

**THIRD JUDICIAL CIRCUIT
OF MICHIGAN**

ROBERT J. COLOMBO, JR.
CHIEF JUDGE

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DOCKET DIRECTIVE 2014 – 16

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT**

SUBJECT: DOCKET SUCCESSOR POLICIES AND PROCESSES

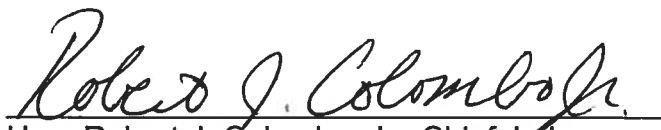
This Docket Directive rescinds and replaces Docket Directive 2002-02.

This Docket Directive is issued pursuant to MCR 8.111; it further delineates the policies and processing governing the transfer of dockets between judges within the Court as follows:

1. When a judge leaves the Court, his or her docket of pending matters and post judgment matters shall be reassigned in its entirety to a docket successor. A docket successor is not always a judicial successor. Judicial succession is exclusively due to the filling of a vacancy on the Bench, either by election or appointment. Docket succession may be due to the filling of a vacancy or the reassignment of a judge to a different division within the Court.
2. When a judge vacates a Criminal Division dockets all pending matters shall be reassigned to a successor judge. All post-conviction matters, such as sentencing, motions for new trials, motions to correct sentences, and motions for relief from judgment, shall be assigned to the judge to whom the case was assigned at the time of the defendant's conviction. Unless otherwise ordered by an appellate court, remands from an appellate court for matters such as Ginther hearings and re-sentencings, shall be assigned to the judge to whom the case was assigned at the time of the defendant's conviction. Unless otherwise ordered by an appellate court, a new trial that is granted as the result of a post-conviction motion or appeal shall be assigned to the successor judge.

3. When a judge vacates a Civil Division docket all pending matters shall be reassigned to a successor judge. All post judgment motions such as motions for rehearing, motions for new trial, and motions for relief from judgment, shall be assigned to the judge to whom the case was assigned at the time of the entry of the judgment. Unless ordered by an appellate court, remands for such matters pertaining to the calculation of damages or sanctions shall be assigned to the judge to whom the case was assigned at the time of the entry of the judgment. Other remands from the Court of Appeals shall be reassigned to the successor judge. A new trial that was granted as a result of a post judgment motion or appeal shall be assigned to the successor judge.
4. When a judge vacates a Family Division docket (either in the Domestic or Juvenile Sections) the docket of pending, post-judgment, post-adjudication or post disposition matters shall be reassigned to a docket successor, except as follows: A post-judgment, post-adjudication, or a post disposition matter, or a remand from an appellate court, that involves the calculation of attorney fees or sanctions shall be adjudicated by the predecessor judge. A new trial or hearing that was granted as a result of a post judgment motion or appeal shall be assigned to the successor judge.
5. When a judge switches from a criminal "trial" docket to a criminal Arraignment on Information ("AOI") docket or from a criminal "AOI" docket to a criminal "trial" docket, all post-conviction matters, except cases awaiting sentencing, will be assigned to the docket successor. All cases awaiting sentencing will remain assigned to the original judge until the defendant is sentenced. After sentencing, these cases will be reassigned to the docket successor. If a defendant is bound over on a new case while on probation to a former "AOI" judge, the case will be blind drawn if a resolution is not reached before the current "AOI" judge.
6. Any cases returning to the Court without an apparent docket successor shall be blind drawn by the Presiding Judge of the appropriate division.

Dated: May 14, 2014


Hon. Robert J. Colombo, Jr., Chief Judge
Third Judicial Circuit