

MICHIGAN SUPREME COURT
 State Court Administrative Office
COMMUNITY DISPUTE RESOLUTION PROGRAM

ANNUAL REPORT 2012



Community Dispute Resolution Program (CDRP) Dashboard
 Community Dispute Resolution Program centers provide mediation and offers forms of dispute resolution to Michigan citizens on an alternative to filing a lawsuit or taking their case to trial. Dispute resolution services are provided by trained neutral mediators. Services are available at no cost to those unable to pay. In 2012, 19 dispute resolution centers received financial support through grants issued by the State Court Administrative Office from the Community Dispute Resolution Fund.

Item Description	2011	2012	Progress	Why it Matters
Total weighted caseload score	22,879.00	32,725.68	↑	This score is the combined total of CDRP center weighted caseload scores. The weighted caseload score considers the complexity of the cases mediated by mediators based on the number of cases disposed through mediation. Increases in the weighted caseload score reflect an increase in the number of cases, but a decrease in the weighted caseload score usually reflects that centers are managing a higher volume of less complex cases.
Number of cases closed	14,401	14,715	↑	Increases reflect greater use of center services by Michigan citizens.
Total number of direct services	18,753	18,836	↑	This measure reflects the total number of dispute resolution services provided where parties are unable to resolve their dispute. Cost of cases resolved through dispute resolution is reduced by the number of cases that are resolved through mediation.
<ul style="list-style-type: none"> Completed Mediated with full or partial agreement Mediated without agreement Facilitated Adjudicated 	<ul style="list-style-type: none"> 579 6,446 3,270 503 	<ul style="list-style-type: none"> 376 6,779 2,225 305 	<ul style="list-style-type: none"> ↑ ↑ ↓ ↓ 	<ul style="list-style-type: none"> Mediators in the external resolution of disputes advised based from the mediation. It is important to take a number of steps that dispute resolution services provide where parties are unable to resolve their dispute. Cost of cases resolved through dispute resolution is reduced by the number of cases that are resolved through mediation. Mediation is a place-to-go monthly with a trained neutral mediator who assists parties in reaching a full or partial resolution of their dispute. Partial agreements reduce the number of cases that go to court or to mediation. Full agreements reduce the number of cases that go to court or to mediation. This reflects the number of cases in which mediation took place between an agreement was reached or a partial agreement was reached. Partial agreements reduce the number of cases that go to court or to mediation. Full agreements reduce the number of cases that go to court or to mediation. Facilitation is a process in which a trained facilitator leads a group of people through a problem-solving or decision-making process. Facilitation is used when a group of people cannot reach a decision on their own. Facilitation is used when a group of people cannot reach a decision on their own. All the support of the parties, an arbitrator hears evidence presented parties and provides a written finding or non-binding decision. Number of individuals who actively participated in the dispute resolution process. This would be the number of individuals who are present or represented by phone or videoconference at a mediation, facilitation, arbitration or arbitration.
Individuals involved in cases	2	1		
	33,352	36,715		

2011-2012 Progress
 Performance Improving ↑
 Performance Unchanged →
 Performance Declining ↓

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Community Dispute Resolution Program Overview 2013

