

*Repealed
by
2004-7*

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF MACOMB

IN RE SELECTION OF CASE EVALUATORS
_____ /

Administrative Order 2000-10

A. Case Evaluation Plan

This plan will cover the selection of case evaluators for the Macomb County Circuit Court.

Macomb County Circuit Court case evaluators will also evaluate cases selected and referred by Macomb County district courts desiring to participate.

B. Lists of Case Evaluators

1. Case Evaluator Application

The Macomb County Circuit Court requests approval of an alternative case evaluator Application. The application is attached.

2. Case Evaluator Eligibility

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

- (a) An applicant must have been a practicing lawyer for a 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; and,
- (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.
- (d) In addition, in order to qualify as a personal injury case evaluator, an applicant must have had an active practice in the practice area for which the case evaluator is listed for at least the last 3 years.

3. Review of Applications

(a) The applications will be reviewed at least annually by an individual or committee appointed by the Chief Judge. An individual must be an employee of the Court. If a committee is created, it will consist of at least three members. The membership of the committee will include practicing lawyers, representatives of the Macomb County Bar Association, Court staff and members of the Circuit Court Bench. The selection of Committee members will be designed to assure that the goals of MCR 2.404(D)(2) are met. Members will be appointed to 3 year terms. A person will not be allowed to serve on the Committee more than 3 years in any 9 year period.

(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. Specialized Lists

(a) There will be a specialized personal injury list, which will consist of panels of three attorneys with experience and expertise in personal injury litigation.

(b) Personal injury panels will handle only personal injury cases. Case evaluators on the personal injury list will be divided into plaintiff case evaluators, neutral case evaluators and defense case evaluators depending on whether they primarily represent plaintiffs, defendants or are not identifiable with either.

5. Term of Placement on Lists

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.

6. Removal from lists

Case evaluators who demonstrate incompetency, bias, made themselves consistently unavailable to serve as a case evaluator or show other just cause may be removed from the list.

A case evaluator who is removed from a case evaluation 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.

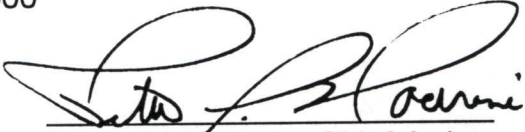
7. Orientation and Training

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 in a random or rotating manner that assures as nearly as possible that each case evaluator on a list is assigned approximately the same number of cases over a period of time. If a substitute case evaluator must be assigned, a similar assignment procedure will be used to select the substitute.

This order shall take effect on October 1, 2000



Peter J. Maceroni, Chief Judge

Dated: *SEPT. 6, 2000*

MACOMB COUNTY CIRCUIT COURT CASE EVALUATOR APPLICATION



Case Evaluator Selection Criteria

(A) The applicant must have been a practicing lawyer for at least 5 years as of the appointment date, January 1 of the year following the date of application, and be a member in good standing of the State Bar of Michigan.

(B) The applicant must reside, maintain an office, or have an active practice in Macomb County.

(C) The 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, mediation, settlement, trial preparation, and/or trial.

(D) Applicants for the personal injury list must demonstrate additional skill and experience and complete the appropriate section in this application.

Applications will be reviewed annually. Applications must be received by the Court Administrator by the close of business on October 1st of the preceding year to be eligible for addition to the list in the following January. Case evaluators will be appointed for staggered terms, not exceeding five years. Appointments will be made without regard to race, ethnic origin or gender.

Applicants who are not appointed will be notified of the decision. Applicants may seek reconsideration by writing to the Chief Judge within 30 days after the decision is mailed to the applicant. No hearing will be held. The Chief Judge will inform the applicant of the decision on the appeal in writing.

MACOMB CIRCUIT COURT CASE EVALUATOR APPLICATION

Please type or print legibly

Name: _____ P# _____

Business address: _____
Firm name, if applicable

Street

City

State and Zip

Telephone: (____) _____ Fax (____) _____

GENDER/RACE/ETHNICITY INFORMATION - OPTIONAL

In order to evaluate our efforts to provide bias free case evaluation panels and diversity, we ask you to voluntarily identify your gender/race/ethnicity. Please check the appropriate box:

- | | |
|---|---|
| <input type="checkbox"/> Male | <input type="checkbox"/> Hispanic |
| <input type="checkbox"/> Female | <input type="checkbox"/> Caucasian |
| <input type="checkbox"/> African American | <input type="checkbox"/> Multiracial (means having parents of different races). |
| <input type="checkbox"/> Asian American | |

1. What case evaluator list are you applying for? (Select one)

General Civil

Personal Injury (subdivided into plaintiff, neutral and defense case evaluators):

- Plaintiff
 Neutral
 Defense

(3) Motion Practice:

(4) Case evaluation under MCR 2.403 (formerly "mediation"):

(5) Settlement:

(6) Trial preparation:

(7) Trial:

If you are applying for service on the Personal Injury List pursuant to MCR 2.404(B)(4), please answer the following questions. All others skip to the certification section.

1. In your practice, do you primarily represent:

- Plaintiffs?
- Defendants?
- Not identifiable?

2. In the past three years, what percentage of your practice has been personal injury matters?

_____ %

ADDITIONAL INFORMATION

If you have other experience or a speciality beyond what has been discussed which you feel bears on your qualifications as a case evaluator, please provide that information on separate sheets and attach them to this application.

CASE EVALUATOR ELIGIBILITY CERTIFICATION

(All applicants must complete this certification)

I certify, pursuant to MCR 2.404(B)(1), that I meet the requirements for service under the Macomb County Circuit Court's selection plan and that I will not discriminate against parties, attorneys, or other case evaluators on the basis of race, ethnic origin, gender, or other protected personal characteristic.

Date

Signature

Return this application to:

Case Evaluation Clerk
40 N. Main
Mt. Clemens, MI 48043