

STATE OF MICHIGAN  
IN THE PROBATE COURT FOR THE COUNTY OF MACOMB

In re: Selection of Case Evaluators  
and Case Evaluation Panels

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Local Administrator Order #2016-01

(Rescinds Local Administrative Order #2009-04)

**IT IS ORDERED:**

This Administrative Order is issued in accordance with MCR 2.404. This Order provides a method to maintain a list of persons available to serve as case evaluators and to assign case evaluators from the list to evaluation panels.

A. ADR Clerk

The Probate Court Administrator may designate the ADR Clerk – as his/her designee.

B. Case Evaluation Plan

This plan covers the evaluation of cases in the Macomb County Probate Court under MCR 2.403.

C. List of Case Evaluators

1. Case Evaluator Application

An application form will be made available to those who wish to apply at the office of the ADR Clerk and on the Court's webpage.

2. Case Evaluator Eligibility

To qualify as a general case evaluator, a person must meet the qualifications in sub-rule MCR 2.404(B)(2). To qualify as a case evaluator on a specialized list, a person must meet the qualifications in sub-rule MCR 2.404(B)(2) and have the experience and expertise in the subject matter as required by MCR 2.404(B)(2)(d).

3. Review of Applications; Appeal

- a. Applications will be reviewed at least annually by an individual or committee appointed by the Chief Judge. An individual must be an employee of the Court. If a committee is created, it will consist of at least three (3) members. The membership of the committee will include practicing lawyers, representatives of the Macomb County Bar Association, Court staff and members of the Probate Court Bench. The selection of Committee members will be designed to assure that the goals of MCR 2.404(D)(2) are met. Members will be appointed to three (3) year terms. A person will not be

allowed to serve on the Committee more than three (3) years in any nine (9) year period.

- b. An applicant who is not placed on a case evaluation list may appeal, in writing, to the Chief Judge within thirty (30) days after notice of the decision is mailed to the applicant. There will be no oral argument. The Chief Judge will inform the applicant of the decision in writing.

4. Specialized Lists

- a. Additional specialized lists may be created at the discretion of the Chief Judge.
- b. Case evaluators on a specialized list will be divided into plaintiff case evaluators, neutral case evaluators and defense case evaluators, depending on whether they primarily represent plaintiffs, defendants or are not identifiable with either.

5. Term of Placement on Lists

Case evaluators will be appointed to a fixed term of no greater than five (5) years. The terms of case evaluators may be staggered so that a manageable number of case evaluators will be considered for reappointment each year.

6. Removal from Lists; Appeal

Case evaluators who demonstrate incompetency, bias, made themselves consistently unavailable to serve as a case evaluator or show other just cause may be removed from the list. A case evaluator who is removed from a case evaluation list may appeal, in writing, to the Chief Judge within thirty (30) days after notice of the decision is mailed to the case evaluator. There will be no oral argument. The Chief Judge will inform the case evaluator of the decision in writing.

7. Orientation and Training

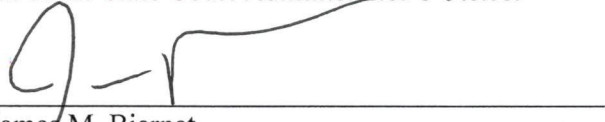
Case evaluators will be provided with orientation materials explaining the case evaluation process and the operation of the Court's case evaluation program.

D. Assignment to Panels

The ADR Clerk will assign case evaluators to panels. The assignment must be in a random or rotating manner that assures as nearly as possible that each case evaluator on a list is assigned approximately the same number of cases over a period of time. If a substitute case evaluator must be assigned, a similar assignment procedure will be used to select the substitute.

This Order shall be effective immediately upon approval of the State Court Administrator's Office.

Dated: 3-25-16

  
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James M. Biernat  
Chief Judge  
16<sup>th</sup> Circuit, 42<sup>nd</sup> District and Macomb County  
Probate Courts