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## AGREEMENTS

Although the mediators do not give legal advice or voice their opinions as to what an agreement should be, they do provide guidance to the parties in developing an agreement that is reasonable for the parties involved to implement.

If there is no agreement when a case has been court referred or ordered,

- the Center will send a letter to the appropriate court indicating the date of the mediation, who was present, and the length of time of the mediation;
- the parties will be reminded that what was said during mediation is confidential and cannot be shared with others; and
- if all of the parties involved in mediation agree to letting the court know what was discussed or portions of what was discussed during mediation, the mediators will note the specific items in writing and then have all of the parties sign that document, which will then be given to the court.

If there is no agreement when a case has not been referred by the court, the parties will be reminded that what was said during mediation is confidential and cannot be shared with others.

If an agreement is reached, the mediators will complete the Agreement Form. In most cases, the parties will then sign that form.

- If any of the parties want to have their attorneys review the Agreement Form prior to signing it, that stipulation should be included in the agreement itself. The amount of allowable time for the review should also be incorporated into the agreement, as well as the procedure for returning the form to Northern Community Mediation.
- If an attorney were to re-word or re-write any portion of the Agreement Form as completed by the mediators, the agreement would be nullified. The parties would have to return to the table to re-mediate or accept the new proposal.

For cases involving Child Protection, Access & Visitation, Victim Offender Reconciliation and First-Time Offender Shoplifting, NCM will also be responsible for providing the court with a copy of the Agreement Form when the case has been court referred or ordered. A copy of the agreement will be provided to all of the involved parties. The original agreement will be maintained by NCM.

It is the responsibility of the mediators to ensure that no person enters into an agreement under threat of harm or intimidation.

### **ATTORNEYS**

Every effort will be made on the part of Northern Community Mediation to maintain positive working relationships with the attorneys, particularly those of Charlevoix and Emmet counties.

In cases that are court referred or ordered, the Case Manager will contact the attorneys of potential mediation participants for permission to talk with their clients. If an attorney prefers that the Case Manager not talk directly with her/his client, the Case Manager will gather the necessary information from the attorney. If the attorney does not want the Case Manager to talk directly with his/her client and if a fee is being charged, the Case Manager will explain to the attorney that he/she is responsible for the fee.

### **CANCELLATION POLICY**

If one of the parties fails to show for or cancels a mediation within 24 hours of the scheduled mediation, that party's administrative fee will not be refunded. The other party's administrative fee, however, will be refunded.

If one of the parties fails to show for or cancels a mediation within 24 hours of the scheduled mediation, that party will be charged a \$50 cancellation fee. If all the involved parties in a given case agree to the cancellation, the fee shall be split among the parties.

### **CASE FILES**

The file for a non-mediated case in which no agreement is reached should include the following:

- Case Information page from MADTrac
- Case Manager's notes
- Court Referral Form or letter if appropriate
- CDRP Individual report form from MADTrac

The file for a conciliated case should include the following:

- The same documents as required for a non-mediated case in which no agreement is reached
- Signed Mediation Agreement Form if appropriate

The file for a mediated case that does not reach agreement should include the following:

- The same documents as required for a non-mediated case in which no agreement is reached

- Signed Mediation Consent Form
- Mediation Follow-Up Form completed by all mediators and observers
- All correspondence sent to or received from mediators and other participants
- Documents provided by the participants or the court
- Completed Participant Evaluation Form

The file for a mediated case that reaches agreement should include the following:

- The same documents as for a mediated case that does not reach agreement

The file for small claims mediated cases should include the following:

- The same documents for mediated cases
- Either a copy of Judgment or Dismissal Form if an agreement is reached

Original case files are not to be removed from the office. The Executive Director must approve the removal of any and all copies of case files from the office. Any copies that are taken from the office must be signed-out. The sign-out must include the date and the signature and phone number of the person signing-out the copies. The copies must be returned with an explanation of the action that was taken relating to those copies of the case. The Executive Director will maintain the record of the case file sign-outs.

### **CODES: DISPUTE TYPES**

All cases must be categorized under one of the following dispute types:

- |               |                              |
|---------------|------------------------------|
| • CDP         | Child Welfare Issues         |
| • CML         | Criminal                     |
| • CON (Other) | Breach of Contract           |
| • CON (GC)    | Breach of Contract           |
| • CON (SC)    | Breach of Contract           |
| • DIK         | Divorce Children             |
| • DIV         | Divorce No Children          |
| • EMP         | Employment                   |
| • GDA         | Guardianship/Adult           |
| • GDC         | Guardianship/Child           |
| • LAN         | Landlord/Tenant              |
| • NGH         | Neighbor                     |
| • ODM         | Domestic Matters             |
| • ODM (ACVS)  | Access & Visitation          |
| • OPM         | Other Probate Matters        |
| • PBP         | Public Policy                |
| • PJC         | Post Judgment Domestic       |
| • PJC (ACVS)  | Access & Visitation          |
| • PPO         | Personal Protection Order    |
| • PPP         | Personal Protection Order-DM |
| • PRP         | Property                     |
| • RST         | Real Estate                  |

