

Effective Date: Upon Approval of the State Court Administrative Office

Issued in accordance with Michigan Supreme Court Administrative Order 2003-7, effective January 1, 2004, the purpose of this Local Administrative Order (LAO) is to:

1. Improve the just resolution of criminal and civil matters through an efficient and effective case management system.
2. Effectively balance the rights and interests of individual litigants; the limited resources of the judicial branch and other participants in the adjudication process; and, the interests of all users of the 14A District Court in having an efficient, effective, fair and systematic application of justice.

This order rescinds and replaces Local Administrative Order 2004-3, Caseflow Management Plan, and supersedes any and all previous policies that may address the same matter. This order is subject to approval by the State Court Administrative Office.

IT IS ORDERED:

POLICY

It is the policy of the 14A District Court to provide early judicial control of cases via an efficient and effective caseflow management plan.

PURPOSE

The purpose of the caseflow management plan is to prevent delay in case processing.

DESCRIPTION

The caseflow management plan is a principle-driven, goal oriented system designed to provide a predictable regulated flow for each case from filing to final disposition.

GOALS OF THE CASEFLOW MANAGEMENT PLAN

1. Provide active oversight of the progress of all cases filed within the Court.
2. Expedite the disposition of all cases in a manner consistent with fairness to all parties and the circumstances of each case.
3. Minimize the uncertainties associated with case processing.
4. Assure equal access to the adjudicative process and equal treatment for all litigants.
5. Resolve matters in accordance with what is permissible under the law by defined standards of service and by balancing the needs of the individual and society.
6. Enhance the quality of the litigation process.

7. Enhance public confidence in the court as an institution and branch of government.

CASE PROCESSING TIME STANDARDS

1. GUIDELINES

a. Case Processing Goals

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

SCHEDULING POLICY

1. Criminal

- a. All cases are entered into the Court's case management system within 72 hours of being filed.
- b. Arraignment and pre-trial hearings are set within two (2) weeks of the date of entry of the case.
- c. All cases will be before the Court within three (3) weeks of the time the case is filed.

2. Arraignment and Management of In-Custody Defendants

- a. All in-custody defendants shall be arraigned as soon as possible in strict accordance with the 14A District Court's policy and procedure for "*In-Custody Arraignments and the Swearing of Complaints*".
- b. In-custody defendants arraigned before the Court shall be placed on the docket of the proper Court, e.g., 14A-1, 14A-2, etc., on the next available date, but in no case any longer than seven (7) days from the date of arraignment. By way of example but not limitation, if a defendant is in jail for "failure to appear" for a State pretrial, their hearing shall be set for the next State pretrial date.
 - i. In cases of a judicial absence, the presiding Judge of the Court, e.g., 14A-1, 14A-2, etc., will make arrangements to assure that the above standard is met in their absence.
- c. It is the intent of this section to assure that no defendant shall remain incarcerated any longer than is necessary without the benefit of a hearing before a judge.

3. Civil

- a. All cases or contested matters are set in a manner that minimizes delay for the parties and that reduces the possibility of adjournment of set times. This includes the early and continuous control of all cases from case initiation through post-disposition through the use of:
 - i. Appropriate case screening;
 - ii. Scheduling orders and conferences for the purpose of achieving date certainty;
 - iii. Management of discovery and motion practice;
 - iv. Realistic setting of trial dates and time limits; and
 - v. Court control of adjournments in compliance with MCR 2.503 (B) for the purpose of achieving date certainty.
- b. 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.
- c. Scheduling will be done in accordance with the time guidelines set forth in Administrative Order 2003-7.
- d. No case or contested matter will be permitted to remain on the Court's docket in excess of the guidelines set forth by Administrative Order 2003-7 without an immediate review or without the Court setting forth the reasons for an extension and setting new time limits.

4. Civil Infractions

A hearing will be set within two (2) weeks of the date of filing for all civil infractions for which a hearing is requested.

5. Landlord Tennant

All landlord tenant matters will be set for an initial hearing within ten (10) days of the date of filing.

ADJOURNMENT POLICY

The Court adopts the adjournment policy set forth in MCR 2.503 (B), as follows:

1. Unless the Court allows otherwise:
 - a. A request for an adjournment must be by verified and written motion based upon good cause shown.
 - b. All requests for adjournment will be decided by the judge or his or her designee.

- c. Adjournments granted will be classified and tracked based upon the reason given.
2. A motion for adjournment must state:
 - a. Which party is requesting the adjournment?
 - b. The reason for the adjournment?
 - 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 non-payment is shown by affidavit.

ALTERNATIVE DISPUTE RESOLUTION

The Court promotes the use of alternative methods to resolve disputes as follows:

1. In accordance with Local Administrative Order 2004-2, it is the policy of the 14A District Court that all small claims must first be submitted for alternative dispute resolution (i.e., mediation) unless a party makes a written request to waive mediation for good cause.
2. The Court provides litigants with information about the Dispute Resolution Center of Washtenaw County, a non-profit Michigan Community Dispute Resolution Program Center funded by the Michigan Supreme Court, State Court Administrative Office and Washtenaw County.
3. The Court provides litigants with information about other available programs that provide an alternative means to resolve disputes.

PRETRIAL SCHEDULING ORDERS

1. Criminal

Pretrial scheduling orders, to the extent that they contribute to speedy adjudication, will be used at the discretion of the presiding Judge.

2. Civil

The Court will schedule a pretrial by mailing notices and a pretrial statement. The pretrial statement is to be completed and submitted to the Court prior to the pretrial. At the pretrial, parties will agree on dates certain for filing motions, filing exhibits, discovery end date and trial date.

SETTLEMENT OR FINAL PRETRIAL CONFERENCES

1. Criminal

Settlement or pretrial conferences, to the extent that they contribute to speedy adjudication, will be used at the discretion of the presiding Judge.

2. Civil

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 the approval of the Court, immediately available at the time of the conference via telecommunications.

TRIAL SCHEDULING AND MANAGEMENT

In all matters, trial dates will be agreed upon by both parties and a date certain will be given. Adjournments are granted according to the Adjournment Policy.

MONITORING SYSTEMS

Minimally, the case management system of the Court will monitor:

1. Case inventory;
2. Case delay;
3. General case activity;
4. Scheduling practices; and,
5. Compliance with time guidelines.

Monitoring systems will include, but may not be limited to the following reports:

1. Pending Case Age Inventory
2. Speedy Trial Reports

3. Caseload Reports
4. Case Flow Reports
5. Event Past and Missing

IMPLEMENTATION

1. Policy Statement

This plan is the policy commitment of 14A presiding judges to efficient and effective caseload management including but not limited to compliance with Supreme Court Administrative Order 2003-7.

2. Business Plan

The 14A District Court has adopted the time guidelines of Supreme Court Administrative Rule 2003-7 as a primary part of its business plan performance measures. The Court's business plan includes:

- a. Statement of services.
- b. Summary of internal and external stakeholders whom the Court both serves and consults with in the management and implementation of court services.
- c. Evaluation.

3. Implementation

Effective implementation will be achieved through training, information sharing, periodic review and consultation with customers and stakeholders, program and process analysis and improvement, and measuring progress against plan in accordance with the time guidelines as set forth in Michigan Supreme Court Administrative Order 2003-7.

Date: August 2, 2005



**J. Cedric Simpson
Chief Judge**