Michigan Supreme Court

Statewide Mediator Roster Committee

Report to the Michigan Supreme Court

July 2010

State Court Administrative Office
Michigan Hall of Justice
Lansing, MI 48909

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"Reduction of Administrative Costs and Time Requirements for ADR Clerks at Circuit Courts: Initiative to Centralize Verification and Management of Eligibility for Court Approved Mediators"

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Background

In 2009, the State Court Administrative Office (SCAO) appointed a 26-member Statewide Mediator Roster Committee to study the current process for qualifying mediators to serve on court rosters under MCR 2.411 and MCR 3.216, and to recommend court rule amendments that would improve current practices for courts, litigants, and mediators. The current mechanisms for qualifying general civil and domestic relations mediators are essentially the same: mediators apply to the local circuit, probate, or district courts they wish to serve, and unless courts have a joint Alternative Dispute Resolution (ADR) plan, each court separately approves the applications and receives additional materials every two years verifying that mediators have completed continuing education programs.

In 1998-1999, when the original Dispute Resolution Rules Task Force recommended this process, it was unclear how many courts would develop ADR plans and create local rosters. It was also unclear how many mediators would apply to serve on rosters. There was, however, a general notion that the mediator qualification process should be locally managed.

Currently, 47 of 57 circuit courts have approved ADR plans that authorize judges to order people to attempt to mediate their disputes. The plans are required under MCR 2.410 and MCR 3.216. Forty-six of 107 district courts have ADR plans, and 37 of 78 probate courts have ADR plans. A list of all courts having approved ADR plans appears as Appendix 1.

Based on the number of mediator training programs currently offered each year across the state, the SCAO estimates that as many as 250 potential mediators complete 40-hour training programs each year and as many as 1,500 qualified mediators serve on rosters across the state. A sampling of courts reflecting a total local roster membership of 1,009 mediators follows.

Court	General Civil Roster Mediators	Domestic Relations Roster Mediators
Third Circuit (Wayne)	114	10
Fourth Circuit (Jackson)	43	N/A[1]
Sixth Circuit (Oakland)	159	44
Seventh Circuit (Genesee)	69	33
Sixteenth Circuit (Macomb)	86	14
Seventeenth Circuit (Kent)	79	36
Twenty-second Circuit (Washtenaw)	125	50
Thirtieth Circuit (Ingham)	125	22

As more courts adopted ADR plans, questions of duplication of work arose. ADR clerks have observed that they were collectively performing the same administrative function for the same mediators, noting that many mediators apply to serve on multiple court rosters in large geographic areas of the state.[2]

Simultaneously, with the increase of courts utilizing mediation, mediators began expressing frustration in sending the same application materials to each court they wished to serve. In addition, because courts began their rosters at various times, the mediators have needed to keep track of all the courts' timing requirements to ensure that they remained active on the roster.

Persons in both constituencies—ADR clerks and mediators—asked the SCAO to assess the feasibility of centralizing the qualification function. A committee was appointed, and it first met on September 29, 2009.

At its first meeting, the committee sketched out general concepts of a centralized system that were grouped into three categories for further study: (1) website functionality for courts, mediators, and the public; (2) an online application process; and (3) components of a complaint system. Committee members selected one or more subcommittees to serve on.

[1]This court does not maintain a domestic relations roster.
[2]The SCAO convened meetings of ADR clerks annually between 2002-2005, and in 2007 and 2008 to discuss the operation of courts' case evaluation and mediation programs. Meetings were typically held in both Lansing and Gaylord, and were attended by ADR clerks from both large and small jurisdictions.

After the first meeting, committee member Carol Church, J.D., drafted a "white paper," and following revisions based on input from other committee members, it was distributed to a variety of constituent groups.[3] The white paper included the general concepts of centralizing the mediator qualification functions, including having a web-based application process and a public site through which persons seeking mediators' services could easily search along a number of variables, e.g. locality and mediator interest area. An additional feature would permit courts to draw from the roster to appoint mediators in the event parties' did not stipulate to their own mediator in cases referred to mediation under MCR 2.411(B) and MCR 3.216(E). The white paper appears as Appendix 2.

Two comment letters were received. The Michigan Judges Association opposed the white paper concept and said that "...it does not believe that there is a need for the changes proposed. We are satisfied with the current system and would not be in agreement with a centralized system which would take away from the Judges (sic) ability to administer the ADR programs at a local level."[4]

The Michigan Probate Judges Association supported the white paper concept and commented that "...in general, there was support for this consolidation. However, there were some suggestions that the lists could be more "user-friendly" by enabling courts and litigants to select mediators based on location, rates, specialties, etc."[5]

Thereafter, representatives of both associations joined the committee for its second meeting. At this meeting, held in February 2010, subcommittee reports were considered, together with the comments that were received in response to the white paper. Following this meeting, the SCAO staff drafted rule amendments consistent with the committee's

[3]Michigan Association of Circuit Court Administrators, Michigan Association of Circuit Court Professionals, Michigan Court Administrators' Association, Michigan District Judges Association, Michigan Judges Association, and Michigan Probate Judges Association.
[4]Letter from the Honorable James Alexander, President, Michigan Judges Association, January 14, 2010.
[5]Letter from the Honorable Lisa Sullivan, Secretary, Michigan Probate Judges Association, December 29, 2009.

recommendations, and circulated both the rule amendments and a draft final report to the committee for comment.

This report outlines the committee's recommendations for consolidating mediator qualification and roster appointment processes and includes a proposed new court rule and rule amendments that would implement the committee's recommendations.

Costs and Application Fee

At several points in the committee's discussions committee members questioned whether there would be costs involved in designing, developing, and operating the consolidated roster. The SCAO staff reported that based on the concepts presented in the white paper, the SCAO's Judicial Information Systems division and Office of Dispute Resolution believed that current resources could support the design, development, and operation of the roster with the sole exception that some additional limited resources may be required for temporary part-time persons to assist in processing the initial set of mediator applicants.

As to the need for an application fee, the SCAO staff advised the committee that under its current assessment of developing and administering the roster, additional funds would not be required. In addition, the SCAO staff shared their impression that the Michigan Supreme Court has traditionally been opposed to adopting fees that were not statutorily mandated. No new fee would be created for application to the state roster or for trial courts electing to continue their current rosters.

Website Functionality for Courts, Mediators, and the Public

This section outlines the committee's recommendations for public, trial court, and mediator use of a web-based system.

<u>Public components of the site should include</u>:

A. Information about mediation.

1. General mediation information, perhaps in FAQ format, addressing definitions, benefits of mediation, qualifications mediators have met to appear on the roster, how mediators apply and may be removed, and how the roster works (if parties do not pick their own mediator).

2. Domestic violence. Clear information about domestic violence and a list of resources should appear, ideally in pop-up windows that would not reflect a URL if another person looked at a computer user's history. The court rule provisions for screening and mediating with domestic violence considerations should also appear.

3. A notice should indicate that unless parties otherwise agree, the mediation will take place in the county of the court action.

