: this request for film or electronic media coverage of courtroom proceedings in this case is:

<input type="checkbox"/> granted, subject to the following conditions: <input type="checkbox"/> no equipment setup/teardown during proceedings <input type="checkbox"/> no photography during testimony <input type="checkbox"/> videographer/photographer to remain within defined area of courtroom <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____	<input type="checkbox"/> denied, for the following reason(s): _____ _____ _____
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(Date) _____ (Judge) _____ (Bar No.) _____

(Rev 03/20)

Appendix 4

<p><i>WASHTENAW COUNTY TRIAL COURT</i></p> <p style="text-align: center;">POLICY/PROCEDURE</p>	<p>EFFECTIVE DATE: 3/25/ 2015</p>	<p>PAGE: 1 of 1</p>
<p>SUBJECT: Requests for Information Policy VI: 5.2-01</p>	<p>SUPERSEDES: Orig Date: 01-08-81 Rev. Date: 05-05-05/</p>	<p>UNIT: Administration</p>

I. Purpose: To provide an efficient, uniform method of submitting and reviewing requests for reports or compiled information from the Trial Court.

III. Policy/Procedure:

Requests for reports or compiled information by outside services, agencies, or departments are to be made directly to Trial Court Administration for the purpose of;

- (a) lessening the burden on the judges and staff,
- (b) providing a screening and prioritizing mechanism, and
- (c) determining whether it will impinge on court processes.

IV. Forms Used: None

Appendix 5

<p><i>WASHTENAW COUNTY TRIAL COURT</i></p> <p>POLICY/PROCEDURE</p>	EFFECTIVE DATE:	PAGE:
	05/07/12	1 of 1
<p>SUBJECT: Public Information Program</p> <p>Policy #: 5.2.02</p>	<p>SUPERSEDES:</p> <p>Orig. date: 08-01-85</p> <p>Rev. Date: 05-05-05/</p>	<p>UNIT:</p> <p style="text-align: center;">Administration</p>

I. Purpose: To provide uniform, accurate information about Trial Court activities.

II. Definitions:

. Policy/Procedure:

- A. The release of information to the public/media should be coordinated through the Trial Court Administrator’s office. **Court staff cannot make statements to the media unless authorization has been provided by the Chief Judge or Trial Court Administrator.** Written releases should be pre-approved by the Chief Judge or Trial Court Administrator.

- B. Each Judge, Judicial Secretary, or other court employee who has knowledge of matters of public interest should notify the Court Administrator so that the appropriate news release(s) can be issued. Such items would include but not be limited to:
 - 1. Court of Appeals and Supreme Court decisions affirming or overturning judges of this court.
 - 2. Opinions issued by judges of the court on high visibility or newsworthy cases.
 - 3. Personal/professional items regarding judges, e.g. election to judges’ association posts, honors received significant anniversaries on the bench, etc.
 - 4. All other matters of general interest.

- C. The Trial Court Administrator, in consultation with the Chief Judge, shall coordinate the Court’s community relations/education efforts. These efforts shall include, but not be limited to, working with area schools to inform and educate on the Court’s role in the community, and preparing and distributing the Court’s annual report.

The Court shall not release case specific juror lists to the media absent an Order from the assigned judge. Members of the media are welcome to attend court during voir dire.

Appendix 6

<p><i>WASHTENAW COUNTY TRIAL COURT</i></p> <p>POLICY/PROCEDURE</p>	EFFECTIVE DATE:	PAGE:
	05/07/12	1 of 1
<p>SUBJECT: Release of Court Caseload Information Policy #: 5.2.05</p>	<p>SUPERSEDES:</p> <p>Orig. date: 06-21-93 Rev. date: 05-05-05</p>	<p>UNIT:</p> <p style="text-align: center;">Administration</p>

I. Purpose: To clearly define what caseload information must be released to the public. **III.**

Policy/Procedure:

Court caseload information prepared for the State Court Administrative Office or for the Court’s Annual Report is public information.

- A. The Trial Court Administrator’s office shall release any caseload report prepared for the State Court Administrative Office to anyone upon request.
- B. Any other request for caseload information shall be approved by the Chief Judge, prior to its preparation and release.

V. Forms Used: None

Appendix 7

WASHTENAW COUNTY TRIAL COURT POLICY/PROCEDURE	EFFECTIVE DATE: 05/07/12	PAGE: 1 of 1
	SUPERSEDES: Orig. date: 01-08-92 Rev. date: 08-28-11	UNIT: Administration
SUBJECT: Sealing of Court Records Policy #: 2.2.08		

I. Purpose: To identify and follow a procedure for the sealing of court records consistent with applicable state law.

II. Definitions:

III. Policy/Procedure:

Court records in the Washtenaw County Trial Court shall be sealed in accordance with Michigan Court Rules and the applicable [Case File management Standards](#). The following policy applies to any order sealing or suppressing a record entered after January 1, 1992 and governs practice and procedures not addressed in the Court Rule.

1. A court record is sealed only upon written order of the court. If a petition or motion to seal a record is filed, the record is not sealed until an order is issued.
2. If an order sealing a court record is entered, a copy shall be forwarded to the Trial Court Administrator for filing with the Clerk of the Supreme Court and the State Court Administrative Office. A copy shall also be forwarded to the Chief Judge.
3. When an order sealing a record is entered, the case shall continue to be listed on the hard copy index. It will also be available to the public in the on-line case processing system for inquiry into case number only.
4. Whenever a case, in which the record has been ordered sealed, is scheduled for any court event, the case caption shall be printed on the calendar.

V. Forms Used: None

Appendix 8

CONCURRENT JURISDICTION PLAN OF TRIAL COURTS IN WASHTENAW COUNTY

PLAN DESCRIPTION

The Circuit, Probate, and District judges, subject to the approval by the Supreme Court and to certain other limitations as defined in the act and described in these requirements, by a majority vote of each group of judges, adopt a plan of concurrent jurisdiction for the participating trial courts. The plan of concurrent jurisdiction provides for:

- a. The 22nd Circuit Court and its judges may exercise the power and jurisdiction of the Probate Court.
- b. The Probate Court and its judges may exercise the power and jurisdiction of the 22nd Circuit Court.
- c. The 15th, 14A and 14B District Courts and their judges may exercise the power and jurisdiction of the 22nd Circuit Court as follows:
 1. Conducting arraignments in criminal cases cognizable in the Circuit Court.
 2. Accepting pleas in criminal cases cognizable in the Circuit Court with the consent of the defendant, defense attorney and prosecutor.
 3. The 14B District Court Chief Judge may consent to and exercise the discretion of the 22nd Circuit Court for the purpose of conducting driver's license restoration hearings.
- d. The 15th, 14A and 14B District Court and its Judges and Magistrates may exercise the power and jurisdiction of each other's Court, throughout Washtenaw County, as permitted by statute and this plan.
- e. This plan of concurrent jurisdiction adopted under 2002 PA 678 does not include delegation (MCLA 600.410) of any of the following:
 1. A power of appointment to a public office delegated by law to the circuit court or a circuit judge
 2. A power of appointment to a public office delegated by law to the probate court or a probate judge
 3. A power of appointment to a public office delegated by law to the district court or a district judge.
- f. [MCLA 600.841 (2)(a)] The circuit court shall have exclusive original jurisdiction over appeals from the district court and from administrative agencies as authorized by law.
- g. [MCLA 600.841 92)(b)] The circuit shall have exclusive original jurisdiction and power to issue, hear and determine prerogative and remedial writs consistent with Section 13 of Article VI of the State constitution of 1963.
- h. [MCLA 600.841(2)(d)] The district courts shall have exclusive original jurisdiction over small claims and civil infractions.
- i. [MCLA 600.8304(d)] The probate court shall have exclusive original jurisdiction over trusts and estates.

CERTIFICATION OF PLAN APPROVAL

This plan for concurrent jurisdiction is adopted by a majority vote of each group of judges of the 22nd Circuit Court, the Probate Court, and the 15th, 14A and 14B District Courts located in Washtenaw County.

The adoption of this plan is evidenced by the signature of each Chief Judge in Attachment A of this Plan.

PROPOSED JUDICIAL RESOURCE ALLOCATION & ADMINISTRATION

2. Concurrent Jurisdiction Plan Goals

This plan continues the successful case flow management and system process improvements implemented under the Washtenaw County Trial Court Demonstration Project.

Benefits of this plan, as proven through the implementation of the Washtenaw County Trial Court Demonstration Project, include:

- a. The prompt and just disposition of matters brought before the Court.
- b. The efficient and effective operation of the County justice system, including, but not limited to:
 1. improved caseflow management;
 2. reduced jail bed days;
 3. reduced prisoner transport costs; and
 4. improved access and service to justice system stakeholders and customers of the Court.

