

<p>State of Michigan Washtenaw County Trial Court</p>	<p><u>CASEFLOW MANAGEMENT PLAN</u></p>	<p>Local Administrative Order CC – 2004-03 Effective Date:</p>
--	---	---

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. Probate Court Guidelines

a. Interim Probate Case Processing Goals

1) Estate, Trust, Guardianship, and Conservatorship Proceedings –

i. Only contested matters (in cases other than DH, PE or TR case types) shall be tracked and reported to the SCAO by the court. Contested matters shall be defined as any matter within a case where a competing petition has been filed against the petition or any written responsive pleading requesting relief which is inconsistent with the relief sought in the petition (such as an objection, or an answer, no matter how titled) has been filed. Matters without a pleading filed by the contestant, such as arguments which are only orally raised in the courtroom or in the probate office, shall not be considered contested matters.

ii. For each contested matter resolved during the year:

60% of all contested matters resolved within 182 days
of the filing of the objection

80% of all contested matters resolved between 183 to 273 days of
the filing of the objection

100% of all contested matters resolved between 274 to 364 days of
the filing of the objection except for individual cases in which the
court determines that exceptional circumstances exist and for
which a continuing review should occur

iii. For each contested matter that remains unresolved at the end of the
year:

182 days or less have elapsed since the filing of the objection in
60% of all contested matters

Between 183 and 273 days have elapsed since the filing of the
objection in 20% of all contested matters

Between 274 and 364 days have elapsed since the filing of the
objection in 15% of all contested matters

More than 364 days have elapsed since the filing of the objection
in 5% of all contested matters

2) Mental Illness and Judicial Admission Proceedings –

i. Every mental illness (MI) and judicial admission (JA) petition, both
case-initiating petitions as well as post-initial petitions, shall be tracked

and reported to the SCAO by the court. If there is a deferral, the petition is counted as adjudicated. If there is a subsequent demand for hearing, the petition is counted as filed as of the original filing and also recounted as adjudicated as of the disposition at the hearing with the time between the deferral and the demand for hearing subtracted from the total time.

ii. For each petition disposed of during the year:

80% of all petitions disposed of within 14 days of the filing of the petition

15% of all petitions disposed of between 15 to 28 days of the filing of the petition

5% of all petitions disposed of more than 28 days after the filing of the objection

After a demand for hearing, and not counting the time between deferral and demand, 80% of all petitions disposed of within 14 days after the original filing

After a demand for hearing, and not counting the time between deferral and demand, 15% of all petitions disposed of between 15 and 28 days after the original filing

After a demand for hearing, and not counting the time between deferral and demand, 5% of all petitions disposed of more than 28 days after the original filing

iii. For each petition not adjudicated during the year:

14 days or less have elapsed since the filing of the petition for 80% of all petitions filed

Between 15 and 28 days have elapsed since the filing of the petition for 15% of all petitions filed

More than 28 days have elapsed since the filing of the petition for 5% of all petitions filed

3) Civil Proceedings –

i. Every general civil (CZ) case initiated by complaint shall be tracked and reported to the SCAO by the court. Time is not counted in CZ cases while the case is in inactive status, and if a case is on inactive status at the end of the year it is not counted at all either as disposed or undisposed. Once a case comes off inactive status the duration of the time spent on inactive status is subtracted from the total time since filing.

ii. For each CZ case disposed of during the year:

60% of all cases are disposed of within 364 days after the filing of the complaint

20% of all cases are disposed of between 365 to 546 days after the filing of the complaint

15% of all cases are disposed of between 547 to 728 days after the filing of the complaint

5% of all cases are disposed of more than 728 days after the filing of the complaint

iii. For each CZ case that remains unresolved at the end of the year:

364 days or less have elapsed since the filing of the complaint in 60% of all cases

Between 365 and 546 days have elapsed since the filing of the complaint in 20% of all cases

Between 547 and 728 days have elapsed since the filing of the complaint in 15% of all cases

More than 728 days have elapsed since the filing of the complaint in 5% of all cases

5) Miscellaneous –

i. Every miscellaneous (ML) case initiated by complaint shall be tracked and reported to the SCAO by the court. Examples of ML cases are appeal of denial of delayed certificate of in-state birth, petition for authority to open safe deposit box, appeal in relation to drain proceeding and appeal of denial of adoption subsidy.

