

STATE OF MICHIGAN GENESEE COUNTY 7 th JUDICIAL CIRCUIT GENESEE CO. PROBATE COURT 68 th DISTRICT COURT	In Re: ADR Plan	LOCAL ADMINISTRATIVE ORDER LAO 2003-6J LAO 2003-7J LAO 2003-1J
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7th Judicial Circuit Court, 900 S. Saginaw St., Flint, MI 48502 (810) 424-4355
Genesee County Probate Court 900 S. Saginaw ST. Flint, MI 48502 (810) 257-3238
68TH District Court 630 S. Saginaw St. Flint, MI 48502 (810) 766-8970

7th JUDICIAL CIRCUIT COURT

ALTERNATIVE DISPUTE RESOLUTION (“ADR”) PLAN

Pursuant to the authority of MCR 2.410, the 7th Judicial Circuit Local Administrative Order (LAO) 2003-8J and Genesee County Probate Court Local Administrative Order (LAO) 2003-5J the following Alternate Dispute Resolution Plan is hereby submitted, effective immediately. This Local Administrative Order rescinds the previous 7th Judicial Circuit LAO 2001-6J and Genesee County Probate Court LAO 2001-3.

Alternative Dispute Resolution (“ADR”) means “any process designed to resolve a legal dispute in the place of court adjudication.” ADR includes settlement conferences ordered under MCR 2.401; case evaluation under MCR 2.403; mediation under MCR 2.411; domestic relations mediation under MCR 3.216; and other procedures provided by local court rule or ordered on stipulation of the parties; e.g., arbitration, summary jury trial.

All civil cases are subject to ADR processes unless otherwise provided by statute or court rule.

These alternative dispute resolution procedures are subject to and, in the event of a conflict with, are superceded by the provisions of MCR 2.401, 2.403, 2.404, 2.410, 2.411 and 3.216.

A. ADR CLERK AND CASE SCREENING.

1) Designation of ADR Clerk.

The court designates the Deputy Court Administrator to serve as the ADR Clerk. In addition to other responsibilities assigned to the ADR Clerk by the Court, the ADR Clerk shall maintain all records pertaining to the Court’s ADR Program, including applications for and lists of case evaluators, general civil mediators, and domestic relations mediators. The ADR Clerk shall be responsible for coordinating the referral of cases to ADR and tracking the progress of cases through ADR processes. The ADR Clerk shall also be responsible for disseminating information on the ADR Plan to litigants and the public and shall prepare the annual report, all as set forth below.

2) Case Screening.

The court may issue an order referring a case to case evaluation, mediation or other ADR process upon stipulation of the parties, upon motion by either party or upon the court's own motion. In domestic relations cases where a personal protection order is in effect or there is a child abuse or neglect proceeding, no case shall be referred to mediation without a hearing to determine whether mediation is appropriate. The ADR Clerk shall assist the Court to develop a screening process to identify such cases.

B. CASE EVALUATION LISTS.

Under MCR 2.403, the Court may submit any civil action in which the relief sought is primarily money damages or division of property to case evaluation (formerly known as mediation). "Case evaluation" is a process by which a panel of three qualified case evaluators assess the relative strengths and weaknesses of the parties' legal positions and immediately assign a value to the case. Rejection of a case evaluation may result in the subsequent assessment of significant monetary sanctions.

1) Case Evaluation List - Application.

An eligible person desiring to serve as a case evaluator may apply to the ADR Clerk to be placed on the list of qualified case evaluators. Application forms shall be available in the office of the ADR Clerk. The application form for a case evaluator shall comply with the requirements of MCR 2.404(B)(1).

2) Case Evaluator; Eligibility Requirements; Responsibilities.

