

# **Information for Prospective Mediation Court Roster Applicants: Frequently Asked Questions**

The State Court Administrative Office (SCAO) frequently receives questions regarding service on trial courts' mediation rosters, including questions about mediator training and obtaining mediation experience. The following questions and responses represent those typically received and addressed by SCAO staff.

## **Court Roster Qualifications and Service**

1. What are the qualifications to serve as a general civil or domestic relations mediator?

Answer: A synopsis of qualifications required by Michigan Court Rules appears here:

<http://courts.mi.gov/Administration/SCAO/OfficesPrograms/ODR/Documents/2014%20Qualifications%20Summary%202.11.14.pdf>

2. Do I have to be an attorney to be a mediator?

Answer: No. However there are additional requirements for persons without a law degree. For general civil cases, persons without a law degree or a graduate degree in conflict resolution must demonstrate 40 hours or 18 cases of mediation experience in the two years prior to applying to serve on a roster. For domestic relations cases, the degree requirements of MCR 3.216 may be waived by demonstrating completion of 80 hours or 20 cases in domestic relations mediation.

3. I have taken mediation training in another state that was not approved by SCAO. Will this meet the requirements to be on a court roster in Michigan?

Answer: Maybe. Under certain circumstances, mediation training in another state can qualify you for service on a Michigan court roster. Please see the "grandparenting" provisions under either Section 5 (general civil mediation) or Section 7 (domestic relations mediation) of the Training Standards and Procedures document:

<http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/odr/Mediator%20Training%20Standards%20and%20Procedures%201.1.2013.pdf>

4. I am a licensed \_\_\_\_\_ (fill in the blank) and mediating disputes between clients is something I have done for many years even though I have never taken a formal training program. Do I still have to take the mediator training to serve on a court roster?

Answer: Yes. There are no exceptions for completing the training requirement for court roster service.

5. Where do I find the court's mediation roster application, and once I complete it, can I send the same form to all the courts I'm interested in working with?

Answer: It is always best to contact the ADR clerks of the courts you wish to work with and ask to be sent a copy of the court's application. If you are told that the court is using the "SCAO-approved form," you can obtain the form here:

<http://courts.mi.gov/Administration/SCAO/Forms/Pages/Alternative-Dispute-Resolution.aspx>

If the court has its own form, you should use that form and return it to the court. It is always best to contact the ADR clerk prior to sending in an application to verify which form is required by the court.

6. I completed mediation training a long time ago. Can I still get on a court roster?

Answer: Yes. If the training was more than two years prior to applying to serve on a court roster the applicant must demonstrate completion of eight hours of advanced mediator training in the two years prior to making the application. In addition, for persons interested in serving on the general civil case roster, persons without a law degree must demonstrate 40 hours or 18 cases of mediation experience in the two years prior to applying to serve on a roster.

7. I have been convicted of a felony. Can I still be on a court roster?

Answer: Yes. The court rules do not exempt from service persons with a criminal conviction from roster service.

8. I applied to be on a court roster six months ago and still have not heard whether I was appointed to its roster. How long does it take to get approved?

Answer: The process for a court's approving mediators is outlined in the court's ADR Plan, which the court should have available. The plan can also be obtained from the SCAO. Applications are processed with varying frequencies, ranging from quarterly to annually. You can always contact the court's ADR clerk to learn more about the court's application process.

9. A court declined my application to be on its roster. Can I appeal?

Answer: The appeals process is outlined in the court's ADR Plan, which can be obtained either from the court's ADR clerk, or from SCAO.

10. Is there a limit to how many court rosters I can be on?

Answer: No. There are no limitations on the number of rosters mediators can serve on. You may apply to as many courts as you wish.

11. If I fulfill the training and experience requirements and am accepted to serve on a court roster, how many appointments can I expect to get?

Answer: Michigan Court Rules permit litigants the opportunity to select their own mediator before being appointed one by the court. In practice, the vast majority of litigants and their attorneys do agree to the selection of a mediator, obviating the need for the court to appoint one. You may wish to contact the ADR clerk of the court(s) for which you may be applying to serve as a mediator to ask about the level of appointments from the mediator roster as the number varies by jurisdiction.

12. When can I expect to get my first case once I am on a court's mediation roster?

Answer: This varies by jurisdiction. Some courts have over 200 mediators on their rosters, and because attorneys in most cases select their own mediator, the courts only very infrequently need to select a person from the rosters. Most mediators report having received very few cases through court roster appointments.

