

**Effective Date: Immediate**

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 14A Administrative Orders or Court policies that may address the same matter. This order is subject to approval by the State Court Administrative Office.

**IT IS ORDERED:**

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

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. 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; 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. Lessen the burden of cases upon the Court.
2. Provide timely mutually acceptable settlements of disputes.
3. Provide a higher quality of service.

**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 Administrative Coordinator for the Court Administrator.
2. List of Mediators: A list of qualified mediators [as established under MCR 2.411 (F)(1)(2)] will be maintained and assigned from the list by the Dispute Resolution Center (DRC) of Washtenaw County, a non-profit Michigan Community Dispute Resolution Program Center; based upon a referral agreement with the 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. Copies of this LAO and plan are available from the Office of the Court Administrator.

4. Indigent Access to ADR: All parties to small claims shall have equal access to mediation at no cost, provided by the Dispute Resolution Center (DRC) of Washtenaw County, as described in the attached referral agreement between the DRC and the Court.
5. Referral Relationship: The Court has established a referral relationship by written agreement with the Dispute Resolution Center (DRC) of Washtenaw County, a non-profit Michigan Community Dispute Resolution Program Center. 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 non-discriminatory manner. A copy of the written agreement between the Court and the DRC 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, through the Office of the Court Administrator. 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:
  - a. Referral Agreement between the 14A District Court and the Dispute Resolution Center of Washtenaw County.

**Date: November 19, 2004**



**J. Cedric Simpson  
Chief Judge**