

*This document is one of a number of Toolkit items designed to help courts in their planning to return to full capacity while continuing to mitigate risk to protect the public and staff. While every effort has been made by SCAO staff to compile as much helpful and accurate guidance as possible, we understand that during the months ahead courts will be responding to their individual situations with creativity and innovation. Moreover, we know that advice from outside authorities continues to change to reflect analysis of additional data. Anticipating occasional updates to these documents as new information becomes available, the SCAO welcomes ongoing input on these documents, and in particular, sharing insights and experiences that can be added so that other courts can benefit from each other's work. Comments can be sent to [CourtServices@courts.mi.gov](mailto:CourtServices@courts.mi.gov).*

## **Early Case Triage Strategies to Ease Docket Pressure**

SCAO has separately prepared documents for [circuit](#), [district](#), and [probate](#) courts showing how actions should be prioritized by action type as courts manage any backlog of pending cases and influx of new cases. Within each of the priorities are actions that can be concluded more quickly because they require fewer judicial resources, and there are actions the court can take to position other cases to conclude more quickly. Borrowing from standard differentiated case management practices, this outline offers suggestions for managing cases once the court has identified the group of actions requiring action within each priority.

- A. Identifying Essential and High Priority Actions to Maximize Early Dispositions
  1. Identify cases and actions having deadlines that require early action using the priority spreadsheet.
  2. Options to consider:
    - a. Assign the case to mediation if time permits and information in the case indicates a possibility of settlement. Additional information about [ADR processes](#) in Michigan appears in the [Toolkit](#).
    - b. Direct court staff, as permitted by statute or court rule, to work with the parties to resolve the case or limit the issues.
    - c. Set a pretrial conference to further narrow the issues, stipulate to facts, assess alternative dispute resolution (ADR) options, and set future dates.
- B. Reclassifying Medium and Low Priority Actions to Maximize Early Dispositions

When a case has a medium or low priority because it does not need immediate attention, the court should consider those actions first where one or more of the following exists:

  - the action can be promptly tried with minimal pretrial proceedings, including discovery;
  - the court can decide the action quickly because the issues are narrow;
  - the parties have stipulated to facts; or
  - the matters at issue are simple.
- C. Types of Medium and Low Priority Actions That May Resolve With Few Judicial Trial Resources
  1. The following types of actions may be easier to resolve by using alternative dispute resolution or scheduling short hearings.
    - a. Divorce actions where:
      - i. there is no dispute of either the income of the parties or the identifiable value of the marital assets, and no issue of custody or parenting time has been raised; or
      - ii. the parties have no children or the action is uncontested.

- b. Generally, all other domestic relations matters not classified as essential or high priority.
      - c. Civil actions for personal injury, property damage, or contracts.
    - 2. Strategies for Resolving Medium and Low Priority Actions With Few Judicial Resources
      - a. Order the parties to mediation.
      - b. Direct court staff, as permitted by statute or court rule, to work with the parties to resolve the case or limit the issues.
      - c. Set a pretrial conference to further narrow the issues, stipulate to facts, assess ADR options, and set future dates.
      - d. Conduct a settlement day or week using remote technology.
- D. Standard Medium and Low Priority Actions
  - 1. Standard medium and low priority actions often require more court and litigant resources and preparation for trial than those in paragraph C.
  - 2. Standard action resolution strategies:
    - a. Order the parties to mediation.
    - b. Direct court staff, as permitted by statute or court rule, to work with the parties to resolve the action or limit the issues.
    - c. Set a pretrial conference to further narrow the issues, stipulate to facts, assess ADR options, and set future dates.
    - d. Conduct a settlement day or week using remote technology.
    - e. Use case evaluation under MCR 2.403.
    - f. Hold regular scheduling conferences to prepare the case for trial.
- E. Other Considerations
  - 1. Use an information statement to help understand the complexity of the action and what strategies to use.
  - 2. Consult with the local bar to solicit its help in determining what strategies the court will use.

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