- SCH School
- SCH (TRU) Truancy
- VRA Adult Victim Offender
- VRJ Juvenile Victim Offender
- OTH Other
- OTH (PI) Personal Injury

**CODES: MADTRAC**

**Divorce Cases**

|               |          |                  |  |
|---------------|----------|------------------|--|
| Program Code: | 33C/57E, | Court Name:      | 33 <sup>rd</sup> /57 <sup>th</sup>               |
| Dispute Type: | DIV/DIK  | Judge:           | Hayes/Johnson                                    |
| Sub Type:     | DIV      | County:          | Charlevoix/Emmet                                 |
| Referred By:  | CTS/Self | Referral Agency: | 33 <sup>rd</sup> /57 <sup>th</sup> Circuit Court |

**Domestic Cases**

|               |                          |                  |   |
|---------------|--------------------------|------------------|---|
| Program Code: | ACVS/GCC/GCE/<br>57E/33C | Court Name:      | 33 <sup>rd</sup> /57 <sup>th</sup><br>FOCC/FOCE |
| Dispute Type: | ODM                      | Judge:           | Hayes/Johnson                                   |
| Sub Type:     | Numerous                 | County:          | Charlevoix/Emmet                                |
| Referred By:  | CTS/OTH/Self/PRS         | Referral Agency: | Circuit/FOC/County                              |

**Access & Visitation**

|               |                |                  |                     |
|---------------|----------------|------------------|---------------------|
| Program Code: | ACVS           | Court Name:      | FOCC/FOCE           |
| Dispute Type: | PJC/ODM        | Judge:           | Hayes/Johnson       |
| Sub Type:     | Parenting Time | County:          | Charlevoix/Emmet    |
| Referred By:  | CTS/Self       | Referral Agency: | Friend of the Court |

**Parenting Time**

|               |                |                  |                     |
|---------------|----------------|------------------|---------------------|
| Program Code: | 33C/57E        | Court Name:      | FOCC/FOCE           |
| Dispute Type: | ODM/PJC        | Judge:           | Hayes/Johnson       |
| Sub Type:     | Parenting Time | County:          | Charlevoix/Emmet    |
| Referred By:  | CTS/Self       | Referral Agency: | Friend of the Court |

**Custody**

|               |              |                  |   |
|---------------|--------------|------------------|---|
| Program Code: | ACVS/33C/57E | Court Name:      | FOCC/FOCE<br>33 <sup>rd</sup> /57 <sup>th</sup>             |
| Dispute Type: | PJC/ODM      | Judge:           | Hayes//Johnson  |
| Sub Type:     | Custody      | County:          | Charlevoix/Emmet  |
| Referred By:  | CTS/Self     | Referral Agency: | Friend of the Court,<br>33 <sup>rd</sup> , 57 <sup>th</sup> |

**CDP Cases**

|               |     |                  |                                     |
|---------------|-----|------------------|-------------------------------------|
| Program Code: | CDP | Court Name:      | 7 <sup>th</sup> E/7 <sup>th</sup> C |
| Dispute Type: | CDP | Judge:           | Snyder                              |
| Sub Type:     | OTH | County:          | Charlevoix/Emmet                    |
| Referred by:  | CTS | Referral Agency: | 7 <sup>th</sup> Probate E/Cha       |

**VORP Cases**

Program Code: VOC/VOE Court Name: 7thE/7thC  
Dispute Type: VRJ Judge: Snyder  
Sub Type: JUV County: Charlevoix/Emmet  
Referred By: CTS Referral Agency: 7th Probate C/7 Probate E  
Mediated = with the victim Conciliated = with a surrogate Facilitated = no victim or surrogate

**First-Time Offender Shoplifting Cases**

Program Code: VOC1/VOE1 Court Name: NA  
Dispute Type: VRJ Judge: Snyder  
Sub Type: JUV County: Charlevoix/Emmet  
Referred By: Prosecutor Referral Agency: County E/Cha

**Other Probate Cases**

Program Code: 7C/7E Court Name: 7thE/7thC  
Dispute Type: GDA Judge: Snyder  
GDC  
ODM  
OPM  
Sub Type: DIV County: Charlevoix/Emmet  
ASL  
DMV  
JUV  
OTH  
Referred By: CTS Referral Agency: 7th Probate C/7th Probate E

