

STATE OF MICHIGAN



SAGINAW COUNTY TRIAL COURT
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ANDRÉ R. BORRELLO

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CHIEF CIRCUIT JUDGE

ELIAN FICHTNER

BRITTANY A. DICKEN

TERRY I. CLARK
CHIEF DISTRICT JUDGE

A.T. FRANK

DARNELL JACKSON

PATRICK J. MCGRAW
CHIEF PROBATE JUDGE

DAVID D. HOFFMAN

BARBARA L. METER

M. RANDALL JURRENS

MANVEL TRICE III

Local Administrative Order

10 th Circuit Court	2023 – 05J
Saginaw Probate Court	2023 – 04J
70 th District Court	2023 – 07J

Rescinds Local Administrative Order Numbers

10 th Circuit Court	2008-01-J
Saginaw Probate Court	2008-01-J
70 th District Court	2008-01-J

Alternative Dispute Resolution (ADR) Plan

This administrative order is issued in accordance with MCR 2.410(B). If there is a conflict between the ADR Plan adopted in this Order and the Michigan Court Rules, the Michigan Court Rules control. If this Administrative Order conflicts with any prior Local Court Rule or Administrative Order, this Administrative Order controls.

Copies of this Administrative Order and ADR Plan are available to the public at the ADR Clerk's office located at the Saginaw County Courthouse, Circuit Court Administration Office, 111 S. Michigan Avenue, Room 400, Saginaw, MI 48602.

ADR Clerk Designation

The Court hereby designates the Circuit Court Administrator to serve as the Saginaw County 10th Circuit Court, ADR Clerk pursuant to MCR 2.410(B)(2)(a). The ADR Clerk will maintain all records pertaining to the Court's ADR program, including applications for the lists of case evaluators, general civil mediators, and domestic relations mediators. The ADR Clerk will also be responsible for coordinating the referral of the tracking progress of cases through the chosen ADR process.

The ADR Office is located on the 4th floor of the Saginaw County Courthouse, Circuit Court Administration Office at 111 S. Michigan Ave., Room 400, Saginaw, MI 48602. The ADR Clerk can also be contacted via telephone at (989) 790-5470.

General Provisions of ADR

The Saginaw County 10th Circuit Court will utilize Mediation as established in MCR 2.411, Case Evaluation as established in MCR 2.403, and Domestic Relations Mediation as established in MCR 3.216.

The Chief Judge shall supervise the ADR Plan pursuant to MCR 2.410(F).

Public Access to ADR Plan

Copies of this ADR Plan and any approved lists of mediators, case evaluators, or domestic relations mediators will be made available to all litigants upon request at the ADR Office or on the Saginaw County website.

Access to ADR for Indigent Litigants

Any party that qualifies for the waiver of filing fees pursuant to MCR 2.002, or any party the Court determines on other grounds to be unable to pay the full cost of an ADR process, is entitled to free or low-cost ADR services. If a party is indigent, and free or low-cost ADR services are not available, the Court shall not order that party to participate in an ADR process.

The local Community Dispute Resolution Center may be assigned as the ADR provider in cases where low cost or pro bono mediation services are necessary. If a party is indigent and free or low-cost mediation services are not available, the Court will not order that party to participate in an ADR process.

Order Referring Cases to ADR

All civil and domestic cases in the Saginaw County 10th Circuit Court are subject to ADR processes unless otherwise provided by statute or court rule. Cases may be referred to ADR by the 70th District Court or Saginaw County Probate Court. Any cases referred to ADR shall comply with this ADR Plan.

At any time, after consultation with the parties, the Court may order that a case be submitted to an appropriate ADR process. Parties may also stipulate to participate in an ADR process. More than one stipulation and/or order may be entered in a case, however, parties who participate in a stipulated ADR process will not be ordered to also participate in case evaluation without written consent of those parties.

Court orders referring a case to an ADR process will comply with MCR 2.410(C)(2). Orders will, at a minimum:

- (1) Specify or otherwise provide for selection of the ADR provider;
- (2) Provide time limits for initiation and completion of the ADR process; and
- (3) Provide for the payment of the ADR provider.

The order may, at the Court's discretion, also require attendance by counsel, parties, and/or other relevant persons either in person or by telephone or other audio-visual proceeding at ADR proceedings as provided in MCR 2.410(D), MCR 2.403(J), or MCR 3.216(H). Failure to attend a Court-ordered ADR process may result in the entry of a default under MCR 2.603 or other grounds for dismissal under MCR 2.504(B).

