



Michigan Supreme Court
State Court Administrative Office
Michigan Hall of Justice
P.O. Box 30048
Lansing, Michigan 48909

Office of Dispute Resolution
517-373-4839

MEMORANDUM

Date: January 11, 2010
To: Community Dispute Resolution Program Center Executive Directors
From: Doug Van Epps, Director, Office of Dispute Resolution
Re: 2010 Update

As we begin the new contract year, I would like to bring a number of items to your attention.

2009 Recap & Funding

Despite the economic challenges most centers faced last year, it appears that most centers will have experienced case increases. Congratulations are due to you, your boards, and mediators for, in most instances, doing more with less. 2010 and 2011 will be challenging years for the state budget as well, with current deficit projections for 2011 falling in the \$1.8-\$2 billion range. It would not be surprising for the legislature to adopt a "negative supplemental" for the current fiscal year, meaning that state agencies would be required to make additional cuts in the current year.

CDRP funding remains relatively secure in that CDRP funds are not derived through state general funds, but rather through filing fees. To date, we are not aware of any efforts to alter court filing fees.

ODR Priorities

The state fiscal situation is causing all divisions of the Supreme Court to reassess, and where indicated, to reset priorities. As a part of ODR internal discussions, staff determined that greater emphasis on promoting CDRP center services and identifying prospective funding sources could be achieved if other activities and functions were decreased. These will be mentioned below. One area of considerable focus this year will be an evaluation of court-ordered case evaluation and mediation, undertaken at the direction of the Supreme Court. Based on information we are reviewing from three pilot projects involving centers' mediation of circuit court general civil cases, this study may be expected to demonstrate centers' ability to mediate more complex cases in both district and circuit general civil divisions.

SCAO staff are also managing a number of committees directly impacting CDRP work. As earlier reported, committees are working on developing recommendations for a statewide roster of mediators, as well as improving the Michigan Court Rule confidentiality provisions. Both committees are expected to report out in the first half of this year. ODR is also represented on the Business Impact Subcommittee of State Bar of Michigan's Judicial Crossroads Task Force, which was convened to provide recommendations for re-engineering Michigan's judiciary in these challenging economic times. ADR is a significant component of the subcommittee's focus.

ODR staff would also like to focus on identifying program development areas that would result not only in additional services for the centers, but in financial support, much as in earlier years we identified agricultural and special education mediation as new program services. Our hope had been that an association of CDRP centers would emerge to assume this "incubator" function; however it appears that renewed efforts on ODR's part would be helpful.

In short, our view is that staff time can be better utilized to assist centers develop referrals and identify potential funding sources if other activities, including some that centers have come to rely upon, are either decreased or eliminated. The following items relate to this topic.

CDRP Grant Contract

As announced in the 2010 grant contract cover letter, the new CDRP contract is for a two year period. Reducing time spent on application activities was one factor in our extending the contract period. Another factor was our shifting our monitoring from annual to quarterly activities. For example, rather than assessing with a center a downward trend in case activity as part of the grant application process, a center with a downward case trend can expect to be contacted mid-year, based on quarterly data.

Reporting: Center Assistance Sought

As mentioned in our 2010 funding letter, ODR staff spend a significant amount of time following up on late or inaccurate reports, relocating and resending documents and e-mailing previously sent forms and reports. We very commonly receive phone calls asking what reports are due, and when; we also frequently receive incomplete or inaccurate reports and even grant applications, perhaps because CDRP center staff have traditionally relied on SCAO to find errors and contact the centers for corrections.

We do not want to discourage contact with our office on grant management topics, however we must ask that centers more closely monitor the timeliness, thoroughness, and accuracy of documents submitted to SCAO.

As to completing financial and statistical reports, we hope that the "CDRP Policies and Procedures Manual" will be consulted prior to contacting SCAO. The manual is routinely updated to address questions received from center staff. [An updated version will be forwarded by the end of the month.] Later this month we will also forward an "At a Glance" document which will list the program reports on a one page chart that will include the reports' names and

their due dates. We do encourage all grantees to contact us if an answer to a question is not covered in the manual, but we would also like to reduce the amount of time spent simply pointing callers back to items addressed in the manual.