**School Attendance Cases**

Program Code: TRU Court Name:  
Dispute Type: SCH Judge:  
Sub Type: SCH: Truancy County: Charlevoix/Emmet  
Referred By: SCH/Self Referral Agency: Name of School

**Restorative Practices Cases**

Program Code: RP Court Name:  
Dispute Type: SCH Judge:  
Sub Type: SCH: Numerous County: Charlevoix/Emmet  
Referred By: SCH/Self Referral Agency: Name of School

**Small Claims Cases**

Program Code: SCC/SCE Court Name: SCC/SCE  
Dispute Type: CON Judge: Lasher  
EMP  
LAN  
NGH  
ORD  
OTH

|              |  |                  |                  |
|--------------|--|------------------|------------------|
| Sub Type:    | PRP<br>RST<br>BUY<br>CON<br>EMP<br>LAN<br>NGH<br>NOI<br>ORD<br>OTH<br>PRO<br>PRP<br>TRE<br>CTS | County:          | Charlevoix/Emmet |
| Referred By: |  | Referral Agency: | Small Claims     |

**CODES: PROGRAM**

All cases must be categorized under one of the following program codes:

- 33C            33<sup>rd</sup> Circuit Court
- 53A           53<sup>rd</sup> Circuit Court
- 57E           57<sup>th</sup> Circuit Court
- 7C            7<sup>th</sup> Probate Court/Charlevoix
- 7E            7<sup>th</sup> Probate Court/Emmet
- 90C           90<sup>th</sup> District Court/Charlevoix
- 90E           90<sup>th</sup> District Court/Emmet
- ACVS        Access & Visitation/Parenting Time
- AGM        Agriculture
- CDP        Child Protection
- CIV        Civil
- CON        Breach of Contract
- GCC        General Civil Charlevoix
- GCE        General Civil Emmet
- LTBB       Tribal Court
- ODM        Avoid Using (Other Domestic Matters)
- OTH        Avoid Using (Other)
- PEER       Peer
- RP        Restorative Practices
- SCC        Small Claims/Charlevoix
- SCE        Small Claims/Emmet
- SCH        School
- TRU        Truancy
- VOC        Victim Offender Reconciliation Program/Charlevoix
- VOC1       First-Time Offender Reconciliation Program/Charlevoix
- VOCA       Victim Offender Charlevoix Adult
- VOE        Victim Offender Reconciliation Program/Emmet

- VOE1 First-Time Offender Reconciliation Program/Emmet
- VOEA Victim Offender Emmet Adult

**CODES: REFERRAL SOURCE (REFERRED BY)**

All cases must be categorized under one of the following referral sources:

- BUS Business, Corporation
- CSR Community Organization
- CSR Child Protection
- CSR Domestic Violence
- CTS Courts
- FFC Friend, Family, Colleague
- GOV Government
- GOV DHHS
- LEG Legal Organization
- LEG Attorney
- MAR Marketing, Advertising, Outreach
- OTH Mother
- OTH Other
- PRO Probation Officer
- POL Police, Sheriff, State Police
- PRS Prosecutor
- SCH Educational Institution
- SEL Self

**CONFIDENTIALITY NOTICE**

The following confidentiality notice is to be included at the bottom of all e-mails sent out by Northern Community Mediation staff:

Confidentiality Notice: This e-mail message, including any attachments, may contain confidential information. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, you are notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this e-mail information is prohibited. If you have received this e-mail in error, please contact the sender by reply e-mail and destroy all copies of the original message

**DOCUMENT RETENTION**

Deeds, mortgages, major bills of sale, contracts still in effect, year-end financial statements, annual reports, bylaws, ~~and~~ Articles of Incorporation, and up-to-date Board Governance Policies, and Personnel Policies shall be permanently retained. All other documents shall be retained for seven (7) years.



## ETHICS

If a NCM board member or some other NCM related person is a participant in a mediation, he/she must disclose that relationship prior to and at the beginning of the mediation.

If upon arrival a mediator realizes that he/she knows one of the parties involved in the mediation, he/she should immediately reveal the context in which he/she knows the party. If any of the participants object to that mediator continuing to serve as one of the mediators, he/she should reclude himself/herself. The mediation can continue, however, with the remaining mediator.

If a mediator is also an attorney, he/she should state as such at the beginning of the mediation and clarify that he/she is there as a mediator and not to give legal advice.

If orders from the court exist restricting contact between or among the parties, NCM requires a copy of the document setting aside the restriction prior to conducting the mediation at least two days prior to the scheduled mediation.

The Consent to Mediate must be done by the mediators and not by the attorneys.

The use of personal cell phones or e-mail addresses of the mediators is prohibited for mediations or making contact with any of the participants.

