

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

IN RE: CASEFLOW MANAGEMENT PLAN

LOCAL ADMINISTRATIVE
ORDER: 2015-07

At a session of said Court, held in the Kent County Courthouse
in the City of Grand Rapids, in said County on October 12, 2015

Present: HON. DONALD A. JOHNSTON
Chief Circuit Judge

Rescinds Local Administrative Order 2011-04

IT IS ORDERED:

The management of the flow of cases in the trial court is the responsibility of the judiciary. In carrying out that responsibility, the judiciary must balance the rights and interests of individual litigants, the limited resources of the judicial branch, and a realistic assessment of the capabilities of other participants in the justice system, and the interests of the citizens of that state in having an effective, fair and efficient system of justice.

This administrative order is issued in accordance with Michigan Supreme Court Administrative Order 2013-12.

A. Goals of the Court

The court adopts the following Caseflow Management Plan to:

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

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 guideline.

C. Scheduling Policy

The court will schedule all cases or contested matters in a manner that minimizes delay for the parties and that reduces the possibility of adjournment of scheduled events. The court will control all cases from case initiation through post-disposition proceedings by:

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 scheduling of all court events.

The court will monitor all cases and contested matters to ensure that no case exists for which a future action or review date has not been scheduled. The court will schedule all cases pursuant to the time guidelines set forth in Administrative Order 2013-12. The court will not permit a case or contested matter to remain on this court's docket in excess of the guidelines set forth in this local administrative order without immediate judicial review.

D. Adjournment Policy

The court strictly adheres to MCR 2.503.

E. Alternative Dispute Resolution (ADR)

The court encourages alternative means to resolve disputes, including domestic relations mediation, civil case evaluation, and civil mediation. Litigants will be provided with information regarding area dispute resolution and counseling centers. Cases referred to ADR shall remain open.

F. Pretrial Scheduling Orders

In civil cases Scheduling Conferences do not require court appearance by the parties. After the first answer to the complaint is filed, the court mails a Scheduling Conference Notice to the parties. The parties may respond by letter to the assigned judge, and their stipulated dates are included in a scheduling order. If the parties cannot agree to the filing deadlines, the judge will meet with the parties to set the deadlines.

In criminal cases all requests for discovery must be filed with the Court and served upon opposing counsel no later than 14 days from the date of the order. The parties must comply with all notice requirements imposed by statute and court rule. All pre-trial motions must be filed within 28 days. Unless the Court itself directs otherwise, all motions are to be noticed for hearing in advance of the date set for trial. If the Court determines that a matter raised during trial could have been anticipated and raised prior to

trial, it may decline to consider the matter. No trial may be adjourned by stipulation and all requests to adjourn must be made by motion.

G. Settlement or Final Pretrial Conferences

Every action that is not disposed of through mediation, case evaluation, or other means will be scheduled for a settlement conference or judicial pre-trial conference.

H. Trial Scheduling and Management

If a case is not resolved before or at the settlement/status conference, or judicial pretrial conference, then a firm trial date will be set at the conference. Trials may not be adjourned by stipulation. A motion must be filed to obtain any adjournment, and all such motions must strictly comply with MCR 2.503(B) and (C)(1). Motions to adjourn will rarely be granted.

I. Monitoring Systems

The court's case management system will:

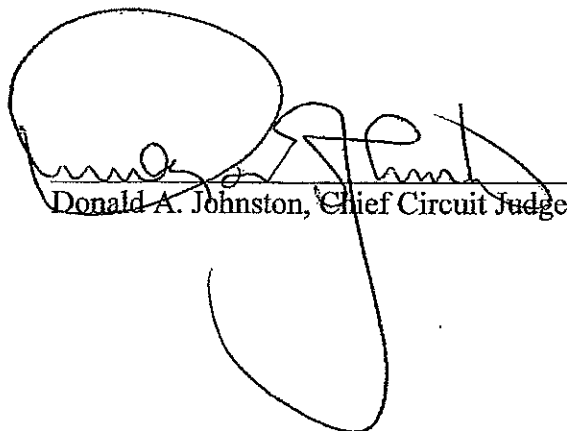
1. Monitor case progress;
2. Generate reports for measuring pending inventory and measuring compliance with the time guidelines.

Specific reports that will be available from the case management system are: cases with no next action date, age of pending cases, number of cases pending beyond time standards by judge, age of cases at each event, age of cases at disposition, time intervals between events, and exception reports.

J. Implementation

To implement successfully and achieve the goals of this Plan, the Court may require additional judicial resources.

Date: 10/21/15


Donald A. Johnston, Chief Circuit Judge