

Kerri Curtiss

From: Region3 Info <Region3-Info@courts.mi.gov>
Sent: Wednesday, March 23, 2016 9:53 AM
To: Chamberlain, Paul; Curtiss, Kerri
Cc: Region3 Info; Bruce Kilmer
Subject: [SPAM] UTC04 2016-01 Alternative Dispute Resolution - Approved

Importance: Low

UTC04 2016-01 Alternative Dispute Resolution - Approved
Rescinds 2015-06

This is to advise that we have reviewed the above referenced administrative order and find that it conforms to the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

Sincerely,

J. Bruce Kilmer, J.D.

Regional Administrator



Michigan Supreme Court, State Court Administrative Office

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STATE OF MICHIGAN



ISABELLA COUNTY TRIAL COURT

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HON. PAUL H. CHAMBERLAIN
CHIEF JUDGE
KERRI R. CURTISS
COURT ADMINISTRATOR

HON. WILLIAM T. ERVIN
TRIAL JUDGE
HON. MARK H. DUTHIE
TRIAL JUDGE
HON. ERIC R. JANES
TRIAL JUDGE

LOCAL ADMINISTRATIVE ORDER 2016 - 1

ALTERNATIVE DISPUTE RESOLUTION (ADR)

This Local Administrative Order rescinds and replaces Local Administrative Order 2015-6.

IT IS ORDERED:

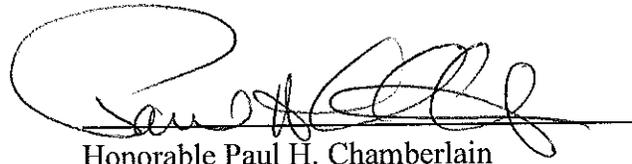
This administrative order is issued in accordance with Michigan Court Rule 2.410 Alternative Dispute Resolution, effective August 1, 2000. The purpose of this order is to replace LAO 2015-6 by adopting the following Local Alternative Dispute Resolution Plan upon approval by the State Court Administrative Office.

1. **ADR Coordinator:** The ADR Coordinator, Kerri R. Curtiss, is the designated liaison between the Isabella County Trial Court and the Court users.
2. **List of Mediators:** The Isabella County Trial Court shall enter into an agreement with Resolution Services Center (The Center), which has been approved by the State Court Administrative Office as a non-profit organization and the Michigan Community Dispute Resolution Center serving Isabella County, for cases referred to mediation under MCR 2.411 (General Civil Mediation). The Center shall maintain a list of qualified mediators.
 - a. **Recruitment & Application Process:** The Center shall receive and maintain applications for mediators approved and posted to their Mediator List. Annually, the ADR Coordinator and Chief Judge, or designee, will review the written agreement with the Center Staff to determine renewal of the basic agreement to provide mediation services to this Court on these matters: general civil, small claims, landlord/tenant and domestic relations.
 - b. **Qualifications:** Mediators used in general civil, landlord/tenant or small claims cases shall meet or exceed the qualifications listed in MCR 2.411(F)(2). Mediators used in domestic relations cases shall meet or exceed the qualifications listed in MCR 3.216 (G).

3. **Information Dissemination:** The ADR Coordinator shall make available Resolution Services Center and other related Dispute Resolution brochures and/or a Litigant/Party Informational Letter describing the Court's ADR Plan and ADR process utilized by the Court. Copies for those cases within the scope of this Local Administrative Order, Brochure, Informational Letter, and supporting documentation will be available upon written request to the ADR Coordinator:
 - a. Domestic Relations cases are within this Court's Plan jurisdiction and inside the scope of cases considered appropriate for ADR processes under this Local Administrative Order.
 - b. All parties will be notified in the brochure and supporting documentation, Informational Letter, that they may object to mediation and request that mediation be waived for good cause prior to the scheduled date of mediation. These requests must be made in writing and submitted through the ADR Coordinator for appropriate review and processing.
4. **Indigence Standard:** The Indigent Standard outlined in 2.410(B)(2)(d) is applicable.
5. **Indigent Access to ADR:** All parties in small claims and landlord/tenant cases referred to mediation shall have equal access to mediation services provided by the Center at no cost.
6. **Screening for Violence and Neglect:** Domestic Relations cases will be screened for domestic violence and child abuse/neglect prior to the mediation session. During screening for domestic violence and child abuse/neglect, this Court will check for Personal Protection Orders, domestic violence convictions (both state and city), and child abuse/neglect convictions. The process for screening might be a questionnaire and/or an interview.
7. **Evaluation of the ADR Program:** The ADR Coordinator shall have primary responsibility for program oversight and monitoring. On a semiannual basis, the ADR Coordinator, Chief Judge, or designee, shall meet to discuss and evaluate the ADR Program to ensure the ADR Program in this Court is operating efficiently and effectively. As a minimum, this evaluation shall include:
 - a. **Program Activity Summary:** Review of the number of cases mediated and the outcome by case type. This will include a review of the number of cases mediated by the Center, number of cases mediated or stipulated by an agreed upon mediator, as well as the number of cases where participants requested mediation or did not participate in mediation.
 - b. **Analysis of Program Compliance (MCR 2.411 (B)):** The Center shall provide a semiannual report to this Court. Procedures employed by the Center will be reviewed to ensure that the mediator list is being properly maintained.

- c. **Complaint Procedures:** The ADR Coordinator shall be notified of any complaint. A summary of each complaint will be provided to the Chief Judge for review on a semiannual basis and presented when merited during scheduled meetings between the ADR Coordinator, the Chief Judge, or designee, and the Center.
- d. **Program Improvement Recommendations:** The ADR Coordinator will make recommendations for program improvement including the quality of the mediation process as needed to the Chief Judge, or designee. On an as needed basis the ADR Coordinator will meet with the Chief Judge, or designee, and/or other Court and Center Staff to discuss program improvements.
- e. **Annual Report:** The ADR Coordinator will prepare and submit a report summarizing the Court's ADR Program and activity on a semiannual basis. This report will be provided to the SCAO, the Center, the Chief Judge, and made available to all mediators and the public upon written request.
8. **Referral Relationship:** This Court has entered into a referral relationship with the Center, located in Lansing, Michigan. A copy of the written agreement between the Court and the Center is attached. The ADR Coordinator is responsible for ensuring that the Center maintains a list of qualified mediators, maintains confidentiality and enforces non-discrimination policies.
9. **Objections to ADR:** In accordance with MCR 2.110(E), within 14 days after entry of an order referring a case to an ADR process, a party may move to set aside or modify the order. A timely motion must be decided before the case is submitted to the ADR process.
10. **General Considerations:** This Court and the ADR Coordinator in implementing this order shall be guided by the "General Considerations in Developing Local ADR Plan" contained in the SCAO, Guidelines for Completing the Local Alternative Dispute Resolution Plan, (August 1, 2000) and as such may be revised from time to time.

March 16, 2016
Effective Date


Honorable Paul H. Chamberlain
Chief Judge