Plan goals include:

- a. Maintain a county-wide centralized preliminary examination system within Washtenaw County, regardless of jurisdiction and geographic boundaries, including arraignments and acceptance of pleas in criminal cases cognizable in the Circuit Court
- b. Provide for the shared jurisdiction and cross-assignment of all District Court Judges in Washtenaw County.
- c. Provide for the shared jurisdiction and cross-assignment of all Magistrates in Washtenaw County.
- d. Provide for the merger of the Probate and Circuit Courts into the Family Division.
- e. Provide all District Court Judges the power and authority to conduct marriage ceremonies anywhere in Washtenaw County.
- f. Provide all District Court Magistrates the power and authority to sign search warrants anywhere within Washtenaw County.
- g. Provide the 14B Chief Judge the power and authority to conduct Driver's License Restoration hearings.

Judicial Resources

ASSIGNMENT OF CASES:

Circuit Division

- a. Criminal cases will be assigned by lot among circuit judges
- b. Civil cases will be assigned by lot among the circuit judges
- c. Other cases will be assigned by lot among the circuit judges

Family Court

- a. Domestic relations cases shall be assigned as outlined in the Washtenaw County Family Division Plan.
- b. Juvenile cases shall be assigned to the family division judges as outlined in the Washtenaw County Family Division Plan.
- c. Personal Protection Orders shall be assigned in compliance with the Case Assignment Local Administrative Order (LAO).

Probate Court

- a. Probate cases shall be assigned as outlined in the Washtenaw County Family Division Plan.

District Court

- a. Each District Court, 14A, 14B and 15th, will manage its case assignments as set forth by its respective Chief Judge.

REASSIGNMENT OF CASES:

Assist with Docket

- a. Judges of each bench may cover for each other as necessary and possible, within jurisdictional limitations as set forth within this plan and with the consent of the judge whose assistance is requested.

Disqualification

Family Court

- a. Upon disqualification of a family division judge of this court from a family law case, reassignment shall be limited to the other family division judges of the bench.
- b. In the event no family division judge is able to hear a case in this category, the case will be directed to the Circuit Court Chief Judge for reassignment to any judge of the bench able to adjudicate the case.
- c. All other Disqualification cases – The Central Assignment Office will assign the case, by lot, to another circuit/probate judge.

- d. In consideration of administrative responsibility, the Chief Judge of the 22nd Circuit Court will be included in the selection of successor judges in disqualification cases at a reduced rate.

Circuit Court

- a. Upon disqualification of a circuit judge of this court from a case, reassignment shall be limited to the other circuit judges of the bench.
- b. In the event no circuit judge is able to hear the case, it will be directed to the Circuit Court Chief Judge for reassignment to any judge of the bench able to adjudicate the case.
- c. All other Disqualification cases – The Central Assignment Office will assign the case, by lot, to another circuit judge.
- d. In consideration of administrative responsibility, the Chief Judge of the 22nd Circuit Court will be included in the selection of successor judges in disqualification cases at a reduced rate.

District Court

- a. Upon disqualification of a District Court judge for the 14A, 14B or 15th District Courts, reassignment of that case will be made to another Judge within that District.
- b. Should other judges within the District also disqualify themselves or be otherwise unavailable, reassignment of the case will be made to a Judge in one of the other two (2) Districts within Washtenaw County in the following order: 14A District Court to 14B District Court, 14B District Court to 15th District Court, and 15th District Court to 14A District Court.

RECORD OF REASSIGNMENT:

The Clerk of each respective Court shall make appropriate computer and case file entries of cases reassigned to include:

- a. Copy of reassignment order.
- b. Name of reassigned judge.
- c. Date of reassignment.

AUTHORITY TO REASSIGN WORKLOAD

The authority to reassign workload and facilitate the implementation of this plan resides with the Chief Judge of each respective Court.

FAMILY COURT PLAN

This plan for concurrent jurisdiction includes a Family Court Plan as provided in Chapter 10 of the Revised Judicature Act. The Family Court Plan is attached as Local Administrative Order 2003 -06D.

Court Governance

A primary outcome of this plan is to institutionalize the system and process improvements successfully implemented through the Washtenaw County Trail Court Demonstration Project.

