



Annual Report 2008

Community Dispute Resolution Program

Michigan Supreme Court
State Court Administrative Office
Office of Dispute Resolution

ANNUAL REPORT 2008

COMMUNITY DISPUTE RESOLUTION PROGRAM

Program Description and Funding

Community Dispute Resolution Program (CDRP) centers offer mediation as an alternative to 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 the conflict. In mediation, solutions are created by the parties, as opposed to litigation, in which the resolution of a conflict is imposed on the 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.

CDRP centers are nonprofit volunteer-based organizations that receive grant funding from SCAO. The grant funds are derived from a court filing fee assessment. In 2008, SCAO distributed approximately \$2.02 million to the 20 centers to support their work; grant awards per center ranged from \$27,298 to \$380,583. Contact information for the CDRP centers appears in the statistical supplement.

Program Performance

Centers disposed of 14,491 cases in 2008, and court referrals constituted 78.5 percent of all cases. The centers completely or partially resolved 6,847 cases, and provided meeting facilitation services in an additional 465 matters. Total case dispositions declined one percent from 2007 levels. Core case dispositions (defined as cases that were mediated, conciliated, facilitated and arbitrated) declined almost six percent while court referrals to the centers decreased by almost seven percent from 2007 levels. Centers cite the decreased court referrals as the primary reason for the decline in total case dispositions. SCAO is working with centers that have had multiple year case decreases

2008 At A Glance

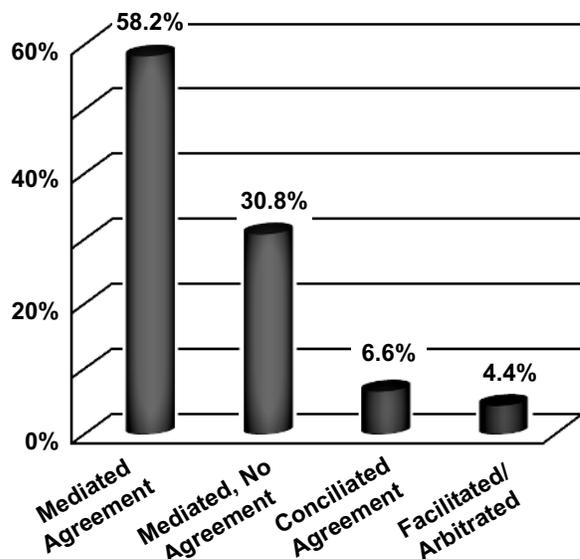
Number of centers	20
Range of grant awards	\$27,298–\$380,583
Individuals involved in cases	36,242
Number of resolutions	6,847
Average days to disposition	23.2
Average length of mediation (hours)	1.6
Resolution rate	68%
Average amount agreed to per case	\$3,318
Value of volunteer contribution	\$2,666,092

to identify and address the causes of case reductions.

A resolution rate of 68 percent was realized when all parties agreed to use a center's services. This was achieved either through the formal mediation process, or informally through correspondence or telephone conversation. Approximately 47.9 percent of the cases conciliated or mediated involved noneconomic issues. The combined financial settlements of cases presenting economic issues totaled \$11,833,779, representing a \$2.4 million increase from 2007 settlements. The average financial settlement per case was \$3,317.57, an increase of \$818 over 2007 settlements.

Mediation results in the quick resolution of

Outcomes When All Parties Participate



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matters. On average, a case was disposed within 23.2 days of intake. The average mediation session lasted about one and one-half hours. The statewide estimated cost per hearing, derived by dividing centers' CDRP grant awards by the total number of hours each center is open and multiplying that quotient by the average duration of mediation, was \$66.63. Additional information regarding cost per hearing calculations appears in the statistical supplement.

Contract, landlord-tenant, and domestic relations matters comprised nearly 70.8 percent of the 14,491 cases disposed in 2008.

Volunteer Contributions

Volunteerism remains a defining aspect of the CDRP. Volunteers serve as mediators, trainers, outreach workers, administrators, workshop facilitators, and office assistants at many centers. Over 20,000 hours of service were contributed by volunteers in 2008. In market value equivalents, this represents a contribution of \$2,666,092. 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 \$193,137. This means that for every dollar invested by grant awards, an additional \$1.42 in in-kind services is generated.

