

Administrative Order 2004-02

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. Adoption by Reference of Local Caseflow Management Plan

The 12th District Court has had in existence since 1992 a caseflow management plan as set forth in Policy 5-1. Said plan has been amended to conform with the requirements of Michigan Supreme Court Administrative Order 2003-7. The 12th District Court hereby adopts by reference local Policy 5-1 in its entirety and any subsequent amendments thereto setting forth time guidelines for case processing, scheduling policy and adjournment policy of the court. Policy 5-1 is attached and made a part of this local administrative order.

C. Alternative Dispute Resolution

The court promotes the use of alternative means with which to resolve disputes and will use such means to the extent practicable as determined by the judge assigned to the file or court policy.

D. 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.

E. Implementation

To successfully implement and achieve the goals of this Plan, the Court will develop policy level commitment from the Bench to the concept and plan, and consult with internal and external stakeholders as needed.

Date: _____

Signature of Chief Judge

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POLICY 5-1

PURPOSE: In accordance with the policy of the Michigan Supreme Court, the 12th District Court adopts a Caseflow Management Plan to reduce unnecessary delay in the litigation process. This plan establishes that the Court is responsible for the flow of cases. The following Caseflow Management Plan is hereby adopted.

POLICY:

1. TIME GUIDELINES FOR CASE PROCESSING

A) CIVIL PROCEEDINGS

- i) GENERAL CIVIL - 90% of all general civil and miscellaneous civil cases should be adjudicated within 273 days from the date of the case filing; 98% within 364 days; and 100% within 455 days except for individual cases in which the court determines exceptional circumstances exist and for which a continuing review should occur.
- ii) SUMMARY CIVIL – 100% of all small claims, landlord/tenant and land contract actions should be adjudicated within 126 days from the date of case filing except, in those cases where a jury is demanded, actions should be adjudicated within 154 days from the date of case filing.

B) FELONY, MISDEMEANOR and EXTRADITION DETAINER HEARINGS

- i) MISDEMEANOR - 90% of all statute and ordinance misdemeanors cases, including misdemeanor drunk driving and misdemeanor traffic, should be adjudicated within 63 days from the date of first appearance; 98% within 91 days; and 100% within 126 days.
- ii) 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 good cause is shown.

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- C) CIVIL INFRACTION PROCEEDINGS - 90% of all civil infraction cases, including traffic, nontraffic, and parking cases, should be adjudicated within 35 days from the date of filing; 98% within 56 days; and 100% within 84 days.
- D) MATTERS SUBMITTED TO THE JUDGE - Matters under submission to a judge or judicial officer should be promptly determined. Short deadlines should be set for presentations of briefs and affidavits and for the production of transcripts. Decisions, when possible, should be made from the bench or within a few days of submission. Except in extraordinarily complicated cases, a decision should be rendered no later than 35 days after submission.
2. **SCHEDULING POLICY**: The court adopts a scheduling policy whereby all cases will be continually reviewed to ensure that no case exists for which a future action date or for which a review date has not been set by the court. No such case shall be permitted to remain on the court's docket without an immediate review.
3. **ADJOURNMENT POLICY**
- A) PRE-TRIALS - Initial pre-trials may be adjourned by the court clerk upon request of one of the parties to the next available pre-trial day. Adjournment of initial pre-trials beyond the next available pretrial day or adjournment of subsequent pre-trials can only be done with the consent of the court.
- B) TRIALS OR HEARINGS - Such proceedings can only be adjourned by the court for good cause shown.
- C) INFORMAL HEARINGS - Informal hearings may be adjourned at the request of either party as long as the request is made within 10 business days from the date of the scheduled hearing. Each party is entitled to one adjournment. Requests for additional adjournments will be reviewed by the court on a case-by-case basis.

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- D) MOTIONS AND OTHER MISCELLANEOUS PROCEEDINGS - Such proceedings may be adjourned by the parties without court involvement provided such an adjournment does not affect an already scheduled trial or hearing date. In the event of the latter, such proceeding can only be adjourned with the consent of the court.
- E) ALCOHOL RELATED DRIVING OFFENSES - Notwithstanding what has been stated above, any and all proceedings, except sentencings, concerning alcohol related driving offenses shall not be adjourned without the consent of the court.
- F) Except as provided above, this court adopts the adjournment policy as set forth in MCR 2.503.

COURT DEFINITION - The term Court, as set forth in Section 3 of this plan, means the judge assigned to the file, or in his/her absence, the Chief Judge.

CHIEF JUDGE