

The District Court

DISTRICT JUDGES

MICHAEL S. MACERONI

STEPHEN S. SIERAWSKI

KIMBERLEY A. WIEGAND

for the



41-A District of Michigan

The Cities of Sterling Heights and Utica
and the Townships of Shelby and Macomb

STERLING HTS DIVISION

40111 Dodge Park Road
Sterling Heights, Michigan
48313

COURT ADMINISTRATOR

Lynn McKheen

CLERK OF THE COURT

Robin VanSice

May 5, 2011

Administrative Order 2011-01

SELECTION OF CASE EVALUATORS

This Administrative Order is issued in accordance with Michigan Court Rule 2.404. The purpose of this order is to govern the procedure for case evaluation in this court upon approval by the State Court Administrative Office.

1. Scope and Applicability. This Administrative Order is supplemental to MCR 2.404. If there is a conflict, MCR 2.404 controls. If there is a conflict between this Administrative Order and any prior local court rule or administrative order, this order controls.
2. The court designates the Court Administrator to serve as the case evaluation clerk.

A. Case Evaluator Plan

This plan will cover the selection of case evaluators for the 41A District Court.

B. Lists of Case Evaluators

1. Case Evaluator Application

The 41A District Court will utilize SCAO approved form MC34 Case Evaluator Application.

2. Case Evaluator Eligibility

To qualify as a case evaluator, a person must meet the qualifications in subrule MCR 2.404(B)(2):

- (a) The applicant must have been a practicing lawyer for at least 5 years and be a member in good standing of the State Bar of Michigan;

- (a) The applicant must have been a practicing lawyer for at least 5 years and be a member in good standing of the State Bar of Michigan;
- (b) An applicant must reside, maintain an office, or have an active practice in the jurisdiction for which the list of case evaluators is compiled;
- (c) An applicant must demonstrate that a substantial portion of the applicant's practice for the last 5 years has been devoted to civil litigation matters, including investigation, discovery, motion practice, case evaluation, settlement, trial preparation, and/or trial.

3. Review of Applications

- (a) Applications will be reviewed by the Case Evaluation Advisory Committee at least annually. The Case Evaluation Advisory Committee will consist of the three judges of the 41A District Court and the case evaluation clerk. The selection committee members will be designed to assure that the goals of MCR 2.404(D)(2) are met.
- (b) An applicant who is not placed on a case evaluation list may appeal, in writing, to the Chief Judge within 30 days after notice of the decision is mailed to the applicant. There will be no oral argument. The Chief Judge will inform the applicant of the decision in writing.

4. Term of Placement on List

Case evaluators will be appointed to a fixed term no greater than 5 years. The terms of case evaluators may be staggered so that a manageable number of case evaluators will be considered for reappointment each year.

5. Removal from List

Case evaluators who demonstrate incompetence, bias, made themselves consistently unavailable to serve as case evaluator or show other just cause, may be removed from the list by the Case Evaluation Advisory Committee.

A case evaluator who is removed from a list may appeal, in writing, to the Chief Judge within 30 days after notice of the decision is mailed to the case evaluator. There will be no oral argument. The Chief Judge will inform the case evaluator of the decision in writing.

6. Orientation and Training

Case evaluators will be provided with orientation materials explaining the case evaluation process and the operation of the Court's case evaluation program.

C. Assignment to Panels

Case evaluators will be assigned to panels to hear cases in a random or rotating manner. This process will ensure, as nearly as possible, that each case evaluator on a list is assigned approximately to the same number of cases over a period of time. This will be accomplished by creating a list of panels, which will be rotated.

If a substitute case evaluator must be assigned, a similar assignment procedure will be used by asking case evaluators assigned to permanent panels to substitute in order of their placement on the list. The list will be rotated.

Effective date: on approval of the State Court Administrative Office.

IT IS SO ORDERED.



Michael S. Maceroni, Chief Judge

Dated: May 5, 2011