

# Community Dispute Resolution Program Overview 2016

## Types of Court Cases Mediated<sup>1</sup>

CIRCUIT COURT CASE TYPE	GOAL	EXAMPLE	OUTCOMES
Family division: unrepresented litigant divorce	Geared toward unrepresented low/no income parties, reduce contested pre- and post-judgment motions; posture parties toward collaborative problem-solving to resolve future issues; responds to Access to Justice considerations.	Parties unable to afford attorneys are referred by courts, legal assistance centers, and local bar associations. Memoranda of Agreements reached in mediation are converted to judgments by court staff. This new service was developed with initial financial support of the Michigan State Bar Foundation.	In 2014, centers managed 609 divorce actions. Specific outcomes on unrepresented cases are not kept, however 72 percent of these family division cases in which settlement was attempted, reached an agreement. An FY2013-2014 study will assess the long term impact on courts and parties of mediating divorce cases.
Family division: limited issue pre- and post-judgment domestic relations matters	Improve parenting time circumstances; increased rates of child support payments; reduce number of contested hearings; improve communications between parties.	In 2014, 12 CDRP centers managed 573 cases related to parenting disputes and developing parenting plans and visitation agreements. Of these cases, 527 cases were referred by Friends of the Court.	Agreements were reached in 72 percent of these cases in which a settlement was attempted.
Family division: truancy	Increased school attendance, higher graduation rates, decreased suspension and expulsion rates.	Parents, students, guardians, relatives, 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 Wayne County schools, improvements were recorded in 66 percent, 52 percent, and 55 percent of participating students with recorded absences.
Family division: child protection	Reduction in times to permanent dispositions.	Mediation is used at any point in child protection proceeding to developing plans that ideally result in a return to home, but if not, an alternative permanent disposition, e.g., guardianship.	A 2004 study by the MSU School of Social Work found that mediation reduced the time to achieving a permanent disposition by 12.5 months. Authors identify cost savings in reduced adversarial hearings.
General civil claims case-evaluated at 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 have cases evaluated at the district court jurisdictional level. Because mediation results in nearly a 75 percent disposition rate, a significant number of settlement conferences and setting cases for trials are avoided.	A 2011 SCAO study of cases ordered to CDRP centers following case evaluation awards under \$25,000 found that 67 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 203 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 one or more unrepresented party in a case.	Mediation can help parties, and particularly unrepresented parties, either resolve all the issues in their dispute, or limit the number of issues requiring trial.	Because district court jurisdiction falls is the same amount in controversy in the 2011 study of circuit court case evaluation, similar positive outcomes of near 75 percent disposition rates can be expected.

<sup>1</sup> Not all services are available at every CDRP center. Please contact a center to learn about locally available services.

Landlord/tenant cases	Eviction prevention; improved housing relations.	Landlords and tenants use mediation to address timing and amount of rental payments, condition of property, noise, and other issues.	1,995 cases managed by CDRP centers in 2014 involved landlord/tenant issues. Of the cases in which a settlement was attempted, 72 percent reached an agreement.
Small claims division	Party-stipulated agreements; fewer post-judgment collection cases; higher user satisfaction; improved access to justice for unrepresented parties, particularly as jurisdiction incrementally increases to \$7,000 in 2024.	Many courts offer mediation prior to hearings; some courts order parties to try mediation prior to a hearing.	A 2004 MSU study found that 79 percent of plaintiffs using mediation received full or partial payment on a judgment derived through mediation, compared to 52 percent of plaintiffs in non-mediation cases. The mediation group also received payment earlier.

PROBATE COURT CASE TYPE	GOAL	EXAMPLE	OUTCOMES
Guardianship	Shorter case disposition times; fewer contested hearings; fewer subsequent adversarial hearings; higher user satisfaction.	One sibling files a guardianship petition; other siblings do not believe the parent requires a guardianship. While the court ultimately determines whether a guardian should be appointed; in mediation, parties reach agreements as to the scope of the guardianship, access to information, communications, care, etc.	CDRP centers managed 106 cases involving adult or child guardianship in 2014. Of the cases in which a settlement was attempted, 63 percent reached an agreement.
Conservatorships, trusts, and testamentary matters.	Shorter case disposition times; fewer contested hearings; higher user satisfaction.	Persons challenging the accountings of conservators and trustees, and persons challenging wills can use mediation as an alternative to contested hearings.	These case types are small components of centers' services but are expected to increase as the population ages.

## School Conflict Management Services

	GOAL	EXAMPLE	OUTCOMES
Restorative practices	Reducing suspensions and expulsions; improving the school climate; teaching conflict resolution skills to prevent future conflicts between students.	One girl accused another of posting comments on the Internet slandering her character, and accusing her of stealing her boyfriend. Through mediation, the girls resolved to remove the Internet postings and discontinue slanderous comments about each other to friends.	Suspensions avoided, expulsions, assaults, and discipline referrals reduced. Improved school climate. Decrease dropout rate and increase graduation rate.
Peer Mediation	Effectively managing minor conflicts between students.	Several boys of different ethnic backgrounds were routinely seen threatening each other on school grounds, although no assaults had been committed. Student mediators were able to help the boys identify the cultural differences in their speaking with each other and to help find a way to resolve differences in the future.	Reduction in the escalation of conflict that may lead to suspension or expulsion, less adult intervention in minor conflicts, less aggressive behavior, and reduction in expulsions, assaults, and discipline referrals. Improved school climate.

Truancy prevention; restorative conferencing	Reducing truancy in situations not yet petitioned in court.	Parents, students, guardians, relatives, school officials, etc., use mediation to find solutions to truancy problems that result in the students' return to, and staying in, school.	Increases the number of in school days, reduces the likelihood of dropouts, reduces classroom disruption, and increases parental involvement.
Bullying prevention	Reducing incidences of bullying; SCAO is working with Dept. of Education and Dept. of Civil Rights to coordinate how centers may provide bullying prevention training.	One boy repeatedly called another boy, who had a hard time defending himself, derogatory names. A fellow student told the boy to stop and told his teacher. The teacher has implemented consequences, met separately with the boys, and is increasing their supervision.	Training programs reduce existing bullying behavior, prevent the development of new bullying behavior, and improve peer relations at school. Published research reports average reductions of 20 to 70 percent in student reports of being bullied and bullying others.
Michigan Special Education Mediation Program	Reducing the contentiousness of Individualized Educational Plan (IEP) meetings; reducing the need for contested administrative hearings before administrative law judges.	Parents of a child with Asperger's syndrome felt that their child should have services supported by an out of state provider. Parties agreed to a specialized curriculum provided at the local ISD and a full time teaching assistant.	Results in better management of IEP meetings and collaboratively derived service agreements; reduces the number of contested hearings.