

**STATE OF MICHIGAN
COUNTY OF JACKSON
PROBATE and 4th CIRCUIT COURT**

Administrative Order 2004 - 4 (Circuit Court)
Administrative Order 2004 - 2 (Probate Court)
CASEFLOW MANAGEMENT PLAN

IT IS ORDERED:

This administrative order is issued in accordance with Michigan Supreme Court Administrative Order 2003-7. This plan is effective December 1, 2004.

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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, except for individual cases where the court determines exceptional circumstances exist:

1. Probate Court Guidelines

Case Type	Percentage	Adjudication Goal	Comments
Estates/Trusts/Wills/ (DA, DE, PE, TR, TT, TV)	50% 75% 90% 100%	182 days 364 days 546 days 728 days	All uncontested cases should be resolved within 182 days. Contested cases are expected to take longer depending on the complexity.
Mental Illness and Judicial Admission (MI, JA)	90% 100%	14 days 28 days	
Foreign Births/Civil Matters (BR, CZ)	75% 95% 100%	364 days 546 days 728 days	
Miscellaneous Matters (ML)	100%	35 days	
Guardianship Conservatorship (GA, DD, GL, GM, LG, CA, CY)	75% 100%	91 days 182 days	

2. Circuit Court Guidelines – General Division

Case Type	Percentage	Adjudication Goal	Comments
Malpractice / Products / Dramshop (NM, NH, NP, NS)	50% 75% 100%	18 months 20 months 24 months	More time is being allowed for these cases because of the complex expert testimony involved.
Other Negligence (ND, NF, NI, NO, NZ)	75% 90% 100%	12 months 15 months 18 months	
All Contracts/Civil Matters (All C, PC, PV, PR, PS & PZ)	75% 90% 100%	12 months 15 months 18 months	
Felony – Non-Capital FJ, FH	90% 98% 100%	91 days 154 days 301 days	
Felony – Capital FC	90% 98% 100%	180 days 270 days 365 days	
Appeals (AA, AE, AP, AR, AV, AL, AS)	100%	182 days	
Extraordinary Writs (AH, AW)	50% 75% 100% 100%	90 days 150 days 180 days 100% of cases should be decided within 28 days from when briefs are submitted.	In this County, almost all Plaintiffs are pro per prisoners who need additional time for paperwork due to the prison mail system, and difficulties with service of process.

3. Circuit Court Guidelines – Family Division

Case Type	Percentage	Adjudication Goal	Comments
Divorce without children, Annulment (DO, DZ)	90% 98% 100%	180 days 273 days 364 days	
Divorce with children (DM)	75% 98% 100%	245 days 301 days 364 days	
Paternity (DP)	75% 90% 100%	180 days 238 days 365 days	

Custody (DC)	90% 100%	147 days 238 days	
Support (DS)	90% 100%	120 days 180 days	
Interstate–Registration All T cases	100%	24 hours	
Interstate–Establishment All U cases	90% 100%	147 days 238 days	
Delinquency (DL) (detained)	90% 100%	84 days 98 days	
Delinquency (DL) (not detained)	75% 90% 100%	119 days 182 days 210 days	
Neglect (NA) (out-of-home)	90% 100%	63 days 98 days	Court rules require adjudication within 63 days unless waived.
Neglect (NA) (not out-of-home)	75% 100%	119 days 182 days	Court rules require adjudication within 182 days, which cannot be waived.
Designated (DJ)	90% 100%	154 days 301 days	
Juvenile Traffic (TL)			Pursuant to an administrative order, all juvenile traffic matters are assigned to district court.
Adoptions (AB, AC, AD, AF, AG, AM, AN, AO, AY)	90% 100%	287 days 364 days	
Petition to Rescind Adoption	100%	91 days	
Name Change (NC)	100%	91 days	
Newborn (NB)	100%	273 days	
Personal Protection Orders PH, PP, PJ (ex parte)	100%	24 hours	
Personal Protection Orders PH, PP, PJ (not ex parte)	100%	14 days	
PPO Violation - In Custody	100%	7 days	
PPO Violation – Not in Custody	100%	14 days	

