
ADMINISTRATIVE ORDER

2004-15

STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT

SUBJECT: CASEFLOW MANAGEMENT PLAN

This Administrative order is issued in accordance with Michigan Supreme Court Administrative Order 2003-7.

A. Goals of the Court

The Court adopts the following Caseflow Management Plan to:

1. expedite the dispositions of all cases in a manner consistent with fairness to all parties;
2. minimize the uncertainties associated with processing cases;
3. assure equal access to the adjudicative process for all litigants;
4. ensure the resolution of matters is guided by what is permissible under law by defined standards of service and by balancing the needs of the individual and society; and
5. enhance the quality of litigation.

B. Case Processing Time Standards

The Court adopts the Circuit Court time standards for case processing as set forth in Administrative Order 2003-7.

C. Scheduling Policy

The Court adopts a scheduling policy whereby all cases or contested matters will be set in a manner that minimizes delay for the parties and that reduces the possibility of adjournment of set times. This includes early and continuous control of all cases from case initiation through post-disposition through the use of:

1. appropriate case screening;
2. scheduling orders and conferences for the purpose of achieving date certainty;

3. management of discovery and motion practice;
4. realistic setting of trial dates and time limits; and
5. court control of adjournments for the purpose of achieving date certainty.

Cases and contested matters will be continually reviewed to ensure that no case exists for which a future action or review date has not been set by the Court. Scheduling will be done in accordance with the time guidelines set forth in Administrative Order 2003-7.

D. Adjournment Policy

The Court adopts the adjournment policy set forth in MCR 2.503(B), as follows:

1. Unless the Court allows otherwise, a request for an adjournment must be by verified and written motion based on good cause shown. All requests for adjournment will be decided by the judge or his or her designee. Adjournments granted will be classified and tracked based on the reason given.
2. A motion for adjournment must state: a) which party is requesting the adjournment; b) the reason for it; and c) whether other adjournments have been granted in the proceeding and, if so, the number granted.
3. The entitlement of a motion for adjournment must specify whether it is the first, or a later request, e.g., "Plaintiff's Request for Third Adjournment."
4. At the time a proceeding is adjourned, the proceeding must be rescheduled for a specific date and time.
5. In granting an adjournment, the Court may impose costs and conditions. Costs may be taxed summarily to be paid on demand of the adverse party or the adverse party's attorney, and the adjournment may be vacated if nonpayment is shown by affidavit.

E. Alternative Dispute Resolution

The Court promotes the use of alternative means with which to resolve disputes. Litigants will be provided with all available information regarding area dispute resolution and counseling centers.

1. The Third Judicial Circuit, through Local Administrative Order 2002-06, has set forth a plan for Alternate Dispute Resolution (ADR), including Civil Division case evaluation and mediation and Family Division Domestic Relations mediation.

2. Alternative dispute resolution means any process designed to resolve a legal dispute in the place of court adjudication, and includes settlement conferences ordered under MCR 2.401; case evaluation under MCR 2.403; mediation under MCR 2.411; domestic relations mediation under MCR 3.216; and other procedures provided by local court rule or ordered stipulation of the parties.
3. Upon proper notification to the court and consistent with the process outlined in LAO 2002-06, the parties or the court may submit any case to an appropriate ADR process. The Court must ensure that all referrals are timely and appropriate, thereby achieving ADR goals of reducing cost and to expedite case disposition, within the confines of its Case Management Plan.

F. Pretrial Scheduling Orders

The Court adheres to the policies of early judicial intervention and continuous judicial control for all cases for the timely resolution of the docket. At the earliest pretrial hearing, scheduling orders are entered to meet these objectives. Once the Court has determined the complexity of the litigation, specific “tracks” or case management plans are determined and incorporated into court orders.

