

Effective Date: Immediate

Issued in accordance with Michigan Court Rule 2.410 (B), (1), the purpose of this order is to adopt an Alternative Dispute Resolution (ADR) plan.

This order supersedes any and all previous 14A Administrative Orders or Court policies that may address the same matter. This order is subject to approval by the State Court Administrative Office.

IT IS ORDERED:

It is the policy of the 14A District Court that:

All small claims must first be submitted for alternative dispute resolution (i.e., mediation) unless a party makes a written request to waive mediation for good cause. The request to waive mediation must be submitted prior to the scheduled date of mediation. Examples of good cause may include but are not limited to: the parties have already attempted mediation; there is an outstanding personal protection order involving the parties; there are issues of domestic violence between the parties.

DEFINITION – ALTERNATIVE DISPUTE RESOLUTION / MEDIATION

By alternative dispute resolution, the Court means "mediation", as defined in MCR 2.411 (A) (2). "Mediation" is a process by which a neutral third party facilitates communication between parties, assists with identifying issues, and helps explore solutions to promote a mutually acceptable settlement. A mediator has no authoritative decision-making power.

GOALS

The goals of this policy and the alternative dispute resolution / mediation process are to:

1. Lessen the burden of cases upon the Court.
2. Provide timely mutually acceptable settlements of disputes.
3. Provide a higher quality of service.

ALTERNATIVE DISPUTE RESOLUTION (ADR) / MEDIATION PLAN [MCR 2.410 (B)(2)]

1. **ADR Clerk:** The Alternative Dispute Resolution (ADR) Clerk of the Court is the Administrative Coordinator for the Court Administrator.
2. **List of Mediators:** A list of qualified mediators [as established under MCR 2.411 (F)(1)(2)] will be maintained and assigned from the list by the Dispute Resolution Center (DRC) of Washtenaw County, a non-profit Michigan Community Dispute Resolution Program Center; based upon a referral agreement with the Court.
3. **Information Dissemination:** Under the direction of the ADR Clerk, the Court will provide literature that describes the ADR plan and the processes used to resolve disputes, i.e., small claims. Copies of this LAO and plan are available from the Office of the Court Administrator.

4. Indigent Access to ADR: All parties to small claims shall have equal access to mediation at no cost, provided by the Dispute Resolution Center (DRC) of Washtenaw County, as described in the attached referral agreement between the DRC and the Court.
5. Referral Relationship: The Court has established a referral relationship by written agreement with the Dispute Resolution Center (DRC) of Washtenaw County, a non-profit Michigan Community Dispute Resolution Program Center. The DRC will, minimally, maintain a list of qualified mediators, assign mediators in an efficient and effective rotational manner, maintain confidentiality, operate by the highest ethical standards, and act in non-discriminatory manner. A copy of the written agreement between the Court and the DRC is attached and incorporated herein by reference.
6. ADR Program Evaluation: The Court shall evaluate and provide oversight to the mediation process to assure continuous improvement and quality service. The ADR Clerk will have primary responsibility for oversight and program monitoring, through the Office of the Court Administrator. The ADR Clerk will meet annually with the Chief Judge and review program performance. The evaluation review will include, but not necessarily be limited to:
 - a. A summary of program activity and outcomes.
 - b. Analysis of program operation in compliance with selected, appropriate Court Rules.
 - c. Review of program service complaints.
 - d. Recommendations for program improvement.
7. Attachments:
 - a. Referral Agreement between the 14A District Court and the Dispute Resolution Center of Washtenaw County.

Nov 30th 2004
Date:



J. Cedric Simpson
Chief Judge

Agreement to Provide Mediation Services


This agreement is entered into between the 14A District Court and the Dispute Resolution Center (DRC) of Washtenaw County, in accord with MCR 2.410 (B) (3), for the purpose of establishing a referral relationship to provide mediation services for small claims filed with the Court.

The parties agree to the following:

1. Dispute Resolution Center (DRC)
 - a. The DRC will maintain a list of trained mediators to provide mediation for litigants involved in small claim matters who have been referred to mediation by the Court.
 - b. The DRC will assign mediators from the above referenced list according to a schedule agreed upon by both the Court and the DRC.
 - c. Mediators will conduct themselves in accordance with the highest ethical standards; act in a non-discriminatory manner and in accordance with applicable provisions of MCR 2.411 and Court policy.
 - d. A DRC employee will oversee mediation services delivered to the Court, in cooperation and collaboration with the Alternative Dispute Resolution (ADR) Clerk of the Court, insuring that proper forms and protocols are used to record the results of mediations, as agreed upon by both parties.
 - e. Periodically or at the request of the Court, the DRC will provide evaluation reports of program activity and performance.
 - f. The DRC will engage in any other reasonable and appropriate activity necessary to the success of this effort.
2. 14A District Court
 - a. The Court is responsible for all scheduling and communication with litigants.
 - b. The Court will provide the DRC with copies of any forms the Court requires.
 - c. The Court will furnish the DRC with space necessary for conducting mediation sessions.
 - d. Civil clerks assigned to the various divisions of the Court (14A-1, 14A-2 and 14A-3) will support and assist mediators as appropriate.
 - e. The Court will engage in any other reasonable and appropriate activity necessary to the success of this effort.
3. Additional Terms
 - a. Mediation services are provided by the DRC on a voluntary basis.
 - b. Either party may terminate the Agreement at any time, without cause, upon 30 days written notice.
 - c. Both parties agree to work cooperatively to resolve problems or issues with the goal of continuously improving the program and its services.


J. Cedric Simpson, Chief Judge
14A Judicial District

Date: *May 11th, 2009*


Kaye L. Lang, Executive Director
DRC

Date: *April 30, 2004*

14A District Court
Washtenaw County

- The safe, compassionate, efficient and just and resolution of criminal and civil law matters. -