

State of Michigan

Circuit Judges
Paul J. Clulo
Thomas L. Ludington
District Judges
John H. Hart
Philip Van Dam
Probate Judge
Dorene S. Allen



Jerome M.P. Kole
Trial Court Administrator
(989) 837-6595
(989) 837-6596 Fax
jkole@co.midland.mi.us

Midland County Courthouse
301 W. Main Street
Midland, Michigan 48640-5183

42nd Circuit Court Administrative Order 2004 – 03 - J
75th District Court Administrative Order 2004 - 02 - J
Midland County Probate Court Administrative Order 2004 - 01 - J

CASEFLOW MANAGEMENT PLAN

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. Circuit, Probate, District Court Guidelines

a. Circuit, Probate, District Case Processing Goals

The Court will adopt the time guidelines as set forth in Administrative Order 2003-7 following successful implementation of the Court's Interim Processing Time Goals listed below. The Court adopts Administrative Order 2003-7 as to any case type not listed below. Further, the Court will meet, as a Judicial Council, on a regular basis to evaluate the implementation of this Local Administrative Order. Said meetings will be held on the sixth, twelfth, eighteenth, and twenty-fourth month anniversary of the effective date of this Local Administrative Order. It is the goal of the Court to comply with Administrative Order 2003-7 within twenty-four months.

b. Circuit Interim Processing Time Goals

1) Civil Proceedings: 70% of all cases should be adjudicated within 364 days from the date of case filing; 90% within 546 days; and 100% within 728 days except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review should occur.

2) Domestic Relations Filings:

- i. Divorce without children. 60% of all divorce cases without children should be adjudicated within 91 days from the date of case filing; 98% within 273 days; and 100% within 364 days.
- ii. Divorce with children. 75% of all divorce cases with children should be adjudicated within 245 days from the date of case filing; 90% within 301 days; and 100% within 364 days.
- iii. Child Custody Issues, Other Support, and Other Domestic Relations Matters. 90% of all child custody, other support, and other domestic relations issues not listed above should be adjudicated with 240 days from the date of case filing and 100% within 390 days.

c. District Court Interim Processing Time Goals.

- 1) Felony, Misdemeanor, and Extradition Detainer Proceedings.
 - a. Misdemeanor. 90% of all statute and ordinance misdemeanor cases, including misdemeanor drunk driving and misdemeanor traffic, should be adjudicated within 90 days from the date of first appearance; 98% within 120 days; and 100% within 180 days.
 - b. Felony and Extradition/Detainer. 100% of all preliminary examinations in felony, felony drunk driving, felony traffic, and extradition/detainer cases should be commenced within 14 days of arraignment unless waived.
- 2) Civil Infraction Proceedings. 90% of all civil infraction cases, including traffic, nontraffic, and parking cases, should be adjudicated within 60 days from the date of filing; 98% within 90 days; and 100% within 120 days.

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,

or the Court's Interim Processing Time Goals, 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 with which to resolve disputes. Litigants will be provided with all available information regarding area dispute resolution and counseling centers.

F. Pretrial Scheduling Orders

A Pretrial Scheduling Order will be prepared by the Court at the earliest appropriate time. The Order will provide deadlines for discovery, settlement and trial.

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 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.

H. Trial Scheduling and Management

Trial dates shall be established at the first pre trial conference or the settlement conference. To avoid future scheduling conflicts, attorneys must be able to confirm their trial date availability at the conference.

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.

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.

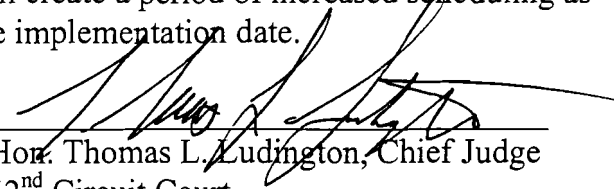
J. Implementation

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.

The implementation of this Plan will create a period of increased scheduling as cases come into the system after the implementation date.

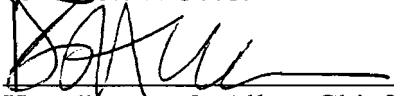
Date: 11.24.04


Hon. Thomas L. Ludington, Chief Judge
42nd Circuit Court

Date: 11-24-04


Hon. Philip Van Dam, Chief Judge
75th District Court

Date: November 24, 2024


Hon. Dorene S. Allen, Chief Judge
Midland County Probate Court