Any party may object to an ADR order by moving to set aside or modify the order. Motions must be filed within 14 days after entry of the order referring a case to an ADR process. Timely motions will be decided by the Court before the case is submitted to the ADR process.

Mediation

Mediation is a process by which a neutral third party facilitates communication between the parties, assists in identifying issues, and helps explore solutions for a mutually acceptable settlement. A mediator has no authoritative decision-making power.

Order to Mediation and Selection of Mediator: Pursuant to MCR 2.410(C), the Court may order any civil case to facilitative mediation. The order referring the case to mediation will set a date by which the parties must confer and stipulate to a mediator, otherwise, the Court will appoint a mediator. The Court may not recommend or advise the parties on selection of a mediator unless there is a stipulated request for a recommendation in writing or orally upon the record.

- a. **Stipulation:** Parties may stipulate to the selection of a mediator. If parties agree on a mediator, that mediator need not meet all the requirements of MCR 2.411(F)(2) or be on the Saginaw County 10th Circuit Court's approved list of mediators. The Court must appoint a mediator stipulated to by the parties, provided the mediator is willing to serve in a period that will not interfere with the Court's scheduling of the case for trial.

- b. **Appointment:** If parties do not inform the Court and the ADR Clerk of a stipulated mediator by the date set in the order referring the case to mediation, a mediator shall be appointed from the approved list of mediators on a strict rotational basis by the ADR Clerk pursuant to MCR 2.411(B). If a substitute mediator must be assigned, one will be appointed by the same procedure.
- c. **Disqualification:** The rule for disqualifying a mediator is the same as the rule provided in MCR 2.003 for the disqualification of a judge.

Fees and costs associated with mediation are governed by MCR 2.411(D). Parties are responsible for the payment of fees and costs associated with mediation.

Scheduling and Conduct of Mediation:

The ADR Clerk and/or Court will provide a copy of the Order to each party and the mediator selected and the mediator will confer with the parties to schedule mediation in accordance with the necessary factors of each individual case. The mediator may direct parties to submit certain documents, summaries, or other case information in advance of the mediation.

The mediator shall meet with counsel and the parties and explain the mediation process before it begins. The mediation will continue until (a) a settlement is reached; (b) the mediator determines a settlement is not likely to be reached; (c) the end of the first mediation session; or (d) another time agreed to by the parties. Additional sessions may be held as long as it appears a settlement may result.

Within 7 days after the completion of the mediation, the mediator will advise the Court of the status of the proceedings. If a settlement is reached through mediation, counsel will prepare and submit appropriate settlement documents to the Court within 21 days.

Confidentiality in the mediation process is governed by MCR 2.412.

Saginaw County 10th Circuit Court Approved List of Mediators: To appear on the approved list of mediators, interested individuals or organizations may apply to the ADR Clerk. Application forms are available upon request to the ADR Clerk. Applications will be received, processed, and approved or denied pursuant to MCR 2.411(E)(2). The ADR Clerk will refer all applications to the Saginaw County Bar Association, ADR Committee, to determine eligibility. Applications shall be reviewed on at least an annual basis.

The ADR Selection Committee shall have seven members appointed by the President of the Saginaw County Bar Association. Terms of the committee members shall be three years from November 1 of the first year through October 31 of the second year. The Chairperson shall be designated each year by the Bar President.

An approved list of mediators will be compiled annually and reviewed to ensure all approved mediators meet and continue to meet the requirements to appear on the list. The ADR Clerk

maintains the approved list and will remove any mediator who does not meet the requirements of MCR 2.411.

Eligibility: To be eligible to appear on the approved list, an applicant must:

- (1) Complete a mediation training program approved by the State Court Administrative Office; and
- (2) Have a juris doctor degree OR a graduate degree in conflict resolution OR 40 hours of mediation experience over two years, including mediation, co-mediation, observation, and role-playing mediation; and
- (3) Observe two general civil mediation proceedings conducted by an approved mediator; and
- (4) Conduct one general civil mediation to conclusion under the supervision and observation of an approved mediator.

* An applicant who does not meet these requirements but who otherwise has comparable specialized experience or training may apply to the ADR Clerk for special approval. In these circumstances, the ADR Clerk shall make a determination of eligibility based on criteria provided by the State Court Administrator.