Violation of Out-Of-County Personal Protection Order (VP)	100%	14 days	
Emancipation (EM)	100%	91 days	
Infectious Disease (ID)	100%	91 days	
Parental Waiver (PW)	100%	5 days	

4 . Matters submitted to Judge

Matters submitted to Judge		Decisions, when possible, should be made from the bench or within a few days of submission; otherwise no later than 35 days after submission.	
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C. Scheduling Policy

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 reviewed monthly 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 this Plan. No case or contested matter will be permitted to remain on this Court’s docket in excess of the guidelines set forth in this Plan without an immediate review or without the Court setting forth the reasons for an extension and setting new limits.

It is the policy and goal of the Court that each Judge should take the bench at the

time the case is scheduled.

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, MCR2.503(B)

Adjournments of Trials or ADR Hearings, Pre-Trials or Motions which necessitate a trial adjournment.

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 written motion or written stipulation 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. Adjournments will be classified and tracked as allowed by the Court's case management system.
2. A motion for adjournment or written stipulation 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 or stipulation 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.
6. If an adjournment results in a case going over the time standards, a copy of the motion or stipulation and order must be provided to the Chief Judge.
7. An adjournment as used in this policy means any change in the scheduled trial date that results in a delay of more than 14 days.

Adjournments of ADR, Evidentiary Hearings, and Pre-Trials which do not necessitate a trial adjournment.

1. These matters may be adjourned by Stipulation or Motion. Any 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.
2. At the time a proceeding is adjourned, the proceeding must be rescheduled for a specific date and time.
 3. 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.

Adjournment of Motions which will not affect the trial date.

1. The moving party may cancel any motion scheduled for the Court's normal morning motion call on request, provided the hearing is cancelled at least 24 hours before the scheduled motion time.
2. Motions on the Judge's regular motion call may be cancelled by written or oral stipulation of the parties at any time.
3. Motions on any special motion call of the Judge set for a specific time, i.e. summary disposition motions, the moving party may cancel the motion, provided the hearing is cancelled at least 7 days before the scheduled motion time, and at any time by stipulation.
4. Motion for adjournment by the non-moving party must be in writing and 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. When the Motion is adjourned, the matter must be rescheduled for a specific date and time.
5. In granting an adjournment for the non-moving party, 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 will promote the use of alternative means with which to resolve disputes. Alternative dispute resolution will be discussed at every pre-trial. Litigants, upon request, will be provided with all available information regarding area dispute resolution and counseling centers, including case evaluations, mediations and community mediations through the Southeast Dispute Resolution Service.

All Circuit Court Civil Proceedings will be screened for case evaluation or mediation either at the time the case scheduling order is issued, or at an ADR conference held no later than 90 days after the case is filed.

CIRCUIT COURT - FAMILY DIVISION

DM, DC and DO cases will be screened for possible ADR at the final pre-trial conference.

Certain PH cases, such as neighbor disputes, will be reviewed for possible referral to the Southeast Dispute Resolution Service prior to contested hearings.

PROBATE COURT

All Probate Civil Proceedings will be screened for ADR prior to being set for trial.

F. Scheduling and Issuance of Case Scheduling Orders

CIRCUIT COURT – GENERAL DIVISION

Malpractice / Products / Dramshop (NM, NH, NP, NS)	Each judge’s office will issue a case scheduling order no later than 14 days after an answer is filed. The case scheduling order will include provisions for completion of discovery, ADR, a final pretrial and a trial date.
Other Negligence (ND, NF, NI, NO, NZ)	Each judge’s office will issue a case scheduling order no later than 14 days after an answer is filed. The case scheduling order will include provisions for completion of discovery, ADR, a final pretrial and a trial date.
All Contracts/Civil Matters (All C, PC, PV, PR, PS & PZ)	Each judge’s office will issue a case scheduling order no later than 14 days after an answer is filed. The case scheduling order will include provisions for completion of discovery, ADR, a final pretrial and a trial date.
CF Cases	Involving the prosecutors office – notices for pretrial and trial will be sent within 35 of filing. ADR will be at the discretion of the assigned judge.
Felony FJ, FH, FC	All cases will be assigned a pre-trial and trial date or pre-trial/scheduling conference date at Circuit Court arraignment.
Appeals (AA, AE, AP, AR, AV, AL, AS) Extraordinary Writs (AH, AW)	Will be on 2 different tracks depending on whether counsel is involved or whether the Plaintiff is in pro per. When counsel is involved, there is significantly less problem in serving the Defendant and in communicating with the parties. All A cases will be monitored by the Judge or Clerk through the Monthly Pending Civil Report. 1) If Counsel is involved and the case is not scheduled for the next court hearing, the case will be immediately

