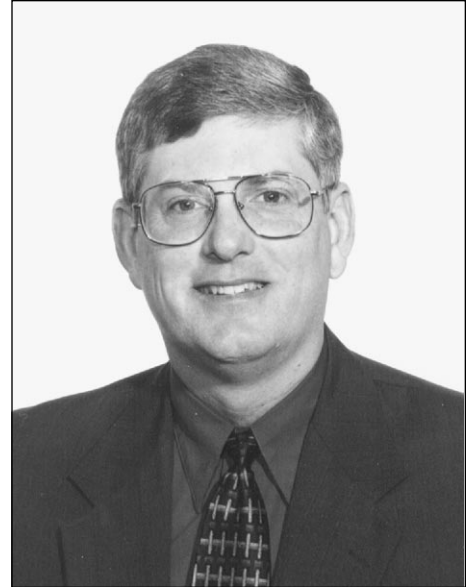


Civil Mediation Training

by *Kevin M. Oeffner*
Circuit Court Administrator



Two months ago this column was dedicated to the Circuit Court's Alternative Dispute Resolution (ADR) Plan that had just been adopted by the bench. The article explained the provisions of the plan and the underlying court rules from which the plan derived its authority.

The ADR Plan is primarily devoted to mediation, or what was formerly known in this court as "facilitation" or "facilitative mediation." Mediation is defined in MCR 2.411(A)(2) as "a process in which a neutral third party facilitates communication between parties, assists in identifying issues, and helps explore solutions to promote a mutually acceptable settlement." The mediator possesses no decision-making authority relative to the dispute; rather, he or she helps to identify issues and explore alternative solutions in an attempt to assist the parties to arrive at a mutually acceptable resolution.

The parties in a dispute may stipulate to the selection of a mediator who does not have to meet the qualifications established in MCR 2.411(F). In such instances, the court is obligated to appoint the mediator so long as he/she "is willing to serve within a period that would not interfere with the court's scheduling of the case for trial" (MCR 2.411(B)(1)). If an order referring a case to mediation does not specify a mediator, and if the parties do not stipulate to a mediator within the time frame established by the order, the court must appoint a mediator from its roster by rotation. The remainder of this article explains what a person must do to become a court-appointed civil mediator.

The governing court rule [MCR 2.411(F)(2)] identifies the qualifications of general civil mediators. The first stated requirement is that a person must complete a training program approved by the State Court Administrative Office (SCAO). The SCAO requires that the training program be a minimum of 40 hours in length and address certain elements of mediation theory and practice. Space does not permit a listing of the elements but they may be viewed at the Circuit Court's website at www.co.oakland.mi.us/c_serv/ccourt/mediation.html.

Several training programs have been approved by the SCAO and are accepting reservations for upcoming mediation training. Below is a list of the sponsoring organizations, training dates and locations, and contact person.

1) Institute for Continuing Legal Education

Sept. 6, 7, 8, 28 and 29 (Ann Arbor);
Oct. 15, 16, 17, 22 and 23 (Ann Arbor);

Jan. 17, 18, 19 and Feb. 1 and 2, 2002 (Grand Rapids);
June 6, 7, 8, 21 and 22, 2002 (Ann Arbor)

Institute for Continuing Legal Education
1020 Greene Street
Ann Arbor, MI 48109-1444
Telephone: 734-936-3424
www.icle.org
Contact Mr. Sheldon Stark

2) Dispute Resolution Center of West Michigan

Training tentatively scheduled for February/March 2002

Dispute Resolution Center of West Michigan
678 Front, NW-Suite 250
Grand Rapids, MI 49504
Telephone: 616-774-0121
Contact Ms. Sandy Ward

3) Oakland Mediation Center

September 5, 7, 8, 12, 14 and 15 (Bloomfield Hills)

Oakland Mediation Center
2267 S. Telegraph Road
Bloomfield Hills, MI 48302-7011
Telephone: 248-338-4280
www.mediation-omc.org
Contact Ms. Nanci Klein

4) Dispute Resolution Center of Central Michigan

Training in Fall 2001 – Dates TBA

Dispute Resolution Center of Central Michigan
1609 E. Kalamazoo, Suite 9
Lansing, MI 48912
Telephone: 517-485-2274
Contact Ms. Karen Beauregard

Training sessions have limited capacity. Given the limited availability of SCAO-approved training programs to date, you are encouraged to contact any of the organizations listed above to secure your reservation. Information about training times, cost, and other relevant issues should be requested of the contact persons identified above.

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(On the Circuit – continued)

If you meet the mediator qualifications set forth in the court rule or expect to meet them in the near future, you are welcome to secure an application to become a court-appointed mediator. Applications are available in the Circuit Court's Case Management Office or at the Oakland County Bar Association (OCBA). Applications will be reviewed by OCBA's ADR Committee which consists of members of the OCBA, the ADR Clerk of the Circuit Court, and representa-

tives of the Circuit Court. For more information about the application process please contact Ms. Diane Castle-Kratz, Supervisor of the Case Management Office, at 248-858-8088 or by e-mail at www.castle-kratzd@co.oakland.mi.us.

The information above should get you started down the path of becoming a court-appointed civil mediator. As always, you are welcome to contact the Circuit Court for more information.

Until next month . . .