### FEES: ADMINISTRATIVE FEES

With the exception of the First-Time Offender, Shoplifting Program, all fees are per party unless the case is self-referred or involves a collection agency, in which case only the initiator or collection agency is charged a fee.

| TYPE OF CASE                              | FEE PER PARTY |
|---|---------------|
| Assault                                   | \$50.00       |
| Breach of Contract*                       | \$50.00       |
| Consumer/Merchant                         | \$50.00       |
| Custody                                   | \$50.00       |
| Employment                                | \$50.00       |
| Landlord/Tenant                           | \$50.00       |
| Neighborhood                              | \$50.00       |
| Ordinance, Statute, Regulation            | \$50.00       |
| Parenting Time when no Divorce is Pending | \$50.00       |
| Personal Injury                           | \$50.00       |
| Professional/Client                       | \$50.00       |
| Property**                                | \$50.00       |
| Public Policy                             | \$50.00       |
| School Problems                           | \$50.00       |
| Real Estate**                             | \$50.00       |
|   |               |
| Divorce                                   | \$100.00      |

|  |                              |
|--|------------------------------|
| Domestic Relations                       | \$100.00                     |
| Guardianship                             | \$100.00                     |
| Parenting Time when a Divorce is Pending | \$100.00                     |
| Wills & Trusts                           | \$100.00                     |
|  |                              |
| **Cases Valued at \$25,000 or More       | \$125.00                     |
|  |                              |
|  | <b>FEE FOR OFFENDER ONLY</b> |
| First-Time Offender, Shoplifting Program | \$100.00                     |

\*There is no charge for cases that qualify for small claims court.

Please note that the administrative fee helps to defray the cost of handling a case whether or not an actual mediation takes place. Payment is due upon receipt of the invoice.

NCM reserves the right to cancel a scheduled mediation if payment has not been received within 24 hours of the scheduled mediation.

NCM also reserves the right to waive or modify fees on an individual basis. There is no charge for Access & Visitation, Child Protection, School Attendance nor Victim-Offender Reconciliation cases.

If a case is not resolved following two mediation sessions, additional fees may be charged.

Northern Community Mediation reserves the right to decline providing mediation services to individuals who have not paid for previous mediation services.

**In all cases, fees for American Veterans are waived**

### **FEES: BILLING**

During the intake process, the Case Manager will inform the party(ies) of any fees and explain that the fees can be paid in one of three manners: 1) by credit or debit card through PayPal, 2) by check, 3) with cash. The Case Manager will then send an invoice to the party(ies) via e-mail, snail mail or PayPal. If the administrative fee(s) has not been paid by the time of the reminder phone call for the scheduled mediation, the Case Manager will explain that it is the expectation that fees are paid prior to the day of mediation.

If a party fails to pay his/her fee either prior to or on the day of mediation, the Executive Director will send a reminder notice to him/her. If the fee is not paid within thirty (30) days of the reminder notice, the Executive Director will send out a third notice. If the fee is still not paid within thirty (30) days following the third notice, the Executive Director will consider the fee as being uncollectable. All second and third notices will be placed in the appropriate file of the party(ies).

When a party is represented by counsel, the Case Manager will inform the attorney of the fee and ask him/her where the invoice should be sent.

- If the attorney indicates that the invoice should be sent to the client, the Case Manager will obtain permission to talk with the client for the sole purpose of explaining the fee. A copy of the confirmation letter will be sent to both the client and the attorney. Enclosed with the confirmation letter to the client will be a copy of the invoice if it has not already been paid. Additionally, when the Case Manager makes the reminder calls, she will

mention to the client that the fee is payable prior to mediation if it has not already been paid.

- If the attorney prefers that the Case Manager not contact his/her client, the Case Manager will explain that the attorney himself/herself is then responsible for the fee.
- In discussing the fees with the attorney, the Case Manager will explain that it is the policy of Northern Community Mediation to waive or reduce fees for individuals who cannot afford the expense. However, if someone is represented by an attorney, Northern Community Mediation does not waive or reduce fees unless the attorney is not being compensated for his/her services either through payment by the client or by some other source.
- Cases involving a party's being represented by Legal Aid will be treated in the same manner as cases that involve a party's being represented by an attorney who is not being compensated.

There will be no charge for the following types of cases:

- Small claims cases that are mediated in court or those cases for which papers have been served.
- Special Education
- Access & Visitation
- Victim-Offender, Reconciliation Program
- American Veterans

Waiving or reducing fees is at the discretion of the Case Manager. If an individual says he/she cannot afford the fee, the Case Managers will respond by saying, "What could you afford to pay?" Under appropriate circumstances, the Case Manager may suggest that the party consider a donation to NCM.

