

Administrative Order 2001-3(J)
Rescinds Administrative Order 1997-2(J)

Selection of Case Evaluators and Case Evaluation Panels

This administrative order is issued in accordance with MCR 2.404, effective April 1, 2001. This order sets forth a plan to maintain a list of persons available to serve as case evaluators and to assign case evaluators from the list to case evaluation panels. This plan is being adopted jointly by all of the District Courts in the County of Oakland¹ and is to be administered by the Oakland County Bar Association. Any previous administrative orders regarding the selection of case evaluators are rescinded, effective April 1, 2001.

IT IS ORDERED:

- I. Lists of Case Evaluators.
- A. Case Evaluator Application. Applicants who wish to be placed on the Oakland District Court case evaluator list must complete the Court's Case Evaluator Application. Applications are available at the Oakland County Bar Association.
 - B. Case Evaluator Eligibility. Potential case evaluators must meet the following requirements:
 1. The applicant must have been a practicing lawyer for at least 5 years and be a member in good standing of the State Bar of Michigan;
 2. The applicant must reside, maintain an office, or have an active practice in Oakland County;
 3. An applicant must demonstrate that a substantial portion of his or her practice for the last 5 years has been devoted to civil litigation matters, including investigation, discovery, motion practice, case evaluation, settlement, trial preparation, and/or trial.²
- II. Review of Applications.
- A. Applications shall be reviewed at least semiannually by the Oakland County Bar Association District Court Case Evaluation Committee. The committee shall be comprised of members of the Oakland County Bar Association and its District Court Committee appointed by the president of the Bar Association. Judges may also be appointed to the committee.
 - B. An individual appointed to the committee by the president of the Oakland

¹Includes the following District Courts: 43rd, 44th, 45A, 45B, 46th, 47th, 48th, 50th, 51st and 52nd (Divisions 1, 2, 3 and 4).

²An applicant may satisfy this requirement prima facie by listing 10 cases in the requisite category in which he or she was the principal attorney through final disposition during the past 5 years. For Tort Panels, list 10 tort cases; for Commercial Panels, list 10 commercial cases, excluding landlord/tenant.

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County Bar Association shall serve a one year term. An individual thus appointed may serve up to 3 consecutive one year terms.

- C. An individual appointed by the president of the Oakland County Bar Association may not serve on the committee more than 3 years in any 9 year period.
- D. At least three members of the committee must be present to review and approve case evaluator applications.
- E. Applicants not placed on the case evaluator list shall be notified in writing of the decision. The written notice shall advise the applicant that he or she may reapply for inclusion on the list in 120 days or sooner if the reason for the denial has been corrected.
- F. Any applicant not approved by the committee may within 21 days of denial, write a letter of appeal to the chairperson of the committee requesting a review of his or her application.
- G. Upon receipt of an appeal the chair of the committee shall appoint 3 individuals on the OCBA District Court Committee, none of whom originally participated in evaluating the applicant, to review the appeal. The appeal committee shall complete its review and issue its decision in writing within 60 days of receipt of the appeal. No appeal shall be considered final until reviewed and approved by the President of the Oakland County District Judges Association.
- H. An applicant who is denied placement by the appeal committee described in section (G.) may reapply to the OCBA District Court Case Evaluation Committee for inclusion on the case evaluator list in 1 year. Any re-application shall be treated as a new application for purposes of evaluation.

III. Specialized Lists. The Oakland County Bar Association shall maintain separate lists of case evaluators divided into the following categories:

- A. One comprised of attorneys who primarily represent civil plaintiffs in tort law.
- B. One comprised of attorneys who primarily represent civil defendants in tort law.
- C. One comprised of attorneys engaged in civil litigation who do not perform a significant majority of their work for either plaintiffs or defendants in tort law.
- D. One comprised of attorneys who primarily represent civil plaintiffs in commercial law.
- E. One comprised of attorneys who primarily represent civil defendants in commercial law.
- F. One comprised of attorneys engaged in civil litigation who do not perform a significant majority of their work for either plaintiffs or defendants in commercial law.

IV. Term of Placement on Case Evaluators' List. A person may remain on the list for 5 years. At the end of that time, he or she must reapply in the same manner as persons seeking to be added to the list.

V. The list shall be available to the public at the District Court Case Evaluation clerk's office in the Oakland County Bar Association and at the clerk's office for each of the District Courts.

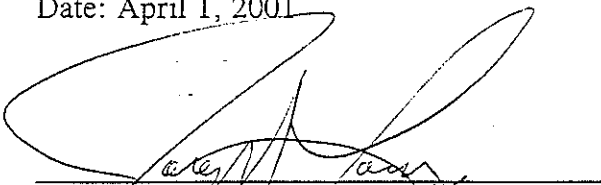
VI. Removal from the List.

