

STATE OF MICHIGAN

CIRCUIT COURT FOR THE COUNTY OF MACOMB

In re Mediation of Cases Evaluated for Less than \$25,000

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Administrative Order 2006-2

Beginning August 1, 2006 and effective until further order of the Court, the 16<sup>th</sup> Judicial Circuit adopts the following pilot program to mediate cases that are evaluated for less than \$25,000 during case evaluation pursuant to MCR 2.403.

1. Upon expiration of the MCR 2.403 acceptance/rejection period, in Circuit Court cases in which the evaluators appointed pursuant to MCR 2.403 render an aggregate award of less than \$25,000 which is not accepted by all parties, an Order for Mediation may issue. The order shall state that:
  - A. Within 14 days, the parties may stipulate to an amendment of the pleadings that the damages are less than \$25,000 and to the transfer of the case to the appropriate district court pursuant to MCR 2.227;
  - B. Within 14 days, a party may file objections to the Order for Mediation and notice them for hearing before the Circuit judge assigned to the case;
  - C. Within 14 days, the parties may agree upon a mediator of their choice for ADR pursuant to MCR 2.410;
  - D. If the parties do not invoke either A, B or C, above, the matter will be referred to The Resolution Center for mediation pursuant to MCR 2.410 and this Order.. The Resolution Center shall appoint a mediator and shall promptly mediate the case.
2. Mediators. All mediators used by The Resolution Center for mediations pursuant to this Order shall meet the qualifications listed in MCR 2.411(F).
4. Information Dissemination. Written documentation regarding this program shall be made available at convenient locations, including the Court building and Macomb County Bar Association office. Information on the program will also published for the benefit of the Bar in the Macomb County Bar Association Bar Brief's magazine and be posted on the Macomb County Circuit Court Web site.
5. Attendance. Attendance at mediation is governed by MCR 2.410(D).
6. Fees –The parties shall pay The Resolution Center or any mutually agreed-upon mediator their initial fee on or before the date of the mediation. This does not preclude a mediator from billing for additional time pursuant to MCR 2.410. Each party is responsible for his, her or its mediation

fees. Fees shall be paid directly to The Resolution Center or any mutually selected mediator. The Resolution Center shall provide low or no cost mediation to a party who is indigent. A failure to pay the mediation fee which prevents the mediation from proceeding shall be treated as a failure to attend the mediation, and may subject the offender to sanctions.

7. Submission of Documents. Each party shall submit a brief summary outlining the disputed facts and issues in the case to The Resolution Center or designated mediator prior to the scheduled mediation date as directed by the mediator or The Resolution Center.

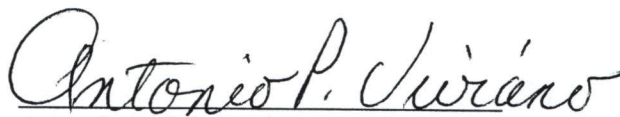
8. Reports. The Resolution Center or any mediator appointed pursuant to this plan shall provide a written report to the Circuit Court Assignment Clerk within 7 days of the completion of the process, indicating who participated in the mediation, whether the case was resolved and whether further proceedings are contemplated.

9. Settlements. If a case is settled, the parties shall present a stipulated order or judgment for entry to the judge assigned to the case within 21 days of settlement or the close of mediation.

10. Further proceedings. If a case is not settled, the Circuit Court Assignment Clerk shall schedule the case before the assigned judge for further proceedings. Participation in this pilot does not prevent the Court from ordering the case to other alternative dispute resolution processes pursuant to MCR 2.410 and LAO 2004-7.

11. A process to evaluate the efficacy of the pilot program shall be developed.

This Order is effective: July 10, 2006

  
Antonio P. Viviano,  
Chief Judge

Dated: June 28, 2006