

STATE OF MICHIGAN



C. CHARLES BOKOS
DISTRICT JUDGE

SANDRA FERENCIC CIRELLI
DISTRICT JUDGE

THE DISTRICT COURT
18TH JUDICIAL DISTRICT
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DONALD VANDERSLOOT
MAGISTRATE

BETH A. CARGILL
COURT ADMINISTRATOR

ADMINISTRATIVE ORDER
NO. 2008-3
ORDER ADOPTING LOCAL ALTERNATIVE DISPUTE RESOLUTION PLAN

Effective Date: Immediately

IT IS ORDERED:

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 18th District Court Administrative Orders or Court policies that may address the same matter. This order is subject to approval by the State Court Administrative Office.

Definition

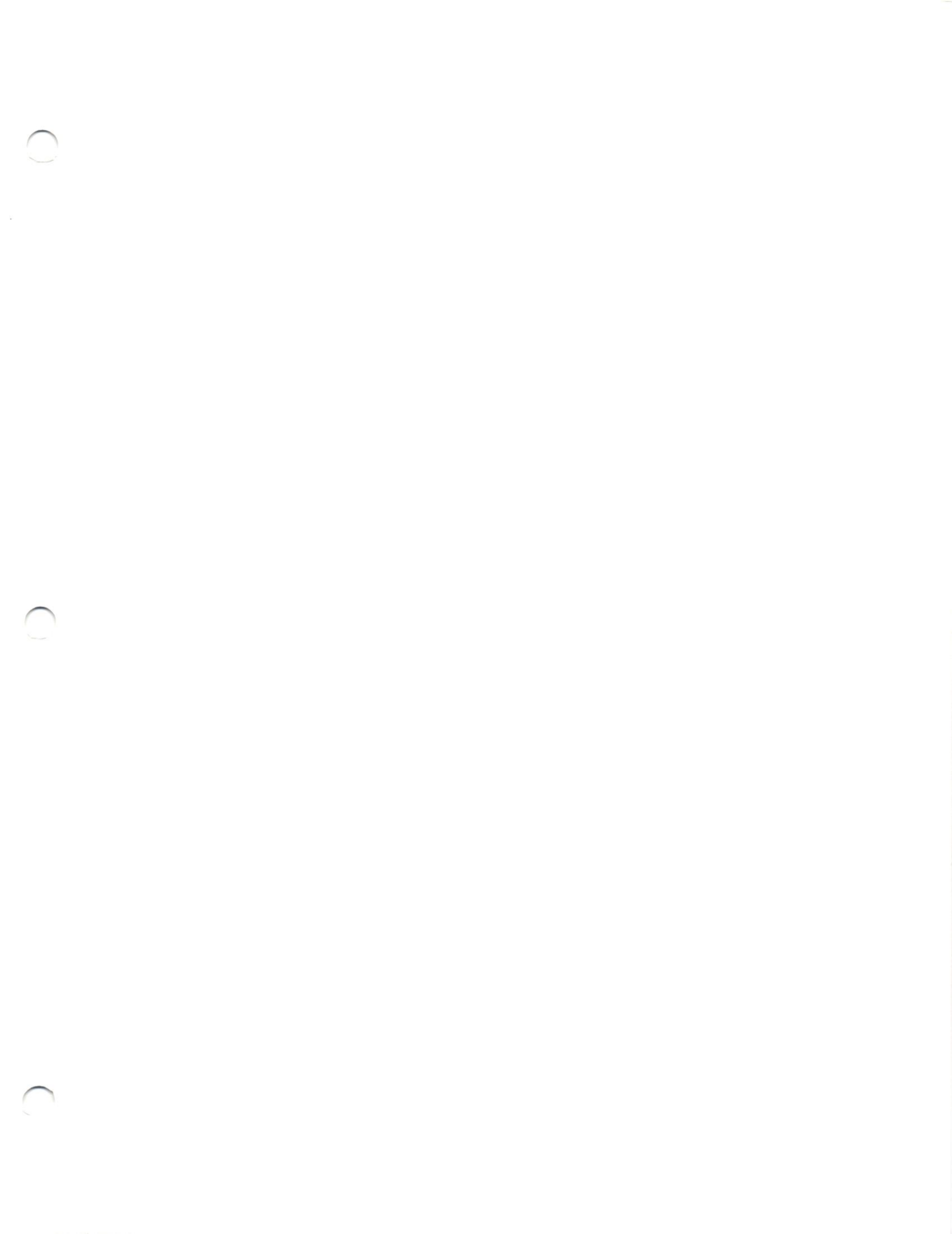
By alternative dispute resolution, the Court means “mediation” as defined in MCR 2.411 (A)(2). “Mediation” is a process by which a neutral third party facilitates communication between parties, assists with identifying issues, and helps explore solutions to promote a mutually acceptable settlement. A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

