

Thomas E. Brennan, Jr.  
Chief Judge



Pamela J. McCabe  
Judge

James B. Pahl  
Magistrate

Larry A. Theisen  
Court Administrator

## 55<sup>th</sup> Judicial District Court of the State of Michigan

700 Buhl Avenue, Mason, Michigan 48854 \* Phone: 517.676.8400

Administrative Order 2003-2

Order for Mandatory Mediation of Small Claims Cases

### IT IS ORDERED:

There shall be a standing order pursuant to MCR 2.410 and this local administrative order that the initial hearing at the court for all Small Claim Cases will be a mediation hearing. Failure to appear for the hearing will result in default judgement, or dismissal of the case. At the time set for the hearing the case will be mediated unless a consent judgement is entered prior to the hearing. If either of the parties, after being informed of the mediation process, shall decline the opportunity for mediation or the mediation process is unsuccessful, the parties will be given the date and time for a hearing before the Magistrate.

1. Mediation services will be provided by the Dispute Resolution Center of Central Michigan at no cost to either party.
2. The Court shall notify the parties of the mediation date and shall provide them with an information sheet that explains the mediation process. Specifically that: (a) failure to appear will result in a default or dismissal; (b) mediation will be provided by trained mediators from the Dispute Resolution Center of Central Michigan; (c) at the hearing, either party may request that mediation be waived for cause after being informed of the mediation process.
3. If mediation is waived the parties will be immediately scheduled for a hearing before the Magistrate and given copies of the notice of hearing.
4. ADR Plan
  - a. The ADR Clerk is the Court Administrator.
  - b. List of Mediators - For all cases referred to mediation under MCR 2.411, the ADR Clerk shall enter into an agreement with the Dispute Resolution Center of Central Michigan. 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 accord with the court rules.
  - c. Qualifications -Mediators for Small Claims Cases shall minimally meet the training requirements established by the SCAO for community mediators, including a 40 hour mediator training course and requisite internship.
  - d. The Dispute Resolution Center of Central Michigan shall make an application to the Chief Judge annually to provide mediation services for the following year.
  - e. Evaluation of ADR Program - The ADR Clerk shall have primary responsibility for program oversight and shall meet annually with the judges to review the program's effectiveness. The evaluation will include a review of the number of

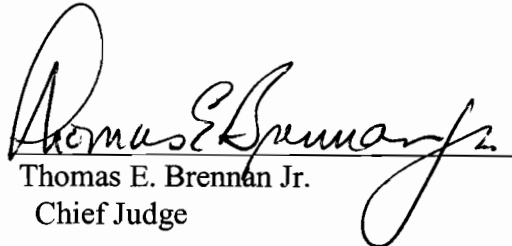
cases mediated and the outcome, and the number of refusals to mediate. The Dispute Resolution Center of Central Michigan shall provide an annual report that lists the number of assignment opportunities for each mediator on the Court's list and the number of assignments. Procedures will be reviewed to ensure that the list is being properly maintained and that the mediators assigned are on a rotational basis. The ADR Clerk will make recommendations to improve the process or quality of mediation services.

f. Complaints - The ADR Clerk shall be notified of any complaints regarding assignment procedures in a timely manner. All complaints will be reviewed on an annual basis or as necessary.

g. A copy of the agreement between the Dispute Resolution Center of Central Michigan and the Court is attached.

Effective Date: October 15, 2003

Date: SEPTEMBER 8, 2003

  
Thomas E. Brennan Jr.  
Chief Judge



**Dispute Resolution Center of Central Michigan**  
2929 Covington Court, Suite 201  
Lansing, MI 48912

**MEMORANDUM OF UNDERSTANDING**

**PARTIES**

This Memorandum of Understanding is between the Ingham County 55<sup>th</sup> District Court (the Court), and the Dispute Resolution Center of Central Michigan (DRCCM).

**MEDIATION DEFINED**

Mediation is a process in which a trained impartial, neutral person facilitates communication between disputing parties; assists the parties to identify and clarify the issues in dispute; helps the parties to explore solutions; and assists them to voluntarily reach their own mutually acceptable settlement, in a non-adversarial manner. The mediator has no authoritative decision-making power.

**OBJECTIVE**

The purpose of this Memo is to programmatically enable the Court to utilize the resources available through the DRCCM to provide the citizens of Ingham County who are engaged in a small claims action filed at the Court, with a process for resolving these disputes in a non-adversarial manner, i.e., mediation, as mediation has been demonstrated to generate more durable and lasting solutions for such disputes.

**PROCEDURES**

**DRCCM will:**

1. Develop and maintain a list of qualified mediators and will assign them, on a rotational basis, to mediate the Court's small claims cases. All mediators assigned to serve these cases shall have completed a SCAO-approved 40-hour mediator training and an internship of either 10 hours or 3 cases. Additionally, assigned mediators shall have completed any program-specific orientations and trainings deemed necessary by the Court.
2. At least two mediators will be assigned every Friday morning, and every Friday afternoon.
3. Manage and mediate all cases in accordance with SCAO-defined policies, including confidentiality provisions.

4. Maintain program records, including, at a minimum: number of cases mediated, case outcomes, mediator assignments, and a measure of participant satisfaction. Data will be consolidated and reported to the Court bi-annually.
5. Pro-actively resolve case and program related complaints, and conduct an annual program evaluation, jointly with the ADR Clerk.

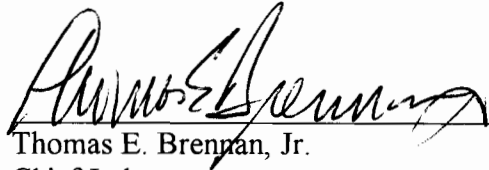
**The Court Will:**

1. Mandate all small claims to mediation, providing plaintiff and defendant with information regarding mediation, and a date specific Notice of Mediation which defines the consequences of failure to appear.
2. Make facilities available for mediation sessions on Fridays.
3. Pro-actively resolve case and program related complaints, and conduct an annual program evaluation, jointly with DRCCM.

Effective Date: October 1, 2003



Steven Lett,  
Board President



Thomas E. Brennan, Jr.  
Chief Judge