B. Mediator information.

1. The county(ies) a mediator is available to serve in (only counties having courts with ADR plans should be listed).

2. Language proficiencies.

3. A size-limited text field completed by the mediator should identify the mediator's experience, interests, and travel information.

4. Checklist of practice areas, perhaps a top-level division between civil, domestic, and probate, with sublevels of case types.

5. Mediator contact information, link to personal website, and expanded biography.

6. Fee information.

C. Provide feedback to the site administrator. The public should be able to complain or challenge site content through a link that says "click here to complain to the web administrator."

Discussion: The committee determined that it should be the mediator's responsibility to update the above information upon being approved for the roster.

Trial court components of the site should include:

1. A means of exporting a list of qualified mediators for the county to Microsoft Excel.
2. A randomization function that would permit the court to select a mediator without downloading a database.
3. Assuming a random assignment, in the event a mediator is appointed, and the case either settles, the parties select someone else, or parties do not appear for mediation, the appointed mediator should not be removed from the random assignment.
4. Access by User ID and PIN.
5. For courts having ADR plans, a means of opting out of the statewide roster application and appointment process to retain their current roster management functions.
6. A means of identifying local mediators willing to take a pro bono case.

Discussion: The committee recommended that the system be automated to the extent possible, to simplify the court staff role in selecting a mediator.

Mediator components of the site should include:

1. Access by User ID and PIN.
2. Ability to select one or more courts, or statewide.
3. Ability to "opt out" of the court selection/randomization function temporarily or permanently.

4. Ability to edit their information once approved, although some information, e.g., training qualification, may be locked and edited only by the site administrator. A mediator would not be able to override the main qualification requirements, e.g., training, observations, etc.

5. A means of identifying whether a mediator would accept pro bono work and identifying the availability of CDRP centers for indigent/low income persons. The application should have a statement that offering pro bono services is strongly encouraged. The selection of a pro bono mediator should only be made available to courts. That a mediator would accept pro bono work should not appear on the public site.

Discussion: The committee also recommended that the roster be created with the notion of having additional service providers, e.g. parenting time coordinators, online at a future point.

Application Process

The site should have the following capabilities:

1. A mechanism to manage the two-year continuing mediator education requirement.

2. Check boxes for each county the mediator wishes to serve, and a check box for "all counties."

3. A text field to explain fees and other requirements, e.g., retainer fee, hourly or daily rate, cancellation policy, minimum time, travel, briefing requirements, and other arrangements.

4. Travel Fees. The majority of committee members believe that mediators should not charge for travel to the jurisdiction requesting the assignment. For example, a mediator residing in Lansing who applied to serve statewide should not be able to charge parties for travel to Escanaba. The minority view was that appointment of a mediator of considerable distance from the parties is simply a risk the parties take in

not selecting their own mediator, and that parties should be made aware of the risk in electing not to select their own mediator.

5. A mechanism to identify a mediator's subject matter expertise and case type interest.

Discussion: Regarding the feature of opting out of the roster selection, committee members noted that some mediators would prefer the site to reflect their qualifications, but would not want to receive court appointments. Committee members felt mediators should be responsible for the accuracy of the information they post, but had a concern regarding the posting of inappropriate language. The question of how to filter inappropriate language was deferred to the SCAO to determine.

The committee noted that the two-year continuing education requirement does not align with the five-year application requirement, and recommended that the court rules be amended to have both events occur at the same time. Reapplication to the roster is unnecessary, particularly since mediators are sending in information of continuing education every two years. Once a mediator is originally qualified, the qualification should simply be renewed every two years.

Regarding the posting of fee information, because the potential high number of fee arrangement options did not lend themselves to a check box design, the committee members recommended that fees and administrative requirements be managed in the large text field available to the applicant.

The committee recommended that persons who are on the roster, but who leave (because of nonrenewal or otherwise), reapply through an original application.

Questions deferred to a later time include: (1) how to close the local roster; and, (2) whether applications should be required by a certain date, and thereafter accepted only on an occasional basis, e.g., quarterly, or whether applications should be accepted on a rolling basis?

Complaint Mechanism

Discussion: The committee began with an assessment that complaints filed pursuant to MCR 2.411(E)(4) and MCR 3.216(F)(4), under which complaints about mediators are addressed by a local chief judge, have been rare or nonexistent. Committee members questioned whether removing all complaint functions to the state level was necessary or in courts' best interests.

Options for managing complaints that committee members considered included: retaining all complaint management at the local level, with the SCAO being notified of the outcome; the SCAO assuming responsibility for complaint management; and a hybrid process, whereby complaints regarding compliance with court orders would be managed locally, and complaints regarding the quality of mediator service would be filed either with the trial court or with the SCAO.

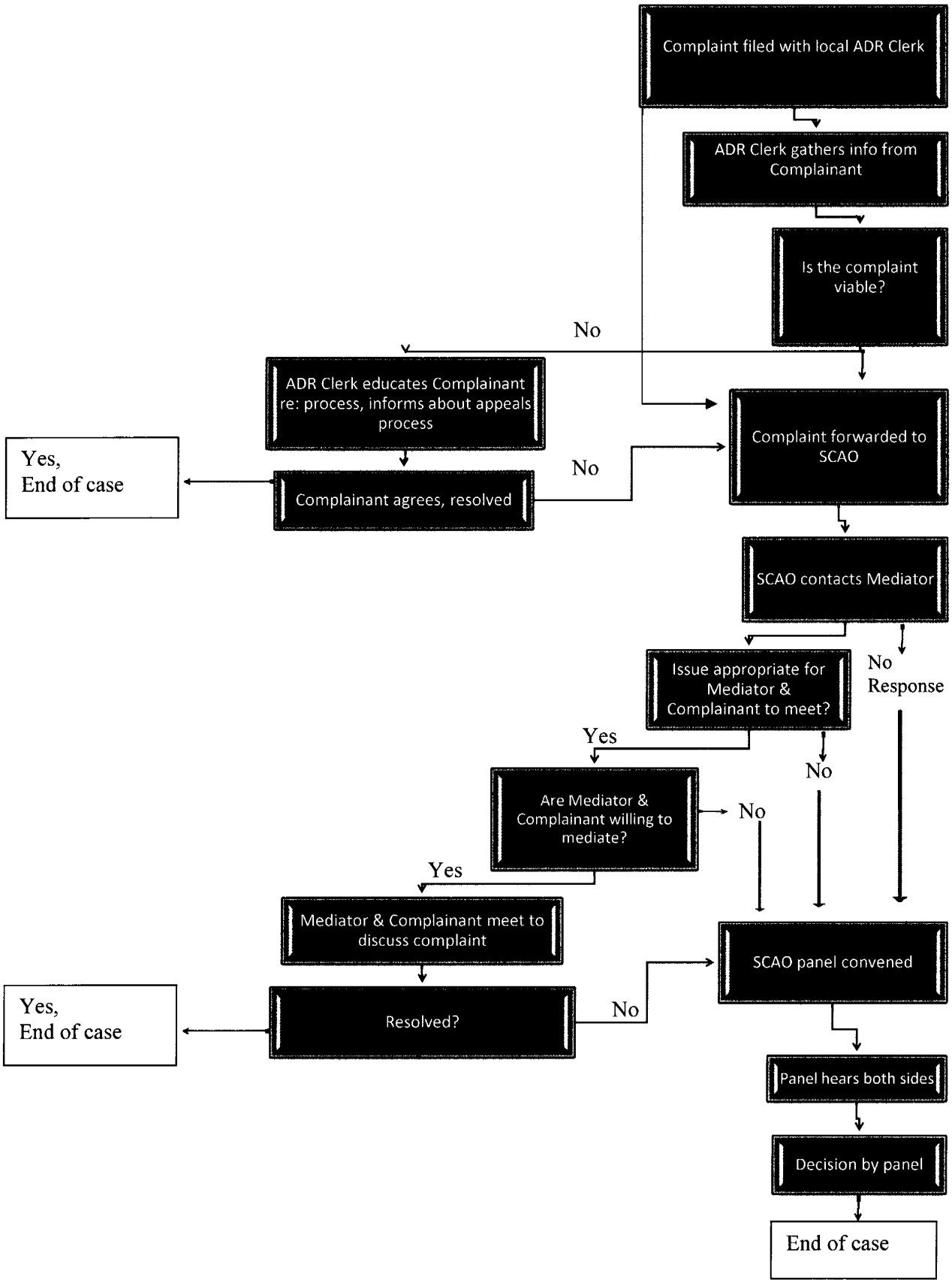
The committee selected the latter notion, and developed a proposal for managing complaints based on a two-tier system: (1) local trial courts could oversee administrative complaints related to noncompliance with court orders or policies, and (2) the SCAO would manage complaints related to mediator service quality that are either initiated at the local level or at the SCAO.

