

STATE OF MICHIGAN OAKLAND COUNTY PROBATE COURT	CASEFLOW MANAGEMENT PLAN	ADMINISTRATIVE ORDER 2004-05
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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. 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. assure equal access to the adjudicative process for all litigants, and enhance the quality of litigation;
4. adhere to a firm, but fair adjournment policy;
5. 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
6. encourage the use of alternative dispute resolution to resolve cases.

B. Case Processing Time Standards

The Probate Court adopts the time guidelines as set forth in Administrative Order 2003-7.

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. 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 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 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.

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 motion or stipulation based on good cause. All requests for adjournment will be decided by the judge or his or her designee.
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., "Petitioner's Request for Third Adjournment."
4. At the time a proceeding is adjourned, as soon thereafter as possible, 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. Information regarding alternative dispute resolution processes is available to all litigants in the Case Management Office. An Alternative Dispute Resolution Plan has been filed with the State Court Administrative Office.

F. Scheduling Orders

For contested matters, the Court may issue 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 pretrial conference and trial.

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, 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 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. 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 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 Probate Court is committed to the timely and judicious resolution of all cases filed in the 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 staff to the concept and plan; and
2. consult with internal and external stakeholders as needed.

Date: _____

Signature of Chief Judge