To accomplish this outcome, the courts governed by this plan establish a Judicial Council comprised of the Chief Judge and Administrator of each of the five (5) courts and the Presiding Judge of Civil/Criminal. The Judicial Council has the responsibility to implement and manage the processes established in this concurrent jurisdiction plan. The Judges are voting members. The Administrators are advisory and non-voting.

The Judicial Council will meet on a quarterly basis, or as needed. Records of Council meetings and actions will be taken, maintained and distributed by the Court Administrator of the Circuit Court.

In summary, the plan:

- a. Establishes a Council to oversee court planning, implementation, management and external relations, as they relate to this concurrent jurisdiction plan.
- b. Vests management authority with the Chief Judge of each Court, in accordance with MCR 8.110.
- c. And, identifies judicial jurisdiction and authority, administrative authority and control, and financial authority and control within its relevant sections.

Together, these steps provide a simple and effective architecture for planning, management and decision making.

4. Administrative Structure

An organizational chart of Washtenaw County Courts is attached. Administrative responsibilities of this plan are articulated throughout this document.

Each Court may employ a Court Administrator who will be responsible to and report to the Chief Judge of the Court for which he/she is employed in accordance with MCR 8.110.

5. Human Resources

EMPLOYMENT STATUS

No changes are anticipated as a result of this plan.

AUTHORITY AND RESPONSIBILITY

The Chief Judge of the Circuit Court is responsible for personnel matters for the 22nd Circuit Court, Friend of the Court, Juvenile Center, Central Assignment and Community Corrections.

The Chief Judge of the Probate Court is responsible for personnel matters for the Probate Court. The Circuit Court Administrator is delegated the responsibility for all of those divisions via the Family Court Plan.

The 14A, 14B and 15th District Court Chief Judges are responsible for all personnel matters for their respective courts.

6. Budget and Fiscal Management

The 15th and 14B District Courts are independently responsible for the preparation and management of their budgets. County funded Courts collaborate in the development and management of their respective budgets.

There are no planned changes to collection or revenue allocation or additional costs associated with the implementation of this plan.

7. Records Management

There are no planned changes to records management, access, maintenance or storage.

The Washtenaw County Service Center, located in Pittsfield Township, is the central repository for all initial filings of felony cases. Files are transferred to the County Clerk's office in the downtown courthouse after initial proceedings are concluded, or transferred to the District Court of originating jurisdiction if only misdemeanor charges remain.

Prior to bind over, bond reduction motions and other pleadings in felony proceedings may be filed at the central preliminary examination site (located at the County Service Center) to support the efficiencies gained in this process.

8. Information Systems

All Courts in Washtenaw County share the eNACT (formerly known as FULCRUM) case processing system. The system is managed by the Circuit Court Systems Manager and a management analyst, who are members of the Circuit Court Administrator's office.

The Circuit Court Systems Manager and Management Analyst will respond to requests for assistance from all courts in a timely manner.

Any substantial upgrades to eNACT or changes in the case processing or management information systems will be paid pro rata by each Court, based upon the number of judicial officers employed in that Court.

9. Facilities and Infrastructure

Facility, infrastructure and security are significant impediments for all court operations in Washtenaw County including, but not limited to the centralized preliminary examination system.

10. Jury Management

No changes proposed.

11. Planning Process / External Relations

The Judicial Council serves as the planning and external relations body, as it relates to this concurrent jurisdiction plan, for the participating courts.

12. Training

The plan formalizes system and process improvements successfully implemented through the Washtenaw County Trial Court Demonstration Project. Judicial and support staff will continue to work collaboratively to identify professional development needs as they may occur.

APPENDIX 9

State of Michigan
Washtenaw County
Trial Court

Local Administrative Order
C22 2020-10J
P81 2020-11J

Washtenaw County Trial Court Access, Inspection, Reproduction and Creation of Court Records

Effective Date: August 10, 2020

This administrative order rescinds and replaces Washtenaw County Trial Court Local Administrative Order C22 2020-02J & P81 2020-02J "Access, Inspection, Reproduction, and Creation of Court Records" and Washtenaw County Trial Court Local Administrative Order C22 2020-04J & P81 2020-05J "Use of Cell Phones and Other Portable Electronic Devices."

ACCESS, INSPECTION, REPRODUCTION AND CREATION OF COURT RECORDS

IT IS ORDERED:

This administrative order is issued in accordance with Michigan Court Rules 8.119(H) and 8.110(C)(8). The purpose of this order is to regulate requests for access, inspection, and reproduction of public court case records and to allow flexibility in providing approved court forms or creating new case records.

