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LOCAL ADMINISTRATIVE ORDER 2014 –03

STATE OF MICHIGAN

THIRTY-SIXTH DISTRICT COURT

SUBJECT: CASEFLOW MANAGEMENT PLAN

This Local Administrative Order rescinds and replaces Local Administrative Orders 1990-01, Civil Caseflow Management and Delay Reduction, and 2004-07, Caseflow Management Plan.

IT IS ORDERED:

This Local Administrative Order is issued in accordance with Michigan Supreme Court Administrative Order No. 2013-12.

A. GOALS AND OBJECTIVES OF THE COURT:

Caseflow Management involves the entire set of actions that a court takes to monitor and control the process of cases, from initiation through trial or other initial disposition to the completion of all post disposition court work. The Court's Caseflow Management Plan will work toward the goals of ensuring that:

1. The disposition of all cases will be expedited and in a manner consistent with fairness to all parties and what is permissible under law;
2. Minimize the uncertainties associated with processing cases and ensure equal access to the adjudicative process for all litigants;

3. Resolve matters before the Court in a timely manner with trained and motivated staff. Provide courteous and prompt service in a manner that inspires the public trust and confidence;
4. Promote structured docket management that results in a timely adjudication of cases, communication with litigants and assuring equal access to the adjudicative process for all litigants;
5. Ensure the continued commitment and leadership of the judges by meeting regularly with the judges (and other significant parties/staff, as appropriate) to discuss and make decisions regarding issues related to caseload management;
6. Utilize state-of-the art technology to improve access to court information, support case management, and facilitate data exchange and integration with other agencies;
7. Recruit and maintain the highest quality staff and provide training, technology, resources and support to meet the needs of internal and external customers;
8. Set specific and timely standards for resolution of each case type, including the time guidelines as promulgated by the Michigan Supreme Court. This includes adhering to a firm, but fair adjournment policy;
9. Monitor and measure a variety of caseload information and use this information to better meet the goals of the Court's caseload management system; and
10. Review at least annually each area of the plan to ensure that the plan is meeting the stated goals and objectives.

B. CASE PROCESSING TIME GUIDELINES:

The Court adopts this plan to comply with the time guidelines as 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.

1. Civil Proceedings.

- a. General Civil. 90% of all general civil and miscellaneous civil cases should be adjudicated within 273 days from the date of case and 98% within 455 days.
- b. Summary Civil and Small Claims. 95% of all small claims, landlord/tenant and land contract actions should be adjudicated within 126 days from the date of case filing, in those cases where there is no jury demand. 65% of all landlord/tenant and land contract actions where a jury is demanded should be adjudicated within 154 days from the date of case filing.

2. Felony, Misdemeanor, and Extradition Detainer Proceedings.

- a. Misdemeanor. 85% of all statute and ordinance misdemeanor cases, including misdemeanor drunk driving and misdemeanor traffic, should be adjudicated within 63 days from the date of first appearance and 95% within 126 days.
 - b. Felony and Extradition/Detainer. 60% of all preliminary examinations in felony, felony drunk driving, felony traffic, and extradition/detainer cases should be concluded within 14 days of arraignment and 75% within 28 days.
3. **Civil Infraction Proceedings.** 90% of all civil infractions cases, including traffic, non-traffic, and parking cases should be adjudicated within 35 days from the date of filing and 98% within 84 days.
4. **Matters Submitted to Judge.** Matters under submission to a judge or judicial officer should be properly determined. Short deadlines should be set for presentation of briefs and affidavits and for production of other documents. Decisions, when possible, should be made from the bench or within a few days of submission; otherwise, a decision should be rendered no later than 35 days after submission.

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 scheduled events and dates. This includes early and continuous control of all cases from case initiation through post-disposition proceedings through the use of:

1. Appropriate case screening;
2. Scheduling conferences and orders for the purpose of achieving date certainty;
3. Management of discovery and motion practice;
4. Realistic setting of trial dates and time limits;
5. Monitoring of meaningful events (activities scheduled or initiated by the Court that either move a case to disposition or dispose of it);
6. Court control of adjournments in compliance with MCR 2.503(B) for the purpose of achieving date certainty;
7. Consistently monitor and analyze the docket for trends and patterns to ensure even distribution of cases;

8. Continually review written policies and procedures for development of the docket; and
9. Alternate Judge schedules/Judicial coverage.

Monitoring of 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 forth by Administrative Order 2013-12 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 following Adjournment Policy for all cases as set forth in MCR 2.503(B):

1. Unless the Court allows otherwise, a request for adjournment must be by motion, request, or stipulation made in writing or orally in open court based on good cause to promote the cause of justice.
2. A motion or stipulation for adjournment must state: (a) which party is requesting the adjournment; (b) the reason for the adjournment; (c) whether other adjournments have been granted, and, if so, the number granted.
3. At the time of the adjournment the proceeding must be rescheduled to a specific date and time.
4. 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 adopts a mandatory policy for Alternative Dispute Resolution for Small Claim cases. Litigants must go to mediation before proceeding with their case before a magistrate.

F. MONITORING SYSTEM:

The case management system of the Court will, at a minimum, provide the capability to:

1. Monitor case progress;
2. Generate and review the following reports:

Civil Division:

Intent of Notice to Dismiss Report
Case Age Report
Pending Inventory Report

Criminal/Traffic:

Delay in Criminal Proceedings Report
No Next Action Report
Expired Activity Date Report
Pending Inventory Report
Close Case/Open Warrant Report
Case Age Report

Pretrial Scheduling Orders – At the pretrial conference with attorneys/parties present, judges shall issue a written scheduling order to include agreed upon cutoff dates for filing motions, exhibits, discovery, and set a firm trial date.

Trial Scheduling and Management – Firm trial dates shall be set as noted in the Pretrial Scheduling Order. Requests for adjournment shall be subject to the provisions of the Court’s adjournment policy.

G. IMPLEMENTATION:

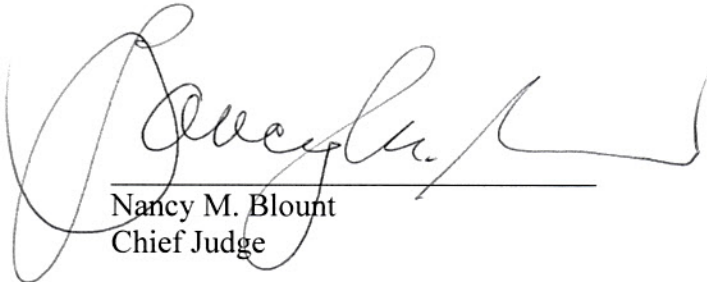
To successfully implement and achieve the goals of this Plan, the Court will develop:

1. Policy level commitment from the Bench to the concept and plan; and
2. Establishment of Peer Review Committee. It shall consist of Chief Judge and at least four (4) other judges, the Court Administrator, and the Director of Docket Management. The Committee shall meet at least quarterly to review the performance of each judge within the existing case management system. The Committee’s purpose is to assist and support individual judges in his/her docket. The Committee shall consult, advise and make recommendations to the judges to assist in effective caseload management practices;
3. Consult with internal and external stakeholders as needed for guidance and assistance during the implementation process.

H. EFFECTIVE DATE:

This Local Administrative Order shall be effective upon approval of the State Court Administrative Office.

Date: 4-1-2014



Nancy M. Blount
Chief Judge