

STATE OF MICHIGAN
MONROE COUNTY CIRCUIT COURT
38TH JUDICIAL CIRCUIT

Administrative Order 2011-01

Revised 2005-03

CASEFLOW MANAGEMENT PLAN

IT IS ORDERED:

The management of the flow of cases in the trial court is the responsibility of the judiciary. In carrying out that responsibility, the judiciary must balance the rights and interests of individual litigants, the limited resources of the judicial branch, and a realistic assessment of the capabilities of other participants in the justice system, and the interests of the citizens of this state in having an effective, fair, and efficient system of justice.

This local 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;
2. minimize the uncertainties associated with processing cases;
3. ensure 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 time guideline standards for case processing as set forth in Michigan Supreme Court Administrative Order 2011-3 (copy attached), except for individual cases where the court determines exceptional circumstances exist. The Court will strive to meet the time guidelines 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 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 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. No case or contested matter will be permitted to remain on this Court's docket in excess of the guidelines set forth by Administrative Order 2011-3 without periodic review and evaluation of case progress to ensure, as much as possible, that cases are processed within the time guidelines.

6. It is the policy and goal of this Court that the Judge's schedule should not be "overscheduled". Cases should be called within 30 minutes of the time they are scheduled, and a Judge's schedule should not have more cases on it than are possible to be called within this time.

D. Adjournment Policy

The Court adopts the adjournment policy set forth in MCR 2.503 including the following:

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. Stipulations for adjournment based on good cause shown may be allowed within the Court's discretion.
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.

F. Pretrial Scheduling Orders

Upon the filing of an answer, the Court will issue a scheduling order. This order will cover, among other things, the applicable discovery time allowed by the Court in the cases, filing deadlines for motions, case evaluation, witness lists, and pretrial/settlement conference.

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 complete 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, immediately available at the time of the conference via telecommunications.

H. Trial Scheduling and Management

Unless otherwise directed by the judge assigned to the case, trials shall be scheduled at the settlement or final pretrial conference

To avoid future scheduling conflicts, attorneys must be able to confirm their trial date availability at the conference by having their calendars available.

I. Monitoring Systems

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

1. monitor case progress;
2. Generate reports for measuring pending inventory and measuring compliance with the time guidelines.

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

J. Implementation

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


- 1. develop a 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; and,
- 3. utilize other processes and procedures to effectively implement its caseflow management plan when they become available.

K. Additional Techniques/Resources

The court will use additional techniques to effectively implement its caseflow management plan, which may include:

- 1. Visiting judges
- 2. Additional judicial resources (law clerks)
- 3. Consulting with Prosecutors and local bar associations

Date: Oct. 31, 2011



 MICHAEL W. LaBEAU
 Chief Circuit Judge

From: region1-info@courts.mi.gov(Region1 Info)
To: Michael_LaBeau@monroemi.org, micheal_james@monroemi.org
CC: Region1 Info
Date: 11/15/2011 4:09 PM
Subject: C38 2011-01 Caseflow Management Plan Approved

C38 2011-01 Caseflow Management Plan Approved
Rescinds C38 2005-03

This is to advise that we have reviewed the above referenced administrative order and find that it conforms to the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

Deborah Green
Region I Administrator
Michigan State Court Administrative Office
P.O. Box 02984
Detroit, MI 48202
313-972-3300

This message has been prepared on computer equipment and resources owned by the Michigan Supreme Court. It is subject to the terms and conditions of the Court's Computer Acceptable Use Policy.