Term: Approved mediators will appear on the list for a term of seven (7) years. At the conclusion of this seven-year term, the ADR Clerk will notify the mediator that they must re-apply and meet the eligibility requirements to remain on the list at least 30 days prior to the expiration of the approved mediator's term.

Continued Education: Approved mediators are required to obtain 8 hours of advanced mediation training during each 2-year period. Failure to demonstrate compliance with these requirements to the ADR Clerk may constitute cause for removal from the approved list of mediators.

Conduct: Approved mediators are required to conduct themselves and mediation processes in accordance with State Court Administrative Office standards. A mediator may be removed from the approved list by the ADR Clerk for demonstrated incompetence, bias, consistent unavailability, or other just cause.

Rejection / Removal: If an application to the approved list is rejected or a mediator is removed from the list, the applicant or mediator will be notified of the rejection or removal by the ADR Clerk in writing. Within 21 days of the decision to reject or remove, the applicant or mediator may seek reconsideration by the Chief Judge. The Court does not need to provide a hearing.

Case Evaluation

Case Evaluation Case evaluation is a process by which a presentation of a case is made to a neutral third-party panel of three evaluators, who renders a non-binding opinion of the settlement value of the case and/or a nonbinding prediction of the likely outcome if the case is adjudicated.

Order to Case Evaluation: Pursuant to MCR 2.403(A), the Court may order any civil case in which the relief sought is primarily money damages or division of property to case evaluation upon written stipulation by the parties, written motion by a party, or on the Court's order in the absence

of a stipulation to an alternative ADR process. Parties who participate in an alternative ADR process through stipulation will not be ordered to case evaluation without their written consent.

Stipulations to Alternative ADR Processes: A stipulated order to attend an alternative ADR process must identify the ADR process to be used, describe the timing of the ADR process in relation to other disclosure and discovery provisions, and require that the ADR process be completed no later than 60 days after the close of discovery. In a case in which a discovery plan is in use pursuant to MCR 2.401(C), this stipulated order should be submitted in line with the discovery plan. In a case in which a discovery plan is not in use, this stipulated order must be submitted within 120 days of the first responsive pleading.

Assignment of a Panel: A case evaluation panel is composed of three evaluators. The ADR Clerk will assign evaluators on a random basis, with the objective that each member of the three pools (Plaintiff, Neutral, and Defendant) is assigned to approximately the same number of panels and approximately the same number of cases annually. Each panel shall be scheduled for a full day of cases whenever possible. The ADR clerk shall maintain records of service of case evaluators on panels and shall make those records available upon request.

Upon stipulation by the parties, the Court may appoint a panel of evaluators selected by the parties. In such a case, the qualifications of MCR 2.403(B)(2) do not apply, and parties may agree to modifications of the procedures for conduct of case evaluation.

Disqualification: The rule for disqualifying an evaluator is the same as the rule provided in MCR 2.003 for the disqualification of a judge.

Supervision: The Chief Judge shall exercise general supervision over implementation of this case evaluation selection process on an annual basis to ensure compliance with the court rules.

Fees: Fees and costs associated with case evaluation are governed by MCR 2.403(H). Parties are responsible for the payment of fees and costs associated with case evaluation.

- a. Each party is required to send a single check for \$75 to the Court made payable in the manner and within the time specified by the ADR Clerk, unless a different amount is specified by the ADR Clerk. The parties may not make any other payment of fees or expenses to the case evaluators except in accordance with this requirement or as otherwise ordered by the Court.
- b. Each party is only required to pay a single fee, even in the event of counterclaims, crossclaims, or third-party claims. If one claim is derivative of another, they must be treated as a single claim, with one fee to be paid and a single award made by the panel.

Refunds: Fees paid shall be refunded to the parties if (a) the Court sets aside the order submitting the case to case evaluation; or (b) the Court, on its own initiative, adjourns the case evaluation hearing; or (c) the parties notify the ADR Clerk at least 14 days in advance of the case evaluation hearing of a settlement, dismissal, entry of judgment disposing of the action, or an order of adjournment on stipulation or motion of a party.

- a. In the event of an adjournment, the adjournment order may set a new date and apply fees already paid to such new date.
- b. Refunds will not be issued if the request for and granting of an adjournment is made within 14 days of the scheduled adjournment, unless waived by Court order for good cause shown.
- c. Penalties for the late filing of summaries and supporting documents are not to be refunded.

