

IT IS ORDERED:

This administrative order is issued in accordance with Michigan Supreme Court Administrative Order 2003-7, effective January 1, 2004.

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;
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 time standards for case processing as follows:

1. Circuit Court Guidelines

a. Circuit Case Processing Goals

The Court adopts the time guidelines as set forth in Administrative Order 2003-7.

b. *Circuit Interim Processing Time Goals*

- 1) Matters Submitted to the Judge – Matters under submission to a judge or judicial officer should be promptly determined. Short deadlines should be set for

presentation of briefs and affidavits and for production of transcripts. Decisions, when possible, should be made from the bench or within a few days of submission; otherwise a decision should be rendered no later than 35 days after submission.

Motions for Relief from Judgment shall be governed by MCR 6.501 et seq. If the judge determines that the matter is to be summarily denied without directing a response from the prosecutor or without directing further proceedings, an order containing a concise statement of the reasons for denial shall be entered. If the motion arises from a plea-based conviction, the order shall be entered no later than 35 days from the date of filing. If the motion arises from a trial conviction, the order shall be entered no later than 91 days from the date of filing.

If the judge directs a response from the prosecutor or conducts further proceedings authorized by court rule, the order disposing of the motion shall be entered no later than 63 days from either the date of the prosecutor's response or from the date the further proceedings are concluded.

Correspondence to judicial offices- Any *pleading* sent directly to a judge should be placed in the court file, pursuant to MCR 2.107(G), and noted on the register of actions. The clerk should note any deficiencies in filings and return correspondence to the petitioner. The same procedure should be followed for motions related to re-sentencings.

Letters received by a judicial office should be placed in the court file and noted on the register actions. If the letter contains a request for relief, the clerk is directed to return correspondence to the petitioner with any filing deficiencies noted. The judicial staff shall review a letter containing a request for information.

c. Differentiated Case Management System

The Court adopts a differentiated case management system that provides for similar type cases to be tracked with specific time constraints.

TRACK 1	TRACK 2	TRACK 3
AV, AE, AR, AL, AA, AH, AP, AS, AW, AX, CB, CC, CF, CH, CR, PG, PA, PR, PC, PD, PS, PZ	NI, ND, NF, NM, NS, NO, NZ, CD, CK, CE, CL, CP, CZ	NP, NH & other cases with special circumstances, as determined by the judge

	TRACK 1	TRACK 2	TRACK 3
Pre-Trial Notice	63 days	182 days	182 days
Pre-Trial	91 days	273 days	273 days
Case Evaluation	154 days	341 days	341 days
Trial	182 days	496 days	728 days

Time frames are computed from filing day unless otherwise specified. The case code classification will assign the case to the appropriate track and generate trial notices.

The court will honor written requests to adjourn the pre-trial conference if service of the summons and complaint cannot be made in a timely fashion or if service is accomplished so near to the pre-trial date that the defendant is not provided with adequate time in which to file and serve an answer. Written requests for adjournment must be filed with the assigned judge's secretary. An adjourned pre-trial conference will be scheduled to occur within 30 days thereafter.

A case may be placed on a different Track, for good cause shown, at the discretion of the Court. The reasons that constitute good cause will be placed on the record in open court.

d. Criminal Cases

The court reviewed assignment and scheduling issues relative to criminal cases and the need to prioritize the trial of *in custody* criminal cases because of the overcrowded conditions in the Genesee County Jail.

The 67th and 68th District Courts are directed to assign a circuit judge, by blind draw, at the district court level for all felony

cases. This protocol will assist with the timely disposition of cases for both district and circuit courts. The process will provide critical information that will aid in reaching negotiated dispositions at the earliest opportunity and reduce the number of preliminary examinations.

In custody criminal cases will be scheduled for trial as follows from date of arraignment:

TRACK 1	FH	28-56 days
TRACK II	FC	42-70 days

In order to comply with the above, the court may be required to: (1) schedule a trial in a term designated for civil matters or (2) adjourn an "on bond" case to accommodate the in custody defendant.

For purposes of this provision, "in custody" is defined as in custody as of the date of the circuit court arraignment.

e. Domestic Cases

Guidelines for the processing of domestic cases have been developed and are attached hereto and incorporated herein as part of this administrative order.