In addition to adhering to contract penalty provisions for late reports, we will also be limiting the correction of center statistics to the five-day period provided at the end of each quarter to review the draft of the CDRP03QT reports submitted with your MADTrac bundles quarterly. There have been far too many instances of centers' "discovering" reporting errors that occurred in earlier quarters, and requesting recalculation of the funding formula based on revised numbers.

Succinctly put, to help SCAO staff focus on program development issues, we need all centers' assistance in achieving a high level of competency in reporting.

CDRP Admin Site

To promote easier access to current and archived CDRP documents and e-mail, the "CDRP Admin Site" will be activated in the weeks ahead. This password protected site will permit center staff to find all documentation relevant to the CDRP grant, as well as an archive of correspondences sent to centers. Again, centers' consulting this site prior to contacting SCAO staff will be very helpful.

CDRP Annual Report

ODR is interested in receiving recommendations for improving the annual report. Please send any suggestions relating to content and format to us in the weeks ahead.

CDRP Annual Report Statistical Supplement

The statistical supplement itself will be discontinued, although approximately 75 percent of its content will be preserved on the ODR website. Specifically:

1. The CDRP list of centers already appears online.
2. The "center program summary" will appear on the ODR website; however we invite your comments as to how a one-page format can best reflect centers' work. The template we have used in prior years is attached. Do these categories still make sense? Are there better means of having each center provide a succinct one-page profile? The overall intent of the document is to briefly identify grantees of CDRP funds.
3. The individual center annual statistical reports will be on the ODR website.
4. The "center weighted caseload scores" document will be discontinued. Those figures are annually sent to centers when grant funding is calculated.
5. The "center cost per mediation" document will be discontinued.
6. The "agreement compliance survey" will be calculated to report an aggregate statewide rate for all agreements. The report displayed in last year's annual report which identifies agreements upheld by case type will be generated every two or three years.

Case Activity Study

The case activity study is a project we conduct about every 18 to 24 months. This project tracks time spent by staff on cases and is used to identify the weights used for performance funding. Since the activity study was just conducted in the past year, we will not be asking the centers to provide this information until January, 2011 for the period October 1, 2010 through December 31, 2010. More information will be available when the time is nearer. A number of centers have reported they continue to conduct the study (even when not required by SCAO) because it helps them identify appropriate fees to charge clients for different case types and it helps them track staff activities. Centers should feel free to conduct the study independent of SCAO's schedule for the study.

Salary Survey

Because center staff salaries most typically change, if at all, by only a few percentage points per year, the salary survey will be completed every two years, instead of annually, with the next update to be published in early 2011. Based on a review of the 2010 CDRP budgets and board minutes, our impression is that for 2010, the maximum anticipated increase in salaries is approximately two percent. In some instances, in lieu of offering a base salary increase, some boards have approved a one-time bonus, contingent on performance expectations established for staff. [Reminder: staff bonuses cannot be paid with CDRP dollars.] Bonuses have also been contingent on available funding at the end of the year. The previously circulated 2009 salary survey will be posted to the CDRP Admin site.

Michigan Department of Corrections (MDOC)

A conversation is taking place between the MDOC, Michigan Council on Crime and Delinquency, and ODR to identify means of more effectively including CDRP centers in local Michigan Prisoner Re-Entry Initiative (MPRI) efforts. To date, we understand that funding has been identified to support a planning process. Kate Kesteloot-Scarborough, Executive Director, Westshore Dispute Resolution Center, has been integral in outlining centers' potential work in this area for the several agencies.

MI360 Review

As a part of a review of SCAO staff, SCAO has partnered with the Office of Great Workplace Development, in the Executive Branch, to conduct an online survey of staff performance. Responses are completely anonymous to the SCAO, and will be viewed in the aggregate at SCAO by the State Court Administrator and ODR staff. All 20 CDRP centers will receive an invitation to complete the study, which typically takes between 15 and 30 minutes, depending on the length of responses to open-ended questions. I encourage all directors to take advantage of this opportunity to provide input into our administration of CDRP. You should receive an invitation to participate in the next several weeks.

CDRP Center Directors

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Transitions

Mr. Bernard Dempsey has been named Executive Director of the Wayne Mediation Center in Detroit. Mr. Dempsey has previously served as staff and executive director of legal services organizations in both Southwest Michigan and Columbus, Ohio. His contact information appears on the list of CDRP centers. We welcome Mr. Dempsey to the program.

Thank you!