ii. For each ML case disposed of during the year:

60% of cases are disposed of within 35 days of the opening of the case

40% of cases are disposed of more than 35 days after the opening of the case

iii. For each ML case that is not disposed of at the end of the year:

35 days or less have elapsed since the case was opened in 60% of all cases

More than 35 days have elapsed since the case was opened in 40% of all cases

b. Probate Case Processing Goals

1) Estate, Trust, Guardianship, and Conservatorship Proceedings –

i. Only contested matters (in cases other than DH, PE or TR case types) shall be tracked and reported to the SCAO by the court. Contested matters shall be defined as any matter within a case where a competing petition has been filed against the petition or any written responsive pleading requesting relief which is inconsistent with the relief sought in the petition (such as an objection, or an answer, no matter how titled) has been filed. Matters without a pleading filed by the contestant, such as arguments which are only orally raised in the courtroom or in the probate office, shall not be considered contested matters.

ii. For each contested matter resolved during the year:

75% of all contested matters resolved within 182 days of the filing of the objection

90% of all contested matters resolved between 183 to 273 days of the filing of the objection

100% of all contested matters resolved between 274 to 364 days of the filing of the objection except for individual cases in which the court determines that exceptional circumstances exist and for which a continuing review should occur

2) Mental Illness and Judicial Admission Proceedings –

i. Every mental illness (MI) and judicial admission (JA) petition, both case-initiating petitions as well as post-initial petitions, shall be tracked and reported to the SCAO by the court. If there is a deferral, the petition is counted as adjudicated. If there is a subsequent demand for hearing, the petition is counted as filed as of the original filing and also recounted as adjudicated as of the disposition at the hearing with the time between the deferral and the demand for hearing subtracted from the total time.

ii. For each petition disposed of during the year:

90% of all petitions disposed of within 14 days of the filing of the petition

100% of all petitions disposed of between 15 to 28 days of the filing of the petition

3) Civil Proceedings –

i. Every general civil (CZ) case initiated by complaint shall be tracked and reported to the SCAO by the court. Time is not counted in CZ cases while the case is in inactive status, and if a case is on inactive status at the end of the year it is not counted at all either as disposed or undisposed. Once a case comes off inactive status the duration of the time spent on inactive status is subtracted from the total time since filing.

ii. For each CZ case disposed of during the year:

75% of all cases are disposed of within 364 days after the filing of the complaint

95% of all cases are disposed of between 365 to 546 days after the filing of the complaint

100% of all cases are disposed of between 547 to 728 days after the filing of the complaint except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review should occur

5) Miscellaneous –

- i. Every miscellaneous (ML) case initiated by complaint shall be tracked and reported to the SCAO by the court. Examples of ML cases are appeal of denial of delayed certificate of in-state birth, petition for authority to open safe deposit box, appeal in relation to drain proceeding and appeal of denial of adoption subsidy.
- ii. For each ML case disposed of during the year:

100% of cases are disposed of within 35 days of the opening of the case

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.

E. Alternative Dispute Resolution

The court promotes the use of alternative means to resolve disputes. Litigants will be provided information about dispute resolution centers and certified mediators. Mediation services will be recommended, or ordered, in all cases where appropriate.

F. 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, immediately available at the time of the conference via telecommunications. All interested persons shall receive notice of the settlement conference.

G. Trial Scheduling and Management

Trial dates shall be set at the settlement conference, or sooner, if requested. To avoid future scheduling conflicts, attorneys must be able to confirm their trial date availability at the scheduling conference unless an earlier trial date has been set. In those cases where an earlier date has been set, the court shall set the case for conference prior to trial to determine the exhibits, witnesses, jury instructions, if any, and other details of trial.

H. Monitoring Systems

i. Interim Case Management System

The interim case management system of the Court will be in place until June 30th, 2005. The interim 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.

ii. Case Management System

The case management system of the Court will, after July 30th, 2005, provide the capability to at least:

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.

I. 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 implementation of this Plan will create a period of increased scheduling as cases come into the system after the implementation date. This may require a plan to temporarily increase judicial resources within the jurisdiction.

Date: 12/03/2004

Signature of Chief Judge