Regarding the first tier, an "administrative infraction" would be managed as currently managed under the court rules, with the local chief judge having authority to remove a mediator from a roster. If a mediator is identified for removal from the roster, the trial court would advise the SCAO, and the mediator would be removed from the counties served by the court. There would be no appeal from the chief judge's determination, as is the case under current court rules.

Regarding the second tier, complaints regarding the quality of mediator service could be filed either with the trial court, or with the SCAO. If filed locally, the ADR clerk would have the option of attempting to address the issue locally, or forwarding the matter to the SCAO. If the

ADR clerk was unable to resolve the matter to the complainant's satisfaction, the complainant or ADR clerk could forward the matter to the SCAO.

The committee recommended that the complaint process utilize mediation, thus the proposal includes a stage where the complainant would be provided an opportunity to meet with the complainant's mediator. If resolved, the matter would be closed; if not, a panel would be convened by the SCAO to determine whether the mediator should be removed from the roster. A flowchart of the proposed system follows.


Complaint filed with local ADR Clerk
ADR Clerk gathers info from Complainant
Is the complaint viable?
No
ADR Clerk educates Complainant re: process, informs about appeals process
Complaint forwarded to SCAO
Yes, End of case
Complainant agrees, resolved
No
SCAO contacts Mediator
Issue appropriate for Mediator & Complainant to meet?
No Response
Yes
No
Are Mediator & Complainant willing to mediate?
No
Yes
Mediator & Complainant meet to discuss complaint
SCAO panel convened
Yes, End of case
Resolved?
No
Panel hears both sides
Decision by panel
End of case

Additional considerations regarding a complaint system follow.

1. The SCAO should determine whether a complaint was solely related to "sour grapes" or was frivolous and not related to the actual practice of the mediator in determining whether to offer mediation or convene a panel.

2. To maximize convenience of the parties, mediation between the complainant and complainant's (first) mediator should be local; panels should be convened regionally.

3. The SCAO should offer training in how to resolve issues at the local level, and when and how to refer matters to the SCAO.

4. Local courts could "opt out" of the local complaint system entirely, and advise complainants to file their matter with the SCAO.

5. "Administrative infractions" should be reported to the SCAO, and a "three strikes" rule should apply that results in the mediator being removed from the roster for all counties. [Less than three strikes results in removal only from the individual county(ies).]

6. A mediator may continue to serve on the roster until a panel issues a determination of removal.

7. Removal should result in a one-year suspension, after which a mediator could reapply by filling out the original roster application.

The following were questions deferred to a later time.

1. What becomes of the record if the complaint is unfounded or founded? The system employed by the Court Reporting and Recording Board of Review was recommended for study.

2. How does the complaint process interface with confidentiality rules? Committee members felt that current confidentiality rule exceptions pertain to the administration of

the complaint, at least through the assignment of a matter to a panel. At the panel level, the committee recommended redacting identifying information. If domestic violence is indicated, all personal information needs to be protected, whether in a complaint or report.

3. The committee recommended that panel hearings not be open to the public, however, the SCAO would need to determine whether Michigan Supreme Court rules for managing administrative matters require the hearings to be open.

4. The SCAO staff should review the Court Reporting and Recording Board of Review complaint system to determine how much information regarding complaints is made available to the public. Questions included: (a) should only a court be able to see a complaint, and not the public; (b) should a synopsis of the complaint and state action appear in a newsletter; (c) how open would the complaint process be, e.g., are there Open Meetings Act and FOIA considerations and should there be a designation of "complaint pending" on the roster; (d) how can confidentiality be protected in the complaint process; (e) who can file a complaint (parties, lawyers, participants, court); and, (f) how does electronic/online mediation fit into these considerations?

Miscellaneous considerations noted by the committee follow.

1. The form for mediators reporting mediation outcomes to courts (MC 274) should include an "update" check box so that the form can be used to inform the court regarding the status of the mediation.

2. Having the online system may make it more attractive for smaller courts to become involved with ADR by removing the mediator qualification administrative functions that could not be locally supported.

3. Courts, the SCAO, and the various ADR associations should consider how best to publicize the roster, once created.

Proposed New Rule and Rule Amendments

RULE 2.413. STATE MEDIATOR LIST.

(A) Scope and Applicability of Rule.

(1) The state court administrator is authorized to maintain a state list of qualified mediators from which courts may appoint mediators under MCR 2.411(B) and MCR 3.216(E).

(2) A court's ADR plan, filed under MCR 2.410(B), may indicate that it will use the list of mediators maintained by the state court administrator for the appointment of mediators if parties do not select their own mediator under MCR 2.411(B) and MCR 3.216(E). If the court uses the list, the court is not required to qualify mediators and maintain a list of mediators under its ADR plan.

(B) Qualification of Mediators. To be eligible to appear on the state list, applicants must meet the qualifications for general civil mediators under MCR 2.411(F) or for domestic relations mediators under MCR 3.216(G).

(C) Application. An eligible person desiring to serve as a mediator may apply to the state court administrator to be placed on the state list of mediators.