Techniques that Promote Effective Caseflow

Divorce Orientation Program (SMILE)

This program is designed for the parents of children who are involved in divorce proceedings. The purpose of the program is to educate and inform regarding the impact of divorce on children. The program is strongly recommended to all parties and is available at multiple times and sites each month.

Pre- Trial Conference

A pre-trial conference will be scheduled within 60 days of the filing of an answer. At the conclusion of the pre-trial conference, unresolved cases will be scheduled for a mandatory settlement conference and trial. A pre-trial/scheduling order will be entered.

Mediation/Friend of the Court

Family division case management includes a mediation process that provides the parties with an opportunity to resolve issues related to parenting time, custody and support. This process removes certain issues from the courtroom and submits them for resolution in a less confrontational format.

Professional Evaluation/Conciliation

This method would be utilized when a judge or referee, determines that intervention by a professional is warranted. The conciliation process contemplates utilization of the private sector psychological community as well as Family Services Agency.

The parties would fund private sector services. Family Services will be funded by the Family Counseling Fund with administrative oversight by the Friend of the Court.

Mediation

Mediation will be strongly considered for all divorce cases without minor children (DO). Other appropriate divorce cases may be ordered to mediation by the judge.

Domestic Referee System

The family division includes a referee system administered by the Friend of the Court. Each family division judge has a fulltime referee assigned to provide juvenile and domestic docket assistance. All pro per motions and/or petitions, except for those matters relating to the division of property or modification of an existing alimony order, are initially referred to the referee for testimony and recommendation. Contested issues, subject to the same subject matter exclusions, may be sent to the referees.

The scheduling guidelines for the referee system are set forth in MCR 3.215 (C) (1). Notification of hearing dates must be sent out within 14 days after receiving the motion or referral.

Absent exigent circumstances, hearings should be completed within 60 days of the date of commencement of the hearing.

Recommendations must be submitted within 21 days after completion of the hearing.

All adjournments are by court order. Absent special circumstances, referee hearings will be conducted without continuances once the same have commenced. Referees are subject to the same requirements as judges, relative to trials and hearings in progress reporting.

Settlement Conference

The settlement conference is conducted under the supervision of a judge or referee. It is mandatory and may be required by the court before docketing a trial date.

Trial

If all attempts at resolution of the matter, short of trial, have been attempted and failed, the matter is scheduled for trial before the assigned judge.

f. Juvenile Cases

Techniques that Promote Effective Caseload

Diversion - The use of voluntary community agencies to provide services to delinquent and neglect cases has been a valuable resource in limiting the number of cases set for formal calendar proceedings. All juvenile petitions are screened to determine if diversion is appropriate.

Pre-Trial Conferences - All contested juvenile matters are scheduled for a pretrial conference.

Trial Scheduling/Management - Trial dates are selected at the pretrial conference. Attorneys are instructed to determine the availability of trial dates and the existence of possible conflicts before the conference is completed.

Pending Petition Information

Judges are provided information on a weekly basis relative to the number of days that authorized petitions have been pending for each case scheduled. Court caseworker staff receives the same information to assist the court in these

matters. A cumulative report is given to each judge on a monthly basis summarizing petitions that have been closed.

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 in compliance with MCR 2.503(B) 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.

No case or contested matter will be permitted to remain on this Court's docket in excess of the guidelines set forth by AO 2003-7 without an immediate review or without the Court setting forth the reasons for an extension and setting new limits.

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.
6. *Civil Spin-off Docket [pursuant to local administrative order 2004-14]* – No civil case, that is beyond the time standards for disposition or whose adjourned date would be beyond the time standards for disposition, shall be adjourned because the judge is in trial on other matters, without first contacting all other civil division judges to determine if they are available to conduct the trial.

If an alternate judge conducts the trial, the case shall be re-assigned for all purposes. If the case is not disposed of or trial commenced, the case will be returned to the originally assigned judge and no re-assignment will be made.

If a trial is conducted, the alternate judge would have the option to re-assign a pending case, with the same case code classification, to be selected by blind draw, to the judge from whom the re-assignment was made.

