

Alternative Dispute Resolution

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Oakland County Probate Court recently submitted to the State Court Administrative Office (SCAO) a proposed Administrative Order regarding Alternative Dispute Resolution (ADR). The ADR Plan was approved and sets forth the process for creation of a mediator list, qualifications for mediators and assignments.

In an effort to revise and update our mediation program, a committee was formed consisting of attorneys Don Carney, Hugh Dean, Larry Pepper, Pat Prince, Richard Siriani, Mike Hughes, Tom Trainer, Vic Coen, Jon Munger, Marcia Ross, Bill Morrison, Jill Daly, Nanci Klein, and staff members Lisa Czyz and Michelle Kase from our Case Management Office. This committee worked diligently during the past several months and provided invaluable assistance with the development of our plan. A special thanks to Lisa Czyz for her perseverance and patience! On behalf of the Oakland County Probate bench, we would like to thank all of the members of this committee for their hard work and dedication.

MCR 2.411 requires that the court appoint an ADR Clerk who shall maintain a list of qualified mediators who can be placed on a list for appointment to matters where the parties are unable to select a mediator. SCAO has established minimum qualifications for those seeking to be a Probate mediator. These qualifications mirror those of the General Civil mediator which are set forth in MCR 2.411(F)(2). The applicant must meet one or more of the following criteria: (a) have a Juris Doctorate degree or a graduate degree in conflict resolution, or (b) forty hours of mediation experience over two years. The applicant must also complete a training program approved by SCAO. Additional training and observation of Probate or Civil mediation proceedings, co-mediation and/or mediation is required. To find a list of approved training programs and training standards, please review the SCAO Web site at <http://courts.michigan.gov/scao/resources/other/mtplst.htm>.

Those interested in filing an application can find the applications on the Oakland County Probate Court Web site

at http://www.co.oakland.mi.us/probate/form_application or on the Case Management Office Web site at http://www.co.oakland.mi.us/circuit/form_application. The applications are also available at the Case Management Office and at the Oakland County Bar Association. These applications will be reviewed by the Oakland County Bar Association ADR Committee at least twice a year.

With respect to the assignment process, when the parties fail to select a mediator within 14 days of the Order for Mediation, the ADR Clerk will assign a mediator by rotation from the list maintained at the Case Management Office. A mediator may decline an assignment and the list is available to the general public upon request.

Our plan sets forth goals the court would like to meet with respect to indigent access to ADR. The court encourages mediators who receive referrals from it to provide a portion of their services on a pro bono or reduced fee basis for cases where one or more parties are indigent. Offering this type of service to our community is something we should all undertake.

If you have any questions with respect to our plan or the application process, please contact either me or Lisa Czyz at the Case Management Office at 248-452-2190.

Finally, I would like to take a moment in honor of and in memory of Nanci Klein, who sadly passed away on January 27. Nanci was an invaluable member of our legal community and she provided countless hours of her time and energy assisting parties in both the Probate and the Circuit Court with mediation services. Several years ago, Nanci approached the Probate bench with an offer to mediate adult guardianship cases. The dispute that arises frequently in these cases is which family member or friend should be appointed as guardian. These are often very emotional and time-consuming cases. Over the years our judges have sent countless cases to her for mediation and it was a rare case that Nanci and her staff could not resolve. Her dedication, talents, commitment and compassion will be missed.

Stay tuned.