

QUESTIONS AND ANSWERS REGARDING ≤\$25,000 MEDIATION PROGRAM

Q. What is ≤\$25,000 Mediation?

- A. The program includes cases in which a party (parties) rejected a case evaluation award of not more than \$25,000. Parties are ordered to mediation at the Oakland Mediation Center (OMC) for the purpose of helping them to reach a mutually agreeable settlement to the dispute. This pilot project began January 1, 2005 with four participating judges. All civil/criminal judges are now participating in the program. As an alternative to mediation, the parties may stipulate to an amendment of the complaint and transfer the case to the appropriate district court.

Q. How are cases referred?

- A. Upon completion of the 28-day accept/reject period for case evaluation, participating judges order qualifying cases to mediation at the Oakland Mediation Center. Parties have 14 days from the date of the order to object to the referral. After the 14-day objection period, the Sixth Circuit Court ADR Office will fax the order to the Oakland Mediation Center. **The Oakland Mediation Center will contact you to schedule your mediation hearing.** The OMC will assign a qualified mediator to each case.

Q. How do you object to the mediation?

- A. Objections must be filed with the Chief Judge Pro Tem or Presiding Judge of the Civil/Criminal Division within 14 days of the date of the order.

Q. How do you object to the mediator?

- A. The parties may stipulate to select an alternate mediator and present an order to the judge assigned to their case.

Q. Where is the Oakland Mediation Center?

- A. The Oakland Mediation Center is an independent community dispute resolution program. It is located at 550 Hulet Drive, Suite 102, Bloomfield Hills, Michigan 48302. Phone 248-338-4280. www.mediation-omc.org. See map on Page 3.

Q. What is expected during the mediation process?

- A. OMC practices facilitative mediation and uses the co-mediation model. The goal of mediation is to allow parties to clarify and resolve issues to reach a mutually satisfactory settlement. The parties are assisted by a third neutral party, a mediator. The mediator is an impartial person who assists parties in voluntarily reaching their own settlement of issues. The mediator has no authoritative decision-making power. During mediation, the following will take place:
- The mediator(s) will explain the process, their role and the ground rules.
 - Each party will have the opportunity to describe their points of view.
 - The mediator(s) will help the parties' frame the issues, clarify information, explore interests and needs, and draft the settlement agreement with the aid of all parties involved.

Q. How should I prepare my client to participate in mediation?

- A. OMC will send a letter with the assigned date of the scheduled mediation. You and your client shall be present at mediation and your client should be prepared to discuss settlement options, ask and answer questions, and come up with solutions. Confirm that your client is willing to negotiate and discuss what you feel the other side needs to know in order to reach an agreement. The attorney's role in mediation is to facilitate negotiation, not act as an advocate. The parties are responsible for the success of the outcome. In accordance with LAO 2016-02, attendance at this mediation is governed by MCR 2.410(D).

A brief one page summary should be submitted to OMC at least 5 days prior to the mediation. It is requested that no exhibits or attachments be included with either document. Service of these documents on the other side is optional but recommended.

Q. How long will mediation take?

- A. OMC schedules each case for a half-day mediation (3 hours). The parties and mediator(s) can agree to continue the mediation session at that time or schedule another session on a different day, if necessary.

Q. How much will mediation cost?

- A. Each party will pay \$75 per hour with a minimum of 3 hours (\$225) collected on or before the scheduled mediation session. Additional time will be billed by the Oakland Mediation Center and will be due upon receipt of invoice.

Parties that need to reschedule will be assessed a \$50 rescheduling fee, to be paid before the mediation can be rescheduled. Parties that are travelling outside of Oakland County, or a County touching Oakland County, may meet the criteria necessary to participate by phone. Parties that participate by phone will be assessed a \$30 phone fee, prior to the mediation.

Parties that enter an order either settling their case or removing it from mediation, or begin trial within this time and give at least one day's notice to the Oakland Mediation Center shall not be liable for the mediation fee. Parties who fail to notify the Oakland Mediation Center pursuant to the above conditions shall be liable for a \$50 administrative fee.

Q. What happens if our case does not settle?

- A. The parties are responsible for the success of the outcome. If the parties fail to settle, the case can continue mediation on a different day or it will return to the original judge and will follow the court dates set by the scheduling order or subsequent orders.

Q. Who do I contact if I have questions concerning this process?

- A. You should contact the Oakland Mediation Center (248) 338-4280.

Oakland Mediation Center
550 Hulet Dr., Ste. 102, Bloomfield Hills, MI
(248) 338-4280

