

GROSSE POINTE PARK MUNICIPAL COURT

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GROSSE POINTE PARK, MICHIGAN 48230

CARL F. JARBOE
MUNICIPAL JUDGE

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STATE OF MICHIGAN

GROSSE POINTE PARK MUNICIPAL COURT

Administrative Order 2004-05

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At session of said Court held in the Grosse Pointe Park Municipal
Court, City of Grosse Pointe Park, County of Wayne, State of Michigan
On 12-5-4.

PRESENT: HONORABLE CARL F. JARBOE
Chief Municipal Judge

MEDIATION PROCEDURES

Pursuant to MCR 2.410, MCR 2.411 AND MCR 5.143, which were amended and/or
enacted effective August 1, 2000.

IT IS HEREBY ORDERED:

1. Scope and Applicability

This Administrative Order governs the procedure for facilitative mediation in the Court and is supplemental to MCR 2.410, MCR. 2.411 AND MCR 5.143. If there is a conflict, MCR 2.410, MCR 2.411 AND MCR 5.143 control. If there is a conflict between this Administrative Order and any prior local court rule or Administrative Order, this Order controls.

2. Alternative Dispute Resolution ("ADR") Clerk Designation

Pursuant to MCR 2.410 (B)(2)(a), the Grosse Pointe Park Municipal Court designates the Civil Court Clerk to serve as the ADR Clerk. In the absence of the Civil Court Clerk the Court Administrator shall serve as the ADR Clerk.

3. Dissemination of Information Concerning the Municipal Court's ADR Program.

Pursuant to MCR 2.410 (B)(2)(c), information concerning the Municipal Court's ADR program will be available to litigants and the public, upon request, in the ADR Clerk's office.

4. Selection of Cases for Mediation.

Pursuant to MCR 5.143(A) and MCR 2.410(A), (C) (1), the Municipal Court Judge to whom an action is assigned, may, after consultation with all parties, select the contested matter for mediation by written order at any time. The parties may also stipulate to mediation or a party may request mediation in a written motion.

5. Order for Mediation

Pursuant to MCR 2.410© AND MCR 2.411 (B), (C), the Order for Mediation will make provisions for the selection/assignment of a mediator, provide time limits for the initiation and completion of the mediation process, make provisions for the payment of the mediator and outline requirements for attendance at the mediation.

6. Mechanism for Objecting to Mediation

Pursuant to MCR 2.410(E), within 14 days after entry of an order referring a case to mediation, a party must file a motion to set aside or modify the order. The motion must be heard no later than the date set for mediation.

7. Access to ADR Program by Indigent Persons

As is required by MCR 2.410(B)(2)(d), if a party qualified for waiver of filing fees under MCR 2.002 or the Municipal Court determines on other grounds that the party is unable to pay the full cost of the ADR process, any mediation fees shall be waived.

8. Mediator Selection Process

Following the entry of the Order for Mediation, the parties may stipulate to the selection of a mediator pursuant to MCR 2.411(B)(1). If the parties fail to select a mediator pursuant to MCR 2.411(B)(3), the matter will be sent to Wayne County's Community Dispute Resolution Program at the Neighborhood Reconciliation Center, Inc, 3516 Cadieux, Detroit, MI 48224 pursuant to MCR 2.410(B)(3). The Neighborhood Reconciliation Center has agreed to accept referrals for mediation for the Municipal Court. The Agreement to Provide Mediation is attached.

9. Mediator Fees

Pursuant to MCR 2.411(D), a mediator selected by the parties is entitled to reasonable compensation based on an hourly rate commensurate with the selected mediator, the matter will be set for a hearing on a determination of the reasonableness of the fee. The costs of the selected mediator shall be divided between the parties on a pro rata basis unless otherwise agreed to by the parties or ordered by the Municipal Court. For matters referred to the Neighborhood Resolution Center, the fees charged shall be those outlined in MCR 2.403(H) and (I). The mediator's fee is to be paid at the time mediation occurs.

The mediator's fees are deemed a cost of the actions, and the Municipal Court may make an appropriate order to enforce payment of the fee. As stated in Section 7, fees for indigent clients will be waived.

10. Conduct of Mediation

The mediation shall be conducted pursuant to MCR 2.411(C)(2) through (5).

11. Conduct of Mediator

Pursuant to MCR 2.411(G), the mediator must conduct the mediation so as to promote honesty, integrity and impartiality in providing court-connected dispute resolution services and must conform to the standards adopted by the State Court Administrator (effective January 4, 2001). These standards will be provided to all mediators involved in court connected programs and shall be available to the public.

12. Supervision and Reporting

The Chief Judge will provide general supervision of the Municipal Court's mediation program, including an annual review of the Municipal Court's plan to ensure compliance with MCR 2.410. Pursuant to MCR 2.410(F), the Municipal Court will submit annual reports on its mediation program to the State Court Administrative Office (SCAO) on a form to be provided by the SCAO.

IT IS ORDER THAT the Grosse Pointe Park Municipal Court shall apply these procedures to all cases for which mediation has been ordered or scheduled after December 31, 2004.

DATE: 12-15-4



Honorable Carl F. Jarboe
Chief Judge