### **FEES: RENTAL**

NCM pays monthly rental to St. Francis Xavier Church for use of the second floor of the old St. Francis Monastery and to the City of Charlevoix for a shared space in City Hall. If a mediation needs to take place in other facilities, it will avoid having to pay a fee. In the event that a local library charges a rental fee for the use of a room and if NCM charges a fee for that mediation, NCM will refrain from scheduling that specific mediation at the library. The rationale behind this policy is that there is no charge for the use of a library room as long as the organization using the room is not charging a fee.

### **GENERAL CIVIL**

Upon receiving referral, NCM will contact involved parties by phone within four working days. At that same time, the Case Manager enters the case information into Phone Slips. Six to eight weeks prior to mediation deadline, the case should be entered into MadTrac.

Based upon the phone calls, NCM will inform the court of one of the following:

- An agreement had been reached through conciliation. NCM will arrange for signatures on a consent judgement or a dismissal and get the paper work to the court. If attorneys are involved, it is generally the responsibility of the Plaintiff Attorney to obtain the signatures on appropriate documents and send those documents to Court.

- Once a date and time of a scheduled mediation has been set, the Case Manager will notify the Court of the same via a letter, as well as notify the parties via Confirmation Letter.
- Upon completion of the mediation, the Mediator(s) will arrange for signatures on the Agreement, and if appropriate, a Dismissal. If there is a Judgment or Dismissal and attorneys are involved, the Plaintiff Attorney is responsible for forwarding the signed documents to the Court. Whether or not an agreement is reached, NCM will notify the court as such, via a letter to the Court.
- If one or more of the parties refuses to mediate, the Case Manager notifies the Court of such.
- 

If the Case Manager is unable to contact either one or both of the parties by phone within four working days of having received the referral, the Case Manager will send a letter to the party(ies) requesting that he/she contact NCM within four working days from the date of the letter and inform the Court that the above letter has been sent.

If said party does not contact NCM within the stipulated time frame, the Case Manager will notify the Court to keep the case on the docket. If after that notification to the court NCM does in fact hear from the party prior to the hearing date, the same procedure as described in the second bullet above will be followed.

### **INTERNSHIP/MENTORING PROGRAM**

NCM maintains two types of internship/mentoring programs: one for those who have participated in NCM's forty-hour training and one for those who have been trained elsewhere. All NCM mediators must participate in one of these programs to qualify as NCM mediators.

#### **Interns trained by NCM staff**

Following completion of the forty-hour, SCAO required training, the Executive Director will schedule a meeting with those participants who have successfully completed the training and wish to volunteer as mediators for Northern Community Mediation (NCM), but were trained other than through NCM. Details of the internship/mentoring program will then be explained. For those individuals trained through NCM, an individual meeting will not be necessary since the following information will have been addressed during the training.

- A minimum of ten hours of internship time is required. This will be made up of observation and co-mediation, the exact formula being dependent upon each individual intern.
- Each intern is required to observe at least two mediations.
- Observations are to be scheduled at the convenience of the intern through the process described under the section Observations of Mediations in this document.
- Once ten hours of observation have been completed, the Executive Director will ask the intern if she/he would feel comfortable acting as a co-mediator. If not, the intern will continue as an observer until she/he feels comfortable to co-mediate.
- Once an intern feels comfortable to co-mediate, her/his name will be given to the Case Manager to add to the list for co-mediation. Interns will be scheduled to co-mediate with experienced mediators who will serve as mentors.

- The Executive Director will receive input from the mentors as to the ability of the intern.
- Once the internship has been completed satisfactorily, the intern will be given a certificate stating as such.

The internship/mentoring program must begin within two months of completing the forty-hour training. The Executive Director will contact those individuals who do not do so. Those interns who are still interested in mediating will have another two months in which to begin their internships. The minimum ten-hour internship/mentoring program, however, must be fulfilled within six months of completion of the forty-hour training. Those interns who fail to do so will be dropped from the list.

### **Interns trained elsewhere**

This process follows the procedures described above by the seven bullets for interns trained by NCM staff.

### **Private Practice Mediators**

As required by the State Court Administrative Office, NCM will provide those attorneys who want to go into private practice with the opportunity to observe two mediations and co-mediate one mediation. Upon completion, the Executive Director will send a letter to the appropriate ADR clerks so that their names can be placed on the court roster. There is a \$100 fee for this service unless the attorney has participated in the 40-hour training provided by Northern Community Mediation.

## **MEDIATION: ELECTRONIC PARTICIPATION**

Although a face-to-face meeting of the parties is the preferred method of mediating a case, Northern Community Mediation (NCM) understands that there are times when such a meeting is not practical. It is the objective of this policy to outline steps that will be taken to address extenuating circumstances.