	<p>scheduled for a scheduling conference or pre-trial conference by the clerk, regardless of whether service has been accomplished.</p> <p>2) Pro Per cases will be screened by the assigned Judge at the time of filing. In some cases, orders will immediately be issued before service or an answer. The balance of the cases will be set for hearing within 30 days after the Defendant has been served and a proof of service has been filed with the Court.</p> <p>Except for AS (Driver License matters) all appeal cases will be set for a scheduling conference within 60 day of filing. The Judge or Court Clerk will review the Pending Civil Report monthly for new filings.</p> <p>Any AS case that is not already set for hearing will be scheduled for a scheduling conference.</p>
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CIRCUIT COURT – FAMILY DIVISION

Divorce without children, Annulment (DO, DZ)	Each judge's office will issue a case scheduling order no later than 14 days after an answer is filed. The case scheduling order will include provisions for completion of discovery, a final pretrial and a trial date.
Divorce with children (DM, DZ)	Each judge's office will issue a case scheduling order no later than 14 days after an answer is filed. The case scheduling order will include provisions for completion of discovery, a final pretrial and a trial date.
Paternity (DP)	Involving the Prosecutors office –Will be monitored monthly through the no next action report, default on party due report and non service report. All cases will be set for a pretrial conference within 7 months. Cases not involving Prosecutor's office - Each judge's office will issue a case scheduling order no later than 14 days after an answer is filed. The case scheduling order will include provisions for completion of discovery, a final pretrial and a trial date.
Custody (DC)	Each judge's office will issue a case scheduling order no later than 14 days after an answer is filed. The case scheduling order will include provisions for completion of discovery, a final pretrial and a trial date.
Support (DS)	DS/DP involving the Prosecutors office – These cases will be monitored monthly through the no next action report, default on party due report and non service report. All cases will be set for a support hearing within 6 months.
Interstate-Registration All T cases	All cases will be brought to the judge's office for signing of orders immediately after filing.
Interstate-Establishment All U cases	
Delinquency (DL, DJ) (detained)	After the prosecutor files the Petition with the Family Court Clerk, the clerk will give the file immediately to the referee

	or judge for the start of a preliminary hearing within 24 hours.
Delinquency (DL, DJ) (not detained)	After filing, the Family Court Clerk will schedule all cases will be scheduled for a preliminary hearing within 3 weeks of filing.
Neglect (NA) (out-of-home)	After the Petition is received by the Family Court Clerk, the file will be given to the Referee or Judge for the start of a preliminary hearing within 24 hours.
Neglect (NA) (not out-of-home)	The Family Court Clerk will schedule cases for a preliminary hearing within 3 weeks of filing.
Adoptions (AB, AC, AD, AF, AG, AM, AN, AO, AY)	1) Adoptions in which the paperwork has been prepared prior to filing, i.e. FIA and agency adoptions, will be set for a hearing when filed. 2) Adoptions in which all paperwork has not been completed, such as step-parent adoptions and direct placement adoptions, will be referred to the adoption coordinator to assist with the completion of the necessary paperwork. The Adoption Coordinator will monitor the status to insure that the case is concluded within the time limits.
Petition to Rescind Adoption	All cases will be scheduled for a hearing when filed.
Name Change (NC)	When a Petition is filed, it will be scheduled for hearing by the Probate Registrar.
Newborn (NB)	All cases will be scheduled for a hearing when filed.
Personal Protection Orders PH, PP, PJ (ex parte)	All cases will be brought to the judge's office immediately after filing.
Personal Protection Orders PH, PP, PJ (not ex parte)	All cases will be set for a hearing date at filing.
Violation of PPO	Cases will be set for a hearing date at the arraignment or show cause hearing.
Motions To Terminate PPO	All cases will be scheduled for a hearing when filed, and the hearing will be concluded within 21 days.
Violation of Out-Of-County Personal Protection Order (VP)	All cases will be scheduled for a hearing when filed.
Emancipation (EM)	All cases will be scheduled for a hearing when filed.
Infectious Disease (ID)	All cases will be scheduled for a hearing when filed.
Parental Waiver (PW)	All cases will be scheduled for a hearing when filed.

