

STATE OF MICHIGAN SIXH JUDICIAL CIRCUIT OAKLAND COUNTY	MEDIATION PLAN FOR CASES EVALUATED FOR AN AMOUNT NOT TO EXCEED \$25,000	LOCAL ADMINISTRATIVE ORDER 2016-02
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This program is developed by administrative order to address the ongoing issues arising out of cases that evaluate for an amount not to exceed \$25,000 established in accordance with 8.112(B). This order rescinds LAO 2012-02.

Beginning November 1, 2016, the Sixth Judicial Circuit adopts the following program to mediate cases that evaluated for an amount not to exceed \$25,000.

1. **ADR Clerk** – The ADR Clerk is the Caseflow/ADR Supervisor or his/her designee.
2. **List of Mediators** – Cases ordered to mediation under this plan shall be referred to the Oakland Mediation Center (OMC), the Community Dispute Resolution Program (CDRP) for Oakland County. All mediators used by OMC for the purposes of this program shall meet the qualifications listed in MCR 2.411(F). OMC 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, object to the appointment of OMC and stipulate to the appointment of an alternate mediator.
3. **Assignment** – Within fourteen (14) days of the expiration of the acceptance period for case evaluation, Judges participating in this program, through the Case Management Office ADR Unit, shall order parties to mediate qualifying cases. 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 program shall be referred to OMC. Within fourteen (14) days of the date of the order, the parties may stipulate to an alternate mediator subject to the other terms of the Court’s order for Mediation. In addition, the parties shall schedule any objections to the ordered 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

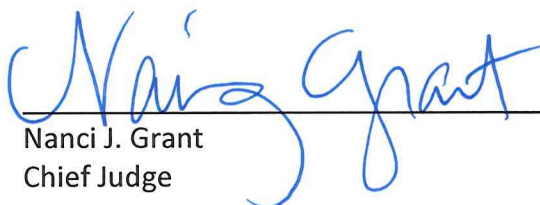
that the damages are less than \$25,000 and to transfer the case to the appropriate district court pursuant to MCR 2.227.

4. **Case Management** – The program will continue with Judges approved by the Chief Judge. Each quarter, the Chief Judge will review the mediation results and recommend the addition or reduction of judges participating in the program. Pursuant to MCR 8.110(C)(3)(b) and MCR 8.111, all cases ordered to mediation under this order shall have all motions heard by the Chief Judge or his/her designee. If mediation fails to resolve the case, the matter will proceed to trial before the assigned Judge.
5. **Information Dissemination** – The ADR Clerk shall make available written documentation describing this program. The documentation shall be made available at, among other places, the ADR Clerk's office, the Oakland County Law Library, the Oakland County Bar Association, the Oakland County Circuit Court Website, and the OMC Website.
6. **Attendance** – Attendance at mediation is governed by MCR 2.410(D).
7. **Fees** – Each party is responsible for its fees. Fees shall be paid directly to OMC or alternate mediator. The parties shall pay the fees upon receipt of the invoice from OMC or the alternate mediator and before the mediation session takes place. This sum is nonrefundable; however, mediation fees may be refunded, upon request, when an order either settling the case or removing it from mediation is received by OMC or alternate mediator at least five business days before the mediation date. A failure to pay the fees as directed shall be treated as a failure to attend the mediation, subject to sanctions pursuant to MCR 2.410(D)(3).
8. **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). OMC will waive its fees for parties found to be indigent.
9. **Submission of Documents** – Each party shall submit a brief summary outlining the disputed facts and issues in the case to OMC or alternate mediator prior to the scheduled mediation date.
10. **Reports and Further Proceedings** – OMC shall submit a written report to the Court within seven (7) days of the conclusion of the mediation indicating only the date or completion or the process, who participated in the mediation, and whether the case was resolved or

whether further proceedings are contemplated. If the case settled, the parties shall submit a stipulated order or judgment within twenty-one (21) days of the mediation or the trial date, whichever comes first. If the case did not settle, the case shall return to the previously assigned Judge for trial. Participation in this program does not prevent the Court from ordering the case to other Alternative Dispute Resolution processes pursuant to MCR 2.410 and LAO 2003-05.

11. **Evaluation of ADR Program** – OMC will present post mediation questionnaire forms at the conclusion of mediation to assess the perceptions of participants, lawyers, and mediators regarding the effectiveness of the mediation referral and process. The ADR Clerk shall collect data regarding case age, case type, mediator, and method of disposition to evaluate the efficacy of this program. The results shall be presented in an annual report. The report shall be available in the ADR Clerk's office. After dissemination of the annual ADR report, the Chief Judge, ADR Clerk and designated staff shall meet to review the program.

IT IS SO ORDERED.

  
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Nanci J. Grant  
Chief Judge

12 OCT 2016  
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Date