If all parties agree to participate in mediation via Zoom, the following guidelines will be followed:

- All participants must have at a minimum a telephone and an e-mail address.
- Ideally, all participants will have downloaded Zoom onto their computers, laptops, etc., with video and audio capabilities.
- Prior to mediation, intake by the Case Managers will be the same as for face-to-face mediations.
- Consent to Mediate forms will be sent out prior to mediation with the expectation that they will be returned with signature via DocuSign prior to mediation.
- If an agreement is reached, signatures will be obtained via DocuSign before the end of the mediation.

NCM highly discourages participation by telephone by more than one party because of the audio interference usually encountered with conference calls.

If one or more than one of the parties request attending mediation via Zoom, Skype, online or other electronic means, the following parameters will apply:

- If the case has been ordered to mediation by the Court and one of the parties requests attending via an electronic means, that party or his/her attorney will notify the court of such to ensure that there is no objection on the part of the court.
- If one of the parties requests attending mediation via an electronic means, whether the case has been ordered by the court or not, the Case Manager will contact all other parties involved in the mediation to ensure that they have no objection to one of the parties attending electronically.
- The party attending the mediation by an electronic means must provide Northern Community Mediation with contact information and must incur all expenses related to the telephone call, Zoom, Skype, online, or other electronic means.
- The party attending the mediation by an electronic means must have access to a Fax machine or e-mail during the mediation so that any documents needing signatures can be sent to that individual, signed by that individual, and then returned by that individual at the time of mediation.
- Prior to mediation, the Case Manager will send a Consent to Mediate form to the party attending electronically. He/she must return that signed document to Northern Community Mediation 24 hours prior to the scheduled mediation.
- The party attending the mediation by an electronic means must be able to attend the mediation in a private area where there will be no interruption during the entire time of the mediation.
- Under no circumstances will the party(ies) and mediators who are physically present be asked to wait more than fifteen (15) minutes for the party attending electronically to connect.

### **MEDIATION: INTAKE**

#### Procedure for notification of mediation

- Upon a request to provide mediation services, the Case Manager will contact by telephone all of the parties involved within two weeks of the request.
- In the event that telephone numbers are unavailable, the Case Manager will contact the parties by e-mail or sending a letter.
- If one or more of the parties is unavailable due to illness, being out of town or the like, the other parties will be notified as such. All parties will then be contacted within two weeks of the availability of the unavailable party.
- If attorneys are involved in a case, the Case Manager will contact them to gain permission to speak with their clients. If an attorney does not want the Case Manager to speak with her/his client, the Case Manager will honor that prerogative and obtain information for the intake from the attorney unless it is a case in which DV screening is required, in which case the Case Manager is required by law to speak directly with the party.
- After three messages have been left on an answering machine and / or via e-mail and no response is made to those messages on the part of one of the parties, the Case Manager will send a letter to non-responding party advising him/her of the request for mediation. The three attempts by telephone and / or e-mail to contact will be made within a two-week period at different times of the day on different days of the week.

- If no response to the letter is received within two weeks, the Case Manager will close the case.
- The Case Manager will send a letter to inform the parties involved that the file has been closed.

#### Procedure for intake

- Upon contacting the parties who are to be involved in mediation, the Case Manager will gather appropriate information for mediation from those individuals:
  - Name
  - Address
  - Phone Number
  - E-mail address
  - Each party's side of the story
  - Issues the parties consider to be relevant to the case
  - Name of attorney if appropriate
- The Case Manager will recommend that the parties bring relevant documentation to mediation, such as receipts, mortgages, property surveys, copies of divorce papers, and calendars.
- If relevant to the case, the Case Manager will ask the parties if they know of any PPOs. If there is a PPO, the Case Manager will complete the appropriate form to have the PPO lifted for the duration of mediation, send the request to the appropriate Court Administrator, and ask that a copy of the document lifting the PPO be returned to NCM within 48 hours.
- Pursuant to PA 93, the Case Manager will screen for domestic abuse/violence in divorce and domestic cases. Such screening will also be done when domestic abuse/violence in other types of cases is suspected by the Case Manager.
- In the event that one of the parties is the victim of domestic abuse/violence, the Case Manager will proceed by either scheduling the mediation, scheduling the mediation with accommodations, or declining to schedule the mediation.
- If a PPO has been set aside or domestic abuse/violence has been revealed during intake, a staff member must be in the building during the mediation, which precludes scheduling such cases in the evening.
- If appropriate, ask the parties if they have any concerns about being in the same room with or feel intimidated by any of the parties who will be participating in mediation. If the Case Manager determines that this would have an adverse effect upon that party's being able to mediate freely and openly, the case will be closed.
- At the time of intake, the case Manager will explain the fee schedule, the fact that an invoice will be sent either electronically via PayPal or hard copy via snail mail once the mediation has been scheduled, and that payment is due prior to or at time of the mediation.

