

STATE OF MICHIGAN  
CIRCUIT COURT FOR THE COUNTY OF MACOMB

IN RE SELECTION OF MEDIATORS

Administrative Order 1997-3

**A. Mediator Plan**

This plan will cover the selection of Mediators for the Macomb County Circuit Court.

The Macomb County Circuit Court mediators will also evaluate cases selected and referred by Macomb County district courts desiring to participate.

**B. Lists of Mediators**

**1. Mediator Application**

The Macomb County Circuit Court requests approval of an alternative Mediator Application. The application is attached.

**2. Mediator Eligibility**

To qualify as a mediator, a person must meet the qualifications in subrule MCR 2.404(B)(2):

- (a) An applicant must have been a practicing lawyer for a least 5 years and be a member in good standing of the State Bar of Michigan;
- (b) An applicant must reside, maintain an office, or have an active practice in the jurisdiction for which the list of mediators is compiled; and,
- (c) An applicant must demonstrate that a substantial portion of the applicant's practice for the last 5 years has been devoted to civil litigation matters, including investigation, discovery, motion practice, mediation, settlement, trial preparation, and/or trial.
- (d) In addition, in order to qualify as a personal injury mediator, an applicant must have had an active practice in the practice area for which the mediator is listed for at least the last 3 years.

### **3. Review of Applications**

(a) The applications will be reviewed by the Mediation Advisory Committee at least annually. The Mediation Advisory Committee will be appointed by the Chief Judge. The Committee will consist of at least three members. The membership of the committee will include practicing lawyers, representatives of the Macomb County Bar Association, Court staff and members of the Circuit Court Bench. The selection of Committee members will be designed to assure that the goals of MCR 2.404(D)(2) are met. Members will be appointed to 3 year terms. A person will not be allowed to serve on the Committee more than 3 years in any 9 year period.

(b) An applicant who is not placed on a mediation list may appeal, in writing, to the Chief Judge within 30 days after notice of the decision is mailed to the applicant. There will be no oral argument. The Chief Judge will inform the applicant of the decision in writing.

### **4. Specialized Lists**

(a) There will be a specialized personal injury list, which will consist of panels of three attorneys with experience and expertise in personal injury litigation.

(b) Personal injury panels will handle only personal injury cases. Mediators on the personal injury list will be divided into plaintiff mediators, neutral mediators and defense mediators depending on whether they primarily represent plaintiffs, defendants or are not identifiable with either.

### **5. Term of Placement on Lists**

Mediators will be appointed to a fixed term no greater than 5 years. The terms of mediators may be staggered so that a manageable number of mediators will be considered for reappointment each year.

### **6. Removal from lists**

Mediators who demonstrate incompetency, bias, made themselves consistently unavailable to serve as a mediator or show other just cause may be removed from the list by the Mediation Advisory Committee.

A mediator who is removed from a mediation list may appeal, in writing, to the Chief Judge within 30 days after notice of the decision is mailed to the mediator. There will be no oral argument. The Chief Judge will inform the mediator of the decision in writing.

## 7. Orientation and Training

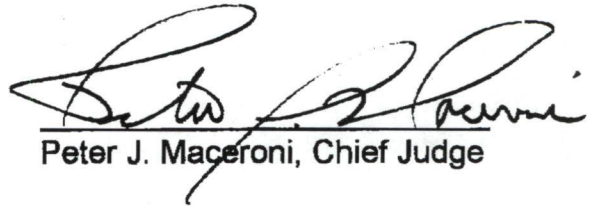
Mediators will be provided with orientation materials explaining the mediation process and the operation of the Court's mediation program.

### C. Assignment to Panels

Mediators will be assigned to panels in a random or rotating manner that assures as nearly as possible that each mediator on a list is assigned approximately the same number of cases over a period of time. If a substitute mediator must be assigned, a similar assignment procedure will be used to select the substitute.

