



2009

ANNUAL REPORT

Michigan Supreme Court
State Court Administrative Office
Office of Dispute Resolution

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 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.

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 2009, SCAO distributed approximately \$1.91 million to the 20 centers to support their work; grant awards per center ranged from \$34,863 to \$317,056. Contact information for the CDRP centers appears in the statistical supplement.

Program Performance

Centers disposed of 14,332 cases in 2009, and court referrals constituted 81 percent of all cases. The centers completely or partially resolved 7,179 cases, and provided meeting facilitation services in an additional 293 matters. Based on random surveys conducted on cases that were conciliated or mediated with agreement the agreements reached were fully or partially upheld 84.4 percent of the time.

A resolution rate of 68 percent was realized when all parties agreed to use a center's services.

2009 At A Glance

Number of centers	20
Range of grant awards.....	\$34,863-\$317,056
Individuals involved in cases	36,182
Number of resolutions.....	7,179
Average days to disposition	22.2
Average length of mediation (hours).....	1.5
Resolution rate	68%
Average amount agreed to per case.....	\$2,870
Value of volunteer contribution	\$2,813,065

This was achieved either through the formal mediation process, or informally through correspondence or telephone conversation. Approximately 48 percent of the cases conciliated or mediated involved noneconomic issues. The combined financial settlements of cases presenting economic issues were \$10,813,214. The average financial settlement per case was \$2,870.

Mediation results in the quick resolution of matters. For example: on average, a case was disposed within 22.2 days of intake and 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 \$58.74, down 12 percent from 2008.

Contract, landlord-tenant, and domestic relations matters comprised nearly 72.2 percent of the 14,332 cases disposed in 2009.

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 20,880 hours of service were contributed by volunteers in 2009. In market value equivalents, this represents a contribution of \$2,813,065. 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 \$182,096. This means that for every dollar invested by grant awards, an additional \$1.57 in in-kind services is generated.

Increased Family Division Focus

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 81 percent in 2009. Although youth and family division cases amounted to 12 percent of matters referred to the centers in 2009, centers spent over 40 percent of their time on youth and family division cases. This reflects centers' expanded work to help families and schools resolve the underlying issues that lead to conflicts that in most instances result in court proceedings. In 2009,

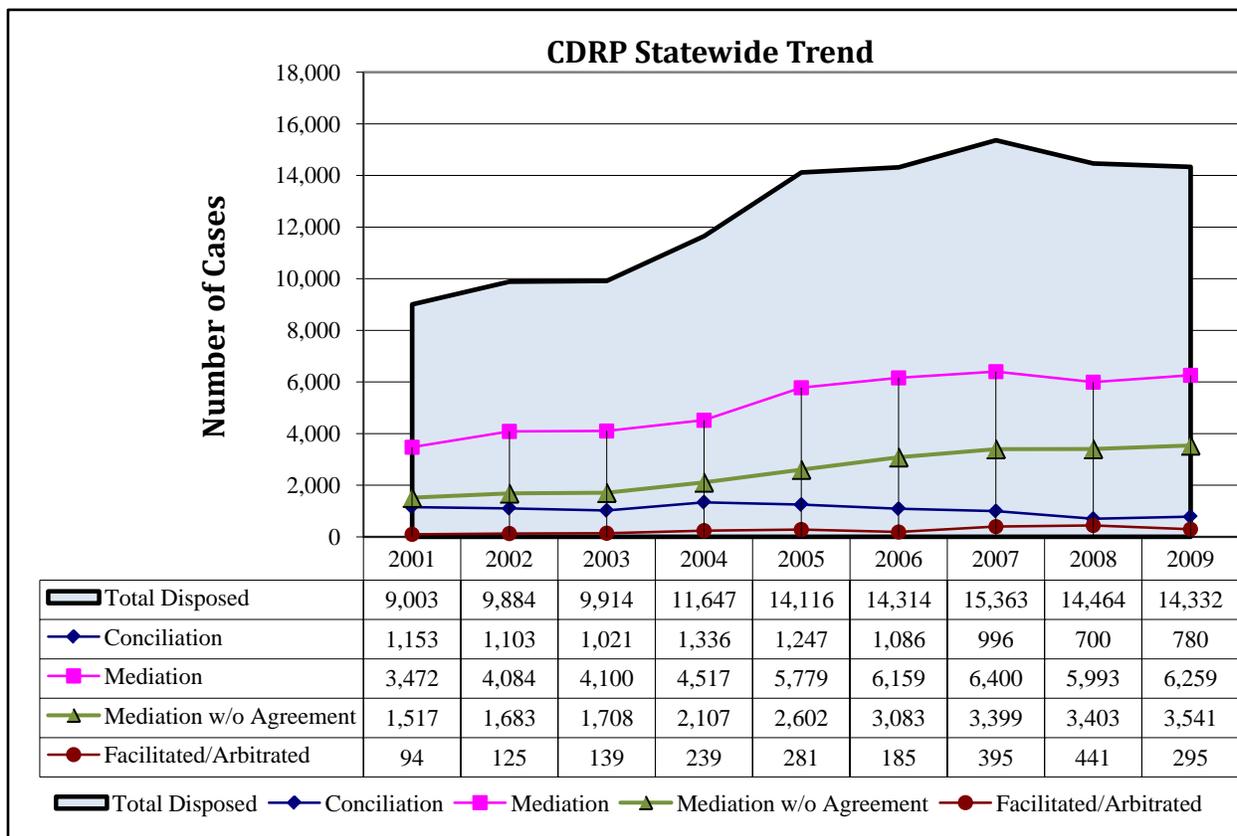
Dispute Type

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%

the CDRP placed additional emphasis on mediation services in the following areas:

Truancy. Parents, school officials, truancy officers, and others develop a plan for children to return to and stay in school.

