
CASE EVALUATION PANEL SELECTION & ASSIGNMENT PLAN

IT IS ORDERED:

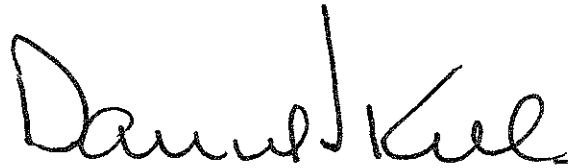
This administrative order sets out the plan for selection and assignment of case evaluation panels for the 31st Circuit as required by MCR 2.404. The plan is applicable to all case evaluations conducted pursuant to MCR 2.403. A.O. 1997-1 is rescinded.

1. **Lists of Case Evaluators** - Each applicant shall submit an application form (MC 34, Case Evaluator Application) to the Case Evaluation Clerk to be eligible for addition to the list. Case evaluators will be appointed to five-year terms.
2. **Case evaluator Eligibility** - Qualifications for case evaluators include the following:
 - 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;
 - Applicants must reside, maintain an office, or have an active practice in the jurisdiction for which the list of case evaluators is compiled; and,
 - 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, (either tort or commercial) including investigation, discovery, motion practice, case evaluation, settlement, trial preparation, and/or trial.
3. **Review of Applications** - Applications will be reviewed and approved by the Court in consultation with the Case Evaluation Committee of the St. Clair County Bar Association, appointed annually by the Bar President. The Court will select case evaluators to serve on panels, evaluate the performance of case evaluators upon receipt of a formal complaint, and remove the case evaluators whose performance is determined to be unsatisfactory. Applicants who are not appointed and case evaluators removed from the list will be notified of the decision. Requests for reconsideration of case evaluator selections or removal can be submitted in writing to the Chief Circuit Judge within 30 days of notice of the decision.
4. **Removal from the Lists** - Case evaluators may be removed from the approved case evaluator lists if they have made themselves consistently unavailable to serve, demonstrated incompetence, bias, or for other just cause.

5. **Specialized Lists** - The case evaluator pool will consist of case evaluator lists for commercial cases, and tort cases. The tort panels will consist of one attorney who primarily represents civil plaintiffs, of one attorney who primarily represents civil defendants, and one attorney engaged in civil litigation that does not perform a majority of their work for either plaintiffs or defendants. The case evaluation clerk will publish panel assignments for both commercial and tort case evaluations annually. Approved case evaluators will be assigned to panels in fair rotation.
6. **Scheduling** - When a case has been ordered into case evaluation, it will be assigned a date consistent with the court's order. Cases will be assigned to case evaluation panels by next available panel on a straight calendar basis. Case evaluators may obtain a continuance for any cases scheduled where they are also scheduled to serve as case evaluators upon request of the respective judicial assignment clerk. Requests will be made at least one week prior to the scheduled case evaluation date.
7. **Modification of Panel** - When an assigned case evaluator must be disqualified from hearing the case as defined in MCR 2.403 and MCR 2.003, the case evaluator in need of a substitute is responsible for the arrangements as follows:
 - 1) Contact the Case Evaluation Clerk (810) 985-2031 to obtain a name selected in straight rotation order from the substitution list.
 - 2) Notify the named substitute and confirm an agreement to serve as substitute. If the substitute is unable to serve, go back to step 1 above.
 - 3) Forward any and all correspondence received to date concerning the case to the substitute.
 - 4) Notify the Case Evaluation Clerk, parties involved in the case, and other case evaluators of the change. This may be done by letter if there is at least four working days before the case evaluation date, otherwise this must be done by telephone.
8. **Fees and Submission of Documents** - A case evaluation summary and check for \$25.00 per party pursuant to MCR 2.403(1) must be filed with each case evaluator and a copy of the summary served upon the other parties at least 14 days before the hearing date. Failure to serve the required material or pay the case evaluation fee directly to the case evaluators or other parties by the required date subjects the offending attorney or party to a \$50.00 per case evaluator penalty to be paid directly to each case evaluator with any summary and/or fee submitted after the required date. Refund of any fees paid shall only be in accordance with MCR 2.403 (H) (5).
9. **Adjournments** - Any request for first adjournment of a case evaluation hearing shall be by stipulation and order to the assigned judge. Requests for second and subsequent

adjournments are by motion only. All requests for an adjournment/removal from the schedule of the case evaluation within 14 days of the scheduled case evaluation hearing are subject to provisions of MCR 2.403 (G) (2), including the imposition of costs of \$50.00 to be paid directly to the case evaluators by the requesting party or parties.

10. **Case Evaluation** - The panel chair shall file the original case evaluation form at the Circuit Court Administrator's Office, Room 3400, and copies will be given to each party either in person or by first class U.S. Mail. All case evaluators must sign the evaluation.

A handwritten signature in black ink that reads "Daniel Kelly". The signature is written in a cursive style with a long, sweeping underline that extends to the right and then curves downwards.

Hon. Daniel J. Kelly
Chief Circuit Judge

Approved by the State Court Administrator:

Effective Date: