



MICHIGAN SUPREME COURT
State Court Administrative Office

COMMUNITY DISPUTE RESOLUTION PROGRAM

ANNUAL REPORT 2010



Solving Problems Brought to Court

Increasingly, businesses, government agencies, and the public are aware that few cases filed in court actually go to trial. In Michigan, approximately only two percent of all civil matters filed result in a trial. This means that of the cases not resolved by summary disposition motions or default judgments, the vast majority are resolved by parties’ settling their dispute “out of court.”

With the Community Dispute Resolution Program (CDRP), Michigan citizens have at hand a ready means of trying to work out disputes with other parties. Mediation is an alternative to the traditional adversarial approach to dispute resolution in the courts. Mediation is a process in which a trained, neutral person helps disputing parties reach a mutually satisfactory resolution. In mediation, solutions are created by the parties, as opposed to litigation, where the resolution of a conflict is imposed on parties by a judge. CDRP mediators are volunteers who have completed both a 40-hour training program approved by the State Court Administrative Office (SCAO) and a supervised internship. Mediators in domestic relations, guardianship, child welfare, and special education disputes have had additional advanced training as well.

CDRP centers are nonprofit, volunteer-based organizations that receive grant funding from SCAO. In 2010, SCAO distributed approximately \$1.88 million to the 20 centers to support their work; grant awards per center ranged from \$19,311 to \$321,789.

Program Performance

Centers disposed of 14,656 cases in 2010, and court referrals constituted 81 percent of all cases. The centers completely or partially resolved 7,070 cases, and provided meeting facilitation services in an additional 527 matters. Based on random surveys conducted on cases that were conciliated or mediated with agreement, the agreements reached were upheld or partially upheld 87.3 percent of the time. This is an increase of almost three percent over last year.

A resolution rate of 66 percent was realized when all parties agreed to use a center’s services. This was

2010 At A Glance

Number of centers	20
Range of grant awards.....	\$19,311–\$321,789
Individuals involved in cases.....	34,267
Number of resolutions.....	7,070
Average days to disposition	22
Average duration of mediation (hours).....	1.5
Resolution rate	66%
Average amount agreed to per case	\$2,507
Value of volunteer contribution	\$2,481,302

achieved either through the formal mediation process, or informally through correspondence or telephone conversation. The combined financial settlements of cases presenting economic issues were \$8,701,757.21. The average financial settlement per case was \$2,507.

Mediation results in the quick resolution of matters. For example, on average, a case was disposed within 22 days of intake and the average mediation session lasted about one and one-half hours.

Contract, landlord-tenant, and domestic relations matters comprised nearly 68.5 percent of the 14,656 cases disposed in 2010.

Volunteer Contributions

Volunteers serve as mediators, trainers, outreach workers, administrators, workshop facilitators, and office assistants at many centers. A total of 19,185 hours of service were contributed by volunteers in 2010. In market value equivalents, this represents a contribution of \$2,481,302. Centers also receive a number of donated goods and services such as rent, photocopying services, accounting services, and purchase discounts. The market value of these goods and services totaled \$188,715. Considered together, for every dollar invested by grant awards, an additional \$1.42 of in-kind services was generated.

Evaluation and Court Rules Update

In 2010, the Office of Dispute Resolution managed several initiatives related to updating mediation court rules and professional standards of conduct for mediators. SCAO’s Mediation

Confidentiality and Standards of Conduct Committee recommended that the Michigan Supreme Court adopt a new court rule to consolidate the mediation confidentiality provisions of MCR 2.411 and MCR 3.216. That committee also proposed, and the Michigan Supreme Court adopted, expanded exceptions to mediation confidentiality, chiefly following the Uniform Mediation Act. The web address of this report, and all proposals and reports in the following paragraphs, are listed on page 8.

A subcommittee recommended comprehensive amendments to Michigan’s current Standards of Conduct for Mediators, and these appear in a Proposal for Revising Michigan’s Standards of Conduct for Mediators, which incorporates ethical standards adopted by the American Bar Association, American Arbitration Association, and Association for Conflict Resolution. In 2011, SCAO will convene a committee to study these recommendations and to propose revisions to Michigan’s current mediation standards of conduct.

