



**STATE OF MICHIGAN**  
17TH JUDICIAL CIRCUIT COURT

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**STATE OF MICHIGAN**

**IN THE CIRCUIT COURT FOR THE COUNTY OF KENT**

**IN RE: ADR PLAN FOR THE SELECTION OF CASE EVALUATORS IN KENT COUNTY**      **LOCAL ADMINISTRATIVE ORDER: 2011-03**

**At a session of said Court, held in the Kent County Courthouse  
In the City of Grand Rapids in said County.  
August 15, 2011**

**Present: Hon. Donald A. Johnston  
Chief Circuit Judge**

**IT IS ORDERED:**

This Administrative Order governs the procedure for case evaluation in the 17<sup>th</sup> Circuit Court and is supplemental to MCR 2.403 and MCR 2.404. If there is a conflict, MCR 2.403 and MCR 2.404 control.

This Administrative Order rescinds and replaces Administrative Order 1997-02.

A copy of this Administrative Order shall be made available to the public in the ADR Office (3<sup>rd</sup> Floor of the Courthouse).

ADR Clerk Designation:

The Court designates the Case Management Manager of the Circuit Court to serve as the ADR Supervisor.

### Case Evaluator Selection Process:

The Court adopts the following procedure for establishing case evaluator pools:

Those individuals who are interested in being case evaluators shall submit applications, provided by the Court, from which the ADR Clerk shall establish the case evaluator pool. Applications shall be made available at the ADR Clerk's Office. The application form shall include an optional section identifying the applicant's gender and racial/ethnic background and shall include a certification that:

- (1) the applicant meets the requirements for service under this plan, and
- (2) the applicant will not discriminate against parties, attorneys, or other case evaluators on the basis of race, ethnic origin, gender, or other protected personal characteristics.

The ADR Clerk shall review applications annually and compile one or more lists of approved case evaluators.

The list of case evaluators must be made available to the public in the ADR Clerk's Office.

The ADR Clerk shall notify all applicants who are placed on the case evaluator list(s) and all applicants who are denied placement on the case evaluator list(s), and said notification shall be in writing.

The ADR Clerk shall take all steps necessary to assure that as far as reasonably possible the list of case evaluators shall fairly reflect the racial, ethnic, and gender diversity of the members of the state bar in the jurisdiction for which the list is compiled who are eligible to serve as case evaluators. Selection of case evaluators shall be made without regard to race, ethnic origin, or gender.

### Qualifications of Case Evaluators:

To serve as a case evaluator, the candidate must meet the following minimum qualifications:

- be a member in good standing of the State Bar of Michigan
- have been licensed to practice law for at least five (5) years
- demonstrate that a substantial portion of your practice during the last five (5) years has been devoted to civil litigation matters, including investigation, discovery, motion practice, case evaluation, settlement, trial preparation, and/or trial.
- reside, maintain an office, or have an active practice in the County of Kent.

### Terms of Case Evaluators:

- Persons shall be placed on the list of case evaluators for a period of five (5) years.
- Applicants must reapply at the end of the five (5) year period by completing a new application and submitting the same to the ADR Clerk prior to the expiration of their original term.
- Applications will be made available at the ADR Office.

Case evaluators are not required to attend orientation or training sessions. The case evaluation process and the operation of the Court's case evaluation program are made available both in the ADR Clerk's Office and online off the County and Court's website.

### Denial of Application to Serve as Case Evaluator:

Applicants who are denied being placed on the case evaluator list shall be notified of this decision in writing by the ADR Clerk.

### Procedure for Reconsideration of Denial:

Applicants who are denied may seek reconsideration of the decision by requesting the same in writing and forwarding the written request to the Chief Judge of the Circuit Court within ten (10) days from the date of the denial. The request shall be reviewed by a committee consisting of the Chief Judge, Court Administrator, and ADR Supervisor. Applicants will be notified in writing of the decision regarding reconsideration by the committee.

### Removal of Case Evaluator from the List of Case Evaluators:

Should any person demonstrate incompetency, bias, make themselves consistently unavailable to serve as case evaluator, or for any other just cause, the ADR Clerk shall notify said person in writing that their name is being removed from the list of case evaluators and the reason for said removal.

### Procedure for Reconsideration of Removal:

Persons who are removed from the list of case evaluators may seek reconsideration of the decision by requesting the same in writing and forwarding the written request to the Chief Judge of the Circuit Court within ten (10) days from the date of removal. The request shall be reviewed by the committee and written notification of the decision of the committee regarding the reconsideration will be forwarded to the petitioner.

### Composition of Case Evaluator Pool:

The case evaluator pool shall be divided into three (3) categories:

- One comprised of attorneys who primarily represent civil plaintiffs.
- One comprised of attorneys who primarily represent civil defendants.

- One comprised of attorneys engaged in civil litigation who do not perform a majority of their work for either plaintiffs or defendants.

Selection of Case Evaluation Panels:

The Court adopts the following procedure for selecting case evaluation panels:

Case evaluation panels shall be selected from the case evaluator pool in a random manner by the ADR Clerk to effectuate the efficient operation of the case evaluation process. If a substitute case evaluator must be assigned, the same or similar assignment procedure shall be used by the ADR Clerk to select the substitute.

The ADR Clerk shall maintain records of service of case evaluators on panels and shall make those records available to the public upon request.

Special Case Evaluation Panels:

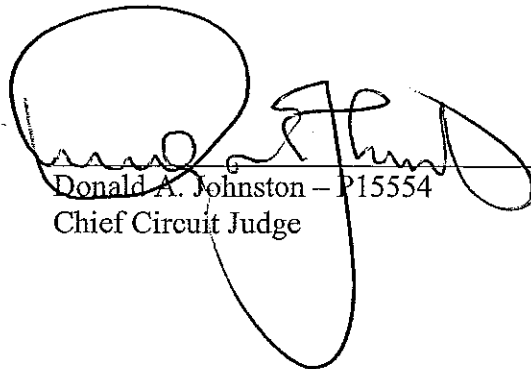
Upon stipulation by the parties, the Court may appoint a panel of case evaluators selected by the parties and/or allow any modifications to the procedures for conducting case evaluation that may aid in the resolution of cases.

Supervision of Selection Process:

The Chief Judge of the Circuit Court shall exercise general supervision over the implementation of this plan and shall review the operation of the Court's ADR Plan annually to assure compliance with this Order. In the event of non-compliance, the Court will take such action as is needed which may include recruiting persons to serve as case evaluators or changing the Court's ADR plan.

The Chief Judge of the Circuit Court shall submit an annual report to the State Court Administrative Office on the operation of the Court's ADR program on the form to be provided by the State Court Administrator, or in the manner prescribed by the State Court Administrator.

August 8, 2011  
Date

  
Donald A. Johnston - P15554  
Chief Circuit Judge