1. For all General Civil cases the initial pretrial hearing is a Status Conference. Once the Court has ascertained the status of the case, through the entry of a Status Conference Order, key events and dates are established, including, but not limited to, witness exchange filings, discovery cutoff, case evaluation and settlement conference/trial dates.
2. For Domestic Relations cases the initial pretrial hearing is a Case Management Conference. Once the Court has ascertained the status of the case, through the entry of a Case Management Order, key events and dates are determined or established, including, but not limited to, addressing interim issues, entering of temporary orders, if necessary, establishing discovery deadlines, effectuating referrals to community resources or alternate dispute resolutions.
3. For Criminal Division cases a Calendar Conference is conducted, generally, within a week of the Arraignment on the Information. At the Calendar Conference issues such as possible defenses, motion scheduling and settlement negotiations are discussed. Future event dates are determined and the jurist will complete and sign the Calendar Conference Form.

G. Settlement or Final Pretrial Conferences

Cases not resolved or disposed of by means of case evaluation, mediation, or other means are scheduled for settlement conferences. At the settlement conference:

1. Parties are to appear for the settlement conference before the assigned judge at the time and date indicated.
2. The specific trial attorneys, parties, lienholders and insurance representatives with full authority to make a final decision as to the settlement are required to appear at the settlement conference unless excused by the judge. It is the attorney's responsibility to secure the presence of a representative of the lienholder.
3. All motions to be heard prior to trial are to be taken before the assigned judge before the date of the settlement conference/ final pretrial.

H. Trial Scheduling and Management

All divisions of the Court are committed to the policy of creating expectations that trials and other events will proceed as scheduled. To facilitate trial date certainty, judges should adhere to a strict no continuance or adjournment policy and schedule a reasonable number of cases for trial.

1. Civil Division Judges manage their dockets through Status Conference Scheduling Orders. If a case fails to settle or be disposed of by or at the scheduled settlement conference, a trial date is determined. Attorneys are required to be present with their calendars to avoid a scheduling conflict and to reach an agreeable trial date.
2. Domestic Relations Judges manage their dockets through Case Management Orders. The scheduled settlement conference date also acts as the scheduled trial date. Cases that do not settle or are not disposed of by or at the settlement conference will proceed to trial.
3. Criminal Division Judges manage their dockets through future event dates scheduled at the Calendar Conference. The Final Conference is held on the record. The witness list must be presented at this time and attorneys must bring their calendars with them so that a firm, conflict free trial date can be confirmed. Unless otherwise stated, all pretrial motions and evidentiary hearings take place at the Final Conference. The estimated length of trial, the number of potential witnesses and whether a bench or jury trial is requested are all determined at this hearing and are included in the entry of a Final Conference Order.

4. The Juvenile Division schedules bench trials before the judicial assigned referee, at the Pretrial Conference. If a Judge (bench trial) or jury demand is made, the Judge/Jury Demand Form is completed. The case is forwarded to the jurist, who will schedule a Pretrial Conference at which point a trial date is scheduled.

I. Monitoring Systems

The case management system of the Court will, at a minimum, provide the capability to:

1. monitor case progress;
2. generate various reports for measuring pending inventory, delay, activity, and scheduling practices; and
3. generate reports showing compliance with time guidelines.

This will include, but is not limited to, the following reports:

CIVIL DIVISION:

A. Civil Inventory Report.

1. Monthly individual Judge's pending inventory in case number order, including case title, attorney information, filing date, case scheduling information and case aging information.

B. Report of Pending Cases.

1. Monthly summary of judges pending actions ranked by cases over time standards and reported by appellate and general civil caseloads and overall plus/minus changes from previous month's report. Also includes statistics of outstanding criminal Motions For Relief From Judgment assigned to original sentencing judges no longer in the Criminal Division.

C. No Schedule Audit Report.

1. Monthly report of cases listing individual judge's caseloads where cases are in pending or closed case status and there is no next action scheduled or the next action event is scheduled prior to the date of the report.

- D. Case Assignment Reports.
 - 1. Monthly review of civil case assignments in accordance with the Court's Local Administrative Order 2004-04.

CRIMINAL DIVISION:

- A. Report of Pending Cases.
 - 1. Weekly summary of judges pending actions ranked by cases over time standards and reported by trial and arraignment dockets listing outstanding number of defendants per docket, case age, assigned appeals cases and outstanding Motions For Relief From Judgment.
- B. CR-6 Reports.
 - 1. Weekly individual judge's pending inventory reported by scheduled next action. Report includes post plea scheduled events. The report also reflects case aging statistics for all pending actions, as well as, defendant jail/bail status. This report also serves as an audit for past due data entries for the courtroom clerks.
- C. Multiple Next Actions Report.
 - 1. Weekly case management staff report for monitoring scheduling activity, case age, adjournments, etc.
- D. Speedy Trial Report.
 - 1. Monthly report to the State Court Administrator's Office pursuant to MCR 6.004 listing cases for which proceedings have been delayed, as defined in the court rule.
- E. Blind Draw Report.
 - 1. Semi-annual review of criminal case assignments in accordance with the Court's Local Administrative Order 2003-02.

FAMILY DIVISION – DOMESTIC RELATIONS:

- A. Pending Inventory Report.
 - 1. Monthly individual Judge's pending inventory in case number order, including case title, attorney information, case scheduling information and case aging information.
- B. Report of Pending Cases.
 - 1. Monthly summary of judges pending actions ranked by cases over time standards and reported by total pending caseloads and overall plus/minus changes from previous month's report. Also includes statistics of outstanding criminal Motions For Relief From Judgment assigned to original sentencing judges no longer in the Criminal Division.
- C. No Schedule Audit Report.
 - 1. Monthly report of cases listing individual judge's caseloads where cases are in pending or closed case status and there is no next action scheduled or the next action event is scheduled prior to the date of the report.
- D. Pending Paternity, Family Support and UIFSA Inventory Reports.
 - 1. Weekly report to case management staff, reported by cause of action, in case number order. Includes case title, assigned judge, filing date, attorney information, scheduled events and case aging information. Further reports on all pending actions where there is no scheduled next event or scheduled next event is prior to the report run date.
- E. Case Assignment Reports
 - 1. Monthly review of domestic relations case assignments in accordance with the Court's Local Administrative Order 1997-01 in accordance with Public Act 388.

FAMILY DIVISION – JUVENILE:

- A. Pending Case Age – Report Summary.
 - 1. Monthly summary of judge’s and referee’s pending actions including petitions reported as over time standards and by defendants jail/bail status.

- B. Pending Case Age Report – Neglect.
 - 1. Monthly individual Judge’s pending inventory of neglect cases, reflecting case and party information on the petition’s case aging, custody, next scheduled actions and past due entries of previously scheduled hearings.

- C. Pending Case Age Report – Delinquency.
 - 1. Monthly individual Judge’s pending inventory of delinquency cases, reflecting case and party information on the petition’s case aging, custody, next scheduled actions and past due entries of previously scheduled hearings.

- D. Children Absent from Placement without Legal Permission (AWOLP) Report.
 - 1. Monthly master listing of all children who are officially considered missing or absent without leave. The listing includes permanent wards of the court, temporary wards of the court and pending petitions for permanent or temporary wards.

- E. New Docket Management System.
 - 1. The Court recognizes the need for a new docket management system, which will allow better scheduling, and management of cases within time standards. A work group to devise the new system has been created. The Court anticipates implementation of the new system in the second quarter of 2005.

J. Implementation

To successfully implement and achieve the goals of this Plan, the Court will develop

1. policy level commitment from the Bench to the concept and plan; and
2. consult with internal and external stakeholders as needed for guidance and assistance during the implementation process.

The Court is strongly committed to an effective Case Management Plan for all of divisions of the Court and to the basic premise of judicial case management, that early and continuous judicial control will facilitate the expeditious and just progression of a case through the court system. The goal of a case management system is to achieve a predictable, regulated flow for each case, from filing to disposition.

Effective Date: January 1, 2005



Honorable Mary Beth Kelly
Chief Judge
Third Judicial Circuit

Dated: November 24, 2004