Types of Court Cases Mediated*

DISTRICT COURT CASE TYPE	GOAL	EXAMPLE	OUTCOMES
Family division: unrepresented litigant divorce	Grant low and unrepresented litigant divorce, reduce time to receive parties, reduce cost of court proceedings, provide parties with information, provide parties with advice, resolve future issues, respond to access to justice considerations.	Parties unable to afford attorneys are referred by court, legal assistance centers, and local bar associations. Mediators of agreements reached in mediation are continued to judgments by court staff. This new service was developed with initial financial support of the Michigan State Bar Foundation.	In 2011, managed 321 divorce actions. Specific outcomes on unrepresented cases are not kept, outcomes on represented cases are not kept. An FTDS 2014 study will assess the long term impact on costs and parties of including divorce cases.
Family division: litigated issue pre-judgment domestic relations matters	Improve parenting time circumstances, increased rates of child support payments, reduce number of continued hearings, improve communication between parties.	By 2011, 15 CDRP centers managed 726 cases related to parenting disputes and developing parenting plans and visitation agreements. Of these visitation agreements, 482 cases were referred to Friends of the Court.	Agreements were reached in 75.6 percent of the cases.
Family division: truancy	Increased school attendance, higher graduation rates, decreased suspension and expulsion rates.	Parents, students, guardians, and educators, school officials, etc. use mediation to find solutions to truancy problems that result in the students' return to, and staying in school.	In a 2012 study of three Washtenaw County schools, improvements were recorded in parent, 52 percent, and 55 percent of participating students with successful outcomes.
Family division: child protection	Reduction in times to permanent dispositions.	Mediation is used at any point in child protection proceedings to developing plans that clearly result in a return to home, but not an alternative placement of care, an alternative placement of care, or guardianship.	A 2014 study by the MSU School of Social Work found that mediation reduced the time to achieving a permanent disposition by 12.5 months. Another study also cost savings in reduced subsequent court events taking place. Mediated cases disposed on average 201 days earlier than cases not mediated.
General civil claims case evaluation or less than \$25,000	Shorter case disposition times, fewer post-judgment activities, higher user satisfaction rates, improved access to justice.	Courts using the case evaluation process typically particularly unrepresented parties, often involve all the parties in their dispute, or limit the number of cases requiring trial.	A 2011 SCAD study of cases referred to CDRP centers following case evaluation reveals under \$25,000 found that 87 percent of the cases were disposed prior to or at mediation. An additional 6 percent were disposed after mediation with no subsequent court events taking place. Mediated cases disposed on average 201 days earlier than cases not mediated.
DISTRICT COURT CASE TYPE	GOAL	EXAMPLE	OUTCOMES
General civil claims	Shorter case disposition times, fewer post-judgment activities, higher user satisfaction, improved access to justice, particularly by unrepresented parties in a case.	Mediation can help parties, particularly unrepresented parties, often involve all the parties in their dispute, or limit the number of cases requiring trial.	Domestic district court jurisdiction falls to the state amount in controversy in the 2011 study of court case evaluations, similar positive outcomes of most 75 percent disposition rates can be reported.

*Not all services are available at every CDRP center. Please contact a center to learn about locally available services.



Solving Problems Brought to Court

Increasingly, businesses, government agencies, and the public are aware that few cases filed in court actually go to trial. In Michigan, approximately two percent of all civil matters filed result in a trial. This means that the vast majority of cases are resolved by parties’ settling their dispute “out of court,” except for those cases that are resolved by summary disposition motions or default judgments.

With the Community Dispute Resolution Program (CDRP), Michigan citizens have at hand a ready means of trying to work out disputes with other parties. Mediation is an alternative to the traditional adversarial dispute resolution in the courts. Mediation is a process in which a trained, neutral person helps disputing parties reach a mutually satisfactory resolution. Unlike the adversarial nature of traditional litigation, mediation involves mutual problem solving, where the parties generate options they believe would best resolve their own conflict. In mediation, solutions are created by the parties, as opposed to litigation, in which the resolution of a conflict is imposed on parties. CDRP mediators are volunteers who have completed both a 40-hour training program approved by the State Court Administrative Office (SCAO) and a supervised internship. Mediators in domestic relations, guardianship, child welfare, and special education disputes have had additional advanced training as well.

Program Performance

Case Complexity Increases

CDRP centers are nonprofit, volunteer-based organizations that receive grant funding from SCAO. In 2012, SCAO distributed approximately \$1.62 million to 19 centers to support their work. These centers receive funding through a grant application process in which a portion of the funding is based on a prorata share of the civil court filing fees generated in their service areas, and a performance measurement, called the weighted caseload score, that computes the efficiency of the

2012 At A Glance

Number of centers.....	19
Individuals involved in cases.....	36,715
Number of resolutions	7,115
Average days to disposition.....	23
Average duration of mediation (hours).....	1.4
Resolution rate	68%
Average amount agreed to per case	\$3,102
Value of volunteer contribution	\$2,477,090

centers. This score measures the complexity of the cases managed by a center based on time spent processing various case types. Over the three-year period, Table 1 reflects that 11 of 19 centers increased their weighted caseload score between 2011 and 2012. The statewide total has increased 3.6 percent.