Scheduling and Conduct of Case Evaluation: Case evaluation will be conducted pursuant to MCR 2.403. The ADR Clerk will set a time and place for the case evaluation hearing and send notice to the parties at least 42 days before the date set. Adjournments will only be granted for good cause in accordance with MCR 2.503.

Submission of Summary and Supporting Documents: Unless otherwise provided by the notice of hearing, each party shall serve a copy of the case evaluation summary and supporting documents upon all parties and file a proof of service and three copies of the summary and documents with the ADR Clerk at least 7 days before the hearing. The summary must set forth the submitting party's factual and legal position on the issues presented and shall not exceed 20 pages double-spaced, with one-inch margins and 12-point font. Failure to timely file and serve the summary and documents will result in a \$150 penalty. An additional penalty of \$150 will be assessed if the materials are submitted within 24 hours of the case evaluation hearing.

Conduct of Hearing: Oral presentations are limited to 15 minutes per side unless unusual circumstances warrant additional time. No testimony will be taken or permitted of any party. Parties may but are not required to attend a case evaluation hearing. If scars, disfigurement, or other unusual conditions exist, they may be demonstrated to the panel by a personal appearance, however, no testimony will be taken or permitted of any party.

The rules of evidence do not apply. Information on settlement negotiations and applicable insurance policy limits are not protected under MCR 2.412 for purposes of the case evaluation hearing and must be disclosed upon request of the panel, however, statements by attorneys, briefs, or summaries produced for case evaluation are not admissible in any court or evidentiary proceeding.

Following the case evaluation hearing, evaluators are responsible for either returning their copies of any summaries and supporting documents to the ADR Coordinator for destruction or for ensuring that these documents are destroyed.

Decision: If an evaluation is made immediately following the hearing, the panel will provide a copy to the attorney for each party of its evaluation in writing. Otherwise, within 7 days after the hearing, the panel will make an evaluation and submit such valuation to the ADR Clerk. The ADR Clerk shall serve the evaluation upon each party within 14 days of receipt.

Except as provided in MCR 2.403(H)(3), the evaluation must include a separate award as to each plaintiff's claims against each defendant, including each crossclaim, counterclaim, or third-party claim in the action. For purposes of this rule, all claims filed by any one party against another party shall be treated as a single claim. The evaluation may not include a separate award on any claim

for equitable relief, although the panel may consider equitable claims in determining the award on other claims. If the award is not unanimous, the evaluation must so indicate.

Evaluations in a tort case are governed by and must comply with MCR 2.403(K)(4). Evaluations in a medical malpractice case are governed by and must comply with MCR 2.403(K)(5).

Evaluations which find a party's claim or defense is found to be frivolous shall be governed by MCR 2.403(N)(2) and (3).

Acceptance or Rejection of Evaluation: Each party must file a written acceptance or rejection of the panel's evaluation in its entirety with the ADR Clerk within 28 days after service of the panel's evaluation. Failure to file a timely written acceptance or rejection constitutes a rejection. At the expiration of the 28-day period, the ADR Clerk will send a notice indicating each party's acceptance or rejection to each party and to the Clerk of the Court. The Clerk will file the notice in a sealed envelope. For case evaluations involving multiple parties, MCR 2.403(L) will apply.

If all parties accept the panel's evaluation, in full or in part, the appropriate judgment shall be entered in accordance with the evaluation, unless the amount of the award is paid within 28 days of the ADR Clerk's notice of acceptances, in which case the Court shall dismiss the action with prejudice.

If all or part of the evaluation of the case evaluation panel is rejected, the action will proceed to trial in the normal fashion.

Saginaw County, 10th Circuit Court Selection of Case Evaluation Panels:

To appear as a case evaluator in Saginaw County, interested individuals may apply to the ADR Clerk. Application forms are available upon request to the ADR Clerk. Applications will be received, processed, and approved or denied pursuant to MCR 2.404(B)(3). An approved list of evaluators will be compiled annually by the ADR Clerk, with final approval by the Chief Judge. The list will also be reviewed annually to ensure all approved mediators meet and continue to meet the requirements to appear on the list. The ADR Clerk maintains the approved list and will remove any evaluator who does not meet the requirements of MCR 2.404(B)(3).