The clerk may not permit any case record to be taken from the court without the order of the court. The court may provide access to the public information in a register of actions through a publicly accessible website; however, all other public information in its case records may be provided through electronic means only upon request.

1. Court records addressed by this administrative order include:
 - a) Records kept by the Clerk of the Court. This includes case files, registers of action, numerical and alphabetical indexes, and calendars. MCR 8.119(D).
 - b) Court Recordings, Log Notes, Jury Seating Charts, and Other Media. This includes video/audio/digital court recordings, notes, tapes, logs, backup tapes, discs, and any other medium used or created in the making of a record of proceedings and kept pursuant to MCR 8.108. MCR 8.119(F).
2. Procedures for accessing, inspecting, and reproducing nonpublic information and records are set forth in Component 19 of the Michigan Trial Court Case File Management Standards, chart of Nonpublic and Limited-Access Court Records, Michigan Court Rule 3.218 for Friend of the Court records, and Administrative Order 2006-2, Privacy Policy and Access to Records.
3. A list of court records, including those defined in MCR 8.119(E), that are not subject to public access and inspection is contained in the chart of Nonpublic and Limited-Access Court Records.
4. Court records are not subject to Freedom of Information Act requests. MCL 15.232(h)(iv) specifically exempts the judiciary from the Freedom of Information Act.

5. In accordance with MCR 8.110(C)(8), the court's policy is that forms will only be available to the public when required to be provided by Michigan statute and/or Michigan Court Rules; or when the form has been developed by the court.
 - a) There is no fee for forms required to be provided by the court.
 - b) There will be no charge for forms prepared by the court.
 - c) The circuit court or clerk of the court may not charge a fee for pro se forms for personal protection proceedings or motion forms for criminal post appeal relief. MCL 600.2950, 600.2950a, MCR 6.502(C) (15).
 - d) Persons requesting State Court Administrative Office (SCAO) approved forms will be directed to the SCAO website <http://courts.mi.gov>, where SCAO forms are available at no cost. Persons requiring SCAO court forms while at the courthouse will be informed of the availability of a computer and personal printer within the law library (first floor of courthouse), managed by the Washtenaw County Bar Association. A fee is charged by the Bar Association for use of the printer.
6. Any person may access and inspect, at no charge, any case record or information contained in those records, regardless of means of access and record format, unless access is restricted by statute, court rule, or a court order entered pursuant to MCR 8.119(I), and may make photographic copies in accordance with MCR 8.115(C)(5)(a) or obtain copies subject to the following regulations established in accordance with MCR 8.119(J).
 - a) General
 - i) All requests to access and inspect case records identified in this administrative order and/or for copies of those records must be made by completing the Washtenaw Trial Court Record/Copy Request Form.
 - ii) Persons who do not have a complete case number or party names may review available case indexes to identify and select specific cases for inspection. Said indexes are available through public access terminals at the courthouse or by research completed through the court's website: (<https://tcweb.ewashtenaw.org/PublicAccess/default.aspx>).
 - iii) Public case records from January 1, 2013 through the present are available for inspection at the Washtenaw County Courthouse's public kiosks via digital document attachments to the case files. In addition, a large volume of records from prior to 2013 have been back-scanned into our system. Please check the kiosk first before submitting a request to the records department.
 - iv) All case records that have not yet been scanned shall be reviewed at the public viewing room unless, in the discretion of court supervisory personnel, approval is granted to review records in the clerk's office based on available space, the type and number of records to be reviewed, and the length of time necessary to review them.
 - v) Ensuring the right of immediate access to and public inspection of court records shall be a top priority, but may be limited by the availability of court staff to supervise the inspection.

