



NANCY M. BLOUNT
CHIEF JUDGE

State of Michigan
36th District Court
421 Madison Avenue
Suite 528
Detroit, Michigan 48226

(313) 965-8736
FAX: (313) 965-2211
Nancy.Blount@36thdistrictcourt.org

LOCAL ADMINISTRATIVE ORDER 2014 - 05

STATE OF MICHIGAN
THIRTY-SIXTH DISTRICT COURT

SUBJECT: ORDER ADOPTING ALTERNATIVE DISPUTE RESOLUTION PLAN

IT IS SO ORDERED:

This Local Administrative Order is issued in accordance with Michigan Court Rule 2.410 Alternative Dispute Resolution, effective August 1, 2000. The purpose of this Order is to adopt the 36th District Court Local Alternative Dispute Resolution Plan appended to this Order upon approval by the State Court Administrative Office.

Effective Date: 9/26/14

Dated: August 5, 2014


Nancy M. Blount
Chief Judge

Date Approved by SCAO: 9/1/14

**36TH DISTRICT COURT
ALTERNATIVE DISPUTE RESOLUTION PLAN**

Alternative Dispute Resolution (ADR) as defined by MCR 2.410(A)(2) means any process designated to resolve a legal dispute in place of court adjudication.

Mediation as defined by MCR 2.411(A)(2) is a process in which a neutral party facilitates communication between parties, assists in identifying issues, and helps explore solutions to promote a mutually acceptable settlement. A mediator has no authoritative decision-making power.

It is the policy of the 36th District Court that:

1. All **small claims cases** shall be referred to alternative dispute resolution, i.e. mediation as defined by MCR 2.411.
2. All **general civil cases** are subject to alternative dispute resolution processes unless otherwise provided by statute or court rule, per MCR 2.410(A)(1). General civil cases may be submitted for alternative dispute resolution, i.e. mediation, at any time by:
 - Order of a judicial officer after consultation with the parties, or
 - Upon request of the parties

Mediation may be waived upon written request by the parties for good cause.

I. ADR CLERK

The designated ADR Clerk for 36th District Court is the Director of the Civil Division.

II. REFERRAL RELATIONSHIP

The Court has entered into a written Referral Agreement, permissible under MCR 2.410(B)(3), with the Wayne Mediation Center, a designated non-profit Community Dispute Resolution Program (CDRP) Center. The Agreement between the Court and the Wayne Mediation Center is attached and incorporated by reference.

The Wayne Mediation Center shall operate in accordance with MCR 2.411:

- Maintain confidentiality consistent with MCR 2.412,
- Act with impartiality, without prejudice and in a non-discriminatory manner, and
- Abide by the Mediator Standards of Conduct established by the Michigan Supreme Court, State Court Administrative Office, Office of Dispute Resolution.

Small Claims – All small claims shall be referred to the Wayne Mediation Center.

General Civil – Parties may select their own mediator. The Court shall not appoint, recommend, direct, or otherwise influence a party's or attorney's selection of a mediator. The Court may recommend or advise parties on the selection of a mediator only upon request of all parties by stipulation in writing or orally on the record, per MCR 2.411(B)(4).

III. LIST OF MEDIATORS

The Wayne Mediation Center shall:

- A. Maintain a list of mediators meeting the qualifications established under MCR 2.411(F).
- B. Maintain the list of qualified mediators in accordance with MCR 2.410(B)(2)(b) and 2.411(B)(3).
- C. Assign mediators from the list in a rotational manner as defined by MCR 2.410(B)(2)(b) and 2.411(B)(3).

IV. DISSEMINATION OF INFORMATION

The Court will provide litigants with information relating to the mediation process as follows:

- Via the Court's website at <http://www.36thdistrictcourt.org/>.
- Through printed literature available at the Public Information Window located on the 2nd Floor, and
- By distribution to each litigant upon the filing of a small claims case.
- Copies of the Court's LAO adopting a Local Dispute Resolution Plan and the ADR Plan are available in the Court Administrator's Office, Suite 528.

V. ACCESS TO ADR – INDIGENT PERSONS

Small Claims – Mediation services are provided by the Wayne Mediation Center at no cost to all small claim litigants as defined in the attached Agreement.

General Civil – Mediation services provided by the Wayne Mediation Center are charged based upon the parties' financial ability to pay. Indigent parties receiving public assistance will be provided mediation services at no cost as defined in the attached Agreement.

Access to the ADR process (i.e. mediation) with a private mediator stipulated by the parties is at the sole discretion of the parties and the private mediator.

