

**Effective Date: Upon Approval of the State Court Administrative Office**

**PURPOSE:**

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 rescinds Local Administrative Order 2004-05 and any other previous orders or court policies that may address the same matter.

**IT IS ORDERED:**

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

1. 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.
2. All general civil claims may be submitted for alternative dispute resolution (i.e. mediation) by a judicial officer upon review of the case. Parties may make a written request to waive mediation for good cause.

Note: 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; or 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. Continue to provide timely access to justice for litigants.
2. Assist litigants, especially pro se litigants, in reaching mutually acceptable settlements of disputes.
3. Provide a higher quality of service to litigants who continue to trial through better issue identification and case preparation.

**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 Court Administrator, or the designee of the Court Administrator, for the 14A District Court.

2. List of Mediators:
  - a. Small Claims - By agreement, between the Court and the Dispute Resolution Center (DRC) of Washtenaw County, a non-profit Michigan Resolution Program Center, the DRC will maintain a list of qualified mediators [as established under MCR 2.411 (F)(1)(2)] and will assign mediators from the list. The agreement requires the DRC to perform mediation in accordance with MCR 2.410 and 2.411.
  - b. General Civil - A list of qualified, approved mediators [as established under MCR 2.411 (F)(2)] will be maintained by the 14A District 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 and general civil claims. Copies of this LAO and plan are available to the public from the Office of the Court Administrator.
4. Indigent Access to ADR:
  - a. All parties to small claims shall have equal access to mediation at no cost, to the parties, provided by the DRC as described in said agreement.
  - b. Indigent parties to general civil claims may request access to mediation at no cost as provided by the DRC. A judicial officer must approve any such request, which may be reviewed by the Chief Judge.
  - c. Access to mediation with a private mediator is at the discretion of the parties and the private mediator, and is not subject to said agreement.
5. Referral Relationship: The Court has established a referral relationship by contract with the DRC. 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 a non-discriminatory manner. A copy of the contract between the Court and the DRC is attached and incorporated herein by reference.
  - a. All small claims will be referred to the DRC.
  - b. For general civil claims only, parties may opt out of the referral to the DRC by mutual agreement based on one of the following:
    - i. Both parties agree on a mediator. That mediator will be appointed by the Court.
    - ii. Both parties agree to opt out of the DRC referral but do not agree on a mediator. A mediator will be selected by the Court in a rotational manner from a list created and maintained by the Court for this purpose.
6. ADR Program Evaluation: The Court shall evaluate and provide oversight to the mediation process to assure continuous improvement and quality service. The ADR

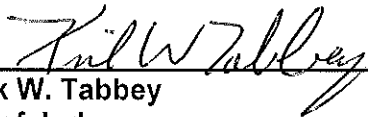
Clerk will have primary responsibility for oversight and program monitoring, through the Office of the Court Administrator. The ADR Clerk will meet periodically, but at least annually, with the Chief Judge and review program performance. The evaluation review will include, but not necessarily be limited 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 and comments.
- d. Recommendations for program improvement.

7. Attachments:

- a. The current contract between the 14A District Court and the Dispute Resolution Center of Washtenaw County.

Date: 10-8-10

  
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Kirk W. Tabbey  
Chief Judge