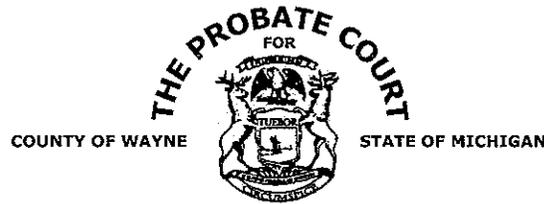


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FREDDIE G. BURTON, JR.
CHIEF JUDGE OF PROBATE

APRIL K. MAYCOCK
PROBATE REGISTER

JEANNE S. TAKENAGA
PROBATE REGISTER EMERITUS
Served 1990-2011

December 2, 2015

VIA Electronic and Regular Mail
Michigan Supreme Court
Attn: Office of Administrative Counsel
P.O. Box 30052
Lansing, Mich. 48909

Re: ADM File No. 2015-17 -
Proposed Amendment of AO 2013-12,
Probate Caseflow Management Guidelines

To Whom It May Concern:

The Wayne County Probate Court welcomes the proposed change to apply disposition rates to all probate cases filed instead of applying rates to contested matters. Measuring the time to adjudication is an extremely sensible approach for probate court time guidelines. However, we have some suggestions regarding the contemplated deadline adjustments in this area.

First, it would be useful to group trust proceedings with estate proceedings and maintain civil proceedings in a separate category. Many trust proceedings are not contested, but merely petitions where a trustee seeks to obtain judicial approval for a certain transaction. In this aspect, they are similar to estate proceedings, where most of these cases do not involve a dispute. By contrast, civil proceedings (i.e., civil actions) are by their very nature contested – per MCR 5.101(C), they are either (1) any action against another filed by a fiduciary or trustee or (2) brought by a claimant after receiving a notice that their claim has been disallowed. It would be beneficial to continue to treat civil proceedings differently from all other probate court case types.

Second, in addition to placing trust proceedings with estate cases, we would request that the time period for adjudication be adjusted to mirror that proposed for guardianship, conservatorship, and protective order proceedings – i.e., 75% of cases should be adjudicated within 90 days of the initial filing, and 98% within 364 days. We would not be opposed to retaining the 90% adjudication rate within 182 days under the proposed guidelines for estate proceedings, which per our suggestion would also apply to trusts.

Meeting the contemplated estate time guidelines of 75% within 35 days would be problematic for the Wayne County Probate Court. We process approximately 1/3 of all decedent estate and trust filings in the state, and hearings are typically held between 4-6 weeks after filing. For 2015, our average time to hearing for decedent estates is 41 days; however, not all of these cases are adjudicated on that hearing date. Utilizing the 75% within 90 days requirement would be much more practicable.

If you have any questions concerning this comment please do not hesitate to contact me at (313) 224-5686.

Sincerely,

Freddie G. Burton, Jr.
Chief Judge