SCAO’s Statewide Mediator Roster Committee proposed a new court rule that would consolidate the mediator qualification and roster assignment provisions of MCR 2.411 and MCR 3.216. The committee also recommended that SCAO manage mediator rosters except for courts that elect to

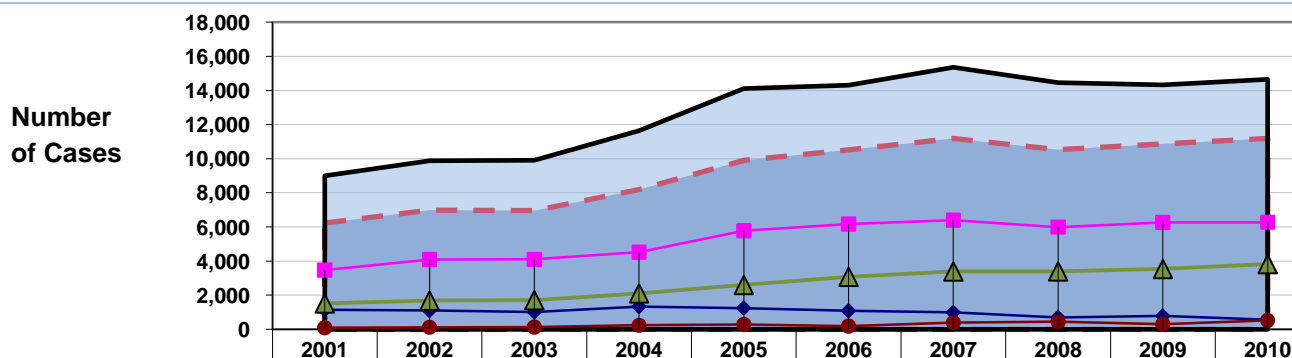
maintain their own mediator rosters. In late 2010, courts were surveyed regarding their interest in relinquishing mediator roster management in favor of state level roster management. In 2011, SCAO will assess the feasibility of taking on this function.

The Michigan Supreme Court has also directed the SCAO to study the efficacy of case evaluation practice. Designed in 2010, the study’s methodology includes a caseload analysis of six circuit courts, an online attorney survey, a judicial survey, and focus groups. The study will be conducted in early 2011, with a report expected in late-2011.

An additional study, completed in late 2010, examined the effect of courts’ referring cases evaluated under \$25,000 to three CDRP centers. The study found that between cases settled prior to, at, or immediately following mediation, 73 percent of the referred cases were disposed. The web address of the report can be found on page 8.

The SCAO also continued promoting mediators’ awareness of diversity considerations at community mediation centers. This effort began with a national review of diversity training practices in 2009, and led to SCAO’s sponsoring a model training program attended by mediators from five community mediation centers in 2010.

CDRP Statewide Trend



	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Total Core	6,235	6,991	6,963	8,196	9,909	10,525	11,191	10,537	10,875	11,193
Total Disposed	9,003	9,884	9,914	11,647	14,116	14,314	15,363	14,464	14,332	14,656
Conciliation	1,153	1,103	1,021	1,336	1,247	1,090	996	700	780	561
Mediation	3,472	4,084	4,100	4,517	5,779	6,169	6,401	5,993	6,259	6,273
Mediation w/o Agreement	1,517	1,683	1,708	2,107	2,602	3,081	3,399	3,403	3,541	3,831
Facilitated/Arbitrated	93	121	134	236	281	185	395	441	295	528

Total Core Total Disposed Conciliation Mediation Mediation w/o Agreement Facilitated/Arbitrated

Community Dispute Centers

The following centers provide conciliation, mediation, and other forms of dispute resolution pursuant to 1988 PA 260, the Community Dispute Resolution Act.

BERRIEN, Branch, Cass, St. Joseph, Van Buren

Citizens Mediation Service, Inc.
811 Ship Street, Suite 205
St. Joseph, Michigan 49085
Phone (269) 982-7898
Fax (269) 982-7899
matt_balfe@citizensmediation.org
www.citizensmediation.org
Contact Matthew Balfe

CHARLEVOIX, Emmet

Citizen Dispute Resolution Service, Inc.
Northern Community Mediation
415 State Street
Petoskey, Michigan 49770
Phone (231) 487-1771
Fax (231) 487-1770
jane@northernmediation.org
Contact Jane Millar

CHIPPEWA, Luce, Mackinac

Eastern UP Dispute Resolution Center, Inc.
P.O. Box 505
Sault Ste Marie, Michigan 49783
Phone (906) 253-9841
Fax (906) 253-9844
cdrc@northernmi.net
www.eupmediate.com
Contact Gerry Stelmaszek