To be eligible to serve as a case evaluator, a person must meet the following qualifications:

- a. The applicant must have been a practicing lawyer for at least five years and be a member in good standing of the State Bar of Michigan.
- b. The applicant must reside, maintain an office, or have an active practice in the County of Genesee.
- c. The applicant must demonstrate that a substantial portion of the applicant's practice for the last 5 years has been devoted to civil litigation matters, including investigation, discovery, motion practice, case evaluation, settlement, trial preparation and/or trial.
- d. The applicant must have had an active practice in the subject area of the assigned sublist for at least the last three years.

3) Review of Applications for Case Evaluators.

- a. Once every other year the Court will disseminate information to potentially interested persons that the review process is approaching. Any person interested in providing case evaluation services is invited to submit an application to the ADR Clerk, who will distribute all applications received since the last review process to the Case Evaluation Selection Committee for review.
- b. Applications for service as a case evaluator will be reviewed in January by a Case Evaluation Selection Committee composed of five (5) attorneys appointed by the President of the Genesee County Bar Association, the ADR Clerk and the Presiding Judge of the Civil Division.
- c. The attorneys appointed by the President of the Genesee County Bar Association will serve on the committee for a term of two years. The Presiding Judge and the ADR Clerk shall serve by virtue of their office.
- d. Applicants will be notified of their inclusion or rejection from the case evaluation pool by form letter by February 1st of each year. If an applicant is rejected the committee shall inform the applicant of the reason therefor.
- e. An applicant may seek reconsideration of a rejection by submitting a written request therefor together with any documentation in support of that request. Such request shall be submitted to the ADR Clerk by February 15th.
- f. The Chief Judge or his or her designee will review all appeals and will make a final decision by March 15th.
- g. The revised case evaluation pool list will be issued April 1st to commence use on July 1st of odd numbered years.
- h. The list of case evaluators will be available to all members of the public in the ADR Clerk's office. The ADR Clerk shall take all steps necessary to assure that as far as reasonably possible the list of case evaluators shall fairly reflect the racial, ethnic and gender diversity of the members of the state bar in the 7th judicial circuit who are eligible to serve as case evaluators. Selection of the case evaluators shall be made without regard to race, ethnic origin or gender.

4) Specialized Lists.

Case evaluation panels will be divided between Personal Injury matters and Other Civil matters. Personal Injury cases include the following case codes: CL, NI, ND, NF, NP, NH, NM, NS and NO. Other Civil cases include the following case codes: CB, CC, CK, CE, CF, CH, CR, CP and CZ. Personal Injury case evaluators must also indicate on their application if they wish to serve as neutral, plaintiff or defense case evaluators.

5) Term of Enrollment on Case Evaluator List.

Once an applicant is approved for inclusion on the case evaluator list, she or he will remain on the list for a term not to exceed 5 years, barring any disciplinary actions or complaints. At 5 years, the applicant must renew his or her application by filing a new application for placement on the list of case evaluators in the same manner as persons seeking to be added to the list.

6) Removal from the List.

Any written complaint concerning a case evaluator must be submitted to the Chief Circuit Judge.

- a) The Chief Circuit Judge or his or her designee will review all complaints at least annually, or as they arise.
- b) The Chief Circuit Judge or his or her designee will have authority to interview the grieved case evaluator and the complaining party to determine the validity of the complaint.
- c) If the case evaluator refuses to cooperate with the inquiry, he or she may be removed by the Chief Circuit Judge.
- d) The Chief Circuit Judge, or her or his designee, will render a written response to the complaining party and the grieved case evaluator within 28 days.

7) Orientation and Training.

The Court, with the assistance of the Genesee County Bar Association, will provide training to all new case evaluators. Training will be open to all persons included on the list of case evaluators but will be mandated for new case evaluators.

8) Assignment to Panels.

Case evaluators will be selected via a system of blind draw rotation by the ADR Clerk to assure as nearly as possible that each case evaluator on the list is offered and assigned approximately the same days of service over a period of 2 years. If a substitute case evaluator must be assigned, the same or similar assignment procedure shall be used

by the ADR Clerk to select the substitute. The ADR Clerk shall maintain records of service of case evaluators on panels and make those records available to the public. An effort will be made on Other Civil panels to match new case evaluators with less than 7 years experience with 2 evaluators with more experience. The ADR Clerk will also endeavor to set case code suffixes CL, NH, NM and NP on Personal Injury panels with a judicial neutral.