(1) The application must include a certification that

(a) the applicant meets the qualifications of MCR 2.411(F) (mediation) or MCR 3.216(G) (domestic relations mediation);

(b) the applicant will not discriminate against parties or attorneys on the basis of race, ethnic origin, sex, or other protected personal characteristics; and

(c) the mediator will comply with the ADR plan of any court for which the mediator will conduct mediation, orders of the court regarding cases submitted to mediation, and

the standards of conduct adopted by the state court administrator under MCR 2.411(G) or MCR 3.216(K).

(2) The applicant must indicate the applicant's fee structure for providing mediation services.

(3) The applicant must reside in or maintain an office in the state of Michigan.

(4) The application shall include an optional section identifying the applicant's sex and racial/ethnic background.

(D) Review of Applications.

(1) Persons meeting the requirements specified in this rule shall be placed on the list of approved mediators. Qualifications may be renewed every 2 years.

(2) Approval of mediators must be made without regard to race, ethnic origin, or sex.

(3) The approved list and the applications of approved mediators shall be available to the public.

(4) Rejection; Reconsideration. Applicants who are not placed on the list must be notified of that decision. Within 21 days of the notice of rejection, the applicant may seek reconsideration. The state court administrator is not required to hold a hearing on the reconsideration request. Documents considered in the initial review process must be retained for at least the period during which the applicant can seek reconsideration of the original decision.

(E) Complaints; Removal from List. The state court administrator may remove from the list mediators who have demonstrated incompetence, bias, made themselves consistently unavailable to serve as a mediator, or for other just cause.

(1) Complaints by trial courts.

(a) A chief judge may request that the state court administrator disqualify a mediator from service in a jurisdiction in which a mediator has disregarded the orders or policies of the court in which a case is being mediated. Within 21 days of notification of the decision to request disqualification of a mediator, the mediator may seek reconsideration of the chief judge's decision. The court does not need to provide a hearing.

(b) After the period for reconsideration has passed, the chief judge's request shall be conveyed to the state court administrator, and the mediator shall be disqualified for service in the court's jurisdiction for a period of three years.

(c) Upon the state court administrator's receipt of three requests for disqualification of a mediator within a five-year period, the mediator shall be removed from the state list for up to three years.

(2) Complaints by others. A complaint against a mediator may be filed with the local ADR clerk or with the state court administrator.

(a) If a complaint is filed with the ADR clerk, the ADR clerk may attempt to resolve the complaint with the consent of the complainant. If the ADR clerk resolves the matter to the complainant's satisfaction, the matter shall be considered ended.

(b) If the ADR clerk chooses not to attempt to resolve the complaint, the complaint shall be forwarded to the state court administrator.

(c) For a complaint filed with the state court administrator, the administrator shall determine whether the complaint is nonfrivolous in nature and, if so, upon the request of at least one party, make available a problem-solving process for the complainant and the mediator.

(d) If the complainant and the mediator resolve the complaint to the complainant's satisfaction, the matter shall be considered closed.

(e) If the complaint is not resolved, the state court administrator shall conduct a hearing according to procedures adopted by the state court administrator.

(f) Following the hearing, a mediator may be removed from the state list for up to three years, after which the mediator can apply to be placed back on the list.

(g) Within 21 days of notification of the decision to remove a mediator from the list, the mediator may seek reconsideration of the panel's decision by the state court administrator. The state court administrator is not required to provide a hearing on the reconsideration request.

(F) Assignment from the list.

(1) If parties do not select their own mediator under MCR 2.411(B) or MCR 3.216(E), the ADR clerk of a court using the state list of mediators may request a mediator assignment from the state court administrator.

(2) The administrator shall make an assignment from mediators indicating their willingness to serve in the jurisdiction of the court requesting the assignment. The assignment must be in a random or rotational manner that assures as nearly as possible that each mediator on the list is assigned approximately the same number of cases over a period of time.

(3) A mediator assigned from the state list may not charge a fee for time and expenses incurred traveling to the jurisdiction of the court requesting the assignment.

RULE 2.410. ALTERNATIVE DISPUTE RESOLUTION.[6]

(A) [Unchanged.]

(B) ADR Plan.

(1) [Unchanged.]

(2) At a minimum, the ADR plan must:

(a) designate an ADR clerk, who may be the clerk of the court, the court administrator, the assignment clerk, or some other person;

(b) if the court refers cases to mediation under MCR 2.411, specify whether the court will maintain a list of mediators ~~how the list of persons available to serve as mediators will be maintained~~ and the system by which mediators will be selected and ~~be~~ assigned from the list under MCR 2.411(B)(3) or whether the court will select mediators from the list maintained by the state court administrator under MCR 2.413;

(c) include provisions for disseminating information about the operation of the court's ADR program to litigants and the public; and

(d) specify how access to ADR processes will be provided for indigent persons. If a party qualifies for waiver of filing fees under MCR 2.002 or the court determines on other grounds that the party is unable to pay the full cost of an ADR provider's services, and free or low-cost dispute resolution services are not available, the court shall not order that party to participate in an ADR process.

(3)-(4) [Unchanged.]

(C)-(F) [Unchanged.]

[6]The following amendments to current rules do not reflect the other proposed amendments currently before the court under ADM 2006-20.

RULE 2.411. MEDIATION.

(A) [Unchanged.]

(B) Selection of Mediator.

(1)-(2) [Unchanged.]

(3) The procedure for selecting a mediator from the ~~approved~~ list of mediators must be established by local ADR plan adopted under MCR 2.410(B). Unless mediators are assigned under MCR 2.413(F), the ~~The~~ ADR clerk shall assign mediators in a rotational manner that assures as nearly as possible that each mediator on the list is assigned approximately the same number of cases over a period of time. If a substitute mediator must be assigned, the same or similar assignment procedure shall be used to select the substitute.

(4) [Unchanged.]

(C)-(G)[Unchanged.]

RULE 3.216. DOMESTIC RELATIONS MEDIATION.

(A)-(D)[Unchanged.]

(E) Selection of Mediator.

(1)-(3) [Unchanged.]

(4) If the parties have not stipulated to a mediator, the judge may recommend, but not appoint, one. If the judge does not make a recommendation, or if the recommendation is not accepted by the parties, the ADR clerk will assign a mediator from the list of qualified mediators maintained either under subrule (F) or by the state court administrator under MCR 2.413(F). The assignment shall be made on a rotational basis, except that if the parties have requested evaluative mediation, only a mediator who is willing to provide an evaluation may be assigned.

(5) [Unchanged.]

(F)-(K)[Unchanged.]

Chief Judge Survey

The proposed new rule would authorize the SCAO to implement and manage a centralized roster while also permitting trial courts to retain their current roster management functions. To assure that the benefits of a centralized roster outweigh the resources required for the SCAO to develop and maintain the roster, the committee recommends that as a next step, the SCAO survey chief judges regarding their intention to either continue the court's local roster or to adopt the centralized roster system if developed and maintained by the SCAO.