Table 1: Weighted Caseload Scores, Three-year Comparison FY 2010-FY 2012

CDRP Center (Primary County)	Weighted Caseload Score		
	FY 2010	FY 2011	FY 2012
Berrien	1,389.27	1,628.50	1,159.50
Charlevoix	1,172.55	1,334.70	1,248.90
Chippewa	639.34	747.00	687.50
Delta	475.71	825.60	1,373.40
Genesee	1,777.30	2,106.30	2,661.60
Gogebic*	243.59	503.60	0
Grand Traverse	723.13	770.30	741.90
Ingham	1,884.04	1,831.50	2,057.20
Jackson	1,210.34	1,088.20	1,242.10
Kalamazoo	609.42	666.00	771.70
Kent	2,635.12	1,744.70	943.10
Macomb	1,461.45	1,695.80	2,145.10
Marquette	669.91	720.00	746.40
Muskegon	1,709.86	2,247.20	1,746.00
Oakland	4,215.47	4,985.30	5,055.10
Otsego	1,459.95	1,355.80	1,504.00
Ottawa	1,445.74	1,292.20	1,080.50
Tuscola**	528.99	385.70	425.10
Washtenaw	1,319.48	1,186.60	1,177.50
Wayne	3,100.46	4,955.60	6,459.00
Statewide	28,671.10	32,070.60	33,225.60
*Funding discontinued in 2011 **Funding discontinued in 2012			

The graph below illustrates the CDRP centers' statewide case disposition trends from 2004 to 2012. The "Total Core" figure is the total number of cases that were disposed separately by the disposition outcomes of mediation, conciliation, arbitration and facilitation in the lower section of the chart. The "Total Disposed" figure is the total number of all cases disposed by the CDRP centers in the calendar year.

Over Two-thirds of Cases Settle

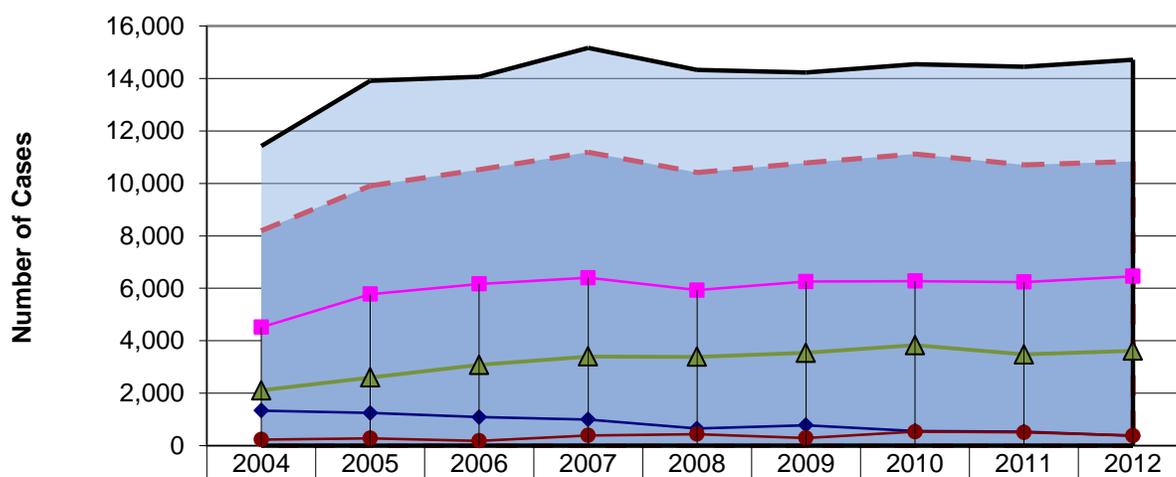
Statewide and individual center program dashboards, detailing numerous performance measures, may be found under the heading **CDRP Performance Dashboards** in the upper right corner at <http://courts.mi.gov/Administration/SCAO/OfficesPrograms/ODR/Pages/default.aspx>. Centers disposed of 14,715 cases in 2012, and court referrals constituted 75 percent of all disposed cases. The centers completely or partially resolved 7,115 cases, and provided meeting facilitation services in an additional 385 matters.