C. GENERAL CIVIL MEDIATION LISTS.

Under MCR 2.411, the Court may refer any civil action to mediation. “Mediation” is a process in which a neutral third party facilitates communication between parties, assists in identifying issues, and helps explore solutions to promote a mutually acceptable settlement.

A mediator has no authoritative decision-making power and the process itself does not trigger a subsequent exposure to monetary sanctions.

1) General Civil Mediation List - Application.

An eligible person desiring to serve as a general civil mediator may apply to the ADR Clerk to be placed on the list of qualified general civil mediators. Application forms shall be available in the office of the ADR Clerk. The application form for a general civil mediator shall comply with the requirements of MCR 2.411(E)(1).

2) General Civil Mediator; Eligibility Requirements; Responsibilities.

To be eligible to serve as a general civil mediator, a person must meet the following qualifications:

- a. Complete a training program approved by the State Court Administrator providing the generally accepted components of mediation skills.
- b. Have one or more of the following:
 - (i) Juris Doctor degree or graduate degree in conflict resolution; or
 - (ii) 40 hours of mediation experience over two years, including mediation, co-mediation, observation, and role-playing in the context of mediation.
- c. Observe two general civil mediation proceedings conducted by an approved mediator, and conduct one general civil mediation to conclusion under the supervision and observation of an approved mediator.
- d. An applicant who has specialized experience or training, but does not meet the specific requirement described above, may apply to the ADR Clerk for special approval. The ADR Clerk shall make the determination on the basis of criteria provided by the State Court Administrator. Service as a case

evaluator under MCR 2.403 does not constitute a qualification for serving as a mediator.

- e. Approved mediators are required to obtain eight hours of advanced mediation training during each two-year period. Failure to submit documentation establishing compliance is grounds for removal from the list under MCR 2.411(E)(4).
- f. General civil mediators must meet the qualifications and be able to comply with the standards set forth in MCR 2.411(E), (F) and (G).

3) Review of Applications for General Civil Mediators.

- a. Once each year the Court will disseminate information to potentially interested persons that the review process is approaching. Any person interested in providing general civil mediation services is invited to submit an application to the ADR Clerk, who will distribute all applications received since the last review process to the General Civil Mediation Review Committee for review.
- b. Applications to be included on the list of general civil mediators shall be reviewed by the General Civil Mediation Review Committee which shall consist of 5 persons appointed by the Genesee County Bar Association, the director of the Community Dispute Resolution Center of Genesee County or his or her designee, the Presiding Judge of the Civil Division and the ADR Clerk. Of the 5 persons appointed by the Genesee County Bar Association, at least 4 shall be attorneys and 1 may be a non-attorney who meets the qualifications for serving as a general civil mediator under MCR 2.411. At least one of the attorneys appointed by the Genesee County Bar Association shall meet the qualifications for serving as a general civil mediator under MCR 2.411.
- c. Committee terms. Except for the director of the Community Dispute Resolution Center of Genesee County or his or her designee, the Presiding Judge and the ADR Clerk, all of whom serve by virtue of their office, the other members of the General Civil Mediation Review Committee shall serve for two-year terms and may be appointed to successive terms.
- d. The General Civil Mediation Review Committee shall meet annually during the month of January, and at such other times as it deems necessary, to review the applications submitted to the ADR Clerk from persons wanting to be included on the list of general civil mediators. The committee shall complete its review within 30 days.

Persons meeting the qualifications specified in MCR 2.411 shall be placed on the list of approved general civil mediators. Approved general civil mediators

shall be placed on the list for a period of 5 years, and must reapply at the end of that time in the same manner as persons seeking to be added to the list.