Restorative justice in juvenile cases. Applied in cases involving juvenile infractions, such as minor offenses at school, mediation helps students resolve underlying conflicts that lead to ongoing confrontation. Through mediation, adult crime victims can meet with a juvenile offender to express the victim's response to the crime.



Parenting time and custody complaints. Thirteen CDRP centers assist parents referred by friend of the court offices to resolve parenting time and custody disputes. In 2009, centers disposed of 559 cases, reaching an agreement rate of 73 percent when parties used the mediation process.

Child welfare mediation. In child abuse and neglect cases, mediation helps parties collaborate on a plan that leads to expedited permanent placements for children. Eleven CDRP centers are engaged in this work.

Marital dissolution. Divorcing couples and parents are increasingly resolving their differences through mediation. Through the Marital Dissolution Mediation Program, supported in part by the Michigan State Bar Foundation, low-income parties who do not have an attorney have access to specially trained mediators. Seven CDRP centers offer this service.

Evaluation and Rules Update

In 2009, two SCAO committees studied various aspects of Michigan's mediation practice. The Mediation Confidentiality and Standards of Conduct Committee continued its assessment of possible revisions to the mediation confidentiality provisions of MCR 2.411 and 3.216. The Statewide Mediator Roster Committee began assessing whether the current process for qualifying mediators at the local trial court level should be

consolidated at the state level. Reports from both committees are expected in 2010.

The Michigan Supreme Court, in reviewing a number of proposed amendments to case evaluation and mediation court rules, has directed SCAO to conduct a study of the efficacy of case evaluation practice. SCAO began reviewing case evaluation practices in late 2009, and will conduct a formal comparative study of case evaluation and mediation in 2010.

SCAO also completed a national study of diversity practices at community mediation centers. This effort, focused on how mediators are trained in diversity competencies, will be used to develop a model diversity training curriculum in 2010.

Contact a Local Mediation Center

Local CDRP centers can be contacted by calling 1-800-8RESOLVE (1-800-873-7658). Additional information about CDRP centers, including downloadable brochures, can be found on SCAO's website: <http://courts.mi.gov/scao/dispute>.

Statistical Supplement and Public Education Materials Available

Supplemental annual reports and general informational materials are also available on SCAO's website.

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 FY2008-09

COMMUNITY DISPUTE RESOLUTION PROGRAM (CDRP) CENTERS

Cases Accepted 552
Cases Disposed 559

Case Outcomes

Conciliated 0
Mediated w/ Agreement 263
Mediated w/ Partial Agreement 12
Mediated w/o Agreement 100
Facilitated 0
Settled Prior to Mediation 20
All Other 164

Source of Case Referrals

Court 527
Self 23
Other 9

When Mediation is Attempted:

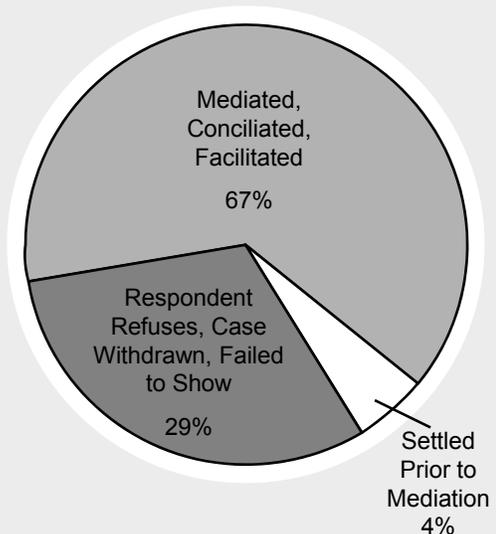
73% are mediated with agreement
27% are mediated without agreement

Clients

Number of Children 868
Number of Parents 1118
Service Costs \$27,300
Number of Centers 13

Average number of days to disposition 26.8
Average mediation duration in minutes 113

Closed Case Outcomes



Community Dispute Resolution Program Parenting Time Mediation Program Comparison

	FY 05-06	FY 06-07	FY 07-08	FY 08-09
Mediated to Agreement*	183	308	346	275
Mediated Without Agreement	70	104	116	100
Number of Cases Accepted	410	628	653	552
Number of Cases Disposed	378	647	695	559
Number of Prejudgment Cases	103	92	117	102
Average Case Duration (min.)	121	117	117	113

**includes Partial Agreement, Conciliation, Facilitation*

Federal Access and Visitation funds supported the work of volunteer mediators at thirteen 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 two 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

FY2008–09

CIRCUIT COURT (FOC) AND LOCAL SERVICE PROVIDERS

Case Outcomes (number of events)

Supervised Parenting Time	3,794
Neutral Drop Off and Exchange	2,514

Clients

Number of Children	1,260
Number of Parents	959

Service Costs	\$198,905
Number of Courts	24

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, 6.6 service activities per parent.

Contractual payments to FOC offices range from \$120 to \$54,334. 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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