Conclusion

The committee recommends that the state court administrator centralize mediator qualification and assignment mechanisms currently managed by the trial courts. The committee believes that this will result in efficiencies for litigants, courts, and mediators. The committee also recommends that courts should be able to retain their own roster if they choose. The draft rule proposals appearing in this report reflect the committee's recommendations for designing a centralized system.

Appendix 1

2/18/2010

Approved ADR and ADV LAOs

COURT	ORDER #	COUNTY_NAME	TYPE	SUBJECT
1st Circuit Court	1988-01	Hillsdale County	ADR - ADR	Selection of Mediators
1st Circuit Court	1997-01	Hillsdale County	ADR - ADR	Selection of Mediators. (See 1988-1 - should this be rescinded by this new order?)
2nd Circuit Court	1988-03	Berrien County	ADR - ADR	Selection of Mediators
3rd Circuit Court	2006-05	Wayne County	ADR - ADR	Plan for Alternative Dispute Resolution (ADR) including Civil Division Case Evaluation and Mediation and Farmily Division Domestic Relations Mediation
4th Circuit Court	2003-01	Jackson County	ADR - ADR	Alternative Dispute Resolution Plan
6th Circuit Court	2003-05	Oakland County	ADR - ADR	ADR Plan
6th Circuit Court	2007-04	Oakland County	ADR - ADV	Mediation Plan for Cases Evaluated for an Amount Not to Exceed $25,000
7th Circuit Court	1998-02	Genesee County	ADR - ADR	Delinquent Mediation Material Filings.
7th Circuit Court	2006-03	Genesee County	ADR - ADR	Pilot for Referring Selected Domestic Relations Disputes to the Community Dispute Resolution Program Center for Mediation
7th Circuit Court	2009-08J	Genesee County	ADR - ADR	ADR Plan
8th Circuit Court	1997-01	Ionia County	ADR - ADR	Mediation. Revised 8/8/97 and again 9/22/97.
8th Circuit Court	1997-01	Montcalm County	ADR - ADR	Mediation. Revised 8/8/97 and again 9/22/97.
9th Circuit Court	2009-04	Kalamazoo County	ADR - ADR	Order Adopting Alternative Dispute Resolution Plan
10th Circuit Court	2008-01J	Saginaw County	ADR - ADV	Alternative Dispute Resolution Plan
13th Circuit Court	2006-03	Antrim County	ADR - ADV	Alternative Dispute Resolution Plan
13th Circuit Court	2006-03	Grand Traverse County	ADR - ADV	Alternative Dispute Resolution Plan
13th Circuit Court	2006-03	Leelanau County	ADR - ADV	Alternative Dispute Resolution Plan
14th Circuit Court	1985-01	Muskegon County	ADR - ADR	Mediation
14th Circuit Court	1997-03	Muskegon County	ADR - ADR	Selection of Mediators. Order Revoked by SCAO 4/24/97. Resubmitted in September and approved 10/28/97.
14th Circuit Court	2003-02J	Muskegon County	ADR - ADR	Alternative Dispute Resolution Plan
14th Circuit Court	1988-01	Muskegon County	ADR - ADR	Selection of Mediators
15th Circuit Court	1989-02	Branch County	ADR - ADR	Selection of Mediators
15th Circuit Court	1997-01	Branch County	ADR - ADR	Mediation
16th Circuit Court	2004-07	Macomb County	ADR - ADR	ADR Plan
17th Circuit Court	2002-02	Kent County	ADR - ADR	Alternative Dispute Resolution Plan
17th Circuit Court	2008-05	Kent County	ADR - ADV	Mediation Plan for Cases Evaluated for an Amount Not to Exceed $25,000.
18th Circuit Court	2007-08J	Bay County	ADR - ADR	Local Alternatative Dispute Resolution Plan Effective: January 1, 2007
19th Circuit Court	2004-03	Benzie County	ADR - ADR	Alternative Dispute Resolution
19th Circuit Court	2004-03	Manistee County	ADR - ADR	Alternative Dispute Resolution
20th Circuit Court	2002-02J	Ottawa County	ADR - ADR	Alternative Dispute Resolution Plan
22nd Circuit Court	1985-01	Washtenaw County	ADR - ADR	Mediation procedures
22nd Circuit Court	1987-05	Washtenaw County	ADR - ADR	Domestic relations mediation
22nd Circuit Court	1998-02DJ	Washtenaw County	ADR - ADR	Mediation - Re: Mediator Disqualification Policy
22nd Circuit Court	2001-08DJ	Washtenaw County	ADR - ADR	Alternative Dispute Resolution Plan
24th Circuit Court	2008-01J	Sanilac County	ADR - ADV	Plan for Alternative Dispute Resolution, Case Evaluation, Mediation, Domestic Relations Mediation, and Community Dispute Resolution
25th Circuit Court	2007-01	Marquette County	ADR - ADR	Alternative Dispute Resolution Plan for Mediation
26th Circuit Court	2001-01	26th Circuit Court - Alpena	ADR - ADR	Alternative Dispute Resolution Plan
26th Circuit Court	2001-01	26th Circuit Court - Montmorency	ADR - ADR	Alternative Dispute Resolution Plan
28th Circuit Court	2005-03	Missaukee County	ADR - ADR	Alternative Dispute Resolution