Selections shall be made without regard to race, ethnic origin, or gender. Residency or principal place of business may not be a qualification. The approved list and the applications of approved general civil mediators, except for the optional section identifying the applicant's gender and racial/ethnic background, shall be available to the public in the office of the ADR clerk.

- e. Rejection; Reconsideration. Applicants who are not placed on the list of general civil mediators shall be notified of that decision by the General Civil Mediation Review Committee within 7 days. Within 21 days of notification of the decision to reject an application, the applicant may seek reconsideration of the committee's decision by the Chief Judge. The court does not need to provide a hearing. Documents considered in the initial review process shall be retained for at least the period during which the applicant can seek reconsideration of the original decision.
- f. Placement on list. The names of applicants who have been approved shall be placed on the list of general civil mediators no later than 28 days after approval by the committee or approval by the Chief Judge on a motion for reconsideration.
- g. Procedure for Complaints about General Civil Mediators.
 - (1) Complaints regarding a general civil mediator shall be submitted in writing to the ADR Clerk.
 - (2) A general civil mediator against whom a complaint has been made will be notified by the ADR Clerk of the complaint and may respond to the complaint in writing within 28 days after notice of the complaint is mailed to him or her.
 - (3) The General Civil Mediation Review Committee shall review the complaint and the mediator's response within 28 days after receipt of any response and shall decide if the mediator should be removed from the list. The ADR Clerk shall notify the mediator forthwith of the Committee's decision.
 - (4) If the General Civil Mediation Review Committee decides to remove the mediator from the list, within 21 days of notification of the removal decision, the mediator may appeal that decision to the Chief Judge who will decide the appeal, with or without a hearing, in the sole discretion of the Chief Judge, and will inform the mediator in writing of the decision on the appeal.

- h. Grounds for removal from list. A mediator will be removed from the general civil mediator list if he or she demonstrates incompetence as a mediator, clear bias for or against a party or attorney, is consistently unavailable to serve as a mediator, fails to submit documentation establishing compliance with the continuing education requirement, fails to comply with this ADR Plan, orders of the court, or the standards of conduct for mediators promulgated by the state court administrator, or for other just cause.
- i. Other complaints. Complaints regarding the mediation process, administration of this ADR Plan, or any part of this ADR Plan shall be submitted in writing to the ADR Clerk. The ADR Clerk shall, within 14 days, acknowledge receipt of the complaint and forward the complaint to the General Civil Mediation Review Committee for response.

4) Assignment of General Civil Mediators.

- a. The Court will refer cases to general civil mediation by issuance of an Order for Mediation. A list of court-approved general civil mediators will be provided to the parties. Except for good cause shown, the parties' attorneys or the parties, if unrepresented, shall confer and select a mediator within 14 days of the date of the order and notify the ADR Clerk. A mediator selected by agreement of the parties need not meet the qualifications set forth in MCR 2.411(F) or in this LAO.
- b. Within 21 days of the date of the order, the mediator selected shall advise the ADR Clerk and all parties, in writing, who will be conducting the mediation and the date and time set for the mediation. The parties will provide the mediator with a copy of the Court's Order for Mediation.
- c. If the parties do not notify the ADR Clerk of their selection within the 14 days allowed, the ADR Clerk will select a mediator from the list of general civil mediators without notice to the parties and advise the parties or their attorneys who will be conducting the mediation. The ADR Clerk will select a mediator from the list of general civil mediators in a random or rotating 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 one year. If a substitute mediator must be assigned, the same or similar assignment procedure shall be used to select the substitute, whenever possible. Once the ADR Clerk selects a mediator, the parties are responsible for any fees generated by that mediator or service. A mediator selected in this manner may decline to be appointed to the particular case, but such unaccepted appointment shall count as an appointment for purposes of the random or rotating selection process.

5) Objection to Mediation.

Any party, within 14 days after entry of an order referring a case to mediation, may object to the referral of their case to mediation. The Court's referral order shall make this right clear to counsel and parties.

6) Advanced Training.