Program Description

It is the policy of the 18th District Court that the following types of cases shall be submitted to mediation under MCR 2.410 in accordance with this Plan and the attached Agreement to Provide Mediation Services (hereinafter Agreement) with Wayne Mediation Center (hereinafter Center).

Small Claims Cases - There shall be a standing order pursuant to this local administrative order that all small claims cases are to be mediated on the date of the scheduled hearing if the case has not had a default judgment, consent judgment or dismissal entered, or has not been removed to the general civil docket.

Mediation services will be provided by the Center as provided in the attached Agreement.



The Court shall inform the parties that mediation services will be provided by trained mediators from the Center at no charge to the parties. The parties may request that mediation be waived for good cause and proceed directly to trial.

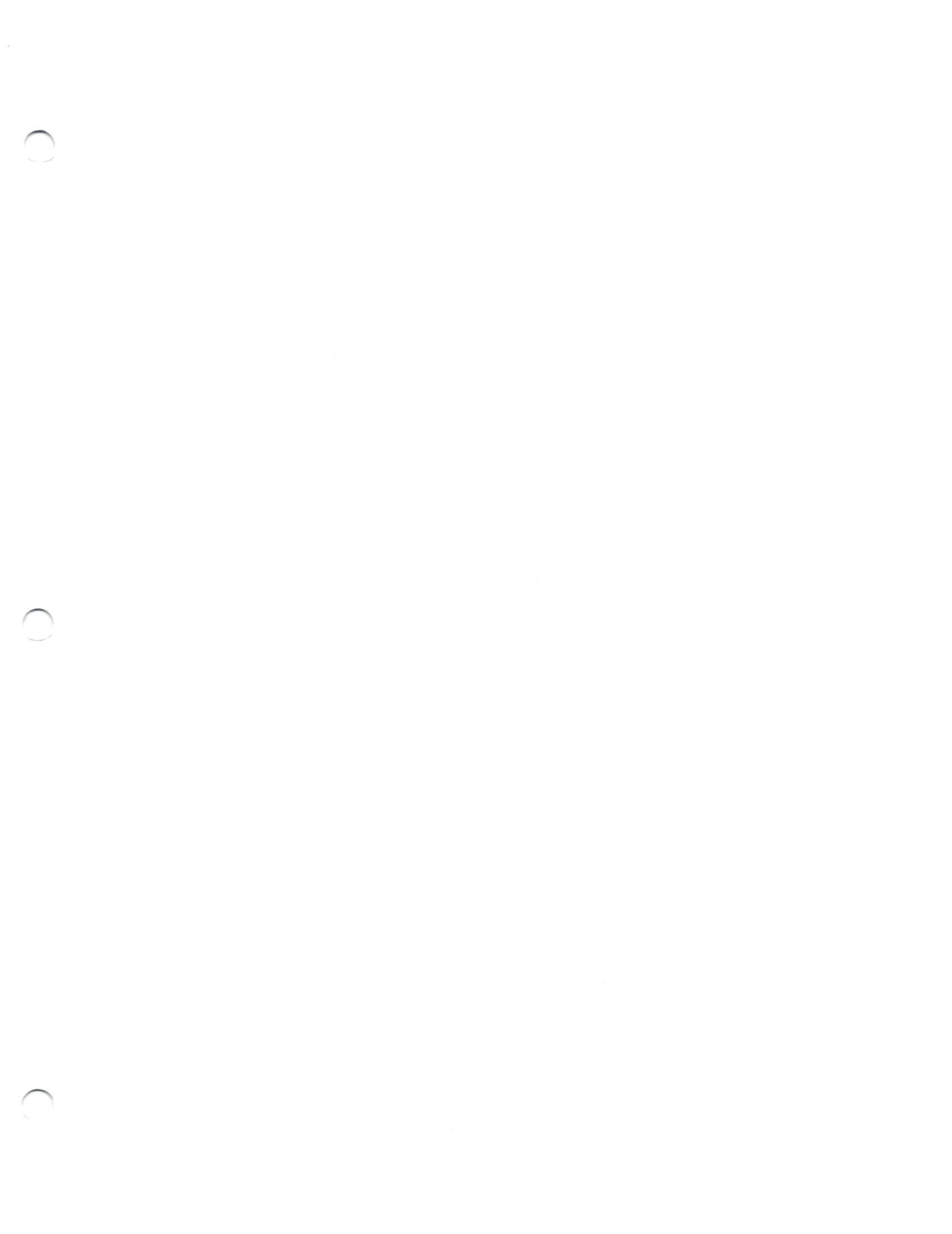
If the case is not resolved at mediation, it will be tried by the judge on that day, or on the earliest possible date.

