

STATE OF MICHIGAN  
THIRD JUDICIAL CIRCUIT

---

**SUBJECT: Alternative Dispute Resolution MCR 2.410; Mediation, MCR 2.411**

**IT IS ORDERED:**

A. General

1. The Third Circuit Court implements the Alternative Dispute Resolution (ADR) Plan through this Administrative Order.
2. The Mediation Tribunal Association will administer the Third Circuit Court ADR Plan.
3. The Executive Director of the Mediation Tribunal Association (MTA) is designated as the ADR Clerk in accordance with MCR 2.410 (B)(2)(a).

B. Application

1. Persons desiring to serve as a general civil mediator in accordance with the Third Circuit Court ADR Plan shall complete an application form as approved by the MTA Board of Directors.
2. Mediator application forms shall be available at the offices of the MTA, 340 E. Congress, Suite 300, Detroit, Michigan 48226-4388, (313) 224-5606.

C. Eligibility

1. To be eligible for the Third Circuit Court general civil mediator list, applicants must:
  - a. Complete a SCAO approved mediation training program,
  - b. Have a Juris doctorate degree or graduate degree in conflict resolution or 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. Be approved by the Selection Committee.

- e. An applicant who has specialized experience or training, but does not meet these requirements 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.
- f. Applicants who are not placed on the list shall be notified of that decision and shall have 21 days from that rejection to seek reconsideration of the decision of the ADR Clerk by the Chief Judge.
- g. All certified mediators shall be required to accept no less than one pro bono case per year.

#### D. Selection Committee

1. The term "Selection Committee" shall be that committee designated by the MTA comprised of an ADR representative from both the plaintiff and defense bar, and a Third Circuit Court Judge.
2. The selection committee shall recommend or decline to recommend an applicant.
3. The Selection Committee need not provide an applicant with a hearing.
4. The recommendation of an applicant shall be by majority vote of the Selection Committee.
5. Upon approval of the MTA Board, the applicant shall be placed on the court approved mediator list.
6. The list of court approved mediators shall be maintained at and available to the public at the MTA Office.

#### E. Terms of Approval

1. Persons shall be placed on the list of mediators for a period not to exceed five years commencing with the date of approval by the Board.
2. Court approved mediators are required to obtain eight hours of advanced mediation training during each two year period. Failure to submit documentation of compliance with this training requirement will be grounds for removal from the court approved mediator list.

#### F. Assignment of Mediators

1. Unless the parties otherwise agree to the selection of a mediator, the ADR Clerk will, when requested, provide parties or their counsel with the names of three court approved mediators from the Court approved mediator list on a

rotational basis. If the parties fail to select a mediator by the time specified, the Court shall appoint one as provided in MCR 2.411(B)(3).

2. If a substitute mediator must be assigned the same (or similar assignment procedure as ordered by the Chief Judge) shall be used to select the substitute.

G. Public Information

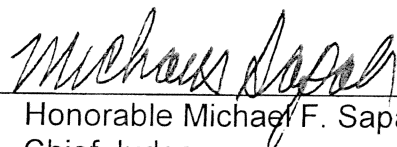
1. Every litigant will be provided, at the time of filing a complaint, with a descriptive brochure on the ADR process and the availability of community dispute resolution programs in Wayne County. Brochures will also be available in Office of the County Clerk, Court Administration Office, and MTA Office.

H. ADR Services for Indigent Litigants

1. An indigent litigant shall be advised that no costs will be incurred should mediation be chosen as a method of dispute resolution.
2. An indigent litigant is one who 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.
3. If a party is indigent or the Court determines 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.
4. The ADR Clerk and MTA Deputy Director, both qualified mediators, shall provide ADR services to indigent litigants.

I. Supervision of the ADR Plan

1. The Chief Judge of the Third Judicial Circuit shall exercise general supervision over the implementation of the ADR Plan and shall review the operation of the Plan on an annual basis to ensure compliance with MCR 2.410. The Chief Judge shall take any action necessary to correct noncompliance on an as needed basis.



---

Honorable Michael F. Sapala  
Chief Judge  
Third Judicial Circuit Court

Dated: February 14, 2001