DELTA, Menominee, Schoolcraft

Resolution Services Program
UPCAP Services, Inc.
P.O. Box 606
Escanaba, Michigan 49829
Phone (906) 789-9580
Fax (906) 786-5853
gocc@upcap.org
www.upcap.org
Contact Cheryl Goc

GENESEEE, Arenac, Bay, Clare, Gladwin, Midland, Ogemaw,

Roscommon, Saginaw
Community Resolution Center
315 East Court Street, Suite 200
Flint, Michigan 48502
Phone (810) 249-2619
Fax (810) 239-9545
JOdell@mediation-CRC.org
www.mediation-crc.org/
Contact Jane O'Dell

GOGEBIC, Baraga, Dickinson, Houghton, Iron, Keweenaw, Ontonagon

Western UP Mediators
PO Box 327, 100 W. Cloverland Dr, Ste 2-3
Ironwood, Michigan 49938
Phone (906) 932-0010
Fax (906) 932-0033
mediator@up.net
Contact Marvin LaGrew

GRAND TRAVERSE, Antrim, Benzie, Leelanau, Missaukee, Wexford

Conflict Resolution Services, Inc.
852 South Garfield Avenue, Suite B
Traverse City, Michigan 49686
Phone (231) 941-5835
Fax (231) 941-4530
conflictresolutionservices@hotmail.com
www.CRSmediationTC.org.
Contact Jennifer Kowal

INGHAM, Clinton, Eaton, Gratiot, Ionia, Shiawassee

Resolution Services Center of Central Michigan
229 North Pine Street
Lansing, Michigan 48933
Phone (517) 485-2274
Fax (517) 485-1183
fourhglover@tds.net
www.rscem.org
Contact Linda Glover

JACKSON, Hillsdale, Lenawee, Monroe

Southeastern Dispute Resolution Services
Community Action Agency
511 South Jackson Street
Jackson, Michigan 49201
Phone (517) 788-6495
Fax (517) 788-6398
mstanley@caajlh.org
Contact Marc Stanley

KALAMAZOO, Barry, Calhoun

Dispute Resolution Services
Gryphon Place
1104 South Westnedge Avenue
Kalamazoo, Michigan 49008
Phone (269) 552-3434
Fax (269) 381-0935
drsmediate@hotmail.com
www.gryphon.org
Contact Barry Burnside

KENT, Isabella, Lake, Mecosta, Montcalm, Newaygo, Osceola

Dispute Resolution Center of West Michigan
Community Reconciliation Center
678 Front Avenue, NW, Suite 250
Grand Rapids, Michigan 49504
Phone (616) 774-0121
Fax (616) 774-0323
jwilmot@drcwm.org
www.drcwm.org
Contact Jonathan Wilmot

MACOMB, St. Clair

The Resolution Center
176 S. Main Street, Suite 2
Mt. Clemens, Michigan 48043
Phone (586) 469-4714
Fax (586) 469-0078

MACOMB, St. Clair (continued)

cpappas@theresolutioncenter.com
www.theresolutioncenter.com
Contact Craig R. Pappas

MARQUETTE, Alger

Marquette-Alger Resolution Service
715 W. Washington Street, Suite A
Marquette, MI 49855
Phone (906) 226-8600
Fax (906) 226-5399
marsmediation@yahoo.com
www.marsmediation.org
Contact Jennifer Frazier

MUSKEGON, Manistee, Mason, Oceana

Westshore Dispute Resolution Center
27 East Clay Avenue
Muskegon, Michigan 49442
Phone (231) 727-6001
Fax (231) 727-6011
wdrc@mediatewestmichigan.com
www.mediatewestmichigan.com
Contact Kate Kesteloot Scarbrough

OAKLAND

Oakland Mediation Center, Inc.
550 Hulet Drive, Suite 102
Bloomfield Hills, Michigan 48302
Phone (248) 338-4280
Fax (248) 338-0480
bhanes@mediation-omc.org
www.mediation-omc.org
Contact Bonnie Hanes

OTSEGO, Alcona, Alpena, Cheboygan,

Crawford, Iosco, Kalkaska, Montmorency, Oscoda, Presque Isle
Community Mediation Services
Otsego County
United Way Building
116 5th Street
Gaylord, Michigan 49735
Phone (989) 732-1576, (989) 705-1227
Fax (989) 705-1337
annette.cms@frontier.com
www.otsego.org/cms
Contact Annette Wells