General Civil and Landlord Tenant Cases - A Judge may order a general civil and/or landlord/tenant case to mediation, after consultation with the parties. An Order for Mediation (MC274) shall be completed and signed by the Judge. Within 14 days from the date of the Order for Mediation, the parties may agree upon a mediator of their choice for ADR pursuant to MCR 2.410, and provide notice to the Court of the mediator selected. If no such agreement is reached within 14 days, the parties may be referred to the Wayne Mediation Center, who shall assign a mediator in a rotational manner as provided in this Plan and in accordance with MCR 2.411. The cost of mediation through the Center shall be \$75.00 per party, unless as otherwise provided below, payable at least thirty (30) days prior to the date of the scheduled Mediation.

The parties may request that mediation be waived for good cause by making a written request prior to the scheduled mediation date.

Plan Contents

1. **ADR Clerk** - The ADR Clerk is the Court Administrator and/or the Deputy Court Administrator of 18th District Court.
2. **List of Mediators** - The ADR Clerk shall enter into an agreement with the Wayne Mediation Center (Center), a non-profit corporation. The Center shall maintain a list of available qualified mediators to be used by this Court and shall be responsible for assigning mediators in a rotational manner in accordance with the court rules. The ADR Clerk shall maintain, and make available to the parties upon request, a copy of the list of qualified mediators from the Mediation Tribunal.
3. **Information Dissemination** - The ADR Clerk shall make available a brochure or document describing the Court's ADR Plan and ADR processes used by the Court for the above-mentioned case types. Copies of this brochure shall be given to all litigants. Copies of the ADR Plan shall also be available at the ADR Clerk's office.
4. **Indigent Access to ADR** - Indigent parties shall have equal access to mediation provided by the Center *at no cost* as provided in the attached Agreement. In the event only one party qualifies for waiver of filing fees under MCR 2.002, the Center's \$75 fee will be waived only for that party.
5. **Referral Relationships** - Pursuant to MCR 2.410, the Court has entered into a referral relationship with the Wayne Mediation Center. The Center will, minimally, maintain a list of qualified mediators, assign mediators in a rotational manner, maintain confidentiality, operate in the highest ethical standards, and enforce non-discrimination policies. A copy of the written agreement between the Court and the Center 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. 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** - Referral Agreement between the 18th District Court and the Wayne Mediation Center. 18th District Court Mediation Program Information Sheet for Small Claims. 18th District Court Mediation Program Information Sheet for General Civil and Landlord Tenant Cases.

Signed and Sealed this 4th day of December, 2008

12-4-2008
Date

C. Charles Bokos
C. Charles Bokos, Chief Judge

12-4-08
Date

Sandra Ference Cicirelli
Sandra Ference Cicirelli, District Judge



