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| <b>State of Michigan</b>            |   | <b>Local Administrative Order</b> |
| <b>Washtenaw County Trial Court</b> | <b>Selecting Case Evaluators and Case Evaluation Panels</b> | C22 2021-06J<br>P81 2021-06J      |

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Effective Date: November 5, 2021

*The purpose of this administrative order is to confirm the procedure for the selection of case evaluators and case evaluation panels in accordance with MCR 2.404. This administrative order rescinds and replaces Washtenaw County Trial Court Local Administrative Order C22/P81 2007-04-J "Selecting Case Evaluators and Case Evaluation Panels" and Local Administrative Order C22/P81 2002-12D "Case Evaluation Committee Terms of Service and Appointments".*

**A. Case Evaluator Plans**

This plan covers the evaluation of cases in the 22<sup>nd</sup> Judicial Circuit Court under MCR 2.403.

**B. Lists of Case Evaluators**

**1. Case Evaluator Application**

The Case Evaluation Committee shall establish and provide to the Case Evaluation Office a list of qualified evaluators. The court has modified MC 34, Case Evaluator Application, and it is appended to this Administrative Order.

**2. Case Evaluator Eligibility**

Potential case evaluators must meet the following requirements:

- a. The applicant must complete a Case Evaluator Application form and submit it to the Case Evaluation Coordinator to be presented at the next scheduled Case Evaluation Committee meeting;
- b. The applicant must have been a practicing attorney for a minimum of five years and be a member in good standing of the State Bar of Michigan;
- c. The applicant must reside, maintain an office, or have an active practice in Washtenaw County; and
- d. The applicant must demonstrate that a substantial portion of his or her practice

for the previous five years has been devoted to civil litigation matters, including investigation, discovery, motion practice, case evaluation/facilitation/arbitration, settlement, and trial preparation and/or trial

- e. If an applicant wishes to be considered for inclusion on more than one panel, the applicant must demonstrate that he or she has had an active practice in the specific area for at least the past three years

### **3. Review of Applications**

- a. Applications will be reviewed at least semiannually by the Case Evaluation Committee appointed by the Chief Judge. The committee, under direction of the Chair, should be responsible annually for soliciting persons for committee membership to replace those whose terms are expiring. The committee shall review candidates for appointment and recommend persons for appointment by the Chief Judge. The committee shall consist of at least three (3) members. The membership of the committee will include practicing lawyers and court staff (acting ex officio) and will be designed to assure that the goals of MCR 2.404(D)(2) are met. Members will be appointed to a three (3) year term and will not be allowed to serve on the committee more than three (3) years in any nine (9) year period.
- b. An applicant who is not approved by the Case Evaluation Committee may seek reconsideration of the Committee's decision by submitting his or her request in writing to the Case Evaluation Coordinator. The request for reconsideration will be presented at the next scheduled Committee meeting. If this reconsideration is not approved by the Committee, the applicant may appeal the Committee's decision to the Chief Judge in writing.

### **4. Specialized Lists**

The list of qualified evaluators shall be divided into three panels: negligence, employment, and commercial. The negligence and employment panels will have three categories of attorneys. Those categories are:

- a. Attorneys who primarily represent plaintiffs
- b. Attorneys who primarily represent defendants
- c. Attorneys who represent both plaintiffs and defendants

### **5. Term of Placement on List**

Evaluators are placed on the list for a period of time between one and five years, as determined by the Case Evaluation Committee at the time of appointment. The Case Evaluation Committee shall update the list of evaluators at least annually.

**6. Removal from Lists**

Removal of an evaluator from one or more panels may occur as the result of demonstrated incompetence or bias, repeated failure to be available to serve as an evaluator, or for other just cause. Recommendations for removal will be presented at the regular Committee meetings. No evaluator shall be removed from a panel without a majority vote of the Committee.

**7. Orientation and Training**

Orientation and training are the responsibility of the Case Evaluation Committee. The Case Evaluation Coordinator in the Central Assignment Office distributes materials regarding the case evaluation process in Washtenaw County.

**C. Assignment to Panels**

The Case Evaluation Coordinator shall select evaluators for panels in accordance with their qualifications. The assignment must be in a random or rotating manner, to assure that, as close as practicable, each case evaluator is assigned approximately the same number of cases over a period of time. Upon timely notification by an evaluator that he or she cannot serve on the date assigned, the Case Evaluation Coordinator will select the next name on the list. The evaluator originally selected will then be put back into the rotation.

Dated: November 2, 2021

  
\_\_\_\_\_  
Carol Kuhnke, Chief Judge  
Washtenaw County Trial Court

# WASHTENAW COUNTY CASE EVALUATOR APPLICATION

To serve as a case evaluator, you must meet the following qualifications:

- You must have been a practicing attorney for at least five (5) years.
- You must be a member in good standing of the State Bar of Michigan.
- You must reside, maintain an office, or have an active practice in Washtenaw County.
- You must demonstrate that a substantial portion of your practice for the last five (5) years has been devoted to civil litigation matters including investigation, discovery, motion practice, case evaluation/facilitation/arbitration, settlement, trial preparation, and/or trial.
- If you wish to be considered for inclusion on more than one panel, you must demonstrate that you have had an active practice in the specific area for at least the past three (3) years.

