



THIRD JUDICIAL CIRCUIT
OF MICHIGAN

ROBERT J. COLOMBO, JR.
CHIEF JUDGE

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

(313) 224-5430

LOCAL ADMINISTRATIVE ORDER 2016 – 01

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT COURT**

SUBJECT: ASSIGNMENT OF DEPUTY CLERKS TO COURTROOMS

This Local Administrative Order is issued pursuant to MCR 8.112(B) and MCR 8.110(C). It rescinds and replaces Local Administrative Order 2005-06.

Whereas the Wayne County Clerk is the Clerk of the Third Judicial Circuit Court and in that capacity is an officer of the Court, subject to its direction in all things necessary to the proper administration of justice during its sessions;

Whereas the Court is vested with the constitutional authority to direct the Clerk of the Court to perform noncustodial ministerial duties pertaining to court administration as the Court sees fit;

Whereas the courtrooms of the Court are subject to the control of the Court, in general, and in particular, the control of the judge or referee presiding in a particular courtroom;

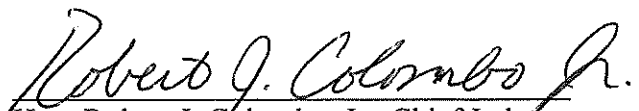
Whereas the efficient and proper administration of justice may be severely impaired or adversely affected depending upon the conduct of court-related personnel, including deputy clerks assigned to work as court clerks; and it is necessary, therefore, that the judge or referee of the Court, who is assigned to preside in a courtroom, retain control over the selection of the person assigned to perform court clerk functions in the courtroom;

IT IS ORDERED:

1. The County Clerk shall maintain a current list of unassigned deputy clerks available for assignment as court clerks (hereinafter the deputy clerk when acting in this capacity shall be referred to as "court clerk"). Judges and referees to whom court clerks are assigned,

- may contact the County Clerk regarding the current list of unassigned deputy clerks and assignment of an unassigned deputy clerk to their courtroom as a court clerk.
2. For purposes of this order, a clerk assigned to a retiring judge becomes available on the effective date of retirement.
 3. The PPO courtroom is considered a clerk assignment for purposes of this LAO.
 4. In the selection of a court clerk, priority shall be given to the judge with the most seniority over all other judges and referees. Judges shall have priority over all referees and may select an unassigned deputy clerk or a clerk assigned to a referee courtroom. The referee with the most seniority shall have priority over all other referees in the selection of an unassigned clerk.
 5. The selection of a court clerk is not made until the judge or referee notifies the County Clerk in writing of the eligible deputy clerk from the appropriate list. If the County Clerk does not receive any requests from a judge, or in the case of a referee, a referee, with more seniority within seven days of the first submission, the County Clerk shall then assign the deputy clerk to serve as a court clerk in that courtroom.
 6. The County Clerk shall not transfer a court clerk from any courtroom without the prior written consent of the judge or referee.
 7. Notwithstanding the language in paragraph 6, upon written notice from the County Clerk or designee to the judge or referee, a court clerk retains the ability to pursue a transfer or promotion from a courtroom assignment.
 8. Upon the written request of the Court's Executive Court Administrator and with written consent of the judge or referee, the County Clerk shall remove the court clerk previously assigned to that courtroom. The County Clerk shall assign another deputy clerk from the appropriate pool to perform court clerk functions in that courtroom in accordance with paragraphs two and three. The removed court clerk shall return to the appropriate pool of eligible deputy clerks. In the event of a layoff, displacement, recall, or reorganization, all deputy clerks assigned as court clerks shall be subject to Article 19, entitled "Layoff, Displacement and Recall," of the collective bargaining agreement between the County of Wayne and AFSCME Council 25, Local 1659.
 9. The County Clerk, acting in his or her capacity as Clerk of the Court, shall immediately notify the Chief Judge of the Court of the filing of a grievance that arises out of the delivery of court clerk services to the Court, except where any such grievance involves issues concerning attendance or the payment of wages or benefits.

Effective Date: February 9, 2016


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

Date Approved by SCAO: July 15, 2016