VI. PROGRAM EVALUATION

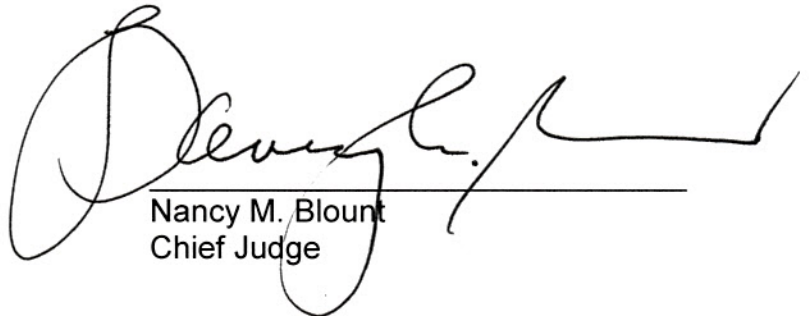
The Court shall provide continual oversight to the mediation process and ADR program. The ADR Clerk and the Director of the Wayne Mediation Center shall meet regularly, as the ADR Clerk deems necessary, to monitor and evaluate the program, ensure quality service, track success rates, discuss recommendations for improvements, and address all complaints relating to mediators or the mediation process.

The ADR Clerk shall meet with the Chief Judge and Court Administrator annually to review overall program performance and mediation activity/outcomes.

VII. ATTACHMENTS

- Agreement between the 36th District Court and the Wayne Mediation Center
- Brochure provided to small claims litigants and available at the 36th District Court Civil Information Window

Dated: August 5, 2014



Nancy M. Blount
Chief Judge

AGREEMENT TO PROVIDE MEDIATION SERVICES

The 36th District Court (the Court) and the Wayne Mediation Center (W.M.C.) enter into this written Agreement for the provision of mediation services.

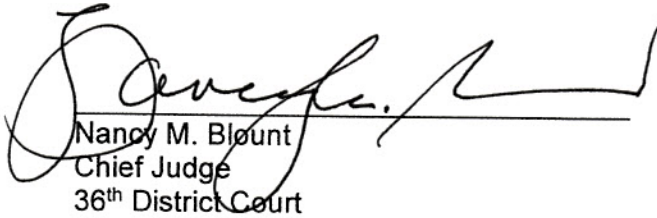
WHEREAS, the 36th District Court has adopted an Alternative Dispute Resolution Plan (ADRP), and W.M.C. is a State Court Administrative Office funded Community Dispute Resolution Program operating pursuant to MCL 91.1551;

NOW, THEREFORE, the parties agree as follows:

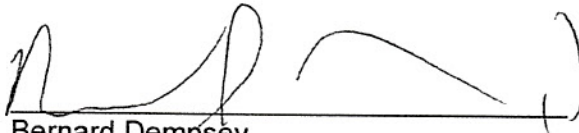
1. W.M.C. will furnish trained mediators to provide facilitative mediation services for disputants involved in small claims matters as referred by the Court and in general civil matters as referred by individual judges.
2. W.M.C. will provide mediators at the 36th District Court for all small claims docket where W.M.C. has been notified and reasonably believe that at least three (3) cases are likely to appear for mediation. No fees will charged for these services.
3. General Civil Cases referred to W.M.C. for mediation will be held within thirty (30) days of the referral and conducted at W.M.C.'s offices. The parties' contact information shall be provided to W.M.C. by the referring judge's office. No fees will be charged to the Court. W.M.C. may charge each party up to a fee of \$75.00 for administrative costs, based upon the parties' financial ability to pay. Parties receiving public assistance will not be charged.
4. In handling all referrals, W.M.C. shall operate in accordance with the requirements of MCR 2.411 and shall:
 - A. Keep all communications during intake and mediation confidential, except to advise their mediators of the facts and issues involved, or under other exceptions provided by MCR 2.411.
 - B. Provide facilitative mediations and refrain from providing legal assistance or advice.
 - C. Operate under their written non-discrimination policy which is incorporated herein by reference.
 - D. Provide appropriately trained and supervised mediators from its roster, and rotate mediators as appropriate.
 - E. Report on outcomes as requested by the Court.

5. This Agreement shall continue indefinitely, but may be terminated upon a written sixty (60) day notice by either party.
6. Modifications to the scope of services shall be made by written amendment to this Agreement, signed by both parties.

THE PARTIES having signed below, acknowledge their understanding and acceptance of the terms and conditions of this Agreement.


Nancy M. Blount
Chief Judge
36th District Court

8/6/2014
Date


Bernard Dempsey
Executive Director
Wayne Mediation Center

8/4/14
Date