Dispute Type

Breach of contract	47.7%
Domestic relations	12.3%
Landlord-tenant	10.8%
School problems	10.3%
Juvenile victim offender restitution	4.7%
Property	3.6%
Other	10.6%

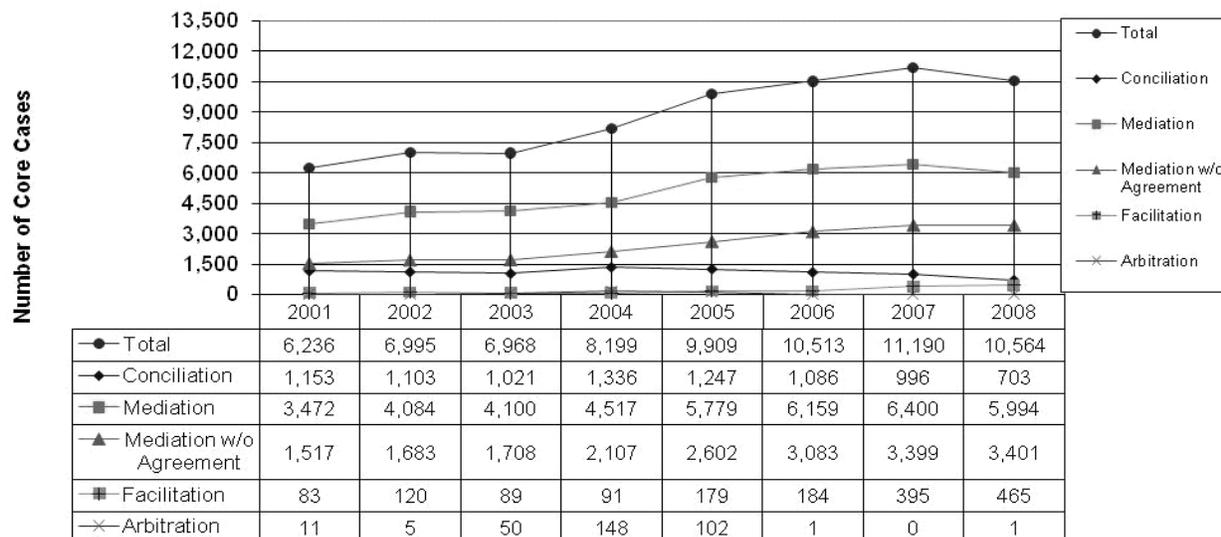
Services Provided to Courts

CDRP centers continued to work with courts in their service area to increase both the number and variety of cases referred to mediation.

The number of court referrals to centers has increased from 49 percent of all referrals in the mid-1990s to nearly 79 percent in 2008. The increasingly diverse case types referred by courts range from small claims and landlord-tenant cases to contested adult guardianships, truancy, land use, contract, real estate, and other district and circuit court matters.

One pilot project involves the referral of matters that have been case evaluated under MCR 2.403 and one or more parties have rejected a case evaluation panel's assessment that a case is valued below \$25,000. Parties in those cases are ordered to mediation, and if mediators are not selected by the parties, the mediation is conducted through a CDRP center. Circuit courts and CDRP centers in Kent,

CDRP Statewide Trend



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Macomb, and Oakland counties are participating in this project.

Access and Visitation Pilot Project

Twelve CDRP centers currently provide mediation in pre- and postjudgment parenting time disputes referred by the friend of the court. Over the three prior fiscal years, the number of cases disposed has nearly doubled, from 378 to 695. Parties reach agreements at mediation sessions 75 percent of the time. The insert of this publication has additional information about this service as well as information about friend of the court supervised parenting time and neutral drop off and exchange services.

Marital Dissolution Mediation Service

Supported by a grant from the Michigan State Bar Foundation, SCAO began providing a series of 44-hour domestic relations mediation training programs to CDRP center volunteers to help unrepresented low income divorcing litigants reach agreement regarding the terms of their divorce. The service is being implemented through CDRP centers based in the following counties: Charlevoix, Grand Traverse, Ingham, Kent, Marquette, Oakland, and Ottawa.

Dispute Resolution Rule Committee

In late 2007, SCAO convened a committee to recommend court rule amendments to improve alternative dispute resolution services for trial-level

civil cases. The 27-member committee was particularly charged to assess case evaluation and mediation practice under current court rules, and to determine whether improvements are needed. The committee issued its report in July 2008, and the Michigan Supreme Court published nearly all of the rule proposals for comment in December. The comment period ran until March 1, 2009, and a public hearing on the item will be held in May 2009. A successor committee was convened in late 2008 to focus on domestic relations and general civil court rule confidentiality provisions. That committee is expected to issue a report in mid-2009.