13. If I'm not likely to get many cases from roster appointments, is there any benefit to appearing on the roster?

Answer: Serving on a court roster is a personal decision. Some mediators conclude that roster membership is not necessary or that they do not want to wish to receive a randomly selected case. Appearance on a roster is of sufficient benefit to maintain the credentials to stay on the roster, for example, completing eight hours of continuing education every two years. Other mediators believe that, for either marketing or credentialing purposes, having their names on court rosters is worthwhile.

## **Mediation Training Programs**

14. Where can I find a list of approved training programs?

Answer: SCAO-approved training programs appear on the following website:

<http://courts.mi.gov/Administration/SCAO/OfficesPrograms/ODR/Pages/Approved-Mediation-Training-Programs.aspx>

15. How do I know if a particular training program is approved by SCAO?

Answer: The trainer should be able to provide you with documentation of the program's approval. You can also contact SCAO at (517) 373-4839 to verify that a program is approved.

16. I'm considering taking an online mediation training course. Would this meet the court rule qualifications?

Answer: Online courses do not qualify for mediator credentialing under Michigan Court Rules and State Court Administrative Office training standards.

17. I don't have my training certificate. Can I apply for roster service without it?

Answer: No. The certificate demonstrates to ADR clerks that you have fulfilled an essential requirement for roster service. In the event of a lost certificate, you should contact the training institution or trainer from your program to see if you can obtain a replacement certificate.

18. Do all courts have the same training requirements?

Answer: Yes. Courts are not permitted to add additional requirements beyond those detailed in the Michigan Court Rules.

19. I'm considering completing either an ADR program certificate program or a Masters in Dispute Resolution. Does obtaining either the certificate or the degree qualify me for service on Michigan court rosters?

Answer: Michigan Court Rules do not require the completion of a certificate program or a Masters Degree for qualification to serve on a court roster, however having a Masters Degree in Conflict Resolution relieves an applicant of having to demonstrate completion of 40 hours or 18 cases of mediation experience. Individual courses offered within certificate and Masters Degree programs may be approved by the State Court Administrative Office for qualification to serve on court rosters; however, coursework offered beyond those specifically approved by SCAO is not required for service on a court roster.

Presently, three types of programs are approved: (1) a 40-hour general civil mediation training program; (2) a 40-hour domestic relations mediation training program; and (3) a minimum 8-hour domestic violence screening training program. SCAO also approves advanced mediator training programs, but these are not required for original acceptance onto a court roster. Any courses or programs offered beyond these four programs are not required for court roster qualification. The college or university offering the programs should identify for you which programs meet SCAO's qualifications for court service.

## **Obtaining Mediation Experience**

20. I have identified a training program I would like to take, but I'm not sure how to get the mediation experience necessary to qualify for service on a court roster. What are my options?

Answer: It's always best to discuss this with a trainer before taking a mediation training course. Some mediation trainers include opportunities for obtaining mediation experience as a part of their agreement with training participants; others do not.

Some private mediators are willing to provide the observation service. If you know a mediator already qualified for service on a court roster, you may consider asking if that person is willing to assist you.

Occasionally, university programs include the experiential requirements in their program curricula and arrange with a mediation agency to work with students to fulfill the requirements.

Additionally, some Community Dispute Resolution Program (CDRP) centers offer opportunities for obtaining mediation experience. Because the centers make this service available as an added component of their work, there may be a cost. You may wish to contact the CDRP center nearest you before participating in a training program to learn about local opportunities for completing court rule experiential requirements. To contact the CDRP center nearest you, call 1-800-8RESOLVE.

Again, it is always best to check with the trainer if obtaining mediation experience following the training program is important to you.

### **Advanced Mediator Training**

21. I understand that to remain on a roster I need to complete eight hours of advanced mediation training every two years. Where do I find these programs, and do these programs need to be SCAO-approved?

Answer: Trainers providing advanced mediation training programs are not required to seek SCAO approval of the programs. Virtually any training program related to mediation practice meets the training requirement. Some trainers may wish to remove any uncertainty as to whether their program would qualify as meeting court rule requirements, so they preapprove the program through SCAO and include this information in the program announcement.

Many Community Dispute Resolution Program centers offer advanced training programs. You can contact the center(s) nearest you to learn if any training programs are scheduled:

<http://courts.mi.gov/Administration/SCAO/OfficesPrograms/ODR/Documents/Blue%20List%20-%20Current.pdf>

You can also contact SCAO at (517) 373-4839 to ask if a program has been pre-approved, or check our website for a calendar of approved programs:

<http://courts.mi.gov/Administration/SCAO/OfficesPrograms/ODR/Pages/Mediation-Training-Dates.aspx>

For additional information:

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