#### Procedure for scheduling mediation

- Upon completion of the intake process, the Case Manager will schedule the time and place for mediation, secure mediators for the mediation, and reserve a room(s).
- The Case Manager will send a Mediation Confirmation Memo to all parties who are to participate in the mediation.

- The Case Manager will get notes about the case to the mediators prior to mediation.
- The day before mediation, the Case Manager will place reminder phone calls to all participants in the mediation.
- If there is not sufficient time between intake and the scheduled mediation to send a letter, all parties will be notified by telephone. All information that would have been in the Mediation Confirmation Memo will be given to the parties at that time.
- With the exception of a representative attorney, any additional parties added to the list of participants after the Mediation Confirmation Memo has been sent must be approved by all parties attending the mediation.
- If this is a Zoom mediation, refer to the section on Zoom.

#### Procedure for placement on calendar and assembling of packets

- The Case Manager will put the scheduled mediation on Phone Slips. Included will be the date, time, case number, location and names of the primary participants.
- The Case Manager will assemble packets for the mediations. For those mediations scheduled at locations other than the center itself, the Case Manager will make arrangements to get the packets to the mediators
- The Case Manager will make name tents and include them in the packet when appropriate.
- If this is a Zoom mediation, refer to the section on Zoom.

#### Procedure for changes in scheduled mediations

- The Case Manager will notify all parties of the change upon becoming aware of the change in schedule.
- The Case Manager will re-schedule the mediation if appropriate and send a new confirmation memo.

The Case Manager is expected to use discretion in the above policy, taking into consideration extenuating circumstances, such as health, travel plans, death, and allowing sufficient time in which to gather documentation.

### **MEDIATION: OBSERVER PROTOCOL**

All observers must sign and adhere to the rules as spelled out in the Protocol for Observers Form.

### **MEDIATION: OBSERVATIONS**

All mediators and interns with e-mails will be included in an e-mail distribution list. When available, notice will be sent out via e-mail of upcoming mediations. If a mediator or intern is interested in observing a specific mediation, she/he is to contact the Case Manager. Unless there are extenuating circumstances, no more than one person should observe any given mediation.

For those mediators and interns who do not have e-mail, it will be their responsibility to call the Case Managers to get the weekly schedule.



## MEDIATION: PACKETS

### General Mediations

|  |   |  |
|--|---|--|
| Mediation Consent Form                             |   | 1 copy to sign<br>1 copy in plastic for each participant |
| General Agreement Form with Extra Pages            |   | 2 copies   |
| Participant Evaluation Form                        |   | 1 for each participant (other than mediators)            |
| Mediation Follow-Up Form                           | * | 1 copy   |
| Note Pads  | * | 1 pad for each participant                               |
| Pens   | * | 1 pen for each participant plus 2 extras                 |
| Kleenex  | * | 1 pack   |
| Candy  | * | 1 plastic bag full                                       |
| Protocol for Observers Form (if necessary)         | * | 1 for each observer                                      |
| Mediator Observation Checklist Form (if necessary) | * | 1 for each observer                                      |
| Name Tents (when appropriate)                      |   | 1 for each participant (first name only of mediators)    |

### Divorce Mediations

All of the above from General Mediations plus the following:

- Substitute Divorce/Separation Agreement Form for General Agreement Form
- Schedule of Proposed Division of Property
- Potential Divorce/Separation Issues

If children are involved:

- Parenting Time Calendar
- Parenting Time Holidays
- Parenting Checklist
- Co-Parenting Checklist
- Parenting Time/Custody Handouts

### Access & Visitation/Parenting Time Mediations

All of the above from General Mediations plus the following:

- Substitute Memorandum of Understanding Agreement Form for General Agreement Form
- Parenting Time Calendar
- Parenting Time Holidays
- Parenting Checklist
- Co-Parenting Checklist
- Parenting Time/Custody Handouts

### Victim Offender Reconciliation Program

All of the above from General Mediations plus the following:

- Substitute Mediation Consent Form for VORP for Mediation Consent Form
- Substitute Victim Offender Agreement Form (Charlevoix or Emmet County) for General Agreement Form

### **Child Protection**

All of the above from General Mediations plus the following:

- Child Protection Agreement Form for General Agreement Form
- Substitute both Child Protection Participant Evaluation Forms for Participant Evaluation Form
- Petition
- Preliminary Hearing document
- Intake log

### **Small Claims – Emmet & Charlevoix Counties**

At the small claims courts in both Charlevoix and Emmet Counties, a packet of materials for the mediators will be maintained. They will include the following:

- Copy of the General Agreement form
- Signed Mediation Consent Form
- Mediation Follow-Up Form
- Wage Assignment Order