Public Education Materials

Additional information about the Community Dispute Resolution Program, including downloadable brochures, can be found on SCAO's website: <http://courts.michigan.gov/scao/dispute/index.htm>. You can reach local CDRP centers by calling 1-800-8RESOLVE (1-800-873-7658).

Statistical Supplement Available

Supplemental annual report materials are also available on SCAO's website. These materials include: (a) local program summaries (identifying the types of services offered and referral sources), and (b) comprehensive statistical data for each center, reported quarterly and compiled annually by SCAO.

To contact the Community Dispute Resolution Program center nearest you, call 1-800-8RESOLVE, (1-800-873-7658).

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Community Dispute Resolution Program Parenting Time Mediation Program FY2007-08

COMMUNITY DISPUTE RESOLUTION PROGRAM (CDRP) CENTERS

Cases Accepted 653
Cases Disposed 695

Case Outcomes

Conciliated 3
Mediated w/ Agreement 332
Mediated w/ Partial Agreement 11
Mediated w/o Agreement 116
Facilitated 0
Settled Prior to Mediation 39
All Other 194

Source of Case Referrals

Court 667
Self 18
Other 10

When Mediation is Attempted:

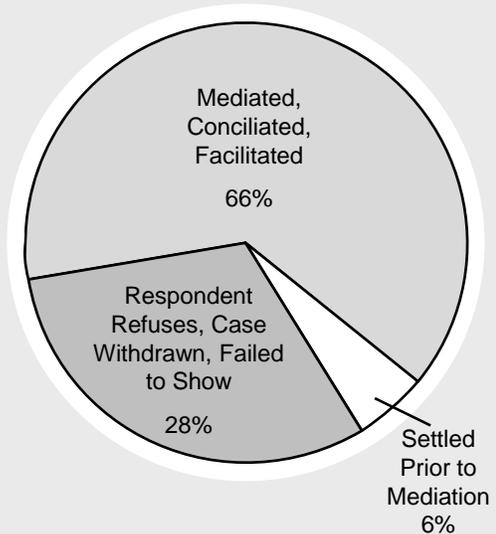
75% are mediated with agreement
25% are mediated without agreement

Clients

Number of Children 1,024
Number of Parents 1,097
Service Costs \$33,525
Number of Centers 12

Average number of days to disposition 21.0
Average mediation duration in minutes 117

Closed Case Outcomes



Community Dispute Resolution Program Parenting Time Mediation Program Comparison

	FY 05-06	FY 06-07	FY 07-08
Mediated to Agreement*	183	308	346
Mediated Without Agreement	70	104	116
Number of Cases Accepted	410	628	653
Number of Cases Disposed	378	647	695
Number of Prejudgment Cases	103	92	117
Average Case Duration (min.)	121	117	117

*includes Partial Agreement, Conciliation, Facilitation

Federal Access and Visitation funds supported the work of volunteer mediators at twelve CDRP centers to help parties solve problems related to parenting time and visitation disputes. The volunteers have completed a 40-hour basic training program and internship, followed by a 2-day training focused on FOC processes, family dynamics, and domestic violence screening. The primary goal of this service is to resolve conflicts that create obstacles to the noncustodial parent having access to his or her child(ren).

Friend of the Court

Supervised Parenting Time and Neutral Drop Off Services

FY2007–08

CIRCUIT COURT (FOC) AND LOCAL SERVICE PROVIDERS

Case Outcomes (number of events)

Supervised Parenting Time	4,704
Neutral Drop Off and Exchange	2,680

Clients

Number of Children	1,202
Number of Parents	958
Number of Grandparents/ Legal Guardians	3
Service Costs	\$211,265
Number of Courts	25

Federal Access and Visitation funds were contracted to Friend of the Court (FOC) offices to support services to ensure that children in high conflict cases have an opportunity to spend time with their noncustodial parent.

Supervised parenting time involves a neutral third party who is present and observes or manages the interaction between the child and the noncustodial parent during parenting time sessions.

The neutral drop off and exchange program involves the services of a neutral party who is simply present during the transfer of children at a neutral and safe location.

FOC offices typically subcontract with local professional organizations to provide these services. Many families require multiple services, and more than one instance of each service. During the period funded, this resulted in, on average, 7.7 service activities per parent.

Contractual payments to FOC offices range from \$535 to \$46,700. The funding process is annually reviewed in consultation with the Friend of the Court Association and the State Court Administrative Office (SCAO), Friend of the Court Bureau.

SCAO gratefully acknowledges the assistance of the Michigan Department of Human Services in administering the Access and Visitation grant received from the federal Office of Child Support.

For additional information, please contact:

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