OTTAWA, Allegan

Mediation Services
Center for Dispute Resolution
Courthouse Square
68 West 8th Street, Suite 140
Holland, Michigan 49423
Phone (616) 399-1600
Fax (616) 399-1090
corriveau@mediationsolvesconflicts.org
www.mediationsolvesconflicts.org
Contact Connie Corriveau

TUSCOLA, Huron, Lapeer, Sanilac
 Center for Dispute Resolution
 Human Development Commission
 429 Montague Avenue
 Caro, Michigan 48723-1997
 Phone (989) 672-4044
 Fax (989) 673-2031
 peggyd@hdc-caro.org
 Contact Peggy Davy

WASHTENAW, Livingston
 Dispute Resolution Centers of Mich, Inc.
 The Dispute Resolution Center
 (110 N. Fourth Avenue, Suite 100)
 P.O. Box 8645
 Ann Arbor, Michigan 48107-8645
 Phone (734) 222-3745
 Fax (734) 222-3760
 dulinb@ewashtenaw.org
 www.thedisputeresolutioncenter.org
 Contact Belinda Dulin

WAYNE
 Wayne Mediation Center
 Garrison Place
 19855 W. Outer Drive, Suite 206 – East
 Bldg.
 Dearborn, Michigan 48124
 Phone (313) 561-3500
 Fax (313) 561-3600
 bdempsey@mediation-wayne.org
 www.mediation-wayne.org
 Contact Bernard Dempsey

Types of Court Cases Mediated

CIRCUIT COURT CASE TYPE	GOAL	EXAMPLE/EVIDENCE
General civil claims case-evaluated at less than \$25,000	Shorter case disposition times; fewer post-judgment activities; higher user satisfaction rates; improved access to justice	A 2010-11 SCAO study of cases ordered to CDRP centers following case evaluation awards under \$25,000 showed that 67 percent of the cases were disposed prior to or at mediation. An additional 6 percent were disposed after mediation with no subsequent court events taking place. Mediated cases disposed on average 203 days earlier than cases not mediated.
Family division: divorce	Reduce contested pre- and post-judgment motions; introduce collaborative problem-solving at the earliest possible moment	This new service, developed with the support of the Michigan State Bar Foundation, has resulted in centers' managing more than 300 divorce actions in the last year.
Family division: limited issue pre- and post-judgment domestic relations matters	Improved parenting time circumstances; increased rates of child support payments; reduced number of contested hearings; improved communications between parties	In Michigan, 12 CDRP centers managed 570 cases related to parenting disputes and developing parenting plans and visitation agreements. Of these cases, 541 cases were referred by Friends of the Court in 2010. Agreements were reached in 72.3 percent of the cases in which mediation was attempted.
Family division: truancy	Increased school attendance, decreased expulsion rates	Mediation with all interested parties results in plans that keep children in school.
DISTRICT COURT CASE TYPE	GOAL	EXAMPLE/EVIDENCE
General civil claims	Shorter case disposition times; fewer post-judgment activities; higher user satisfaction	A 2010-11 SCAO study of cases ordered to CDRP centers following case evaluation awards under \$25,000 showed that 67 percent of the cases were disposed prior to or at mediation. An additional 6 percent were disposed after mediation with no subsequent court events taking place. By analogy to the jurisdiction of district court cases, CDRP centers should be able to achieve similar disposition rates in district court cases.
Landlord/tenant cases	Eviction prevention; improved housing relations	Almost 1,600 cases managed by CDRP centers in 2010 involved landlord/tenant issues.
Small claims division	Party-stipulated agreements; fewer post-judgment collection cases; higher user satisfaction	A 2004 Michigan State University study found higher collection rates by plaintiffs and quicker payment times in judgments reached through mediation than through traditional litigation. Please see page 8 for the web address of this report.
PROBATE COURT CASE TYPE	GOAL	EXAMPLE/EVIDENCE
Guardianship	Shorter case disposition times; fewer contested hearings; higher user satisfaction	CDRP centers managed 172 cases involving adult or child guardianship in 2010.
Conservatorship and trusts	Shorter case disposition times; fewer contested hearings; higher user satisfaction	Persons challenging the accountings of conservators and trustees can meet in mediation to have financial matters explained.
Testamentary matters	Reduce the number of contested wills; repair family relationships	Mediators help resolve contested matters between personal representative, family members, and beneficiaries, etc.