A resolution rate of 68 percent was realized when all parties agreed to use centers' services. This was achieved either through the formal mediation process, or informally through correspondence or telephone conversation. The combined financial settlements of cases presenting economic issues were \$8,522,999. The average financial settlement per case was \$3,102, an increase of \$370 per case over 2011.

Agreements Are Kept in Three of Four Cases

Based on random surveys conducted on cases that were conciliated or mediated with agreement, 76.7 percent of the agreements reached were upheld in family division cases and 79.5 percent of the agreements reached in general civil or other cases were upheld. On average, a case was disposed within 23 days of intake. The average mediation session lasted just under one and one-half hours.

CDRP Statewide Trend



	2004	2005	2006	2007	2008	2009	2010	2011	2012
Total Core	8,195	9,909	10,525	11,190	10,416	10,783	11,122	10,707	10,836
Total Disposed	11,425	13,915	14,067	15,168	14,328	14,230	14,545	14,449	14,715
Conciliation	1,336	1,247	1,090	996	655	780	561	529	376
Mediation	4,517	5,779	6,169	6,401	5,932	6,259	6,273	6,238	6,457
Mediation w/o Agreement	2,107	2,602	3,081	3,399	3,388	3,541	3,831	3,481	3,617
Facilitated/Arbitrated	235	281	185	394	441	293	528	504	386

▬ Total Core ▬ Total Disposed ◆ Conciliation
▬ Mediation ▬ Mediation w/o Agreement ● Facilitated/Arbitrated

Civil and criminal cases such as contract, landlord-tenant, employment, and adult victim offender restitution comprised 75 percent of the 14,715 cases disposed in 2012. Family division cases such as divorce, postjudgment domestic, child welfare, and adult and child guardianship were 25 percent of the centers' caseload.

Volunteers Nearly Double Cash Investment

Volunteers serve as mediators, trainers, outreach workers, administrators, workshop facilitators, and office assistants at many centers. More than 17,641 hours of service were contributed by volunteers in 2012. In market value equivalents, this represents a contribution of \$2,477,090. Centers also receive a number of donated goods and services such as rent, photocopying services, accounting services, and purchase discounts. The market value of these goods and services totaled \$144,929. Considered together, for every dollar invested by grant awards, an additional \$1.62 of in-kind services was generated.

Parenting Time Mediation

Twelve of the CDRP Centers provide parenting time mediation with the goal of increasing the time noncustodial parents spend with their children. This service is provided through the Access and Visitation Program grant funded by the U.S. Department of Health & Human Services, Administration for Children and Families. In fiscal year 2011-2012, this program served 1,206 parents and 904 children. Client demographics indicate that 54 percent of the parents served earned less than \$20,000 per year. Forty-nine percent of the clients were never married to the other parent and 80 percent of the cases involved postjudgment domestic

complaints. The settlement rate for these cases was 72 percent.

Quality and Metrics Initiatives

Several efforts to promote the quality of mediation services were completed in 2012. First, the SCAO adopted amendments to its "Mediator Training Standards and Procedures" document that were recommended by a committee that reviewed best practices for conducting general civil and domestic relations training programs. The standards establish specific program contents, and for the domestic relations training program, increase the required domestic violence screening component from four to eight hours.

Additionally, the SCAO's "Michigan Standards of Conduct for Mediators" was completely rewritten, again with the assistance of a committee. Reviewing the several sets of standards of conduct adopted by the American Bar Association, the committee recommended that SCAO adopt a single set of standards of conduct that applied to mediators on both general civil and domestic relations court rosters. The new standards provide a far more comprehensive set of guidelines for mediators' ethical practice of mediation than previously existed in the state.

The SCAO has also been developing new tools for measuring outcomes of the Community Dispute Resolution Program (CDRP). In 2012, SCAO began publishing statewide and individual dashboards for the 18 currently funded CDRP centers. With quarterly updating beginning in 2013, the boards of directors of the not-for-profit agencies will have far more current information available to help guide program development.

Produced by:

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Contact a Local Mediation Center

Local CDRP centers can be contacted by calling 1-800-8RESOLVE (1-800-873-7658).

