

Effective Date: February 12, 2007

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 order rescinds LAO 2001-03D.

A. CASE EVALUATION PLANS:

The court designates the local bar Case Evaluation Committee, which is appointed by the court under local administrative order, as the body responsible for the recruitment, training, approval and removal of circuit level evaluators in the Washtenaw County Trial Court.

B. LISTS OF 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:

Applicants must meet the eligibility requirements established in the Case Evaluator Appointment Plan that is also appended to this Administrative Order.

3. Review of Applications:

The Committee shall review applications and qualify evaluators based upon the appended Case Evaluator Appointment Plan, which outlines the specific eligibility requirements for evaluators and the procedures established for approval by the Case Evaluation Committee.

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 the List:**

Evaluators are placed on the list for at 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 List:**

The Case Evaluator Appointment Plan governs removal of an evaluator from the list.

7. **Orientation and Training:**

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

C. **ASSIGNMENT TO PANELS:**

The Central Scheduling Coordinator shall select evaluators for panels in accordance with their qualifications. The Central Scheduling Coordinator shall maintain two identical lists of approved evaluators. Evaluators shall be selected as follows:


1. The first list shall be used to select evaluators to sit on scheduled panels in the order in which they appear on the list. Upon timely notification by an evaluator that he or she cannot serve on the date assigned, the Central Scheduling Coordinator will select the next name on the list. The evaluator originally selected will then be put back into the rotation.

2. The second list shall be used to select evaluators to act as alternates on specific case evaluations or as substitutes for previously selected evaluators who do not provide timely notice of the inability to serve.

3. Evaluators shall be selected in a rotating manner to ensure that all evaluators on each list are assigned approximately the same number of cases over a period of time.

The Central Scheduling Coordinator shall keep a record of the selection process for review by the Case Evaluation Committee or the court. Records shall be kept in accordance with the Supreme Court's recommended record retention schedule.

2/12/07
Date


Archie C. Brown, Chief Judge

CASE EVALUATOR APPOINTMENT PLAN WASHTENAW COUNTY TRIAL COURT

Eligibility to serve on a case evaluation panel for Washtenaw County Trial Court is determined by the Case Evaluation Committee. The necessary requirements to serve as an evaluator are as follows:

1. 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.
2. 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.
3. The applicant must reside, maintain an office, or have an active practice in Washtenaw County.
4. 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, settlement, and trial experience.
5. 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.

An applicant who is approved by the Committee will be notified by the Case Evaluation Coordinator, and placed on the approved panel for a period of five years from the time of the appointment. Evaluators may be required to view a videotaped training seminar prior to sitting on a case evaluation panel.

An applicant who is not approved by the 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.

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.