

STATE OF MICHIGAN 6 TH JUDICIAL CIRCUIT OAKLAND COUNTY	LOCAL ALTERNATIVE DISPUTE RESOLUTION (ADR) PLAN	ADMINISTRATIVE ORDER 2018-02
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IT IS ORDERED:

This Court intends to submit general civil and domestic relations cases to Mediation pursuant to MCR 2.411 and MCR 3.216 and adopts the following ADR Plan:

1. **ADR Clerk** - The ADR Clerk is the Caseflow/ADR Supervisor or his/her designee.
2. **List of Mediators** - For cases referred to Mediation under MCR 2.411 and/or MCR 3.216, the ADR Clerk shall maintain separate lists of mediators, qualified under the ADR plan, available to this Court. One list shall be for general civil cases and the other shall be for domestic relations. Mediators shall be placed on the appropriate list upon approval of the application in accordance with procedures established by the Michigan Supreme State Court Administrative Office (SCAO).
 - a. **Application** - Applications shall be available through the ADR Clerk. Applications shall be reviewed by the ADR Clerk pursuant to the criteria established by 2.411 and/or 3.216, at least twice each year. (Proposed deadlines for submissions of applications are June 30 and December 31). The procedure to review applications shall be as follows:
 1. Applications shall be reviewed at least semiannually by the Oakland County Circuit Court ADR Clerk.
 2. Applicants not placed on the mediator list shall be notified in writing of that decision. Within 21 days of notification of the decision to reject an application, the applicant may seek reconsideration, in writing, of the ADR Clerk's decision by the Chief Judge. The court does not need to provide a hearing. Documents considered in the initial review process shall be retained for at least the period during which the applicant can seek reconsideration of the original decision.
 3. The ADR Clerk may remove from the list of mediators who have demonstrated incompetence, bias, made themselves consistently unavailable to serve as a mediator, or for other just cause. Within 21 days of written notification of the decision to remove a mediator from the list the mediator may seek reconsideration, in writing, of the ADR Clerk's decision by the Chief Judge. The court does not need to provide a hearing.
 - b. **Qualifications** - Mediators on the general civil mediator list shall meet the qualifications listed in MCR 2.411(F). Mediators on the domestic relations mediator list shall meet the qualifications listed in MCR 3.216(G).

3. **Assignment** – For general civil cases, when the parties fail to select a mediator within 14 days of the order for mediation, the ADR Clerk shall assign one, by rotation, from the appropriate mediator list maintained by the ADR Clerk.

For domestic cases, the ADR Clerk's list of approved domestic mediators shall be given to the parties no later than the hearing at which mediation may be ordered. At the hearing, if a mediator is not selected by the parties, the judge shall contact the ADR Clerk to assign one by rotation from this list.

A mediator may decline an assignment.

4. **Information Dissemination** - The ADR Clerk shall make available written documentation describing the Court's ADR Plan and ADR processes for general civil and domestic relations cases. This documentation shall be made available at, among other places, the ADR Clerk's office, Circuit Court's website, and the Oakland County Law Library.

The documentation shall include information regarding the identification of cases that may not be appropriate for mediation; and

The documentation shall identify how indigent persons can obtain mediation services, or object to mediation or another ADR process by timely motion.

5. **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 Court shall encourage mediators who receive referrals from the Court to provide a portion of their services on a pro bono or reduced fee basis for cases in which one or more parties are indigent. The Court may also refer indigent cases to the Oakland Mediation Center pursuant to a contract with the Court.

6. **Screening for Violence and Neglect** - In domestic relations cases, the Court shall inquire about possible issues of domestic violence and/or child abuse or neglect utilizing a screening protocol as established by SCAO and adapted for Oakland County. In domestic relations cases in which a personal protection order is in effect, and/or there is a child abuse or neglect proceeding, and/or the screening protocol raises possible issues of domestic violence and/or child abuse or neglect, mediation shall not be ordered without a hearing.

7. **Evaluation of ADR Program** - The ADR Clerk shall prepare an annual report of the Court's ADR program, including the number of assignments per mediator per year. 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.

8. **Community Dispute Resolution Program (CDRP)** - The Court shall list the approved local community dispute resolution programs on the appropriate list of mediators. A CDRP shall assign only those mediators who meet the requirements of MCR 2.411(F) or MCR 3.216.
9. **Joint Administration** - The list of mediators shall be made available to any court in Oakland County. If a mediator is to be assigned from the list, the assigning court shall issue an order referring the case to mediation and the ADR Clerk shall process the assignment of the mediator in the above manner.
10. **Other ADR Programs** - The use of other ADR processes is encouraged by this Court. Examples of methods used by our Court or other courts include: Arbitration, Case Evaluation, Early Neutral Evaluation, Expert Case Evaluation, Mini Trials, and Status Conferences. Selection of any of these processes shall be incorporated in an order identifying a completion date.
11. **ADMINISTRATIVE ORDER 2003-05 IS RESCINDED.**

Date: 2/16/18


SHALINA KUMAR, Chief Judge 
Oakland County Circuit Court

Notes:

Revised language deletes references to the Oakland County Bar Association (OCBA) ADR Committee's involvement in an application review process. The Circuit Court ADR Clerk processes the applications in accordance with the Michigan Court Rules Qualifications. The ADR Committee's involvement over the past several years has been merely perfunctory in nature and was recently discovered not to be an action sanctioned by the OCBA Board of Directors when LAO 2003-05 was originally adopted. Therefore, elimination of the OCBA ADR Committee's involvement in the Court's ADR application review process was recommended.