This order shall take effect on October 1, 1997

IT IS SO ORDERED



Peter J. Maceroni, Chief Judge

Dated: OCT. 15, 1997

# MACOMB COUNTY CIRCUIT COURT MEDIATOR APPLICATION

Please type or print legibly

Name: \_\_\_\_\_ P# \_\_\_\_\_

Business address: \_\_\_\_\_  
Firm name, if applicable

\_\_\_\_\_ Street

\_\_\_\_\_ City \_\_\_\_\_ State and Zip

Telephone: (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

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## GENDER/RACE/ETHNICITY INFORMATION - OPTIONAL

In order to evaluate our efforts to provide bias free mediation panels and diversity, we ask you to voluntarily identify your gender/race/ethnicity. Please check the appropriate box:

- |   |   |
|---|---|
| <input type="checkbox"/> Male             | <input type="checkbox"/> Hispanic   |
| <input type="checkbox"/> Female           | <input type="checkbox"/> Caucasian  |
| <input type="checkbox"/> African American | <input type="checkbox"/> Multiracial (means having parents of different races). |
| <input type="checkbox"/> Asian American   |   |

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1. What mediator list are you applying for? (Select one)

General Civil

Personal Injury (subdivided into plaintiff, neutral and defense mediators):

- Plaintiff
- Neutral
- Defense

2. Do you have any mediation experience?  Yes  No. Please describe:

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3. When were you admitted to the practice of law (month/year)? \_\_\_\_\_

4. Are you a member in good standing of the State Bar of Michigan?  Yes  No

5. Do you qualify for service in this jurisdiction by (a)  residing in Macomb County (b)  maintaining an office in Macomb County, or (c)  having an active practice in Macomb County?

6. Please provide factual support for your qualifications under question 5 by providing your address or a description of your "active practice" on the following lines:

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7. Please demonstrate that a substantial portion of your practice for the last 5 years has been devoted to civil litigation matters. Provide some descriptive verification of each of the elements of practice identified in MCR 2.404(B)(2)(c):

(1) Investigation:

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(2) Discovery:

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(3) Motion Practice:

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(4) Mediation:

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(5) Settlement:

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(6) Trial preparation:

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(7) Trial:

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**If you are applying for service on the Personal Injury List pursuant to MCR 2.404(B)(4), please answer the following questions. All others skip to the certification section.**

1. In your practice, do you primarily represent:

- Plaintiffs?
- Defendants?
- Not identifiable?

2. In the past three years, what percentage of your practice has been personal injury matters?  
\_\_\_\_\_ %

3. In the past three years, have you actively engaged in investigative, discovery and motion practice related to your personal injury cases?  Yes.  No.
4. How many cases on average have you **mediated** as counsel for a party over the last three years? \_\_\_\_\_.
5. How many cases on average have you **arbitrated** as counsel for a party over the last three years? \_\_\_\_\_.
6. How many cases on average have you **participated in facilitation** as counsel for a party over the last three years? \_\_\_\_\_.
7. How many days of the year have you acted as a **mediator** over the past three years, in personal injury cases? \_\_\_\_\_.
8. How many days of the year have you acted as an **arbitrator** over the past three years, in personal injury cases? \_\_\_\_\_.
9. How many days of the year have you acted as a **facilitator** over the past three years, in personal injury cases? \_\_\_\_\_.
7. How many personal injury cases did you resolve by way of settlement over the past three years on an annual basis? \_\_\_\_\_.
8. How many personal injury cases did you try to a verdict over the past three years?  
\_\_\_\_\_.
9. Within your personal injury practice, what percentage of your cases are:
- |                              |       |   |
|------------------------------|-------|---|
| A. Personal injury?          | _____ | % |
| B. Products Liability?       | _____ | % |
| C. Professional malpractice? | _____ | % |
| D. Employment?               | _____ | % |

## ADDITIONAL INFORMATION

If you have other experience or a speciality beyond what has been discussed which you feel bears on your qualifications as a mediator, please provide that information on separate sheets and attach them to this application.

## MEDIATOR ELIGIBILITY CERTIFICATION

**(All applicants must complete this certification)**

I certify, pursuant to MCR 2.404(B)(1), that I meet the requirements for service under the Macomb County Circuit Court's selection plan and that I will not discriminate against parties, attorneys, or other mediators on the basis of race, ethnic origin, gender, or other protected personal characteristic.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Return this application to:

Keith R. Beasley, Court Administrator  
40 N. Main  
Mt. Clemens, MI 48043