School Conflict Management Services

Not all services are available at every CDRP center. Please contact a center to learn about locally available services.

	GOAL	EXAMPLE	PROCESS AND OUTCOME
RESTORATIVE PRACTICES	Reducing suspensions and expulsions	One girl accused another of posting comments on the Internet slandering her character, and accusing her of stealing her boyfriend. Through mediation, the girls resolved to remove the Internet postings and discontinue slanderous comments to friends about each other.	Process: Adults facilitate meetings between everyone affected by at risk student behavior or conflicts. Outcomes: Suspensions avoided, expulsions, assaults, and discipline referrals reduced. Improved school climate.
PEER MEDIATION	Effectively managing minor conflicts between students	Several boys of different ethnic backgrounds were routinely seen threatening each other on school grounds, although no assaults had been committed. Student mediators were able to help the boys identify the cultural differences in their speaking with each other and to help find a way to resolve differences in the future.	Process: Student mediators meet with the students in conflict and help them find a solution to the problem and determine how they will manage any conflicts in the future. Outcomes: Reduction in escalation of conflict that may lead to suspension or expulsion, less adult intervention in minor conflicts, less aggressive behavior, and reduction in expulsions, assaults, discipline referrals. Improved school climate.
TRUANCY PREVENTION MEDIATION AND RESTORATIVE CONFERENCING	Reducing truancy	Through the mediation process at school, parents and a 5th grader were able to uncover the true reasons for the student's absences and develop a plan to connect the family to resources that would ensure the student's attendance.	Process: Adults mediate between the student, parents/guardians and the school. A prosecutor and/or truancy officer may also participate. Outcomes: Increases the number of in school days, reduces the likelihood of dropouts, reduces classroom disruption, increases parental involvement.
BULLYING PREVENTION	Reducing incidences of bullying	One boy has repeatedly called another boy, who has a hard time defending himself, derogatory names. A fellow student has told the boy to stop and has told his teacher. The teacher has implemented consequences, met separately with the boys, and is increasing their supervision.	Process: Bullying behavior is addressed through school rules and procedures, staff training, student classroom meetings, individual interventions, and parent and community involvement. Outcomes: Reduces existing bullying behavior, prevents the development of new bullying behavior, improves peer relations at school.
MICHIGAN SPECIAL EDUCATION MEDIATION PROGRAM (MSEMP)	Reducing the contentiousness of IEP meetings and reducing the number of hearings	Parents of a child with Asperger's syndrome felt that their child should have services supported by an out of state provider. Parties agreed to a specialized curriculum provided at the local ISD and a full time teaching assistant.	Process: Mediators who have had advanced training in special education issues help parents, teachers, special education directors, and other interested parties reach mutually agreed upon solutions. Outcomes: Results in better management of IEP meetings and collaboratively derived service agreements; reduces the number of contested hearings.



Parenting Time Mediation Program

Federal Access and Visitation funds supported the work of volunteer mediators at 12 CDRP centers to help parties solve problems related to parenting time and visitation disputes. The volunteers have completed either the SCAO approved 44-hour domestic relations training program or the 40-hour basic training program and internship, followed by a two day training focused on FOC processes, family dynamics, and domestic violence screening. The primary goal of this service is to resolve conflicts that create obstacles to the noncustodial parent having access to his or her child(ren).

COMMUNITY DISPUTE RESOLUTION PROGRAM (CDRP) CENTERS

Cases Accepted	549
Cases Disposed	570

Case Outcomes

Conciliated	2
Mediated w/ Agreement	268
Mediated w/ Partial Agreement	4
Mediated w/o Agreement	104
Facilitated	0
Settled Prior to Mediation	31
All Other	161

Source of Case Referrals

Court	541
Self	22
Other	7

When Mediation Is Attempted:

