

STATE OF MICHIGAN 17th JUDICIAL CIRCUIT KENT COUNTY	MEDIATION PLAN FOR CASES EVALUATED FOR AN AMOUNT NOT TO EXCEED \$25,000	LOCAL ADMINISTRATIVE ORDER 2006 - 05
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This pilot project is developed by administrative order in consultation with the State Court Administrative Office (SCAO) to address the ongoing issues arising out of cases that evaluate for an amount not to exceed \$25,000.

Beginning December 1, 2006, and effective until June 30, 2007, the Seventeenth Judicial Circuit adopts the following pilot program to mediate cases that evaluated for an amount not to exceed \$25,000.

1. **List of Mediators** – Under this plan, the ADR Clerk shall prepare all mediation referral orders for judicial signature on cases ordered to the Dispute Resolution Center (the “Center”), the Community Dispute Resolution Program (CDRP) for Kent County. All mediators used by the Dispute Resolution Center for purposes of this project shall be qualified by the Center. The Dispute Resolution Center will accept all cases to mediate unless there is a conflict of interest. The parties may, within fourteen (14) days of the date of the order, file a stipulation with the ADR Clerk to the appointment of an alternate mediator.
2. **Assignment** – Within fourteen (14) days of the expiration of the acceptance period for case evaluation, Judges shall order qualifying cases to mediation. Orders for mediation shall be based upon findings that the parties rejected case evaluation and the case evaluated for an amount not to exceed \$25,000. All cases ordered to mediation under this pilot project shall be referred to the Dispute Resolution Center. Within fourteen (14) days of the date of the order, the parties may file with the ADR Clerk a stipulation for an alternate mediator subject to the other terms of the Court’s Order for Mediation. In addition, the parties may file a motion to remove case from mediation within fourteen (14) days of the date of the order. In the alternative, within fourteen (14) days of the date of the Order, the parties may stipulate to an amendment of the pleadings that the damages are less than \$25,000 and to the transfer of the case to the appropriate district court pursuant to MCR 2.227.
3. **Case Management** – The pilot project will include all Judges in the Civil/Criminal Division of the Circuit Court. Each quarter, the Chief Judge will review the mediation results. If

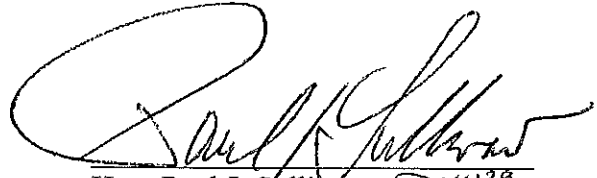
mediation fails to resolve the case, the matter shall return to the assigned judge for continuation.

4. **Information Dissemination** – Upon request, the ADR Clerk shall make available written documentation describing this pilot project.
5. **Attendance** – Attendance at mediation is governed by MCR 2.410(D).
6. **Fees** – Each party is responsible for its mediation fees. Fees shall be paid directly to the Dispute Resolution Center. The parties shall either pay half the mediation fee or file a motion to remove from mediation within fourteen (14) days after the Court orders to mediation. The fee is nonrefundable. Parties that enter an order settling their case shall not be liable for the balance of the mediation fee. A failure to pay the mediation fee as directed which prevents the mediation from proceeding shall be treated as a failure to attend the mediation, subject to sanctions pursuant to MCR 2.410(D)(3).
7. **Indigent Access to ADR** – A party is indigent if he or she qualifies for the waiver or suspension of fees in accordance with MCR 2.002(C) or (D). The Dispute Resolution Center will waive mediator fees for parties found to be indigent.
8. **Submission of Documents** – Each party shall submit a copy of the case evaluation brief or a brief summary outlining the disputed facts and issues in the case to the Dispute Resolution Center or designated mediator one (1) week prior to the scheduled mediation date.
9. **Reports and Further Proceedings** – The Dispute Resolution Center or designated mediator shall submit a Mediation Status Report to the ADR Clerk within seven (7) days of the conclusion of the mediation indicating only the date of completion of the process, who participated in the mediation, and whether the case was resolved or whether further proceedings are contemplated. When the case settles, the parties shall file with the Court a stipulated order or judgment within twenty-one (21) days of the mediation. If the case did not settle, the case shall return to the assigned judge for continuation. Participation in this pilot project does not prevent the Court from ordering the case to other Alternative Dispute Resolution processes pursuant to MCR 2.410 and LAO 2002-02.
10. **Evaluation of ADR Program** – The ADR Clerk, in conjunction with the Dispute Resolution Center and the ADR Plan Oversight Committee, shall use an evaluation form to assess the perceptions of the participants regarding the effectiveness of the mediation referral and process. The ADR Clerk shall collect data to evaluate the efficacy of this project. The report

shall be available in the ADR Clerk's Office. The Chief Judge, ADR Clerk and designated parties shall meet to review the program.

IT IS SO ORDERED.

Nov 2, 2006  
Date



Hon. Paul J. Sullivan P24139  
Chief Circuit Judge