- A. An individual may be removed from the list for demonstrated incompetency, bias, consistent unavailability to serve as a case evaluator or for other just cause.
- B. The removal procedure may be initiated by the Case Evaluation Clerk, the Court or the Oakland County Bar Association District Court Committee.
 1. This procedure is confidential.
 2. The party initiating the removal process must submit a written complaint setting forth the specific details of the complaint to the Oakland District Court Case Evaluation Clerk. If the complainant is the Case Evaluation Clerk, he or she will submit a written complaint according to the procedures outlined below.
 3. The Case Evaluation Clerk will furnish copies of the complaint to:
 - a. The case evaluator(s) against whom the complaint is made, and
 - b. The chair of the Oakland County Bar Association District Court Case Evaluation Committee.
 4. The chair of the Oakland County Bar Association District Court Case Evaluation Committee will assign a member or members of the committee to investigate the complaint and to prepare and present a written report to the general committee within 30 days.
 5. The chair of the Oakland County Bar Association District Court Committee will forward the written report of the findings and recommendations, if any, to:
 - a. The complainant, and
 - b. The case evaluator(s) against whom the complaint was filed.
 6. Unless a regular Oakland County Bar Association District Court Committee meeting is already scheduled, the chair will convene a special meeting within 90 days of the receipt of the written report. A majority of committee members must be present.
 7. The case evaluator who is the subject of the complaint may attend and shall be given the opportunity to explain his or her position.
 8. Following discussion of the report and the case evaluator's opportunity to explain his or her position, the case evaluator will be removed from the list if a 3/4 majority of the District Court Committee members present vote to remove the person from the case evaluator list. Notwithstanding any of the foregoing, no one will be removed the case evaluator list unless such removal has also been approved by the President of the Oakland County District Judges Association.
 9. A person removed from the case evaluator list may reapply after one year from the date of removal from the list. The individual must certify that he or she has corrected the reason for removal from the list and present supporting documentation.
 10. Neither the Case Evaluation Clerk nor the Oakland County Bar Association District Court Committee nor the Case Evaluation

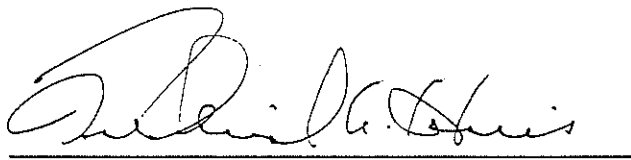
Committee has authority to order remediation or to modify or set aside a mediation award.

- VII. Orientation and Training. All individuals who qualify to be case evaluators must complete the case evaluator training developed and run by the Oakland County Bar Association.
- VIII. Assignment to Panels. The Case Evaluation Clerk will assign case evaluators. The assignment must be in a random or rotating manner to assure that as nearly as possible, each case evaluator is assigned approximately the same number of cases over a period of time.


Date: April 1, 2001




Joseph Longo
Chief Judge, 43rd District Court




Frederick L. Harris
Chief Judge, 47th District Court



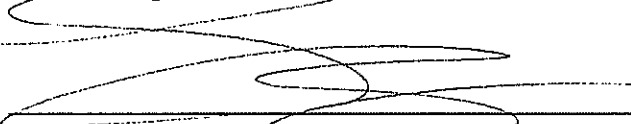
Terrence H. Brennan
Chief Judge, 44th District Court



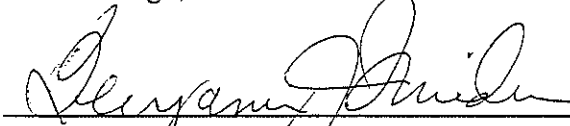
Kimberly Small
Chief Judge, 48th District Court



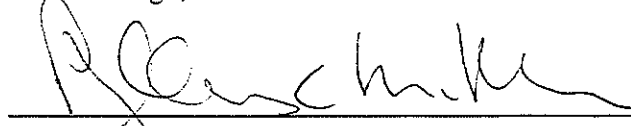
William R. Sauer
Chief Judge, 45A District Court



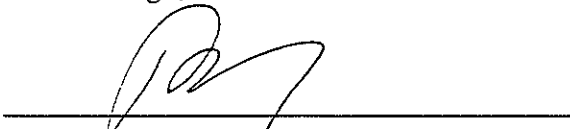
Leo Bowman
Chief Judge, 50th District Court



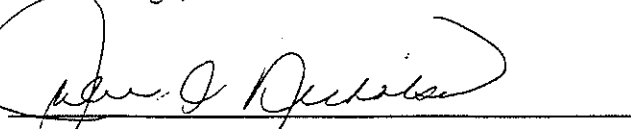
Benjamin J. Friedman
Chief Judge, 45B District Court



Phyllis C. McMillen
Chief Judge, 51st District Court



Bryan H. Levy
Chief Judge, 46th District Court



Julie A. Nicholson
Chief Judge, 52nd District Court