

<b>STATE OF MICHIGAN SIXTH JUDICIAL CIRCUIT COURT</b>	<b>MEDIATION PLAN FOR CASES EVALUATED FOR AN AMOUNT NOT TO EXCEED \$25,000</b>	<b>ADMINISTRATIVE ORDER 2007 - 04</b>
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This pilot project is developed by administrative order in consultation with the State Court Administrative Office (SCAO) to address the ongoing issues arising out of cases that evaluate for an amount not to exceed \$25,000. This order rescinds LAO 2006-05.

Beginning January 1, 2008 and effective until December 31, 2009 or further order of the court, the Sixth Judicial Circuit adopts the following pilot program to mediate cases that evaluated for an amount not to exceed \$25,000.

1. **ADR Clerk** – The ADR Clerk is the Caseflow/ ADR Supervisor or his/her designee.
2. **List of Mediators** – Cases ordered to mediation under this plan shall be referred to the Oakland Mediation Center, the Community Dispute Resolution Program (CDRP) for Oakland County. All mediators used by the Oakland Mediation Center for purposes of this project shall meet the qualifications listed in MCR 2.411(F). The Oakland Mediation Center will accept all cases to mediate unless there is a conflict of interest. The parties may, within fourteen (14) days of the date of the order, object to the appointment of the Oakland Mediation Center and stipulate to the appointment of an alternate mediator.
3. **Assignment** – Within fourteen (14) days of the expiration of the acceptance period for case evaluation, Judges participating in this pilot project, through the Case Management Office-ADR Unit, shall order parties to mediate qualifying cases. Orders for mediation shall be based upon findings that the parties rejected case evaluation and the case evaluated for an amount not to exceed \$25,000. All cases ordered to mediation under this pilot project shall be referred to the Oakland Mediation Center. Within fourteen (14) days of the date of the order, the parties may stipulate to an alternate mediator subject to the other terms of the Court's order for Mediation. In addition, the parties shall schedule any objections to the ordered mediation within fourteen (14) days of the date of the order. In the alternative, within fourteen (14) days of the date of the order, the parties may stipulate to an amendment of the pleadings that the damages are less than \$25,000 and to the transfer of the case to the appropriate district court pursuant to MCR 2.227.

4. **Case Management** – The pilot project will continue with up to fourteen judges approved by the Chief Judge. Each quarter, the Chief Judge will review the mediation results and recommend the addition or reduction of judges participating in the project. Pursuant to MCR 8.110(C)(3)(b) and MCR 8.111, all cases ordered to mediation under this order shall have all motions heard by the Chief Judge or his/her designee. If mediation fails to resolve the case, the matter will proceed to trial before the assigned judge.
5. **Information Dissemination** – The ADR Clerk shall make available written documentation describing this pilot project. The documentation shall be made available at, among other places, the ADR Clerk’s office, the Oakland County Law Library, and the Oakland County Bar Association.
6. **Attendance** – Attendance at mediation is governed by MCR 2.410(D).
7. **Fees** – Each party is responsible for its mediation fees. Fees shall be paid directly to the Oakland Mediation Center or alternate mediator. The parties shall pay the fee within twenty-eight days of the Order of Mediation. This sum is nonrefundable. Parties that enter an order either settling their case or removing it from mediation, or begin trial within this time and give at least two day’s notice to the Oakland Mediation Center shall not be liable for the mediation fee. Parties who fail to notify the Oakland Mediation Center pursuant to the above conditions shall be liable for a \$50.00 administrative fee. A failure to pay the mediation fee as directed which prevents the mediation from proceeding shall be treated as a failure to attend the mediation, subject to sanctions pursuant to MCR 2.410(D)(3).
8. **Indigent Access to ADR** – A party is indigent if he or she qualifies for the waiver or suspension of fees in accordance with MCR 2.002(C) or (D). The Oakland Mediation Center will waive mediator fees for parties found to be indigent.
9. **Submission of Documents** – Each party shall submit a brief summary outlining the disputed facts and issues in the case to the Oakland Mediation Center or designated mediator prior to the scheduled mediation date.
10. **Reports and Further Proceedings** – The Oakland Mediation Center shall submit a written report to the Court within seven (7) days of the conclusion of the mediation indicating only the date of completion of the process, who participated in the mediation, and whether the case was resolved or whether further proceedings are contemplated. If the case settled, the parties shall submit a stipulated order or judgment within twenty-one (21) days of the

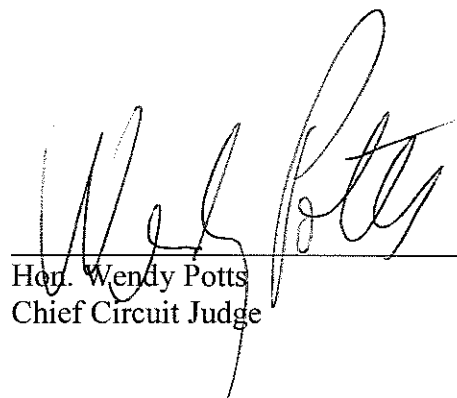
mediation or the trial date, whichever comes first. If the case did not settle, the case shall return to the previously assigned judge for trial. Participation in this pilot project does not prevent the Court from ordering the case to other Alternative Dispute Resolution processes pursuant to MCR 2.410 and LAO 2003-05.

- 11. Evaluation of ADR Program** – The ADR Clerk, in conjunction with the Oakland Mediation Center and the SCAO, shall develop evaluation forms for parties, attorneys, and mediators. The forms shall assess the perceptions of participants, lawyers, and mediators regarding the effectiveness of the mediation referral and process. The ADR Clerk shall collect data regarding case age, case type, mediator, and method of disposition to evaluate the efficacy of this pilot project. The results shall be presented in an annual report. The report shall be available in the ADR Clerk’s office. After dissemination of the annual ADR report, the Chief Judge, ADR Clerk and designated staff shall meet to review the program. In addition, a designee of the Chief Judge and ADR Clerk shall meet with the Oakland County Bar Association ADR Committee to review the program.

IT IS SO ORDERED.

11-27-07

Date

  
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Hon. Wendy Potts  
Chief Circuit Judge