

FAQ Regarding Transfers Between Judge McBain and Judge Schmucker

- Q. How are the pending and closed DO's and PPO's without children split between Judge McBain and Judge Schmucker?
- A. Of Judge McBain's current caseload of open and closed DO's and PPO's without children, the even cases will remain with Judge McBain, and the odd cases will be transferred to Judge Schmucker.
- Q. What if there is a related case -- Both a PPO and a DO, and one is an odd number and the other is an even number?
- A. Lowest case number controls and both cases go to the Judge who has the lowest case number.
- Q. Does the odd-even assignment apply to new cases?
- A. Yes, until the new pads are ready. As soon as new assignment pads are ready, the assignment pads will have the correct percentages of 1/2 for Judge Schmucker, 1/6 for Judge McBain, and 1/3 for Judge Wilson. The odd-even rule only applies until new assignment pads are ready, and all cases which were pending before January 13, 2010.
- Q. What if a new case is filed and there is a related case?
- A. The case is assigned based on the related case. When a new case is assigned and there is a related case, you do not use the assignment pad.
- Q. What about cases that were assigned to judges who are now retired?
- A. Page 2 of the Judicial and Case Assignment Order provides that closed criminal cases of Judges Britten, Nelson, Falahee, Noble and Perlos are assigned to Judge McBain; and closed cases from Judges Fleming and Grant are assigned to Judge Wilson.
- Closed Civil cases from Judges Fleming and Grant are assigned to Judge Wilson; and closed civil cases assigned to Judges Britten, Nelson, Falahee, Noble and Perlos are assigned to Judge Schmucker.
- Q. Are there any exceptions to the Transfer Order?
- A. Yes. Page 3 of the Administrative Order provides for the following exceptions:
1. Any matter that is presently under advisement will remain with the assigned judge until it is returned from Under Advisement.

2. Any case which is scheduled for trial within the next 28 days will remain with the current judge. But, if the case is adjourned, it will be transferred to the new judge for further handling.
3. Any case in which a Defendant has entered a plea or has been convicted will remain with Judge Schmucker until sentencing. If the person is sentenced to probation, the probation will be transferred to Judge McBain.
4. Any criminal case which has been assigned to Judge Schmucker because Judge McBain has disqualified himself, will remain with Judge Schmucker.
5. Any civil case which is assigned to Judge McBain because Judge Schmucker has been disqualified will remain with Judge McBain.
6. The only exception in civil cases is Drivers Licence matters(AL) which will continue to be divided equally in 1/3rd to Judges McBain, Schmucker and Wilson.

Q. Will Judge Schmucker continue to handle Recovery Court?

A. Yes. Judge Schmucker will continue to handle Recovery Court Cases. When Defendants are approved for Recovery Court, their case will be transferred from Judge Wilson or Judge McBain to Judge Schmucker.

Q. Will Judge Schmucker be assigned any other new criminal cases other than Recovery Court?

A. Judge Schmucker will only be assigned new criminal cases (other than Recovery Court cases) if both Judge McBain and Judge Wilson disqualify themselves.

Q. Can Judge McBain be assigned any new civil cases?

A. Judge McBain will only be assigned new civil cases if both Judge Schmucker and Judge Wilson disqualify themselves.

Q. Are the Judges' schedules changing?

A. Yes. Both Judges will be re-adjusting their schedules and will send out new standard schedules soon.

Q. How are the attorneys and litigants being notified?

A. When cases are rescheduled for a different date or time by the new Judge, they will be provided with an insert which briefly explains the change. The information will also be available on the Court's website and will be posted near Judge McBain and Judge Schmucker's posted schedules on the 4th Floor. The Jackson County attorneys who regularly practice in Court will also receive an e-mail notifying them of this change.

Q. Have the secretarial assignments changed?

A. Yes. Before this change, Patti Clark (768-8511) handled Judge McBain's civil and domestic cases and Kim Woodard (768-8532) handled his criminal cases. Effective immediately, Patti Clark will be handling all of Judge Schmucker's work, and Judge Wilson's Civil work. Kim Woodard will be handling Judge McBain's criminal and domestic cases and Judge Wilson's criminal and domestic cases.