Every mediator on the list of general civil mediators must notify the ADR Clerk and provide written proof of having completed the requisite eight hours of advanced mediation training during each two-year period following appointment to a list. Failure to do so will be automatic grounds for removal from the list.

D. DOMESTIC RELATIONS MEDIATION LISTS.

Under MCR 3.216, the Court may refer any contested issue in a domestic relations action to mediation. "Mediation" is a process in which a neutral third party facilitates communication between parties, assists in identifying issues, and helps explore solutions to promote a mutually acceptable settlement. A mediator has no authoritative decision-making power and the process itself does not trigger a subsequent exposure to monetary sanctions.

1) Application.

An eligible person desiring to serve as a domestic relations mediator may apply to the ADR Clerk to be placed on the list of qualified domestic relations mediators. Application forms shall be available in the office of the ADR Clerk. The application form for a domestic relations mediator shall comply with the requirements of MCR 3.216(F)(1).

2) Domestic Relations Mediator; Eligibility Requirements; Responsibilities.

To be eligible to serve as a domestic relations mediator, a person must meet the following qualifications:

- a. The applicant must:
 - (i) be a licensed attorney, a licensed or limited licensed psychologist, a licensed professional counselor, or a licensed marriage and family therapist;
 - (ii) have a master's degree in counseling, social work, or marriage and family therapy;
 - (iii) have a graduate degree in behavioral science; or
 - (iv) have five years experience in family counseling.

- b. The applicant must have completed a training program approved by the State Court Administrator providing the generally accepted components of domestic relations mediation skills.
- c. The applicant must have observed two domestic relations mediation proceedings conducted by an approved mediator, and have conducted one domestic relations mediation to conclusion under the supervision and observation of an approved mediator.
- d. An applicant who has specialized experience or training, but does not meet the specific requirements described above, may apply to the ADR Clerk for special approval. The ADR Clerk shall make the determination on the basis of criteria provided by the State Court Administrator. Service as a case evaluator under MCR 2.403 does not constitute a qualification for serving as a domestic relations mediator.
- e. Approved domestic relations mediators are required to obtain eight hours of advanced mediation training during each two-year period. Failure to submit documentation establishing compliance is grounds for removal from the list of domestic relations mediators.
- f. Domestic relations mediators must meet the qualifications and be able to comply with the standards set forth in MCR 3.216(G), (H), (I), (J) and (K).

3) Review of Applications for Domestic Relations Mediators.

- a. Once each year the Court will disseminate information to potentially interested persons that the review process is approaching. Any person interested in providing domestic relations mediation services is invited to submit an application to the ADR Clerk, who will distribute all applications received since the last review process to the Domestic Relations Mediation Review Committee for review.
- b. Applications to be included on the list of general civil mediators shall be reviewed by the Domestic Relations Mediation Review Committee which shall consist of 5 persons appointed by the Genesee County Bar Association, the director of the Community Dispute Resolution Center of Genesee County or his or her designee, the Presiding Judge of the Family Law Division and the ADR Clerk. Of the 5 persons appointed by the Genesee County Bar Association, at least 4 shall be attorneys and 1 may be a non-attorney who meets the qualifications for serving as a domestic relations mediator under MCR 3.216(G). At least one of the attorneys appointed by the Genesee County Bar Association shall meet the qualifications for serving as a domestic relations mediator under MCR 3.216.

- c. Committee terms. Except for the director of the Community Dispute Resolution Center of Genesee County or his or her designee, the Presiding Judge and the ADR Clerk, all of whom serve by virtue of their office, the other members of the Domestic Relations Mediation Review Committee shall serve for two-year terms and may be appointed to successive terms.
- d. The Domestic relations Mediation Review Committee shall meet annually during the month of January, and at such other times as it deems necessary, to review the applications submitted to the ADR Clerk from persons wanting to be included on the list of domestic relations mediators. The committee shall complete its review within 30 days.