PROBATE COURT

Estates/Trusts/Wills (DA, DE, PE, TR, TT, TV)	The Probate office will notify the judge's office when a case becomes at issue, and a case scheduling conference will be set within 14 days.
Mental Illness and Judicial Admission (MI, JA)	Cases will be set for hearing by the Probate Registrar's office within 7 days of the time a Petition is filed.

Foreign Births (BR)	Will be scheduled for hearing at the time of filing by the Probate Registrar's office.
Civil Matters (CZ) Miscellaneous Matters (ML)	If an Order is not signed within 24 hours, the matter will be referred to the Judge's office for the scheduling of a hearing.
Guardianship Conservatorship (GA, DD, GL, GM, LG, CA, CY)	Will be scheduled for hearing by the Probate Registrar's office at the time the Petition is filed.

G. Settlement Conferences

The scheduling of settlement conferences will be determined on a case by case basis by the assigned judge. When settlement conferences are set, 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.

H. Trial Scheduling and Management

Trial dates will be set in the initial case scheduling order.

I. Monitoring Systems

The 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.

CIRCUIT COURT – GENERAL DIVISION

Each judge's office will be provided with copies of the following reports each

month by the Court Administrator’s Office. Each Judge or Court Clerk shall be responsible for review the following cases on a bi-weekly basis.

	Name of Report	Purpose	Person Responsible
1	Criminal No Next Action	Monitor cases without a Next Date	Judicial Secretary/ Court Clerk
2	Civil No Next Action	Monitor Cases without a Next Date	Judicial Secretary/ Court Clerk
3	Non-Service	Identify cases for Non-Service Dismissal	Judicial Secretary/ Court Clerk
4	Under Advisement	Monitor	Judge
5	Case Age	Identify Cases over two years for judicial scrutiny	Judge
6	Lack of Progress	Identify cases for possible dismissal	Judicial Secretary/ Court Clerk
7	Review Requested	Cases Identified for Special attention on a date	Judge

Each judge’s office will be provided with copies of the following reports each month by the Court Administrator’s Office. Each Judge or Court Clerk shall be responsible for review the following cases on a monthly basis.

	Name of Report	Purpose	Person Responsible
8	Time Guidelines- Pending Cases	Monitor Progress with Caseflow Management Goals	Judge
9	Time Guidelines – Closed Cases	Monitor Progress with Caseflow Management Goals	Judge
10	Case Distribution	Compare Inventory Levels of all Judges	Judge
11	Pending Civil	Monitor Existing Inventory, Age and cases without a trial date, Identify cases with multiple adjournments. Identify new CF and A prefix cases. Family Judges – identify DP cases which need a status conference.	Judge
12	Pending Civil	“A” prefix and CF for criminal civil division judges.	Judicial Secretary/

			Court Clerk
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CIRCUIT COURT – FAMILY DIVISION

Each judge’s office will be provided with copies of the following reports each month by the Court Administrator’s Office. Each Judge or Court Clerk shall be responsible for review the following cases on a bi-weekly basis.

	Name of Report	Purpose	Person Responsible
1	Civil No Next Action	Monitor Cases without a Next Date	Judicial Secretary/ Court Clerk
2	Non-Service	Identify cases for Non-Service Dismissal	Judicial Secretary/ Court Clerk
3	Under Advisement	Monitor	Judge
4	Case Age	Identify Cases over two years for judicial scrutiny	Judge
5	Lack of Progress	Identify cases for possible dismissal	Judicial Secretary/ Court Clerk
6	Review Requested	Cases Identified for Special attention on a date	Judge
7	Petition Age	Identify old cases and cases without a date	Judicial Secretary/ Court Clerk

Each judge’s office will be provided with copies of the following reports each month by the Court Administrator’s Office. Each Judge or Court Clerk shall be responsible for review the following cases on a monthly basis.