Eligibility: To be eligible to appear on the approved list, an applicant must:

- (1) Be a licensed attorney for a period of at least five years; and
- (2) Reside, maintain an office, or have an active practice in the Saginaw County 10th Circuit Court's jurisdiction; and
- (3) Demonstrate that a substantial portion of the applicant's practice for the last five years has been devoted to civil litigation matters, including investigation, discovery, motion practice, case evaluation, settlement, trial preparation, and/or trial; and
- (4) The applicant may also indicate which sublist (plaintiff, defendant, neutral) the applicant feels is most appropriate with consideration to past experience.

Review of Applications: All applications shall be reviewed by the ADR Committee, which shall have seven members appointed by the President of the Saginaw County Bar Association.

Selections shall be made without regard to race, ethnic origin, or gender. Terms of the committee members shall be three years from November 1 of the first year through October 31 of the second year. A person may not serve on the committee more than 3 years in any 9-year period pursuant to MCR 2.404(B)(3)(b)(iii).

The responsibility of the Committee shall include the review and verification of the qualifications of applicants, the decision as to approval of the applicant, and placement in the Plaintiff, Neutral, or Defendant pool. The Committee shall also consider complaints which may arise as to performance of an approved Case Evaluator and may recommend removal of a person from the approved lists to the Chief Judge Committee. The Committee shall regularly seek applicants through announcements at Bar functions, Bar publications, and other means.

Chief Judge Committee: The Chief Judge Committee shall consist of the Chief Judges of the 10th Circuit, 70th District, and Saginaw County Probate Courts. An applicant who has not been approved by the ADR Committee, or a person removed from the approved lists, may seek reconsideration of that decision from the Chief Judge Committee.

Term: Approved evaluators will appear on the list for a term of seven (7) years. At the conclusion of this seven-year term, the ADR Clerk will notify the evaluator that they must re-apply and meet the eligibility requirements to remain on the list at least 30 days prior to the expiration of the approved mediator's term.

Conduct: An evaluator may be removed from the approved list by the ADR Clerk for demonstrated incompetence, bias, consistent unavailability, or other just cause.

Rejection / Removal: If an application to the approved list is rejected or a mediator is removed from the list, the applicant or mediator will be notified of the rejection or removal by the ADR Clerk in writing. Within 21 days of the decision to reject or remove, the applicant or mediator may seek reconsideration by the Chief Judge Committee. The Court does not need to provide a hearing.

Domestic Relations Mediation

Domestic Relations Mediation is a nonbinding process by which a neutral third party facilitates communication between the parties, assists in identifying issues, and helps explore solutions for a mutually acceptable settlement. Evaluative mediation is a mediation process in which the mediator provides a written recommendation for settlement of any issues that remain unresolved at the conclusion of a mediation proceeding.

Nothing in this Plan restricts the Friend of the Court from enforcing custody, parenting time, or support orders.

Order to Mediation: Pursuant to MCR 3.216(C), the Court may order any domestic relations case, as defined by MCL 552.502(m) or action for divorce or separate maintenance involving a property dispute to domestic relations mediation, unless otherwise provided by statute or court rule. The Court may order domestic relations mediation for any contested issue in a domestic relations case, including post-judgment matters.

Cases may be exempt from mediation on the basis of the following:

- (1) Child abuse or neglect;
- (2) Domestic abuse, unless attorneys for both parties will be present at the mediation session;
- (3) Inability of one or both parties to negotiate for themselves at the mediation, unless attorneys for both parties will be present at the mediation session;
- (4) Reason to believe that one or both parties' health or safety would be endangered by the mediation; or
- (5) For other good cause shown.

If there is a reasonable suspicion of violence, abuse, or neglect, as determined by screening using State Court Administrative Office guidelines, the case will not be ordered to mediation.

If a case involves parties subject to a personal protection order or parties involved in a child abuse or neglect proceeding, the Court must first conduct a hearing to determine whether mediation is appropriate, unless the protected party requests the mediation.

The Court will only order cases to evaluative mediation if all parties stipulate to that mediation process.

Objections: A party may object to a referral to domestic relations mediation by filing a written motion to remove the case from mediation with a notice of hearing of the motion and serve a copy of that motion and notice of hearing on the attorneys of record within 14 days after receiving notice of the order referring the case to mediation. If an objection is received, a hearing must be set to take place within 14 days after it is filed, unless by agreement of counsel or other court order. A timely motion will be heard before mediation takes place.

