Berrien County Trial Court

Thomas E. Nelson, Chief Judge - Brian E. Ray, Administrator
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Administrative Order 2015-08

This administrative order replaces and rescinds prior Berrien County Trial Court Administrative Order 2013-05 and establishes the current caseflow management plan for the Berrien County Trial Court in accordance with Michigan Supreme Court Administrative order 2013-12, effective January 1, 2014, see

http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/cfmg.pdf

It is ordered that the Berrien County Trial Court's Caseflow Management Plan is as follows:

1. Goals

The goals of the Court's caseflow management plan are to

- expedite the disposition of all cases in a manner consistent with fairness to all parties, as permissible under law
- minimize the uncertainties associated with processing cases
- ensure equal access to the adjudicative process for all litigants

2. Case Processing Time Guidelines

The Court adopts its caseflow management plan to comply with the time guidelines set forth in MSC administrative order 2013-12; however, the Court will not dismiss a case for the sole reason that it is likely to exceed the guideline.

3. Scheduling Policy

The Court will schedule trials and other contested matters in an effort to minimize delay for the parties and to reduce the possibility of adjournment of scheduled events. Some judges use a trailer docket system for trials, and other judges schedule multiple trials to begin the same day. The Court will control all cases from initiation through post-disposition proceedings by, as appropriate,

- case screening
- scheduling conferences and orders for the purpose of achieving date certainty
- management of discovery and motion practice
- realistic scheduling of court events.

The Court will monitor all cases and other contested matters to ensure that there is always a scheduled future action or review date. The Court will schedule cases using the time guidelines set forth in MSC administrative order 2013-12 . A case or contested matter on the docket in excess of those guidelines shall be set for immediate judicial review.

4. Adjournment Policy

The Court will comply with MCR 2.503.

5. Alternative Dispute Resolution (ADR)

The Court promotes the use of alternative means with which to resolve disputes, in accordance with local administrative order 2014-01. Upon request, litigants will be provided with information available to the Court regarding the local community dispute resolution service, Citizens Mediation Service, and a roster of ADR providers. Cases referred to ADR shall remain open.

6. Pretrial Scheduling Orders

The Court uses case management scheduling orders, samples of which are attached (which, after approval of this administrative order, will be revised to include the requirements in § 7 below).

7. Mandatory Plea Reduction Cutoff; Pretrial Conferences

Civil and probate proceedings
As used in § 7, a civil proceeding includes a child protective proceeding.

- Except for civil infractions and district court jurisdiction civil collection cases, every civil or probate proceeding that is not resolved through mediation, case evaluation, or other means, will be scheduled for a settlement/status conference in accordance with MCR 2.401.
- Persons with authority to settle the case, including the parties to the action, and, where applicable, 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.
- For every jury civil or probate proceeding, the parties must notify the Court of settlement not less than 8 days before the 1st day jury trial is scheduled to begin; if not, the Court shall order the parties to pay the cost for summoned jurors.
- These provisions shall be included in civil case management scheduling orders.

Criminal and juvenile delinquency proceedings

- In a criminal felony proceeding, the Court shall hold a case conference on Monday of the 6th week before trial is scheduled to begin.
- In a misdemeanor or felony criminal or juvenile delinquency jury trial proceeding:
    - there is a mandatory plea reduction cutoff date at the conclusion of the 2nd Monday before jury selection is scheduled to begin, after which the Court shall not accept a plea of guilty or no contest to less than all charges in that proceeding; unless:
        otherwise ordered by the court for good cause established at a hearing, initiated by a motion filed no later than said 2nd Monday.
    - the Court shall hold a final status conference on said 2nd Monday.
    - Judges shall alert the jury clerk of the need for a jury by noon on the Thursday prior to the start of a scheduled Tuesday trial in St. Joseph or a Wednesday trial in Niles; or by noon on the Monday prior to the start of a Thursday trial in either location. The prosecutor will notify the judge and the defendant by those same deadlines if the case is proceeding to trial or is to be dismissed.
    - Judges shall use the supplied randomly presorted list when jurors are initially selected for voir dire or replacement jurors for those persons excluded from jury service in that case.
- These provisions shall be included in criminal and juvenile delinquency case management scheduling orders.

In any civil or criminal proceeding, the Court may schedule additional conferences as the Court deems appropriate.

8. Trial Scheduling and Management

Trial dates are set in the Court's case management scheduling order, using the procedures described in §§ 3 and 7 above. A request to modify a date in the scheduling order is waived unless requested in writing within the time stated in the scheduling order, or otherwise allowed by the Court for good cause.

9. Monitoring Systems

The Court's case management system will

monitor case progress, and

generate reports to measure pending cases and compliance with the time guidelines.

Specific reports will include

cases without a next action date
age of pending cases
number of cases pending beyond time standards per judge

age of case at each event
age of case at disposition
time interval between events
exception reports

Amendments to §§ 7 and 8 discussed/reviewed at Judicial Council

March 22, 2012
April 18, 2012
May 17, 2012
February 28, 2013

IT IS SO ORDERED:

6/18/15
Date

Thomas E. Nelson, Trial Court Chief Judge