	Name of Report	Purpose	Person Responsible
8	Time Guidelines- Pending Cases	Monitor Progress with Caseflow Management Goals	Judge
9	Time Guidelines – Closed Cases	Monitor Progress with Caseflow Management Goals	Judge
10	Case Distribution	Compare Inventory Levels of all Judges	Judge
11	Pending Civil	Monitor Existing Inventory, Age and cases without a trial date, Identify cases with multiple adjournments. Identify new CF and A prefix cases. Family Judges – identify DP cases which need a status conference.	Judge
12	Pending Civil	“A” prefix and CF for criminal civil division	Judicial

		judges.	Secretary/ Court Clerk
13	Overage Report	Identify juveniles who have reached the age of majority	Judicial Secretary/ Court Clerk

PROBATE COURT

Each judge's office will be provided with copies of the following reports each month by the Court Administrator's Office. Each Judge or Court Clerk shall be responsible for review the following cases on a weekly basis.

	Name of Report	Purpose	Person Responsible
1	Pre Notices	Prints a Notice to Fiduciaries advising of paperwork that needs to be filed.	Chief Deputy Probate Register
2	Deficiency Notice	Prints a Notice of Deficiency to Fiduciaries and attorney of record stating reason for delinquency and advising of conference date with Probate Register or Chief Deputy Register.	Chief Deputy Probate Register
3	Case Review List	Lists all cases which require follow up activity.	Chief Deputy Probate Register
4	Delinquent Fiduciary Report	Lists all cases which have not met the statutory filing requirements.	Chief Deputy Probate Register

Each judge's office will be provided with copies of the following reports each month by the Court Administrator's Office. Each Judge or Court Clerk shall be responsible for review the following cases on a monthly basis.

	Name of Report	Purpose	Person Responsible
5	Caseflow Management	Tracks contested matters.	Chief Deputy Probate Register
6	Civil Case List	Lists all active Civil cases.	Chief Deputy Probate Register
7	Civil Case Review	Lists civil matters which require follow up activity.	Chief Deputy Probate Register
8	Disposition Status Report	Lists all matters which have not been disposed of.	Probate Register Deputy Probate

			Register
9	Closing Certs/ Final Receipts	Lists cases for which a closing certificate is due and cases for which final vouchers or receipts are due.	Probate Register Deputy Probate Register
10	Lack of Progress Report	Lists all cases which have had no activity for 91 days.	Chief Deputy Probate Register
11	Minors of Age	Lists minors under guardianship or conservatorship who have turned 18.	Chief Deputy Probate Register
12	Guardian Review List for Adults and Minors	Lists all adult guardianships which are due for a review by a court appointed visitor, and lists all minors under age 6 who are due for a review by the court at hearing.	Chief Deputy Probate Register
13	Suspended Fiduciary Report	Lists all fiduciaries who have been suspended by the Court for failure to comply with filing requirements.	Chief Deputy Probate Register
14	Caseload Report	Tracks activity for cases during each quarter of the year.	Probate Register & Chief Deputy Probate Register
15	Non-Compliance Report	Report to SCAO of all cases which have not met statutory filing requirements and the court action taken to bring cases into compliance. This report is signed by the Chief Probate Judge and forwarded to SCAO on January 1 and July 1 of each year.	Chief Deputy Probate Register

(These lists are based on the available batch reports in the JIS system as of September 2004.)

Chief Judge will meet with each individual judge at least annually to review the case management reports and any cases which exceed the guidelines adopted in this Administrative Order.

J. 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.

3. annually review this plan and obtain input from the internal and external stakeholders on the need for modifications and improvements to the plan

Date: _____

Signature of Chief Circuit Judge

Date: _____

Signature of Chief Probate Judge