



**THIRD JUDICIAL CIRCUIT
OF MICHIGAN**

701 COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE
DETROIT, MICHIGAN 48226-3413

VIRGIL C. SMITH
CHIEF JUDGE

(313) 224-5430

LOCAL ADMINISTRATIVE ORDER 2013 – 28

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT**

SUBJECT: PLAN FOR THE CREATION OF A SPECIALIZED BUSINESS COURT

This Order rescinds and replaces Local Administrative Order 2013-03.

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 Third Circuit Court for the purposes outlined in MCL 600.8033(3). The Business Court has jurisdiction over business and commercial disputes as defined in MCL 600.8031(1)(c) in which the amount in controversy exceeds \$25,000.

1. Judicial Resources/Services

The Michigan Supreme Court appointed judges of the Third Judicial Circuit to serve as Business Court judges.

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. A case that is excluded by MCL 600.8031(3) may be assigned to the Business Court if the Presiding Judge of the Civil Division determines that it meets the statutory requirement of MCL 600.8035(3). Upon motion of a party, the Chief Judge of the Court, or his or her designee, may review assignments under MCL 600.8035(7) to the Business Court Docket. The ruling of the Chief Judge, or his or her designee, under this section is not appealable.

3. Review of Pleadings

The Court shall designate staff to review pleadings that have been identified pursuant to MCR 2.112(O)(1) as Business Court eligible. If a case is determined by the designated Court staff to not meet the statutory requirements of the Business Court, it shall be returned to the Clerk of the Court for random assignment to non-Business Court judges.

4. Case Assignment to Judges in the Business Court

- a. Cases shall be assigned to a Business Court judge by blind draw, pursuant to the Court's case assignment local administrative order.
- b. 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.
- c. 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 by blind draw to a Business Court judge upon the granting of a motion.

5. Docket Management - Alternative Dispute Resolution

- a. The Business Court for the Third Circuit Court shall use the Court's Odyssey Case Management System for its case management system.
- b. The Third Circuit Court's Case Processing Department shall administer the dockets of the Business Court.
- c. A preliminary status conference shall be scheduled by the Court after the filing of a complaint. At that status conference and within 90 days of the filing of the complaint, the Court may schedule the case for case evaluation through the administrator of the Third Circuit Court's Alternative Dispute Resolution Plan, the Mediation Tribunal Assn. (MTA). At the preliminary status conference, the Court shall also inquire about the possibility of case resolution through the use of a mediator or facilitator to be appointed in accordance with MCR 2.411 or the stipulation of the parties.
- d. The MTA shall ensure that all business court cases referred to the MTA for case evaluation shall be evaluated by panels especially formed for the evaluation of Business Court cases.

- e. The MTA Board of Directors shall select evaluators for Business Court panels those attorneys who indicate that at least 50% of their practice is devoted to Business Court matters.

6. Technology

- a. Upon the acquisition by the Court of suitable equipment in Business Court courtrooms, Business Court judges may conduct conferences or appropriate court proceedings through telephone and/or video conferencing.
- b. Consistent with Supreme Court Administrative Order 2011-01 (as amended), all Business Court cases shall be subject to e-filing.

8. Opinions

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

9. Local Administrative Staff

The Executive Court Administrator for the Third Circuit Court is designated to be the primary contact for the Business Court of the Third Circuit Court.

Effective Date: Upon approval of the State Court Administrative Office , 1/28/14

Signed: December 4, 2013



Virgil C. Smith, Chief Judge
Third Circuit Court