

54-A DISTRICT COURT

124 W. Michigan Ave., 6th Floor City Hall, Lansing, MI 48933

DISTRICT JUDGES
PATRICK F. CHERRY
FRANK J. DELUCA
LOUISE ALDERSON
HUGH B. CLARKE, JR.



Court Administrator
ANETHIA BREWER

Magistrate
LAURA A. MILLMORE

Administrative Order 2015-7
Rescinds LAO 2004-1

ORDER FOR MEDIATION OF SMALL CLAIMS CASES

This Local Administrative Order is issued in accordance with MCR 2.410(B)(1), for the purpose of adopting an alternative dispute resolution plan through referral to mediation in small claims cases.

IT IS ORDERED:

It is the policy of the 54-A District Court that small claims cases may be submitted for mediation.

1. There shall be a standing order pursuant to this local administrative order that the initial hearing for small claims cases may be a mediation hearing. At the time set for the hearing, the case will be mediated unless a consent judgment, default judgment, dismissal or removal to the general civil docket is entered prior to the hearing. If, after being informed of the mediation process, either of the parties declines the opportunity for mediation, or the mediation process is unsuccessful, the parties will be given a date and time for hearing before the Magistrate.
2. Mediation services will be provided by the Resolution Services Center of Central Michigan at no cost to either party.
3. The Court shall notify the parties of the mediation date and time, and shall provide them with an information sheet that explains the mediation process. Information provided shall include notice that:
 - a. Failure to appear will result in a default or dismissal;
 - b. Mediation will be provided at no cost by trained mediators from the Resolution Services Center of Central Michigan;
 - c. Either party may request that mediation be waived for good cause after being informed of the mediation process.
4. If mediation is waived, the parties will be immediately scheduled for a hearing before the Magistrate, and given copies of the notice of hearing.
5. Per MCR 2.411(B)(1), the parties have the right to stipulate to the selection of a mediator of their choosing, at their own cost, provided that the mediator is willing to serve within a period that would not interfere with the court's scheduling of the case for hearing.

6. Alternative Dispute Resolution / Mediation Plan per MCR 2.410(B)(2)
- A. ADR Clerk: The ADR Clerk is the Deputy Civil Department Manager.
- B. List of Mediators: Resolution Services Center of Central Michigan (RSCCM) shall maintain a list of available qualified mediators to be used by the Court, and shall be responsible for assigning mediators on a rotational basis in accordance with court rules.
- C. Qualifications: Mediators for small claims cases shall minimally meet the training requirements established by the State Court Administrative Office for community mediators, including a 40 hour mediator training course and requisite internship.
- D. Disseminating Information: Information regarding the mediation process shall be provided to all parties in small claims actions as set forth above. In addition, copies of this Order shall be available from the Court Administrator's Office.
- E. Cost of Mediation: Mediation services shall be provided at no cost to parties in small claims actions.
- F. Referral Relationship: The Court has established a referral relationship by written agreement with the RSCCM, a copy of which is attached. In addition to maintaining the list and assigning mediators, RSCCM shall ensure that its mediators meet the standards of conduct established by the State Court Administrative Office to promote honesty, integrity and impartiality in providing court-connected dispute resolution services.
- G. 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 oversight responsibility, and will meet at least annually with the Chief Judge to review the program's effectiveness. The evaluation will include a review of the number of cases mediated and their outcomes, the number of waived mediations, and any recommendations to improve the process or quality of mediation services.
- H. Complaints: All complaints regarding the mediation process shall be referred to the ADR Clerk for investigation and response. Complaints received and their outcomes shall be included in the ADR Clerk's report to the Chief Judge.

Effective: Upon approval of the State Court Administrative Office.

Date: JUL 07 2015 Chief Judge Signature: Louise Alderson (P40151)
Louise Alderson (P40151)

54-A DISTRICT COURT

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Agreement to Provide Mediation Services

This agreement is entered into between the 54-A District Court and the Resolution Services Center of Central Michigan, pursuant to MCR 2.410(B)(3), for the purpose of continuing the referral relationship to provide mediation services for small claims cases filed with the Court.

Mediation Defined: Mediation is a process in which a trained, impartial, neutral person facilitates communication between disputing parties; assist the parties to identify and clarify the issues in dispute; helps the parties to explore options and 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.

The parties agree to the following:

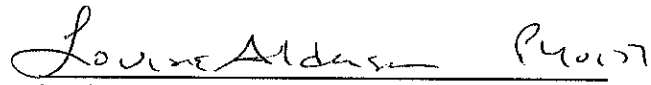
1. Resolution Services Center of Central Michigan (RSCCM) shall:
 - a. Maintain a list of qualified mediators who have completed the 40-hour mediator training approved by the State Court Administrative Office, and assign mediators from that list;
 - b. Manage and mediate all small claims cases referred by the Court;
 - c. Ensure that assigned mediators conduct themselves with the highest ethical standards, act in a non-discriminatory manner, and in accordance with applicable provisions of MCR 2.411 and Court policy;
 - d. Keep all communications during intake and mediation confidential unless authorized for disclosure under MCR 2.412(D);
 - e. Maintain program records, including number of cases mediated, case outcomes, and mediator assignments, and submit consolidated reports to the Court at least annually;
 - f. Provide mediation services referred hereunder at no charge to the parties;
 - g. Make application to the Chief Judge annually to provide services for the following year;
 - h. Collaborate with the Court to resolve any issues which may arise.

2. 54-A District Court shall:
 - a. Be responsible for all scheduling and communication with litigants;
 - b. Provide parties with information regarding the mediation process;
 - b. Provide RSCCM with copies of any forms the Court requires;
 - c. Furnish RSCCM with space necessary for conducting mediation sessions;


- d. Provide staff support and assistance to assigned mediators as necessary;
- e. Engage in any other reasonable and appropriate activity necessary to the success of this effort;
- f. Collaborate with RSCCN to resolve any issues which may arise.

Effective Date: Upon approval by the State Court Administrative Office.

Date: JUL 07 2015


Louise Alderson, Chief Judge
54-A District Court

Date: 4/30/15


Greta Trice, Executive Director
Resolution Services Center of Central MI