COURT	ORDER #	COUNTY_NAME	TYPE	SUBJECT
28th Circuit Court	2005-03	Wexford County	ADR - ADR	Alternative Dispute Resolution
29th Circuit Court	1998-02	Clinton County	ADR - ADR	Mediation
29th Circuit Court	1998-02	Gratiot County	ADR - ADR	Mediation
30th Circuit Court	1985-23	Ingham County	ADR - ADR	Designation of Civil Mediation Clerk
30th Circuit Court	1995-01	Ingham County	ADR - ADR	Domestic Relations Mediation Service
30th Circuit Court	2002-01	Ingham County	ADR - ADR	Alternative Dispute Resolution Plan
33rd Circuit Court	2006-05	Charlevoix County	ADR - ADR	Order Adopting Local Alternative Dispute Resolution Plan
34th Circuit Court	2004-04	Ogemaw County	ADR - ADR	Alternative Dispute Rsolution Plan
34th Circuit Court	2004-04	Roscommon County	ADR - ADR	Alternative Dispute Rsolution Plan
35th Circuit Court	2001-02	Shiawassee County	ADR - ADR	Alternative Dispute Resolution Plan
36th Circuit Court	2001-02J	Van Buren County	ADR - ADV	Alternative Dispute Resolution Plan and Case Evaluation Order
37th Circuit Court	2002-01	Calhoun County	ADR - ADR	Local Alternative Dispute Resolution Plan
38th Circuit Court	2000-06J	Monroe County	ADR - ADR	Case Evaluation Practice and Selection of Mediation Panels
39th Circuit Court	1988-02	Lenawee County	ADR - ADR	Selection of Mediators
39th Circuit Court	1997-01	Lenawee County	ADR - ADR	Selection of Mediators
40th Circuit Court	1997-01J	Lapeer County	ADR - ADR	Joint order with D71A re Mediation.
40th Circuit Court	2004-05J	Lapeer County	ADR - ADV	Alternative Dispute Resolutin Plan
41st Circuit Court	2005-01	Dickinson County	ADR - ADR	Alternative Dispute Resolution Plan
41st Circuit Court	2005-01	Menominee County	ADR - ADR	Alternative Dispute Resolution Plan
42nd Circuit Court	1997-02J	Midland County	ADR - ADR	Mediation.
43rd Circuit Court	1988-01	Cass County	ADR - ADR	Selection of Mediators
43rd Circuit Court	1992-01	Cass County	ADR - ADR	Mediation
43rd Circuit Court	2004-05J	Cass County	ADR - ADV	Alternative Dispute Resolution
44th Circuit Court	1988-01	Livingston County	ADR - ADR	Selection of Mediators
44th Circuit Court	2003-10J	Livingston County	ADR - ADR	Alternative Dispute Resolution Plan for the Livingston County Courts
45th Circuit Court	2002-03	St. Joseph County	ADR - ADR	Alternative Dispute Resolution Plan
46th Circuit Court	2008-06	Crawford County	ADR - ADR	Order Adopting Local Alternative Dispute Resolution Plan
46th Circuit Court	2008-06	Kalkaska County	ADR - ADR	Order Adopting Local Alternative Dispute Resolution Plan
46th Circuit Court	2008-06	Otsego County	ADR - ADR	Order Adopting Local Alternative Dispute Resolution Plan
48th Circuit Court	1997-01	Allegan County	ADR - ADR	Mediation.
48th Circuit Court	2008-01	Allegan County	ADR - ADV	Alternative Dispute Resolution (ADR) Plan
49th Circuit Court	2005-03	Mecosta County	ADR - ADR	Alternative Dispute Resolution Plan
49th Circuit Court	2005-03	Osceola County	ADR - ADR	Alternative Dispute Resolution Plan
51st Circuit Court	1997-03J	Mason County	ADR - ADR	Mediation
51st Circuit Court	2003-05J	Mason County	ADR - ADR	Order Adopting Local Alternative Dispute Resolution Plan for Mason County
52nd Circuit Court	1998-02	Huron County	ADR - ADR	Mediation
53rd Circuit Court	2003-07	Cheboygan County	ADR - ADR	Alterative Dispute Resolution
53rd Circuit Court	2003-07	Presque Isle County	ADR - ADR	Alterative Dispute Resolution
54th Circuit Court	1997-02	Tuscola County	ADR - ADR	Mediation
54th Circuit Court	2003-02J	Tuscola County	ADR - ADR	Alternative Dispute Resolution Plan
55th Circuit Court	1998-01	Clare County	ADR - ADR	MEDIATION
55th Circuit Court	2005-03	Clare County	ADR - ADR	Alternative Dispute Resolution Plan
55th Circuit Court	2005-03	Gladwin County	ADR - ADR	Alternative Dispute Resolution Plan
55th Circuit Court	1998-01	Gladwin County	ADR - ADR	MEDIATION
56th Circuit Court	2001-01J	Eaton County	ADR - ADV	ADR Plan and Case Evaluation Order
57th Circuit Court	2008-01	Emmet County	ADR - ADR	Local Alternative Dispute Resolution Plan
1st District Court	2000-06J	Monroe County	ADR - ADR	Case Evaluation Practice and Selection of Mediation Panels
7th District Court	2001-03J	Van Buren County	ADR - ADV	Alternative Dispute Resolution Plan and Case Evaluation Order

COURT	ORDER #	COUNTY_NAME	TYPE	SUBJECT
10th District Court	2002-08	Calhoun County	ADR - ADR	Alternative Dispute Resolution Plan
14A District Court	1988-07	Washtenaw County	ADR - ADR	Selection of Mediators
14A District Court	2004-05	Washtenaw County	ADR - ADR	Alternative Dispute Resolution - Small Claims
17th District Court	1997-06	Wayne County	ADR - ADR	Mediation
18th District Court	1997-02	Wayne County	ADR - ADR	Selecting Mediation Panels utilizing process established by 3rd Circuit.
18th District Court	2008-03	Wayne County	ADR - ADR	Order Adopting Local Alternative Dispute Resolution Plan
19th District Court	1988-01	Wayne County	ADR - ADR	Selection of Mediators
20th District Court	1988-01	Wayne County	ADR - ADR	Selection of Mediators
21st District Court	2004-06	Wayne County	ADR - ADR	Order Adopting Local Alternative Dispute Resolution Plan
23rd District Court	2006-03	Wayne County	ADR - ADR	Alternative Dispute Resolution Plan
24th District Court	2005-02	Wayne County	ADR - ADR	Alternative Dispute Resolution Plan
25th District Court	1988-01	Wayne County	ADR - ADR	Selection of Mediators
26th District Court	1988-01	Wayne County	ADR - ADR	Selection of Mediators
26th District Court	2007-01	Wayne County	ADR - ADR	Alternative Dispute Resolution Plan
27th District Court	1998-02	Wayne County	ADR - ADR	Selection of Mediators - Rescinds 1997-02
29th District Court	2004-02	Wayne County	ADR - ADV	Local Alternative Dispute Resolution Plan
33rd District Court	1988-02	Wayne County	ADR - ADR	Selection of Mediators
33rd District Court	2007-01	Wayne County	ADR - ADR	Alternative Dispute Resolution Plan
36th District Court	1999-07	Wayne County	ADR - ADR	MEDIATION PROCEDURES
37th District Court	1988-01	Macomb County	ADR - ADR	Selection of Mediators
38th District Court	2004-08	Macomb County	ADR - ADR	Local Alternative Dispute Resolution Plan
39th District Court	1997-02	Macomb County	ADR - ADR	Mediation.
41A District Court	1989-01	Macomb County	ADR - ADR	Selection of Mediators
41B District Court	1990-01	Macomb County	ADR - ADR	Selection of Mediation
44th District Court	1988-02	Oakland County	ADR - ADR	Selection of Mediators
45A District Court	1988-02	Oakland County	ADR - ADR	Selection of Meditors
46th District Court	2001-01	Oakland County	ADR - ADR	Order Adopting Local Alternative Dispute Resolution Plan
51st District Court	2000-07	Oakland County	ADR - ADR	Order Adopting Local Alternative Dispuste Resolution Plan
52nd District Court	2001-02	Oakland County	ADR - ADR	Order Adopting Alternative Dispute Resolution Plan
53rd District Court	2003-06J	Livingston County	ADR - ADR	Alternative Dispute Resolution Plan for the Livingston County Courts
54A District Court	1997-03	Ingham County	ADR - ADR	Mediation Plan.
54A District Court	2004-01	Ingham County	ADR - ADR	Mandatory Mediation of Small Claims Cases
54B District Court	1998-01	Ingham County	ADR - ADR	Mediation
55th District Court	2003-02	Ingham County	ADR - ADR	Mandatory Mediation of Small Claims Cases
55th District Court	2003-03	Ingham County	ADR - ADR	Alternative Dispute Resolution
56A District Court	2001-01J	Eaton County	ADR - ADV	ADR Plan and Case Evaluation Order
58th District Court	2002-03J	Ottawa County	ADR - ADR	Alternative Dispute Resolution Plan
61st District Court	1999-04	Kent County	ADR - ADR	Mediation Procedures
64A District Court	2007-01	Ionia County	ADR - ADR	Alternative Dispute Resolution Plan
67th District Court	1988-01	Genesee County	ADR - ADR	Selection of Mediators
70th District Court	1988-01	Saginaw County	ADR - ADR	Selection of Mediators
70th District Court	2008-01J	Saginaw County	ADR - ADV	Alternative Dispute Resolution Plan
71A District Court	1997-01J	Lapeer County	ADR - ADR	Joint order with D71A re Mediation.
71A District Court	2004-03J	Lapeer County	ADR - ADV	Alternative Dispute Resolutin Plan
71B District Court	1999-02	Tuscola County	ADR - ADR	Mediation Procedures
72nd District Court	2005-02	St. Clair County	ADR - ADR	Alternative Dispute Resolution Plan
73A District Court	2008-01J	Sanilac County	ADR - ADV	Plan for Alternative Dispute Resolution, Case Evaluation, Mediation, Domestic Relations Mediation, and Community Dispute Resolution

