

STATE OF MICHIGAN SIXTH JUDICIAL CIRCUIT COURT OAKLAND COUNTY	CASEFLOW MANAGEMENT PLAN	ADMINISTRATIVE ORDER 2015-03
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**IT IS ORDERED:**

This administrative order is issued in accordance with Michigan Supreme Court Administrative Order 2013-12 and is effective on April 7, 2015.

**A. Goals of the Court**

The Court adopts the following Caseflow Management Plan to:

1. Comply with the time guidelines for case processing established by the Michigan Supreme Court;
2. Expedite the disposition of all cases in a manner consistent with fairness to all parties;
3. Create a predictable system with an expectation that events will occur when scheduled, and minimize the uncertainties associated with processing cases;
4. Assure equal access to the adjudicative process for all litigants, and enhance the quality of litigation;
5. Adhere to a firm but fair adjournment policy;
6. 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;
7. Encourage the use of alternative dispute resolution to resolve cases;
8. Facilitate timely processing of cases by periodically reviewing generated reports; and
9. Expand the use of technology to facilitate the timely processing of cases and provide the public with user-friendly access promoting public trust and confidence in the Court.

**B. Case Processing Time Standards**

The Circuit Court adopts as goals the time guidelines set forth in Administrative Order 2013-12. The Court will not dismiss a case for the sole reason that it is likely to exceed the guidelines.

### **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 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. 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 2013-12. No case or contested matter will be permitted to remain on this Court's docket in excess of the guidelines set for by Administrative Order 2013-12 without an immediate review and setting new limits.

### **D. Adjournment Policy**

The Court adopts an adjournment policy whereby the adjournment of scheduled events is limited to unforeseen and exceptional circumstances. The Court's policy creates the expectation that events will occur when scheduled unless there are compelling reasons to postpone.

If an adjournment is granted, the judge's clerk will docket which party requested the adjournment, the reason, and the number per party. The requesting party shall prepare a written order in accordance therewith. Adjournments will be classified and tracked based on the reason given.

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

1. Unless the Court allows otherwise, a request for an adjournment must be by motion or stipulation based on good cause. All requests for adjournment will be decided by the court.

2. A motion or stipulation 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 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.

#### **E. Alternative Dispute Resolution**

The Court encourages the use of alternative means with which to resolve disputes. The Court promotes the timely referral of cases to alternative dispute resolution and screens cases to ensure that the referral is appropriate in light of existing rules, statutes, and case types. Information regarding alternative dispute resolution processes is available to all litigants in the Case Management Office. Cases referred to alternative dispute resolution shall remain open. An Alternative Dispute Resolution Plan has been filed with the State Court Administrative Office.

#### **F. Scheduling Orders**

For each case, the Court issues a scheduling order to facilitate the progress of the case. The scheduling order establishes times for events, including:

1. Scheduling of case evaluation or mediation;
2. Filing of dispositive motions and motions in limine;
3. Completion of discovery;
4. Naming of experts;
5. Exchange of witness and exhibit lists; and
6. Scheduling of a trial. A settlement or pretrial conference may be scheduled in accordance with MCR 2.401.

The scheduling order may also include other matters, such as instructions regarding alternative dispute resolution, proposed jury instructions, and trial briefs.



## **G. Settlement or Final Pretrial Conferences**

In most instances, an action that is not disposed of through mediation, case evaluation, or other means, may 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 are set forth in the scheduling orders, but may be changed as the Court deems appropriate. Pursuant to MCR 2.501(D), the Court and counsel shall make every attempt to avoid conflicts in the scheduling of trials. The Court shall make every effort to resolve scheduling conflicts to allow a trial in progress to proceed to conclusion without unnecessary interruption.

- I. 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 are available from the case management system include cases with no next action date, pending cases, number of cases pending by judge, and exception reports.

The reports are provided to the judges, administrators, and case management personnel so that the most efficient caseflow management strategy may continue to be developed. The Court Administrator's Office will review the reports generated and make recommendations to comply with the Supreme Court's Case Management Guidelines.

The Court is working toward developing additional reports to more effectively monitor caseflow, including 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, and time intervals between events.

## **J. Implementation**

The Court is committed to the timely and judicious resolution of all cases filed in the 6<sup>th</sup> Circuit Court. To successfully implement and achieve the goals of this Plan, the Court will:

1. Continue to develop policy level commitment from judges and their staffs to be the concept and plan; and
2. Consult with internal and external stakeholders as needed.

Local Administrative Order 2011-04 is rescinded.

  
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Nanci Grant, Chief Judge

  
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Date

NOTES:

The Michigan Supreme Court adopted Administrative Order 2003-7, entitled *Caseflow Management Guidelines*, in which the trial courts were directed to establish caseflow management plans to ensure compliance with the case processing time guidelines established by the Supreme Court. The Sixth Judicial Circuit Court's caseflow management plan was established by Local Administrative Order 2004-06.

The Michigan Supreme Court adopted Administrative Order 2011-3 in which the case processing time guidelines established in Administrative Order 2003-7 were revised; accordingly, Administrative Order 2003-7 was rescinded. The Sixth Judicial Circuit Court adopted Local Administrative Order 2011-04 to reference the new Supreme Court administrative order and rescinded its Administrative Order 2004-06.

The Michigan Supreme Court adopted Administrative Order 2013-12 in which the case processing time guidelines established in Administrative Order 2003-7, and revised in Administrative Order 2011-04, were revised yet again; accordingly, Administrative Order 2011-3 was rescinded. The Sixth Judicial Circuit Court adopted Local Administrative Order 2015-03, in which is referenced the new Supreme Court Administrative Order, and rescinded its Administrative Order 2011-04.