Persons meeting the qualifications specified in MCR 3.216 shall be placed on the list of approved domestic relations mediators. Approved domestic relations mediators shall be placed on the list for a period of 5 years, and must reapply at the end of that time in the same manner as persons seeking to be added to the list.

Selections shall be made without regard to race, ethnic origin, or gender. Residency or principal place of business may not be a qualification.

The approved list and the applications of approved domestic relations mediators, except for the optional section identifying the applicant's gender and racial/ethnic background, shall be available to the public in the office of the ADR clerk.

- e. Rejection; Reconsideration. Applicants who are not placed on the list of domestic relations mediators shall be notified of that decision by the Domestic Relations Mediation Review Committee within 7 days. Within 21 days of notification of the decision to reject an application, the applicant may seek reconsideration of the Committee's decision by the Chief Judge. The court does not need to provide a hearing. Documents considered in the initial review process shall be retained for at least the period during which the applicant can seek reconsideration of the original decision.
- f. Placement of the List. The names of applicants who have been approved shall be placed on the list of domestic relations mediators no later than 28 days after approval by the Committee or approval by the Chief Judge on a motion for reconsideration.
- g. Procedure for Complaints about Domestic Relations Mediators.

- (1) Complaints regarding a domestic relations mediator shall be submitted in writing to the ADR Clerk.
 - (2) A domestic relations mediator against whom a complaint has been made will be notified by the ADR Clerk of the complaint and may respond to the complaint in writing within 28 days after notice of the complaint is mailed to him or her.
 - (3) The Domestic Relations Mediation Review Committee shall review the complaint and the mediator's response within 28 days after receipt of any response and shall decide if the mediator should be removed from the list. The ADR Clerk shall notify the mediator forthwith of the Committee's decision.
 - (4) If the Domestic Relations Mediation Review Committee decides to remove the mediator from the list, within 21 days of notification of the removal decision, the mediator may appeal that decision to the Chief Judge who will decide the appeal, with or without a hearing, in the sole discretion of the Chief Judge, and will inform the mediator in writing of the decision on the appeal.
- h. Grounds for removal from list. A mediator will be removed from the domestic relations mediator list if he or she demonstrates incompetence as a mediator, clear bias for or against a party or attorney, is consistently unavailable to serve as a mediator, fails to submit documentation establishing compliance with the continuing education requirement, fails to comply with this ADR Plan, orders of the court, or the standards of conduct for mediators promulgated by the state court administrator, or for other just cause.
- i. Other complaints. Complaints regarding the domestic relations mediation process, the administration of the domestic relations mediation portion of the ADR Plan, or any part of this ADR Plan affecting domestic relations mediation shall be submitted in writing to the ADR Clerk. The ADR Clerk shall, within 14 days, acknowledge receipt of the complaint and forward the complaint to the Domestic relations Mediation Review Committee for response.

4) Assignment of Domestic Relations Mediators.

- a. The Court will refer cases to domestic relations mediation by an order of referral which may be contained within the Court's Domestic relations Scheduling Conference Order. A list of court-approved domestic relations mediators will be provided to the parties. Except for good cause shown, the parties' attorneys or the parties, if unrepresented, shall confer and select a mediator within 14 days of the date of the order and notify the ADR Clerk. A

mediator selected by agreement of the parties need not meet the qualifications set forth in MCR 3.216(G) or in this LAO.

- b. Within 21 days of the date of the order, the mediator selected shall advise the ADR Clerk and all parties, in writing, who will be conducting the mediation and the date and time set for the mediation. The parties will provide the mediator with a copy of the Court's Domestic Relations Scheduling Conference Order.
- c. If the parties do not notify the ADR Clerk of their selection within the 14 days allowed, the ADR Clerk will select a mediator from the list of general civil mediators without notice to the parties and advise the parties or their attorneys who will be conducting the mediation. The ADR Clerk will select a mediator from the list of general civil mediators in a random or rotating 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 one year. If a substitute mediator must be assigned, the same or similar assignment procedure shall be used to select the substitute, whenever possible. Once the ADR Clerk selects a mediator, the parties are responsible for any fees generated by that mediator or service. A mediator selected in this manner may decline to be appointed to the particular case, but such unaccepted appointment shall count as an appointment for purposes of the random or rotating selection process

5) Evaluative Mediation in Domestic Relations Cases.