COURT	ORDER #	COUNTY_NAME	TYPE	SUBJECT
74th District Court	2001-01J	Bay County	ADR - ADR	Alternate Dispute Resolution Plan
75th District Court	1988-01	Midland County	ADR - ADR	Selection of Mediators
75th District Court	1997-02J	Midland County	ADR - ADR	Mediation.
79th District Court	2003-03J	Mason County	ADR - ADR	Order Adopting Local Alternative Dispute Resolution Plan for Mason County
81st District Court	2007-04	Oscoda County	ADR - ADR	Alternative Dispute Resolution Plan
84th District Court	2009-02	Missaukee County	ADR - ADR	Alterntive Dispute Resolution
84th District Court	2009-02	Wexford County	ADR - ADR	Alterntive Dispute Resolution
86th District Court	2005-07	Antrim County	ADR - ADR	Alternative Dispute Resolution Plan
86th District Court	2005-07	Leelanau County	ADR - ADR	Alternative Dispute Resolution Plan
86th District Court	2005-07	Grand Traverse County	ADR - ADR	Alternative Dispute Resolution Plan
92nd District Court	2005-01	Luce County	ADR - ADR	Alternative Dispute Resolution Plan
92nd District Court	2005-01	Mackinac County	ADR - ADR	Alternative Dispute Resolution Plan
95B District Court	2005-02	Dickinson County	ADR - ADR	Alternative Dispute Resolution Plan
Grosse Pte. Municipal C	2004-03	Wayne County	ADR - ADR	Mediation Procedures
Alcona County Probate	1988-01	Alcona County	ADR - ADR	Selection of Mediators
Allegan County Probate	2002-05	Allegan County	ADR - ADR	Mediation Procedures
Alpena County Probate	2003-01	Alpena County	ADR - ADR	Local Alternative Dispute Resolution Plan
Arenac County Probate	1988-01	Arenac County	ADR - ADR	Selection of Mediators
Barry County Probate C	1992-03	Barry County	ADR - ADR	Selection of Mediators
Bay County Probate Cou	1990-03	Bay County	ADR - ADR	Mediation Procedure
Bay County Probate Cou	2001-01J	Bay County	ADR - ADR	Alternate Dispute Resolution Plan
Calhoun County Probate	2002-01	Calhoun County	ADR - ADR	Alternative Dispute Resolution Plan
Cass County Probate C	1997-09	Cass County	ADR - ADR	Selection of Mediators; Replaces 1988-6 which was rescinded by 1997-01.
Eaton County Probate C	2001-01J	Eaton County	ADR - ADV	ADR Plan and Case Evaluation Order
Ingham County Probate	2004-04	Ingham County	ADR - ADR	Alternative Dispute Resolution Plan
Ionia County Probate C	1988-01	Ionia County	ADR - ADR	Selection of Mediators
Jackson County Probate	1997-01	Jackson County	ADR - ADR	Confidential Intermediaries in Probate Court.
Jackson County Probate	2003-02	Jackson County	ADR - ADR	Alternative Dispute Resolution Plan
Kalamazoo County Prob	2004-02	Kalamazoo County	ADR - ADV	Alternative Dispute Resolution and Case Evaluation Plan
Lapeer County Probate	2004-02J	Lapeer County	ADR - ADV	Alternative Dispute Resolutin Plan
Mason County Probate	1988-01	Mason County	ADR - ADR	Selection of Mediators
Mason County Probate	2003-01J	Mason County	ADR - ADR	Order Adopting Local Alternative Dispute Resolution Plan for Mason County
Midland County Probate	1994-01	Midland County	ADR - ADR	Selection of Mediators
Midland County Probate	1997-01J	Midland County	ADR - ADR	Mediation.
Montcalm County Proba	1988-01	Montcalm County	ADR - ADR	Selection of Mediators
Muskegon County Proba	2003-01J	Muskegon County	ADR - ADR	Alternative Dispute Resolution Plan
Newaygo County Probat	1988-01	Newaygo County	ADR - ADR	Selection of Mediators
Oakland County Probate	2004-04	Oakland County	ADR - ADR	Local Alternative Dispute Resolution Plan
Ottawa County Probate	2002-02J	Ottawa County	ADR - ADR	Alternative Dispute Resolution Plan
Roscommon County Pro	1988-02	Roscommon County	ADR - ADR	Selection of Mediators
Saginaw County Probate	2002-04	Saginaw County	ADR - ADR	Alternative Dispute Resolution
Saginaw County Probate	2008-01J	Saginaw County	ADR - ADV	Alternative Dispute Resolution Plan
St. Clair County Probate	1993-01	St. Clair County	ADR - ADR	Selection of Mediators
Sanilac County Probate	2008-01J	Sanilac County	ADR - ADV	Plan for Alternative Dispute Resolution, Case Evaluation, Mediation, Domestic Relations Mediation, and Community Dispute Resolution
Shiawassee County Pro	1989-01	Shiawassee County	ADR - ADR	Selection of Mediators
Shiawassee County Pro	2009-01	Shiawassee County	ADR - ADR	Alternative Dispute Resolution Plan
Tuscola County Probate	1988-1	Tuscola County	ADR - ADR	Selection of Mediators

