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SFA**BILL ANALYSIS**

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House Bill 6260 (as introduced 8-13-02)
Sponsor: Representative Jim Howell
House Committee: Civil Law and the Judiciary

Date Completed: 9-18-02

CONTENT

The bill would amend the Revised Judicature Act (RJA) by adding Chapter 4, which would allow the chief judges of circuit, probate, and district courts to adopt a plan of trial court concurrent jurisdiction. The bill also specifies areas of exclusive jurisdiction for the circuit, probate, and district court that would remain with each of those courts, notwithstanding a plan of concurrent jurisdiction. The bill has separate provisions for counties with judicial districts of the third class.

The bill would take effect on April 1, 2003.

Plan of Concurrent Jurisdiction

Within a county or judicial circuit (except in counties with districts of the third class), subject to approval by the Supreme Court and to the limitations specified in the bill, the following judges could adopt a plan of concurrent jurisdiction for the participating trial courts in that county or circuit:

- The chief circuit judge, the chief probate judge, and the chief district judge.
- The chief circuit judge and the chief probate judge.
- The chief circuit judge and the chief district judge.

A plan of concurrent jurisdiction could provide for one or more of the following:

- The circuit court and one or more circuit judges could exercise the power and jurisdiction of the probate court and/or the district court.
- The probate court and one or more probate judges could exercise the power and jurisdiction of the circuit court and/or the district court.
- The district court and one or more district judges could exercise the power and jurisdiction of the circuit court and/or the probate court.

General Provisions

A plan of concurrent jurisdiction would have to provide for the transfer or assignment of cases between the affected trial courts and to individual judges of those courts, as necessary to implement the plan and to distribute the workload fairly among the judges. A plan of concurrent jurisdiction would take effect on the first day of the month beginning at least 90 days after the Supreme Court's approval of the plan.

A plan of concurrent jurisdiction could include an agreement as to how records of the circuit court, probate court, and district court in the county would be maintained and how records would be transferred to a judge of a different court who was hearing the matter as a result of

concurrent jurisdiction and the assignment of the case to that judge. That agreement would not take effect unless approved by the county clerk.

A plan of concurrent jurisdiction adopted under the bill or Chapter 10 (Family Division of Circuit Court) of the RJA could not include a delegation of a power of appointment to a public office delegated by Constitution or statute to the circuit court or a circuit judge, the probate court or a probate judge, or the district court or a district judge.

A plan of concurrent jurisdiction would have to include an agreement between the chief circuit judge and the chief probate judge or judges in a judicial circuit, as provided in Chapter 10 regarding the cases over which the family division of circuit court has sole and exclusive jurisdiction.

Court Jurisdiction

The bill specifies that, in a judicial circuit in which the circuit court, probate court, or district court was affected by a plan of concurrent jurisdiction adopted under the bill, the court would have concurrent jurisdiction as provided in the plan, except for exclusive jurisdiction as shown in Table 1.

Table 1

<u>Exclusive Jurisdiction</u>	
Court	Type of Case
Circuit	Appeals from district court and from administrative agencies
	Issue, hear, and determine prerogative and remedial writs, consistent with Article VI, Section 13 of the State Constitution
	Matters within the Court of Claims
Probate	Matters of trusts and estates
District	Small claims actions
	Civil infraction actions

Counties with District Courts of the Third Class

(A district of the third class is a judicial district consisting of one or more political subdivisions within a county and in which each political subdivision comprising the district is responsible for maintaining, financing, and operating the district court within its respective political subdivision except as otherwise provided in the RJA.)

Circuit & Probate Courts. Within the Counties of Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne (each of which includes judicial districts of the third class), subject to approval by the Supreme Court and to the limitations contained in the bill, the chief circuit judge and the chief probate judge could adopt a plan of concurrent jurisdiction for the circuit court and the probate court in that county.

A plan of concurrent jurisdiction could provide for one or more of the following:

- The circuit court and one or more circuit judges could exercise the power and jurisdiction of the probate court.
- The probate court and one or more probate judges could exercise the power and jurisdiction of the circuit court.

Circuit, Probate, and County-Funded District Courts. Within Genesee, Ingham, Kent, Macomb, Oakland, and Washtenaw Counties, the chief circuit judge, the chief probate judge, and the chief district judge in the county-funded judicial district could adopt a plan of concurrent jurisdiction for the participating trial courts in that county, subject to approval by the Supreme Court and to the limitations contained in the bill.

A plan of concurrent jurisdiction could provide for one or more of the following:

- The circuit court and one or more circuit judges could exercise the power and jurisdiction of the probate court and/or the district court within the county-funded judicial district.
- The probate court and one or more probate judges could exercise the power and jurisdiction of the circuit court and/or the district court within the county-funded judicial district.
- The district court and one or more district judges in the county-funded judicial district could exercise the power and jurisdiction of the circuit court and/or the probate court.

Circuit, Probate, and One or More District Courts. Within Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne Counties, the chief circuit judge, chief probate judge, and the chief district judge in one or more judicial districts within the county could adopt a plan of concurrent jurisdiction for the participating trial courts in that county, subject to approval by the Supreme Court and to the limitations contained in the bill.

A plan of concurrent jurisdiction could provide for one or more of the following:

- The circuit court and one or more circuit judges could exercise the power and jurisdiction of the probate court and/or the district court within the participating judicial districts in that county.
- The probate court and one or more probate judges could exercise the power and jurisdiction of the circuit court and/or the district court within the participating judicial districts in that county.
- The district court and one or more district judges in the participating judicial districts in that county could exercise the power and jurisdiction of the circuit court and/or the probate court.

Revenue Allocation. A plan of concurrent jurisdiction involving judicial districts of the third class could include an agreement as to the allocation of court revenue, other than revenue payable by statute to libraries or State funds, and court expenses. That agreement would be subject to approval by the county board of commissioners and by the funding units of each participating district of the third class.

MCL 600.601 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Based on the experience of seven demonstration projects, concurrent jurisdiction trial courts would result in savings to local court funding units. Efficiencies have been achieved through combining attorney defense contracts, reducing visiting judge costs, consolidating administrative staff, and streamlining the docket process through collective caseload management.

The State would incur additional costs related to salaries of district court judges and part-time probate court judges depending on the number of trial courts that would adopt a concurrent jurisdiction plan. The salary of circuit court judges and full-time probate court judges is the same, \$139,919. The salary of a district court judge is \$138,272; \$1,647 less than a circuit court judge. The State pays 100% of the salary for full-time trial court judges. However, the State pays \$25,750 of a part-time probate judge's salary. There will be 11 remaining part-time probate judges in Michigan effective April 1, 2003. The additional State cost for each part-time probate judge converted to full-time status under a concurrent jurisdiction plan would be approximately \$115,000.

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