Selection of Mediator: Selection of a domestic relations mediator is governed by MCR 3.216(E). The Court may not recommend or advise the parties on selection of a mediator unless there is a stipulated request for a recommendation in writing or orally upon the record.

- a. **Stipulation:** Parties may stipulate to the selection of a mediator. If parties agree on a mediator, that mediator need not meet all the requirements of MCR 3.216(G) or be on the Saginaw County 10th Circuit Court's approved list of domestic relations mediators. The Court must appoint a mediator stipulated to by the parties, provided the mediator is willing to serve in a period that will not interfere with the Court's scheduling of the case for trial.
- b. **Appointment:** If parties do not stipulate to a mediator, the parties must indicate whether they prefer a mediator who is willing to conduct evaluative mediation. Failure to indicate a preference will be treated as not requesting evaluative mediation. A mediator shall be appointed from the approved list of mediators on a rotational basis by the ADR Clerk pursuant to MCR 3.216(F), except that if the parties request evaluative mediation, only a mediator who is willing to provide evaluative mediation services may be assigned. If a substitute mediator must be assigned, one will be appointed by the same procedure.
- c. **Disqualification:** The rule for disqualifying a mediator is the same as the rule provided in MCR 2.003 for the disqualification of a judge.

Fees: Fees and costs associated with mediation are governed by MCR 3.216(J). Parties are responsible for the payment of fees and costs associated with mediation. Generally, each party must agree, in writing, to pay one-half of the mediator's fee prior to mediation, although the Court may order some other division of the fee payment based on the economic circumstances of the parties. In the event that a party objects to the total fee of the mediator, the party may bring a motion before the Court to determine the reasonableness of the fee.

The fee must be paid no later than 42 days after the mediation process is concluded or the service of the mediator's report and recommendation, OR upon the entry of the judgment, OR upon dismissal of the action, whichever occurs first, unless otherwise approved by the mediator and ordered by the Court.

The mediator's fee is a cost of the action, and the Court may order an appropriate judgment to enforce the payment of the fee.

Scheduling and Conduct of Mediation: Mediation shall proceed pursuant to the terms of MCR 3.216. The order referring the case to mediation will include the time period in which mediation must be completed. The ADR Clerk will provide a copy of the order to each party and the mediator selected, and the mediator will confer with the parties to schedule mediation in accordance with the necessary factors of each individual case. The mediator must schedule a mediation session within a reasonable time at a location accessible by the parties.

The mediation will continue until (a) a settlement is reached; (b) the mediator determines a settlement is not likely to be reached; (c) the end of the first mediation session; or (d) another time agreed to by the parties.

Domestic Violence Screening: The mediator must make reasonable inquiry, using screening protocols provided by the State Court Administrative Office, as to whether either party has a history of a coercive or violent relationship with the other party. Throughout the mediation process, the mediator must make reasonable efforts to screen for the presence of coercion or violence that would make mediation physically or emotionally unsafe for any participant or that would impede achieving a voluntary and safe resolution of issues.

Summaries: The mediator may require that at least three days before the session, that each party submit a summary to the mediator and serve a copy upon the opposing party. If required, the summary should include (a) the facts and circumstances of the case; (b) the issues in dispute; (c) description of marital assets and their estimated value, if applicable; (c) the income and expenses of the parties; (d) a proposed settlement; and (e) any documentary evidence available to substantiate information in the mediation summary. Failure to submit these materials within the designated time may subject the offending party to sanctions imposed by the Court.

Attendance: The parties must attend the mediation session in person unless excused by mediator. With the exception of legal counsel, parties may not bring other persons, including lay or expert witnesses, to the session unless permission is obtained from the mediator prior to the session and notice given to the opposing party. If the mediator believes the involvement of third persons will

aid in settlement, the mediator may request information or assistance from a third party at the time of the mediation session.

Mediator's Report: Within 7 days after the completion of the mediation, the mediator will advise the Court of the status of the proceedings, stating only the date of completion, the parties present, whether settlement was reached, and whether further sessions are needed. If an evaluative mediation has been requested, the mediator may delay reporting until completion of the evaluation. If settlement is reached by mediation, the terms of the settlement must be acknowledged by the parties by signatures or on an audio or video tape recording.

Confidentiality in the mediation process is governed by MCR 2.412.