COURT	ORDER #	COUNTY_NAME	TYPE	SUBJECT
Tuscola County Probate	2003-01J	Tuscola County	ADR - ADR	Alterntive Dispute Resolution Plan
Van Buren County Prob	2001-02J	Van Buren County	ADR - ADV	Alternative Dispute Resolution Plan and Case Evaluation Order
Washtenaw County Prob	1998-02DJ	Washtenaw County	ADR - ADR	Mediation - Re: Mediator Disqualification Policy
Washtenaw County Prob	2001-08DJ	Washtenaw County	ADR - ADR	Alternative Dispute Resolution Plan
Wayne County Probate	2000-05	Wayne County	ADR - ADR	New Alternative Dispute Resolution Rules - Case Evaluation Procedures
Wayne County Probate	2002-01	Wayne County	ADR - ADR	Alternative Dispute Resolution - Mediation Procedures
Clare/Gladwin Probate D	1991-01CG	Clare County	ADR - ADR	Mediation
Clare/Gladwin Probate D	1991-01CG	Gladwin County	ADR - ADR	Mediation
Barry County Trial Court	1997-03D	Barry County	ADR - ADR	Mediation Plan.
Barry County Trial Court	2006-01	Barry County	ADR - ADR	Local Alternative Dispute Resolution Plan
Berrien County Trial Cou	2002-01D	Berrien County	ADR - ADR	Local Alternative Dispute Resolution Plan for Civil (Non-Domestic) Cases
Isabella County Trial Co	1997-12D	Isabella County	ADR - ADR	Mediation
Isabella County Trial Co	2003-02D	Isabella County	ADR - ADR	Alternative Dispute Resolution
Iron County Trial Court	2003-04D	Iron County	ADR - ADR	Alternative Dispute Resolution Plan

Reduction of Administrative Costs and Time Requirements for ADR Clerks at Circuit Courts:

Initiative to Centralize Verification and Management of Eligibility for Court Approved Mediators

Mediation has become widely used as an effective tool for settlement of litigation. Through mediation, parties can save time and costs of litigation, and can craft creative agreements that are customized to their particular needs and concerns. Generally, in addition to saving time and money during the litigation phase, mediation helps to keep court dockets free from enforcement and other post-judgment litigation, because implications of the terms of agreements reached at mediation have been discussed and considered as part of the settlement process.

Authority and guidelines for use of mediation come from MCR 2.411 in the case of civil mediation, and MCR 3.216 in the case of domestic relations mediation. A rule for mediation in probate cases is also currently being contemplated. **In most cases that are ordered to mediation, the parties agree to ask the court to appoint a specific mediator.** Under both MCR 2.411 and MCR 3.216, the Court "must appoint a mediator stipulated to by the parties, provided the mediator is willing to serve within a period that would not interfere with the court's scheduling of the case for trial."

However, there are also a number of cases in which the parties cannot reach agreement on the mediator to be used. In those cases, the Rules provide for appointment of mediators on a rotational basis from a court approved list of mediators. The development and maintenance of this court approved list of mediators, which is used only in the small number of cases where the parties cannot agree on a mediator, can take significant time and energy for local Circuit Court ADR clerks. These clerks must assure that those on the court approved list meet the criteria set forth in the court rules. This includes collecting and maintaining documentation of initial qualification for the list, assuring and documenting that continuing education requirements are met, and managing processes required for renewal of court approval.

Currently, each Circuit Court handles this administrative process on its own. Mediators who are on the list at more than one court are providing essentially the same documentation of attendance at training and other requirements to different courts on different timetables.

There is an opportunity to streamline this process by centralizing the management of documentation for court approved mediators at the state level. Court clerks would simply verify that a mediator meets qualifications before appointing that mediator in a case, or otherwise listing the mediator as a member of that court's approved mediator list. In addition to reducing administrative costs, this initiative could also achieve other benefits, such as integrating feedback on the actual performance of mediators from the list to support ongoing quality assurance.

To explore the costs and feasibility associated with this initiative, SCAO has assembled a team of mediators, ADR clerks, and representatives of Dispute Resolution Centers from across the state. That team has endorsed the concept of centralizing the maintenance of the roster of court mediators, and has identified several issues to be considered in carrying this initiative forward. The team has now divided into work groups to further study the following categories of issues:

1. Technology

2. Quality assurance

3. Process for application, maintenance, and renewal

Once a proposal is developed, an additional work group will need to be formed to carry the process of amending the court rules forward.

This paper has been developed to obtain feedback on the considerations in each of the categories, as well as to learn of any other issues or ideas that people have.

The following are specific considerations in each category:

1. Technology:

a. **Model for a statewide mediator roster**: The Court Reporter system is an existing system designed and developed by the state. There are many similarities between the requirements for this system and the mediation roster system. The Court Reporter system accommodates managing credentials, and provides easy access to a state administrative coordinator as well as direct access to court reporters. There is control over which fields can be modified at each level of access. Although there would need to be some adaptations to use a system like this for a statewide mediation roster, the basic needs would be able to be satisfied.

b. **Other existing models:** Other states, which have been very involved in mediation, have models of statewide mediator rosters. Examples include Maryland, which has one through a professional association, (http://adr.mdjustice.org/search/index.asp) and Virginia, which has a searchable data base on its state court website (http://webdev.courts.state.va.us/drs/form-g.html).

c. **Costs to create and maintain data base:** These costs are now generally embedded in Circuit Court ADR clerk budgets. There would need to be some direct allocation of budget at the state level.

d. **Specific features of roster system**: This includes what process will be used to create the rotation that brings a certain name up in court (and whether appearance on one court's list would affect the rotation in another court), user friendliness of data entry, and possible inclusion of fields that can be promoted to the public and other professionals to assist in marketing mediation practices.

2. Quality assurance:

a. Complaint process: Each Circuit Court's ADR plan specifies a process by which complaints may be lodged about the conduct of mediators on the court approved list. The process by which complaints are investigated varies widely by court, and there is no formal process for sharing complaints and their resolution across courts. A statewide roster would allow for development of a consistent process to gather and investigate complaints, assuring that mediators have access to due process and that local counties maintain the right to craft initial resolutions. One model is the process for gathering complaints about treatment of prisoners. The complaints from prisoners go to the Regional Offices then to the Court Administrator for local evaluation. Only issues that are not resolved at the local level would continue on to statewide review.

b. **Establishment of and adherence to practice standards relative to both mediation processes and to ethical practice**: Although there are standards in place, the ability to clearly articulate those standards and provide support to practitioners can be managed through a centralized system.

3. Process for application, maintenance, and renewal:

a. Standardizing times for renewal and updating of certification: Currently, appointments expire in most counties at the anniversary of application. This can be extremely cumbersome for mediators, who must submit the same materials to different counties at different times. In contrast, the Court Reporter system has the same expiration date for all members of its list. Alternatives to that could be to stagger expirations by last name or some other criterion.

b. **Obtaining court approval for mediators who do not meet criteria set forth in the rules, but whose experiences meet local court requirements**: This is currently possible under the court rules, and the establishment of a statewide roster would not impede this process.

Please provide your feedback on this issue, or any questions or comments you may have by February 1, 2010, to Doug Van Epps, Director, Office of Dispute Resolution, State Court Administrative Office, at vaneppsd@courts.mi.gov, or at 517-373-4839. Thank you.