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Approved 9/8/00

GAIL A. MCGREGOR
SECRETARY
CAROL A. O'DELL
RECORDER
GLEN GROSTEFON
BARRE

RECEIVED State of Michigan

AUG 29 2000

CIRCUIT COURT • 38th JUDICIAL CIRCUIT
HON. MICHAEL W. LABEAU
CIRCUIT JUDGE

200029 11:09:25

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State Court Administrative Office
38th Judicial Circuit
Administrative Order 2000-06J

and

1st Judicial District
Administrative Order 2000-06J

CASE EVALUATION PRACTICE

IT IS ORDERED:

Pursuant to MCR 2.403 and MCR 2.404, the 38th Circuit Court and the 1st District Court enter into the following agreement to set forth guidelines for selecting case evaluators and case evaluation panels:

A. CASE EVALUATOR PLANS

The 38th Judicial Circuit Court and the 1st Judicial District Court jointly adopt this Administrative Order 2000-06J for the County of Monroe and the State of Michigan. Such written plans will be available to the public in the Monroe County Clerk's and District Court Clerk's offices.

B. LIST OF CASE EVALUATORS

1. Case Evaluator Application Forms (MC 34)

These forms will be provided to all members of the Monroe County Bar Association, and anyone who wishes to apply has been urged to immediately forward their application to the Monroe County Clerk. All applications must include:

- a. Page 1 and 2 of the application are required. Page 3 of the application is optional;
- b. Requirement that the case evaluator certifies that he/she will meet the requirements for service under the court's selection plan, and;
- c. That the case evaluator will not discriminate against parties, attorneys, or other case evaluators on the basis of race, ethnic origin, gender, or other protected personal characteristics;
- d. Copies of such applications are available in the Monroe County Clerk's office.

2. Case Evaluator Eligibility

The following qualifications must be met:

- a. The applicant must have been a practicing attorney for at least 5 years and be a member in good standing with the State of Michigan;

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8-01-00

- b. The applicant must reside, maintain an office, or have an active practice within Monroe County which is the area from which the list of case evaluators for the 38th Judicial Circuit and the 1st District Court is being 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, mediation, settlement, trial preparation, and/or trial.
3. Review of Applications
 - a. Case evaluator applications will be reviewed by a designated court employee.
 - b. The Circuit Court Judges will closely cooperate with the Monroe County Clerk or designee who assigns case evaluators to their cases from a rotating list and the District Court Judges will work closely with the District Court Clerk or designee who will be assigning case evaluators from the same rotating list to their cases.
 - c. If an applicant is not placed on the case evaluator's list, that applicant may seek reconsideration of the decision by appealing first in writing to the designated court employee. The reconsideration will occur immediately after the request. If a denial of that person's request to serve as a case evaluator continues, an appeal of the reconsideration may be heard by written request to the Circuit Court Judges or the District Court Judges, whichever is appropriate, who may review the findings of the designated court employee.
4. Specialized Lists
At this time, it is believed there are not sufficient numbers of case evaluators to establish specialized lists.
5. Term of Placement on Case Evaluator List
The term of placement on the case evaluator list is 5 years from October 1, 1997 for Circuit Court and January 1, 1998 for District Court.
6. Removal from Case Evaluator List
A case evaluator may be removed from the list if that evaluator has demonstrated that they are incompetent, are biased, have been consistently unavailable to serve as an evaluator, or for any other just cause. Any attorney so removed shall be notified by regular mail by a Court Order so indicating that they are removed from the case evaluator list.

They may seek review of this determination and a review will be as indicated in Section B, number 3.

2000-06J
8-01-00

7. Orientation and Training

Case Evaluators are urged to attend any orientation or training sessions offered either locally or at the State Bar level.

The evaluators have been made aware that they operate under the basic case evaluation rules MCR 2.403 and MCR 2.404 and the local Circuit and District Court requirements.

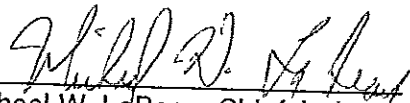
C. ASSIGNMENT TO PANELS

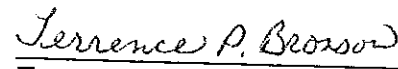
The Monroe County Clerk and the Monroe County District Court Clerk are ordered that they shall use a random or rotating manner to assure as nearly as possible that each case evaluator on the list and sub-list which may subsequently be adopted is assigned approximately the same number of cases over the 5 year period.

Effective Date: 8-01-00

Date: 8-25-00

Date: 8-25-00


Michael W. LaBeau, Chief Judge
38th Circuit Court


Terrence P. Bronson, Chief Judge
1st District Court



**Michigan Supreme Court
State Court Administrative Office**

309 N. Washington Square, P.O. Box 30048
Lansing, Michigan 48909
Phone (517) 373-0130
John D. Ferry, Jr., State Court Administrator

September 8, 2000

RECEIVED
SEP 15 2000
State Court Administrative Office
Region 1

Hon. Michael W. LaBeau
Chief Judge
38th Circuit Court
106 E. First St.
Monroe MI 48161

Re: Administrative Order 2000-06J
Case Evaluation Practice and Selection of Mediation Panels
Joint Courts & Orders: D01 2000-06J
Rescinds: 1997-02J

Dear Judge LaBeau:

This is to advise that we have reviewed the above referenced Administrative Order and find that it conforms with the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

Sincerely,

James L. Covault, Director
Trial Court Services

JLC/dmm

cc: Delores K. Van Horn, Region 1



**Michigan Supreme Court
State Court Administrative Office**

309 N. Washington Square, P.O. Box 30048
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September 8, 2000

Hon. Terrence P. Bronson
Chief Judge
1st District Court
106 E. First St.
Monroe MI 48161

RECEIVED
SEP 15 2000
State Court Administrative Office
Region 1

Re: Administrative Order 2000-06J
Case Evaluation Practice and Selection of Mediation Panels
Joint Courts & Orders: C38 2000-06J
Rescinds: 1997-02J

Dear Judge Bronson:

This is to advise that we have reviewed the above referenced Administrative Order and find that it conforms with the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

Sincerely,

James L. Covault, Director
Trial Court Services

JLC/dmm

cc: Delores K. Van Horn, Region 1
Ms. Michelle M. Marcero