



THIRD JUDICIAL CIRCUIT
OF MICHIGAN

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DETROIT, MICHIGAN 48226-3413

VIRGIL C. SMITH
CHIEF JUDGE

(313) 224-5430

ADMINISTRATIVE ORDER 2011 – 10

**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT**

SUBJECT: CASEFLOW MANAGEMENT PLAN

This Administrative Order rescinds and replaces Administrative Order 2004-15.

IT IS ORDERED:

This Administrative Order is issued in accordance with Michigan Supreme Court Administrative Order 2011-3.

A. Goals of the Court

The Court adopts the following Caseflow Management Plan to:

1. Expedite the disposition of all cases in a manner consistent with fairness to all parties and what is permissible under law;
2. Minimize the uncertainties associated with processing cases;
3. Ensure equal access to the adjudicative process for all litigants.

B. Case Processing Time Guidelines

The Court adopts time standards for case processing as set forth in Administrative Order 2011-3. The court will not dismiss a case for the sole reason that it is likely to exceed the guideline.

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 scheduled events and dates. This includes early and continuous control of all cases from case initiation through post-disposition proceedings 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 scheduling of all court events including trial dates; 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 2011-3.

D. Adjournment Policy

The Court adopts the adjournment policy set forth in MCR 2.503, 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 community dispute resolution programs.

1. The Third Judicial Circuit 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 relation 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 the Court's plan for Alternate Dispute Resolution, 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. Cases referred to ADR shall remain open.

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 Criminal cases on a trial docket 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 judge will complete and sign the Summary Statement of the Calendar Conference form.
3. 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 temporary orders, if necessary; establishing discovery deadlines and effectuating referrals to community resources or alternate dispute resolutions.
4. For Juvenile cases, the initial pretrial hearing is generally held before a referee within seven (7) days of the preliminary hearing. The pretrial hearing is used to address issues such as resolution, scheduling, placement, motions, and visitation. If the case is not resolved, a trial date is scheduled, unless the parties request that a Judge preside over the case. If a Judge Demand is made, the matter is scheduled on the assigned Judge's docket for a pretrial hearing.

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, lien holders 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 lien holder.
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 reasonable 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 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. Criminal Division Trial 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 prior to 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.
3. 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.
4. The Juvenile Division schedules bench trials before the assigned judge's 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 assigned Judge, 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:

1. Monitor case progress.
2. Generate various reports for measuring pending inventory and measuring compliance with time guidelines.

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

CIVIL DIVISION:

A. Civil Inventory Report.

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.

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 who are no longer in the Criminal Division.

C. No Schedule Audit Report.

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.

CRIMINAL DIVISION:

A. Report of Pending Cases.

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. Docket Status by Judge Report.

Weekly individual judge's pending inventory reported by scheduled next actions. 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 the No Schedule Audit report where there is no next action scheduled or the next action event is scheduled prior to the date of the report.

C. Multiple Next Actions Report.

Weekly case management staff report for monitoring scheduling activity, case age, adjournments, etc.

- D. Delay in Criminal Proceedings Report.
Quarterly report submitted to the State Court Administrator's office, pursuant to MCR 8.110 (C), (5), listing all cases that are greater than 301 days from the bind over dates and pending at the end of the previous quarter and all cases that were greater than 301 days from the bind over dates that were disposed of during the previous quarter.

FAMILY DIVISION – DOMESTIC RELATIONS:

- A. Pending Inventory Report.

Monthly individual judge's pending inventory in case number order, including case title, attorney information, case scheduling information and case ageing information.
- B. Report of Pending Cases.

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 who are no longer in the Criminal Division.
- B. No Schedule Audit Report.

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 and does not have a result.
- D. Pending Paternity, Family Support and UIFSA Inventory Reports.

Weekly report to case management staff which is reported by cause of action then in case number (filing date) order. Report 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 the scheduled next event is less than the report run date.

FAMILY DIVISION – JUVENILE:

A. Pending Case Age Report.

Monthly summary of judge's and referee's pending actions including petitions reported as over time standards and by respondents jail/bail status.

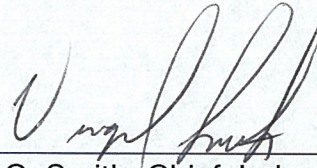
B. Pending Case Age Report - Neglect/Delinquency.

Monthly individual judges and referees pending inventories of neglect and delinquency petitions, reflecting case and party information, the petition's case aging, custody status, next scheduled actions and past-due entries of previously scheduled hearings.

C. Children Absent from Placement without Legal Permission (AWOLP) Report.

Monthly master listing of all children who are officially considered missing or absent without leave. The listing includes permanent wards of the court and pending petitions for permanent or temporary wards.

Dated: September 30, 2011



Virgil C. Smith, Chief Judge
Third Judicial Circuit