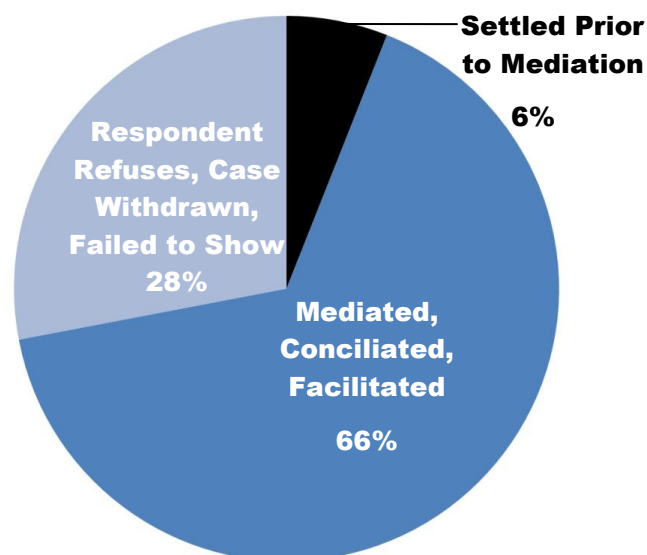
72% are mediated with agreement
28% are mediated without agreement

Clients

Number of Children	713
Number of Parents	752
Service Costs	\$25,950
Number of Centers	12

Average number of days to disposition	22.3
Average mediation duration in hours	2

Closed Case Outcomes



Community Dispute Resolution Program Parenting Time Mediation Program Comparison

	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10
Mediated to Agreement*	183	308	346	275	274
Mediated Without Agreement	70	104	116	100	104
Number of Cases Accepted	410	628	653	552	549
Number of Cases Disposed	378	647	695	559	570
Number of Prejudgment Cases	103	92	117	102	116
Average Case Duration (hours)	2	2	2	1.9	2

*includes Partial Agreement, Conciliation, Facilitation

The access and visitation program expenses for 2009-10 totaled \$315,353. Federal funding contributed \$283,818 or 90% of the program expenses and the remaining balance of \$31,535 or 10% was financed by non-governmental sources.

Supervised Parenting Time and Neutral Drop Off Services

Federal Access and Visitation funds were contracted to Friend of the Court (FOC) offices to support services to ensure that children in high conflict cases have an opportunity to spend time with their noncustodial parent. Supervised parenting time involves a neutral third party who is present and observes or manages the interaction between the child and the noncustodial parent during parenting time sessions. The neutral drop off and exchange program involves the services of a neutral party who is simply present during the transfer of children at a neutral and safe location.

CIRCUIT COURT (FOC) AND LOCAL SERVICE PROVIDERS		Clients	
		Number of Children	993
		Number of Parents	838
Case Outcomes (number of events)			
Supervised Parenting Time	3,501	Service Costs	\$183,923
Neutral Drop Off and Exchange	2,344	Number of Courts	24

FOC offices typically subcontract with local professional organizations to provide these services. Many families require multiple services, and more than one instance of each service. During the period funded, this resulted in, on average, seven service activities per parent.

Contractual payments to FOC offices range from \$1,300 to \$79,185. The funding process is annually reviewed in consultation with the Friend of the Court Association and the SCAO’s Friend of the Court Bureau.

SCAO gratefully acknowledges the assistance of the Michigan Department of Human Services in administering the Access and Visitation grant received from the federal Office of Child Support.

Web Address Listings of Reports

SCAO’s Mediation Confidentiality and Standards of Conduct Committee

<http://courts.mi.gov/scao/resources/publications/reports/ODR-MediationConfidentialityReport.pdf>

Proposal for Revising Michigan’s Standards of Conduct for Mediators

<http://courts.mi.gov/scao/resources/publications/reports/ODR-ProposalforRevisingMSCM.pdf>

SCAO’s Statewide Mediator Roster Committee

<http://courts.mi.gov/scao/resources/publications/reports/StatewideMediatorRosterJuly2010.pdf>

Mediation After Case Evaluation

<http://courts.mi.gov/scao/resources/publications/reports/Mediation-After-Case-Evaluation.pdf>

Community Dispute Resolution Program

<http://courts.michigan.gov/scao/dispute/odr.htm>

District Court, Small Claims Division Mediation in Michigan: Comparing Collection Rates in Adjudicated & Mediated Cases

<http://courts.mi.gov/scao/resources/publications/reports/SmallClaimsEvalFinalReport.pdf>

Contact a Local Mediation Center

Local CDRP centers can be contacted by calling **1-800-8RESOLVE (1-800-873-7658)**. Additional CDRP information, including statistical supplements, public education materials, and downloadable brochures, can be found on SCAO’s website at: <http://courts.michigan.gov/scao/dispute/index.htm>.



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