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.

Joint Local Administrative Order, 2003J established an Alternative Dispute Resolution Plan for the Court. Civil and domestic cases are included.

The family division of the court is participating in a pilot project with the Community Dispute Resolution Center that will assist with the disposition of personal protection order violations. There is a separate pilot project that will provide experience for attorneys expressing interest in qualifying as domestic mediators.

F. Pretrial Scheduling Orders

Each judge will utilize a pre-trial scheduling order for the scheduling of cases. The order will set forth the following dates or cutoff periods:

- q Dispositive motions and motions in limine
- q Discovery Cutoff
- q Witness List and Exhibits Exchange
- q Case Evaluation Month and Year
- q Experts Named
- q Settlement Conference (if applicable)
- q Trial date *

* If the original trial date will be converted to a mandatory settlement conference, notice will be provided at least 28 days *before the scheduled trial date*.

Other matters may be included in the pre-trial scheduling order at the discretion of the judge. These may include instructions regarding ADR (Alternative Dispute Resolution), proposed jury instructions and trial briefs.

G. Settlement or Final Pretrial Conferences

Every action that is not disposed of through mediation, case evaluation, or other means, will be scheduled for a settlement conference in accordance with MCR 2.401. Persons with authority to settle the case, including the parties to the actions, agents of the parties, representatives of lien holders, or representatives of insurance carriers shall be present at the conference, or with approval of the Court, available [promptly] at the time of the conference via telecommunications.

H. Trial Scheduling and Management

Judicial secretaries will schedule trials, using the case management software that identifies trial date conflicts for attorneys. Trial dates will be included in pre-trial orders for domestic and civil cases. Trial dates in criminal cases will be provided to counsel at the time of the arraignment. [See F., page 8]

Judicial Resources - The Court will utilize additional judicial resources to assist with the disposition of pending civil cases that exceed the time guidelines, as well as other cases identified by the Family Division bench to assist with the timely disposition of Family Division cases. These cases will be the highest priority for disposition. The ability to retain the services of a visiting judge is dependent upon future budget allocations. If current allocations are continued, the court budget will support the additional judicial resource.

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.

Specific reports which will be available from the case management system are cases with no next action date, age of pending cases, number of cases pending over time standards by judge, age of cases at each event, age of cases at disposition, adjournment rate, time intervals between events, and exception reports.

The judicial secretary is responsible for reviewing the above mentioned case management reports and, if possible, taking corrective scheduling action. In the event that the matter requires judicial action or approval, the matters will be brought to the attention of the judge. Court administrative staff will provide technical assistance to the judicial staff relative to report generating.

In addition, the clerk of the court will generate a report on the 10th of each month which will list cases, by judge, that are noted on the register of actions as "UAD" [under advisement]. Cases are noted as under advisement when the judge so indicates from the bench [and the clerk is present in court] or at the direction of the judge or judicial staff. Cases are removed from under advisement status using a similar protocol.

The court technology coordinator will provide a report on the 10th of each month, which lists all domestic trials or post judgment

testimonial hearings, by judge, which were conducted for the month. Family Division judicial secretaries will code all completed trials or post judgment testimonial hearings with a "c." This report will be utilized in determining what matters, if any, remain as a "trial in progress" at the end of the month.

Any trial or hearing which is not completed during the domestic or juvenile term, will be considered the priority matter for completion during the *very* next term. If a carryover case and a scheduled case both involve the issue of custody, the assigned judge will review those matters and a decision made on trial priority based on all of the circumstances in each matter.

The circumstances may include age of case, availability of parties and counsel, whether a decision is required to address re-location of parties, school enrollment or other factors that would be in the best interest of children to decide without further delay.

On a quarterly basis [to coincide with the under advisement reporting to SCAO], the chief judge will require that all judges provide written verification as to which matters remain as a "trial in progress" and the reason that the matter has not been completed. The reports will be forwarded to the presiding judge, of the appropriate division, for review. The presiding judges will notify the chief judge regarding the status of each case *and* the basis for the continuing nature.

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.

Date: _____

Archie L. Hayman, Chief Judge
7th Judicial Circuit Court