

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

Administrative Order 2012-01
Caseflow Management Plan

91-117,735-ADM

IT IS ORDERED:

Local Administrative Order 2004-02 is hereby rescinded.

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 this plan to comply with the time guidelines 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 will schedule all cases or contested matters in a manner that minimizes delay for the parties and that reduces the possibility of adjournment of scheduled events. The court will control all cases from case initiation through post-disposition proceedings by:

1. Appropriate case screening.
2. Scheduling conferences and orders for the purpose of achieving date certainty;



3. Management of discovery and motion practice;
4. Realistic scheduling of all court events.

The court will monitor all cases and contested matters to ensure that no case exists for which a future action or review date has not been scheduled. The court will schedule all cases pursuant to the time guidelines set forth in Administrative Order 2011-3. The court will not permit a case or contested matter to remain on this court's docket in excess of the guidelines set forth in this local administrative order without immediate judicial review.

D. Adjournment Policy

The court strictly adheres to MCR 2.503.

E. Alternative Dispute Resolution

The court encourages alternative means to resolve disputes. The court's procedures for case evaluation are set forth in Local Administrative Order No. 2009-04. Litigants will be provided with information regarding area dispute resolution and counseling centers. The parties may agree, or the court may order, that a case be submitted to facilitative mediation under MCR 2.410 and 2.411. In addition, the court utilizes the Macomb Community Resolution Center in appropriate cases. All cases referred to Alternative Dispute Resolution shall remain open.

F. Pretrial Scheduling Orders

Pretrial conferences are scheduled for the last Tuesday and Thursday of each month and are generally conducted by a court attorney. At the pretrial conference:

1. Representatives of each side must be present. Pursuant to MCR 2.401(F), the court may direct parties to be available by phone or in person;
2. Issues are agreed upon;
3. It is determined whether case evaluation is appropriate – may be ordered by court;
4. Discovery is scheduled; and
5. Need for trial is determined and whether jury or non-jury.

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 and conducted in accordance with MCR 2.401.

H. Trial Scheduling and Management

After case evaluation acceptance/rejection period expires and any pretrial conference is conducted, cases proceed to trial. The Judge's secretary will set the trial date at the time of the pretrial conference or the notice to the parties of the case evaluation results, according to the schedule of the assigned Judge. Attorneys shall immediately confirm the date with their schedule.

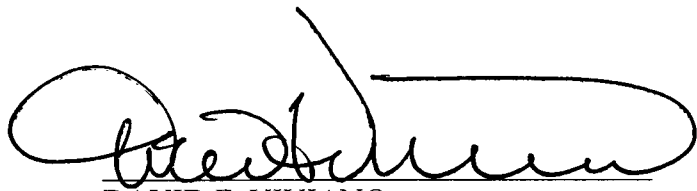
I. Monitoring Systems

The court's case management system will:

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

Date: February 13, 2012



DAVID F. VIVIANO
CHIEF PROBATE JUDGE