

FREDDIE G. BURTON, JR.
JUDY A. HARTSFIELD
FRANK S. SZYMANSKI
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DAVID BRAXTON
LAWRENCE J. PAOLUCCI
DAVID A. PERKINS
JUDGES OF PROBATE



FREDDIE G. BURTON, JR.
CHIEF JUDGE OF PROBATE

DAVID BRAXTON
CHIEF JUDGE PRO TEMPORE

APRIL K. MAYCOCK
PROBATE REGISTER

JEANNE S. TAKENAGA
PROBATE REGISTER 1990-2011

WAYNE COUNTY PROBATE COURT
LOCAL ADMINISTRATIVE ORDER 2022-
Rescinds Administrative Order 2002-01
ORDER ADOPTING ALTERNATIVE DISPUTE RESOLUTION PLAN

IT IS ORDERED:

This administrative order is issued in accordance with Michigan Court Rule 2.410 Alternative Dispute Resolution, effective August 1, 2000, as amended. The purpose of this order is to adopt the Local Alternative Dispute Resolution Plan incorporated into this Order upon approval by the State Court Administrative Office.

1. Scope and Applicability

This administrative order governs the procedure for facilitative mediation in this Court and is supplemental to MCR 2.410, MCR 2.411 and MCR 5.143. If there is a conflict, the court rules control. This Administrative Order replaces and rescinds prior Wayne County Probate Court (“the Probate Court”) Local Administrative Order (“LAO”) 2002-01 and establishes the current Alternative Dispute Resolution (“ADR”) Plan for the Probate Court’s probate proceedings and civil actions.

2. Alternative Dispute Resolution (“ADR”) Clerk Designation

The Probate Court designates the Court Attorney to serve as the ADR Clerk. In the absence of the Court Attorney, the Chief Deputy Probate Register shall serve as the ADR Clerk.

3. Maintenance of List of Persons Available to Serve as Mediators and Assignment from List

The office of the Court Attorney of the Probate Court maintains the list of persons available to serve as mediators in accordance with MCR 2.411. In the first half of 2022, the office of the Court Attorney seeks updated information from mediators currently on the list; updated information will be sought in 2-year intervals thereafter. Applications to be added to the Probate Court’s list of mediators may be submitted to the office of the Court Attorney at any time. The list of mediators is available to parties and members of the public. In accordance with Section 7 below, the court will allow the parties to select their own mediator, either from the list or from their own sources, and will refer cases to the local dispute resolution center in the absence of a selection by the parties.

4. Dissemination of Information Concerning the Probate Court’s ADR Program

Information concerning the court’s ADR program is available on the court’s website, www.wcpc.us under “Information: List of Court Approved Mediators” and questions may be directed to the ADR Clerk via email at ChiefDepReg@wcpc.us.

5. Selection of Cases for Mediation

Pursuant to MCR 5.143(A), the Probate Judge to whom a proceeding or action is assigned, may, after consultation with the 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.

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. This order will be served on each party and their attorney, if applicable. Objections to the Order for Mediation may be made in accordance with MCR 2.410(E).

6. Fees

Mediators are permitted to charge a reasonable fee, which may be shared pro-rata among the participating persons, or as otherwise ordered by the court. Information about a mediator's usual fee is included on the court's list of mediators.

7. Access to ADR processes for indigent persons

If a party qualifies for waiver of filing fees under MCR 2.002, or the Probate Court determines on other grounds that the party is unable to pay the full cost of the ADR process, mediation fees shall be waived.

8. Referral of cases to local dispute resolution center

The parties may stipulate to the selection of a particular mediator. The list of qualified mediators will be made available to the parties. The Probate Court will appoint the selected mediator, provided the mediator is willing to serve within the ordered time period for conducting mediation. If the parties fail to select a mediator within the time set forth in the order, the Probate Court shall appoint Wayne County Dispute Resolution Center, www.wcdrc.org, to serve as mediator in accordance with MCR 2.410(B)(3). The Center has agreed to accept referrals for mediation from the Probate Court according to the attached Agreement. For those matters where mediation fees are to be waived due to indigency and there is no mediator on the Probate Court's list of approved mediators able to serve pro bono, the matter will be referred to the Center.

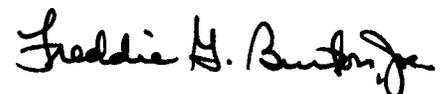
9. Scheduling and Conduct of Mediation

Within the time specified in the Order for Mediation, the selected mediator shall, on consultation with the parties, shall schedule a time for mediation and may ask for documents or summaries to be presented in advance. The mediator shall meet with the parties or persons specified in the Order, shall explain the process, and then shall proceed with mediation. Mediation shall continue until the matter is resolved and a settlement is reached, the mediator determines that a settlement is not likely to be reached, or until a time agreed to by the parties. The mediator shall complete a Mediation Status Report and file it with the courtroom at least 3 days prior to the adjourned hearing date and shall indicate if additional mediation sessions are requested.

Effective Date: _____

2/18/2022

Date



Hon. Freddie G. Burton, Jr.
Chief Judge
Wayne County Probate Court