The ADR Clerk shall note on the list of qualified domestic relations mediators which mediators are willing to provide evaluative mediation. If the parties seek evaluative mediation, the mediator must be so advised and, after the mediation, the mediator shall, within seven (7) days of completion of the mediation, prepare a written report to the parties setting forth the mediator's proposed recommendation for settlement purposes only and send a proof of service to the ADR Clerk. The parties shall, within seven (7) days of the date of service, accept or reject the recommendation and notify the mediator in writing. If both parties accept the recommendation in full, the attorneys or the parties, if unrepresented, shall proceed to request a final hearing for entry of a judgment of divorce. If either party rejects the recommendation, the mediator shall report the results of the mediation to the ADR Clerk as provided in MCR 3.216.

6) Objection to Mediation.

Any party, Within 14 days after entry of an order referring a case to mediation, may object to the referral of their case to mediation. The Court's referral order shall make this right clear to counsel and parties.

7) Advanced Training.

Every mediator on the list of domestic relations mediators must notify the ADR Clerk and provide written proof of having completed the requisite eight hours of advanced mediation training during each two-year period following appointment to a list. Failure to do so will be automatic grounds for removal from the list.

E. DISSEMINATION OF INFORMATION TO THE PUBLIC REGARDING ADR.

The ADR Clerk shall be responsible for disseminating information about the Court's ADR Program to litigants and the general public. The Court, with the assistance of the Genesee County Bar Association, will develop an application form for anyone interested in providing mediation services to complete an application, and shall make available a general public information brochure which will be widely disseminated throughout the community. This brochure shall be made available in the ADR Clerk's office, the County Clerk's office, the Legal Information Center, the Court's web site and other locations the ADR Clerk may deem appropriate. This brochure will include, among other things, information regarding the voluntary nature of ADR and a litigant's right to object to mediation by timely motion, as well as the provisions being made for indigent litigants. The Court's annual ADR report will also be made available to the public.

F. INDIGENT PERSONS.

The Court shall take steps to make mediation available to indigent litigants. A litigant is "indigent" if he or she qualifies for the waiver or suspension of fees or costs in accordance with MCR 2.002(C) or (D). The Community Dispute Resolution Service of Genesee County or any other mediator on the Court's list of qualified mediators who is willing to provide services on a non-fee or reduced fee basis may be assigned to mediate. If a party is unable to pay a fee and non-fee or reduced fee mediation is not available, the Court will not order that party to participate in mediation. The Court shall encourage mediators who receive referrals from the Court to provide a portion of their services on a non-fee or reduced fee basis.

G. SUPERVISION.

The Chief Judge shall exercise general supervision over the implementation of this Plan and the case evaluator and mediator selection process and shall review the operation of the Court's ADR Plan at least annually to assure compliance. In the event of non-compliance, the Court shall take such action as is needed. This action may include recruiting persons to serve as case evaluators and mediators or changing the Court's ADR Plan. The Court shall develop a set of quality assurance questionnaires to be completed by the mediator, attorneys and litigants that will be distributed by the mediator at every

mediation. The ADR Clerk will review the questionnaires and notify the Chief Judge of any concerns. The Court shall take such action as is needed to investigate and resolve any

problems. The Court shall submit an annual report to the State Court Administrator on the operation of the Court's ADR Plan on a form provided by the State Court Administrator.

Robert M. Ransom

Robert M. Ransom, Chief Judge
7th Judicial Circuit Court

Allen J. Nelson

Allen J. Nelson, Chief Judge
Genesee County Circuit Court

Nathaniel C. Perry

Nathaniel C. Perry, Chief Judge
68th District Court