

JACKSON COUNTY CIRCUIT COURT

312 South Jackson Street
Jackson, Michigan 49201

Thomas D. Wilson
Chief Circuit Judge

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4th Circuit Court – Jackson County
Administrative Order 2013-3

PLAN FOR THE CREATION OF A SPECIALIZED BUSINESS COURT

IT IS ORDERED:

This local administrative order is issued in accordance with MCL 600.8031 *et seq.* It establishes a plan for a specialized business court in the Jackson County Circuit Court for the purposes outlined in MCL 600.8033(3). The business court has jurisdiction over business and commercial disputes in which the amount in controversy exceeds \$25,000.

1. Judicial Resources/Services:

Judge Richard N. LaFlamme has been appointed by the Michigan Supreme Court as a business court judge. His term expires April 1, 2019.

2. Cases Eligible for Assignment to the Business Court:

- a) Cases eligible to be assigned to the business court are identified in MCL 600.8031(2).
- b) Cases that are excluded by MCL 600.8031(3) may be assigned to the business court if the assigned judge determines that it meets the statutory requirements of MCL 600.8035(3).

3. Judicial Review of Pleadings:

A judge assigned to the business court shall review all pleadings in which a party has verified that the case meets the statutory requirements to be assigned to the business court. A case that is excluded by MCL 600.8031(3) may be assigned to the business court if the assigned judge determines that it meets the statutory requirements of MCL 600.8035(3). Upon motion of a party, the chief judge of the judicial circuit may review assignments to the business court docket under MCL 600.8035(7). The ruling of the chief judge under this section is not reviewable.

4. **Case Assignment to Judges in the Business Court**

- i. Cases identified as business court cases shall be assigned to the business court judge.
- ii. A case assigned to a business court judge may be reassigned by blind draw to another judge if the action ceases to include a business or commercial dispute.
- iii. A case that does not initially include a business or commercial dispute but that subsequently includes a business or commercial dispute as a result of a cross-claim, counterclaim, third-party complaint, amendment, or any other modification of the action, shall be reassigned to the business court judge. If the case is reassigned to the business court and the case was initially assigned to another judge, the business court judge will prepare an order of reassignment and send a copy to the County Clerk's office. The Clerk's Office will then randomly select five cases of a similar type and age from the business court judge's non-business court docket and will then randomly select one of the five for reassignment to the judge from whom the business court case was reassigned.

5. **Docket Management:**

The Court will utilize an early scheduling conference to be held within 21 days after the first responsive pleading is filed, prior to which the attorneys are expected to confer, and no later than the day before the scheduling conference, to submit to the Court via email a proposed Case Management and Scheduling Order. The proposed Case Management and Scheduling Order shall utilize the form available on the Court's website. Plaintiff's counsel shall arrange for the attorney conference and initiate the first draft of the proposed Case Management and Scheduling Order. The Case Management and Scheduling Order requires all cases to be submitted to facilitative mediation, but the Court allows input from the parties to determine the most advantageous time to conduct facilitation, or whether another form of ADR may be more suitable.

6. **Technology:**

All pleadings, motions and other papers filed with the Court, including exhibits, other than the initial summons and complaint, may be served via email in PDF format, with the original filed with the clerk in the usual manner. If a pleading is one to which a responsive pleading is required or permitted, a Word version shall be served with the PDF version, and the responsive pleading shall set forth both the pleader's allegation and the response, *seriatim*.

If the parties agree, all written discovery (interrogatories, requests to admit, requests to produce documents, etc.) shall be conducted solely via electronic media. Such discovery shall be served electronically in both a PDF and Word format. Discovery responses, including exhibits, shall be served solely in PDF format.

Counsel may appear telephonically for the early scheduling conference.

7. **Opinions:**

All written opinions shall be e-mailed to the State Court Administrative Office for publication on an indexed website.

8. **Local Administrative Staff:**

The Court has provided the State Court Administrative Office with the name of a local staff person who has been designated as the primary contact for the business court.

Effective Date:

Date:

Chief Judge Signature:

Hon. Thomas D. Wilson