Evaluative Mediation: Parties may stipulate to request evaluative mediation prior to or at the close of mediation. If a settlement is not reached during the mediation on any contested issue, and if the mediator so agrees, the mediator will prepare a written report to the parties setting forth the mediator's evaluation and proposed recommendation for settlement. The recommendation will not be submitted to the Court or made available to the Court, and any information contained within the recommendation may not be admitted as evidence in any subsequent proceeding of the case without the consent of both parties. If both parties accept the mediator's evaluations, a judgment will be prepared in conformity with that recommendation.

If either party rejects the mediator's recommendation, the mediator will make a report to the Court as provided by MCR 3.216(H) and the case will proceed toward trial. The Court will not inquire as to which party rejected the recommendation and will not impose sanctions against any party for rejecting the recommendation.

Saginaw County 10th Circuit Court Approved List of Domestic Relations Mediators: To appear on the approved list of mediators, interested individuals or organizations may apply to the ADR Clerk. Application forms are available upon request to the ADR Clerk. Applications will be received, processed, and approved or denied pursuant to MCR 3.216(F).

An approved list of mediators will be compiled annually and reviewed to ensure all approved mediators meet and continue to meet the requirements to appear on the list. The ADR Clerk maintains the approved list and will remove any mediator who does not meet the requirements of MCR 3.216. The list and applications, except for voluntary disclosures regarding race and gender, shall be made available for public inspection upon request at the ADR Office.

Eligibility: To be eligible to appear on the approved list, an applicant must:

- 1) Complete a mediation training program approved by the State Court Administrative Office; and
- 2) Have one or more of the following qualifications: a. Licensed as an attorney, psychologist, professional counselor, or marriage and family therapist; b. Holds a master's degree in counseling, social work, or marriage and family therapy; c. Holds a graduate degree in behavioral science; or d. Has 5 years of experience in family counseling.
- 3) Observe two domestic relations mediation proceedings conducted by an approved mediator; and

4) Conduct one domestic relation mediation proceeding to conclusion under the supervision and observation of an approved mediator.

* An applicant who does not meet these requirements but who otherwise has comparable specialized experience or training may apply to the ADR Clerk for special approval. In these circumstances, the ADR Clerk shall make a determination of eligibility based on criteria provided by the State Court Administrative Office.

Term: Approved mediators will appear on the list for a term of seven (7) years. At the conclusion of this seven-year term, the ADR Clerk will notify the mediator that they must re-apply and meet the eligibility requirements to remain on the list at least 30 days prior to the expiration of the approved mediator's term.

Continued Education: Approved mediators are required to obtain 8 hours of advanced mediation training during each 2-year period. Failure to demonstrate compliance with these requirements to the ADR Clerk may constitute cause for removal from the approved list of mediators.

Conduct: Approved mediators are required to conduct themselves and mediation processes in accordance with State Court Administrative Office standards. A mediator may be removed from the approved list by the ADR Clerk for demonstrated incompetence, bias, consistent unavailability, or other just cause.

Rejection / Removal: If an application to the approved list is rejected or a mediator is removed from the list, the applicant or mediator will be notified of the rejection or removal by the ADR Clerk in writing. Within 21 days of the decision to reject or remove, the applicant or mediator may seek reconsideration by the Presiding Judge of the Family Court for Saginaw County Circuit Court. The Court does not need to provide a hearing.

Effective Date

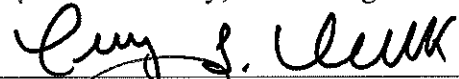
This plan shall take effect upon approval of the State Court Administrative Office.

IT IS SO ORDERED.

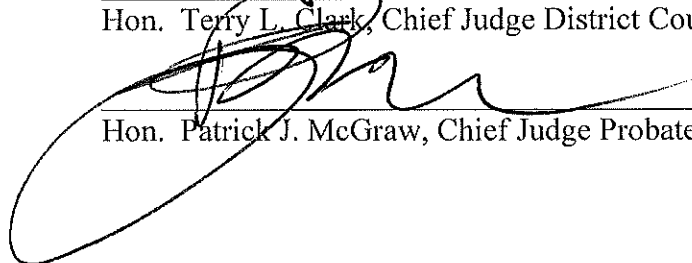
Date: 12/6/2023


Hon. Julie A. Gafkay, Chief Judge Circuit Court

Date: 12-06-2023


Hon. Terry L. Clark, Chief Judge District Court

Date: 12/6/23


Hon. Patrick J. McGraw, Chief Judge Probate Court