

STATE OF MICHIGAN 8TH DISTRICT COURT KALAMAZOO COUNTY	ORDER ADOPTING LOCAL ALTERNATIVE DISPUTE RESOLUTION PLAN	LOCAL ADMINISTRATIVE Order 2014-03
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Court Locations
227 W. Michigan Ave, Kalamazoo, MI 49007
150 E. Crosstown Parkway, Kalamazoo, MI 49001

Court Phone Numbers
(269) 384-8171
(269) 384-8171

IT IS ORDERED:

This administrative order is issued in accordance with MCR Rule 2.410 and the purpose of this order is to adopt a local Alternative Dispute Resolution (“ADR”) plan.

This order supersedes any and all 8th District Court Administrative Orders or Court policies that address this subject matter. This order is subject to approval by the State Court Administrative Office (“SCAO”) and is effective immediately upon approval of SCAO.

PROGRAM DESCRIPTION

The following types of cases may be submitted to mediation under MCR 2.410 in accordance with this Plan.

A. Small Claims Cases: A Judge or Magistrate may submit a pending small claims case to mediation with the consent of both parties.

Mediation services will be provided by the Alternative Dispute Resolution Center of Kalamazoo (“The Center”). The Center is a non-profit service provided by Gryphon Place of Kalamazoo. The Center will train and certify all mediators. Prior to conducting court mediations, a mediator must successfully complete a 40 hour mediation training conducted or approved by SCAO. Additionally a mediator must complete 10 hours of “in service” training during which time the mediator must observe actual mediations and complete a second 10 hours of “in service” training during which time the mediator conduct actual mediations under supervision.

In order to comply with SCAO case processing time standard, mediations shall take place no later than the date set for the small claims hearing. The Center has agreed to assign trained and certified mediators to attend regularly scheduled 8th District Court Small Claims dockets.

At this time, there is no charge to the litigants for small claims mediation services.

B. Landlord -Tenant Cases: A Judge may order mediation in landlord-tenant cases.

Voluntary mediation services provided by The Center will be available during the summary proceeding dockets. Mediators must meet the qualifications as stated above. There is no charge for this service.

If mediation is ordered, an Order for Mediation shall be completed and signed by the Judge. Within 14 days of the entry of the Order for Mediation, the parties may agree on the selection of a mediator and shall notify the Court of the selection. The Court may extend the 14 day deadline in the interests of justice.

The parties have the option of agreeing to a mediator from the list of qualified mediators maintained by The Center or the 9th Circuit Court.

If the parties cannot agree on a mediator, the Court may order selection of a mediator pursuant to 9th Circuit Court’s ADR Plan (Local Administrative Order 2013-5). The 9th Circuit Court ADR Plan provides for fee reductions or waivers if a party is indigent.

In order to comply with SCAO case processing time standards, mediations must be scheduled prior to trial date. Failure to comply with an Order for Mediation may result in dismissal or default.

- C. **General Civil Cases:** A judge may order mediation on general civil cases. An Order for Mediation shall be completed and signed by the Judge. Within 14 days of the entry of the Order for Mediation, the parties may agree on the selection of a mediator and shall notify the Court of the selection. The Court may extend the 14 day deadline in the interests of justice.

The parties have the option of agreeing to a mediator from the list of qualified mediators maintained by The Center or the 9th Circuit Court.

If the parties cannot agree on a mediator, the Court may order selection of a mediator pursuant to 9th Circuit Court's ADR Plan (Local Administrative Order 2013-5). The 9th Circuit Court ADR Plan provides for fee reductions or waivers if a party is indigent.

In order to comply with SCAO case processing time standards, mediations must be scheduled prior to trial date. Failure to comply with an Order for Mediation may result in dismissal or default.

PLAN CONTENTS

- A. The Chief Judge of the District Court will exercise supervision over the ADR plan.
- B. The ADR Clerk is the 8th District Court Administrator.
- C. The ADR Clerk shall obtain and keep a list of qualified mediators from both The Center and the 9th Circuit Court. The lists shall be made available for review by the parties upon request.
- D. The ADR Clerk shall notify all litigants of the availability of mediation services and provide appropriate and private areas in the courthouse for mediators to conduct mediation sessions. Additionally, the Court will provide all litigants with a brochure that describes mediation services and provides immediate referral information.
- E. Currently there are no charges for use of mediation for small claims or landlord-tenant cases. Any fee waivers for general civil cases will be governed by 9th Circuit Court's ADR Plan (Local Administrative Order 2013-5).

ADR EVALUATION

- A. Program Oversight – The Court shall provide oversight to the mediation process to assure continuous improvement and quality service. The ADR Clerk shall have primary responsibility for oversight.
- B. Program Review - The ADR Clerk shall meet at least annually with the Chief Judge and the Presiding Judge of the Civil Division to review the program performance. The review shall include:
1. A summary of program activities and outcomes.
 2. An analysis of program operation to assure compliance with Court Rules.
 3. A review of all complaints.
 4. Recommendations for program improvements.

Effective Date: 5-1-14

Date: 5-1-14



Paul J. Bridenstine, Chief Judge – 8th District Court