Is this a new application? \_\_\_\_\_

Is this a renewal application? \_\_\_\_\_

1. Full Name \_\_\_\_\_

2. State Bar No. \_\_\_\_\_

3. Date of Admission to State Bar \_\_\_\_\_

4. Number of Years Actively In Practice \_\_\_\_\_

5. Current Firm Name/Employer \_\_\_\_\_

6. Dates of Employment \_\_\_\_\_

7. Business Address \_\_\_\_\_  
\_\_\_\_\_

8. Office Telephone No. \_\_\_\_\_

9. Facsimile No. \_\_\_\_\_

10. E-mail Address \_\_\_\_\_

11. Previous Firm/Employer \_\_\_\_\_

12. Address and Telephone No. \_\_\_\_\_

13. Dates of Employment \_\_\_\_\_

14. Residence Address \_\_\_\_\_

15. Residence Telephone No. \_\_\_\_\_

**PART A: GENERAL INFORMATION**

16. Are you currently a member in good standing of the State Bar? \_\_\_\_\_

17. Are you a member in good standing of any other organization of attorneys or bar associations? If yes, please list the organizations and the dates of membership.

\_\_\_\_\_

\_\_\_\_\_

18. Have you ever been subject to discipline by the Michigan Attorney Discipline Board or any other state or federal agency or court? If yes, please explain. Include dates and any sanctions imposed. Complete on separate pages if necessary and attach.

\_\_\_\_\_

\_\_\_\_\_

19. What percent of your practice is conducted in Washtenaw County? \_\_\_\_\_%

20. Indicate the percent of your practice for the past five (5) years devoted to civil litigation matters, including investigation, discovery, motion practice, case evaluation/facilitation/arbitration, settlement, trial preparation, and/or trial.

\_\_\_\_\_ % plaintiff      \_\_\_\_\_ % defense

Indicate the percent of your current trial practice in the following areas\*\*:

|                                 |                   |                 |
|---------------------------------|-------------------|-----------------|
| Personal Injury/Auto Negligence | _____ % plaintiff | _____ % defense |
| Professional Malpractice        | _____ % plaintiff | _____ % defense |
| Product Liability               | _____ % plaintiff | _____ % defense |
| Commercial                      | _____ % plaintiff | _____ % defense |
| Labor and Employment            | _____ % plaintiff | _____ % defense |
| Condemnation                    | _____ % plaintiff | _____ % defense |
| Other _____                     | _____ % plaintiff | _____ % defense |
| [specify]                       |                   |                 |
| Other _____                     | _____ % plaintiff | _____ % defense |
| [specify]                       |                   |                 |
| Domestic relations              | _____ %           |                 |

\*\*Please note that the total of all percentages listed above should equal 100 percent.

21. Provide information that demonstrates experience in civil litigation, including investigation, discovery, motion practice, case evaluation, settlement, trial preparation, and/or trial for the last five (5) years. For any trial experience, include the case name and number, the name of the court and the judge, the year of the trial, the number of trial days, and whether you represented the plaintiff or the defendant. Complete on separate pages if necessary and attach.

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**PART B: FOR SPECIALIZED LISTS**

22. Indicate which you primarily represent.

Plaintiff     Defendant     Neutral (not representing a majority of either)

23. For which case evaluations position(s) are you applying?

Circuit Level     District Level

Personal Injury Panel:     Plaintiff     Defendant     Neutral

Commercial

Employment:     Plaintiff     Defendant     Neutral

24. List the areas of law in which you practice and how many years in each area.

|           |             |                 |             |
|-----------|-------------|-----------------|-------------|
|           | /           |                 |             |
| practiced | Area of law | Years practiced | Area of law |
|           |             |                 | Years       |

|           |             |                 |             |
|-----------|-------------|-----------------|-------------|
|           | /           |                 |             |
| practiced | Area of law | Years practiced | Area of law |
|           |             |                 | Years       |

**PART C: ADDITIONAL INFORMATION**

25. Have you previously served as an evaluator or arbitrator? If yes, please identify the organization and frequency of service.

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26. Have you taken a trial advocacy course? If yes, please indicate when and where.

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27. Have you taught a trial advocacy course? If yes, please indicate when and where.

\_\_\_\_\_

28. Please provide any additional information which you believe further describes your qualifications to serve as a case evaluator for Washtenaw County. Complete on separate pages if necessary and attach.

\_\_\_\_\_

29. Please list at least three (3) references. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CERTIFICATION:** I hereby certify that I meet the requirements for service as a case evaluator under the Washtenaw County Trial Court's selection plan and that, if I am appointed to serve as an evaluator, I will not discriminate against parties, attorneys or other evaluators on the basis of race, ethnic origin, gender or other protected personal characteristic.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

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**FOR CASE EVALUATION COMMITTEE USE ONLY**

New application \_\_\_\_\_ Renewal application \_\_\_\_\_

\_\_\_\_\_ Not accepted \_\_\_\_\_

Date notified: \_\_\_\_\_

\_\_\_\_\_ Accepted \_\_\_\_\_ Panel(s) \_\_\_\_\_

Last date of appointment; must reapply by \_\_\_\_\_  
[Cannot exceed 5 years]

Date notified: \_\_\_\_\_

**PART D: GENDER AND RACE INFORMATION**

Providing the following information is optional. It is requested in accordance with MCR 2.404(B)(1) and will be maintained separately from your application.

Full Name \_\_\_\_\_

State Bar No. \_\_\_\_\_

1. Gender

\_\_\_\_\_ Female

\_\_\_\_\_ Male

2. Race/Ethnicity

\_\_\_\_\_ American Indian or Alaskan Native

\_\_\_\_\_ Asian or Pacific Islander

\_\_\_\_\_ Black/African American (non-Hispanic)

\_\_\_\_\_ Hispanic

\_\_\_\_\_ White/Caucasian (non-Hispanic)

\_\_\_\_\_ Other