b) Access

- i) Except for online public case indexes and registers of case action, requests for access and inspection to no more than five (5) specific case files will be accommodated within one hour (1 hr.) unless the files are not in the active file area. Requests for specific case records in storage will be accommodated within a maximum of ten (10) business days.
 - ii) Requests for access and inspection to more than five (5) specific case files will be accommodated within a reasonable amount of time, depending on the total number of case files requested and the availability of court staff.
 - iii) Case information requests from other courts that lack specific case numbers or party names will be researched by this court, although courts will be informed of the availability of case information at the court's website. Requested information will be provided at no charge.
 - iv) Requests to perform criminal record checks that do not have specific case numbers or party names will not be researched by the court. They will be referred to the appropriate state agencies to obtain this information or to the available indexes referred to under subsection 6(a)(ii).
 - v) Requests for the wholesale review of particular types of case records will only be considered if, in the court's discretion, the request will not unreasonably interfere with the discharge of court functions. With these types of requests, the court may specify the date, time, and manner in which access is to be granted. It will be the responsibility of those persons requesting access to make prior, acceptable arrangements with the court.
- c) Copies
- i) The court will provide copies of case file documents, 30 pages or less, at a cost of two dollars (\$2.00) per page within one hour (1 hr.) of the in-person request for copies. Payment must be made at the time of request. Copies of transcripts filed with the court shall be available at a cost not to exceed \$0.30 per page pursuant to MCL 600.2543.
 - ii) Attorneys, parties, and members of the public may use a portable electronic device to reproduce public court documents in a clerk's office as long as the device leaves no mark or impression on the document and does not unreasonably interfere with the operation of the clerk's office. To the extent a customer wants copies of digital case documents, the court is under no obligation to print these images and the customer may use their portable electronic device to reproduce the document from the monitor screen.
 - iii) Requests for more than thirty (30) total copies of case file documents will be accommodated within a reasonable amount of time as determined by the (1) total number of pages to be copied, (2) availability of court staff and photocopying equipment, and (3) nature of the request, such as the degree to which court staff is required to identify, select, and review documents to be copied.
 - iv) For copy requests to be mailed when a self-addressed, postage paid envelope is not provided, the cost for postage will be assessed for shipping according to the chart below. All outgoing mail will be sent First Class Mail or Priority Mail, depending on the shipment size.

Page Count	Assessed Fee
1-10	\$1.00
10-20	\$2.00
20-50	\$3.00
50-100	\$4.00
100+	Priority Mail Medium Flat Rate Box

- v) In order to preserve and maintain the integrity of court records and to prevent unreasonable interference with the discharge of court functions, persons will not be permitted to copy or otherwise duplicate court records using their own equipment, other than a portable electronic device defined in MCR 8.115(C)(2)(a).
- d) New Record Creation
- i) Requests for creation of a new record, as defined in MCR 8.119(J)(4), will be granted only if creating the new record will not unreasonably interfere with the discharge of court functions. If granted, the request will be accommodated within a reasonable amount of time dependent upon the availability of sufficient public data within the body of case records (including related databases), and the ease in which those records can be identified and compiled.
 - ii) Costs to provide a new record may not exceed the actual cost of labor and supplies and the actual use of the system to develop, generate, and validate the accuracy of the record.
7. The court does not have the capability to provide for the review of electronically recorded court proceedings at the courthouse. Copies from recorded court proceedings are available for purchase, unless restricted by statute, Michigan Court Rule, or court order. Requests to obtain a copy of an electronic record free of charge, based upon indigence, will be considered upon written request to the judge assigned to the case.
8. Copies of recordings of court proceedings made pursuant to MCR 8.108 are available for purchase as provided by this order. The fee, per medium that the proceedings are copied from, is as follows:
- | | |
|--|----------------|
| Flash Drive | \$25/per drive |
| CD from the current digital audio/video recording system | \$20/per CD |
| VHS tape (previous recording system) to CD | \$20/VHS Tape |
| Copy of analog audio tape (cassette) | Not Available* |
- (*The court does not have the technology to reproduce analog audio tapes.)
9. Persons seeking to purchase a copy of an electronic record of court proceedings should complete the court's Request for Audio/Visual Recording form and provide all required information in identifying the specific proceedings requested. Payment must be made in full prior to any copy being made. Refunds will not be provided for any copies made from the requester's misidentified proceedings. Upon request and payment in full, copies will be completed and mailed, or available for pickup, within five (5) business days.

10. Persons desiring transcripts (non-court ordered) should first contact a Michigan certified reporter, recorder, or voice writer (see Michigan Court Rules MCR 8.108). The State Court Administrative Office (SCAO) maintains a list of certified and registered reporters, recorders, and voice writers. The information may be reviewed at: <http://courts.mi.gov/Administration/SCAO/OfficesPrograms/CRR/Pages/Currently-Certified-and-Registered.aspx> ; or, contact SCAO at (517) 373-9526, during normal business hours. The certified reporter, recorder, or voice writer can request a CD copy of the proceedings you want transcribed. Fees for the preparation of transcripts are set by state statute and are payable to the reporter, recorder, or voice writer.

11. Use of Cell Phones or Other Portable Electronic Devices

a) Photography, audio or video recording, broadcasting, or live streaming:

- i) Media coverage of court proceedings is permitted under AO No. 1989-1.
- ii) In a courtroom, no one may use a portable electronic device to take photographs or for audio or video recording, broadcasting, or live streaming unless that use is specifically allowed by the Judge presiding over that courtroom.
- iii) In a FOC hearing room, no one may use a portable electronic device to take photographs or for audio or video recording, broadcasting, or live streaming unless that use is specifically allowed by the Referee presiding over that hearing.
- iv) In areas of a courthouse other than courtrooms, no one may photograph, record, broadcast, or live stream an individual without that individual's prior express consent EXCEPT that attorneys, parties, and members of the public may use a portable electronic device to reproduce public court documents in a clerk's office as long as the device leaves no mark or impression on the document and does not unreasonably interfere with the operation of the clerk's office.
- v) No one may photograph, record, broadcast, or live stream any juror or anyone called to the court for jury service.

b) Other uses of cells phones or portable electronic communication devices:

- i) Allowed uses: Attorneys, parties, and members of the public may use a portable electronic device in a courtroom to retrieve or to store information (including notetaking), to access the Internet, and to send and receive text messages or information.
- ii) Prohibited uses: Attorneys, parties, and members of the public must silence portable electronic devices while in the courtroom. A portable electronic device may not be used, without permission of the court, to make or to receive telephone calls or for any other audible function while court is in session. Portable electronic devices may not be used to communicate in any way with any courtroom

participant including, but not limited to, a party, a witness, or juror at any time during any court proceedings.

iii) Jurors and Witnesses:

Jurors: Jurors must turn off their portable electronic devices while present in a courtroom. A court may order jurors to turn over to the court their portable electronic devices during court sessions and/or deliberations. If so, the court must provide jurors with a phone number where they can be reached in case of an emergency.

Witnesses: A witness must silence any portable electronic device while in a courtroom and may use a device while testifying only with permission of a judge.

iv) Except as provided otherwise herein, a person may use a portable electronic device in a courthouse, subject to the authority of judges, Clerks of the Court, or court administrators to limit or terminate activity that is disruptive to court operations or that compromises courthouse security.

c) Violations of this Order:

- i) If these rules are violated, pursuant to MCR 8.115, the presiding judge may confiscate the device for the remainder of the day or order that the phone be turned off and put away. Violations of this rule are punishable by appropriate sanctions up to and including a fine, incarceration, or both for contempt of court as provided in MCR 8.115 and determined in the discretion of the court.
- ii) Any allowed use of a portable electronic device under this rule is subject to the authority of a judge to terminate activity that is disruptive or distracting to a court proceeding, or that is otherwise contrary to the administration of justice.

Dated: 8 / 4 / 2 0 2 0

Carol Kuhnke, Chief Judge

Washtenaw County Trial Court

WASHTENAW COUNTY TRIAL COURT
MEMORANDUM

TO: Persons Requesting General Record Checks

FROM: Court Administrator

Please be advised that per Washtenaw County Trial Court Administrative Order C22 2020-10J, a specific case number or the party names are required in order to provide the information you have requested.

If you do not have a specific case number or case name, the following options are available:

1. You may review available case indexes at the Washtenaw County Trial Court to identify and select specific cases for inspection. Please note that this review may only provide information on current or recent Washtenaw County Trial Court cases from this court.
2. A more complete record check may be requested by writing the appropriate state agency. Both the Michigan State Police and Department of State maintain computer information expressly for this purpose.
 - (a) To obtain a Criminal Record Check either contact the Michigan State Police Central Records Division at 517-241-0606 or go to the Michigan State Police Website at www.michigan.gov/ichat to obtain information on how to use the Internet Criminal History Access Tool (ICHAT).
 - (b) To obtain a Driving (Traffic) Record contact the:

Michigan Department of State
Commercial Look-up Unit
7064 Crowner Drive
Lansing, Michigan 48918
Telephone: 517-322-1624

Once you receive complete record checks, you will be able to contact the appropriate police agency or court listed on the records to obtain case-specific information.

The Washtenaw County Trial Court regrets that it cannot reasonably accommodate your request at this time. If you have any additional questions, please contact the court's Records Unit at (734) 222-3024.