### **MEDIATION: PROCEDURES IN ARRANGING**

- Enter information into Red Book
- Enter information into MADTrac in a timely manner.
- Print Case Information page from MADTrac for file
- Give copy of Case Information page from MADTrac to Executive Director
- Make up folder for case
- Contact parties by telephone
  - If unable to contact after three attempts either by phone or e-mail, send letter with date by which NCM should be contacted
- Once contact has been made with all parties and they agree to mediation, send out invoice either electronically via e-mail, PayPal or hard copy via snail mail.
- Once mediation is scheduled, send out confirmation letters even if mediators not yet scheduled
  - Send notification to involved parties
  - Send notification to the courts if applicable
- Include invoice with confirmation letter if appropriate
- Place a copy of invoice in the case folder
- Give copy of invoice to Executive Director
- Enter mediation time and date into Phone Slips. Include the following:
  - Case #
  - Case type
  - Participants' names
  - Location of mediation
  - Mediators' names
  - Observer's name if appropriate
- Arrange for mediators

- Be certain to ask mediators if they know the parties involved
- If so, arrange for another mediator
- Arrange for observers when appropriate
  - Use an e-blast
  - Honor first-come, first serve
- Keep court informed of status
  - If unable to meet a court deadline, let the court know ASAP
  - If running into scheduling problems, let the court know ASAP
- If necessary to re-schedule a mediation, notify all parties of the change by phone and send letter to everyone, including the court, of the change.
- In closing case
  - Enter information into MADTrac
  - Notify the court in writing of the outcome of the mediation if applicable

### **MEDIATION PROCESS**

Co-mediation is the preferred method of facilitating mediation. If it is not possible to schedule two mediators for a mediation, at the discretion of the Case Manager, one mediator whom the Case Manager considers to be qualified to conduct a mediation by herself/himself can be scheduled.

Unless all parties are present, mediators should avoid conversation with the participants. As the participants arrive, they should be encouraged to wait in the meeting room or the break room. Mediators should follow the protocol as defined in the SCAO training. In the opening statements, particular emphasis should be placed upon the following:

- Introduction of all parties involved and their roles in mediation.
- Reading aloud the Mediation Consent Form prior to signing of the document by everyone present (including the mediators).
- Guidelines and appropriate behavior during mediation.
- Emphasis upon confidentiality.
- Defining what the issues are in the specific mediation.

Upon reaching an agreement, the mediators should complete the Mediation Agreement Form, being certain that all parties involved in the agreement itself sign the form. Mediators should not sign the Agreement. Agreements should be written as simply as possible. It is not necessary that legal terminology be used.

Northern Community Mediation will be responsible for providing the Court with a copy of the agreement when a case has been court referred or ordered in Child Protection, Access & Visitation, Victim-Offender Reconciliation and First-Time Offender Shoplifting cases. In all other cases, NCM will notify the court of the outcome of the mediation.

When holding a mediation at Northern Community Mediation, mediators should make use of the checklist posted in the packets if no staff person is on site.

- Leave the packets on the table.
- Turn off coffee pots.
- Turn out the lights.

- Remember to lock the door to the building upon departure.

### **MEDIATION: SELECTION OF MEDIATORS**

The Case Manager is responsible for the selection of the mediators for a given case. Spouses and family members should not co-mediate. Unless there are extenuating circumstances, all mediations will have two mediators.

The selection of mediators for specific cases will be based upon the following:

- Required training for the type of mediation.
- Expertise in a given field.
- Personality that appropriately lends itself to fitting the circumstances of the case and is compatible with the participants.
  
- The party attending the mediation by an electronic means must have access to a Fax machine or e-mail during the mediation so that any documents needing signatures can be sent to that individual, signed by that individual, and then returned by that individual at the time of mediation.
- Prior to mediation, the Case Manager will send a Consent to Mediate form to the party attending electronically. He/she must return that signed document to Northern Community Mediation 24 hours prior to the scheduled mediation.
- The party attending the mediation by an electronic means must be able to attend the mediation in a private area where there will be no interruption during the entire time of the mediation.
- Under no circumstances will the party(ies) and mediators who are physically present be asked to wait more than fifteen (15) minutes for the party attending electronically to connect.

### **MEDIATION: TERMINATION OF A MEDIATION**

In most cases, once the mediation has ended, everyone just departs from the table.

In the event that the mediators believe that the parties are at a stalemate, they should end the mediation by stating “At this time, we feel that mediation is not appropriate and therefore, we are ending this session.”

In the event that the mediators sense that emotions are escalating to the point that there is potential danger to one of the parties, the mediators will proceed as follows:

- Caucus with one another
- Caucus with the party who is being threatened, explain that the mediation is being ended, and have that party leave the premises
- Allow ample time for the above mentioned party to depart safely before caucusing with the other party
- Caucus with that other party and use similar phraseology as described above.

## **MI-RESOLVE**

MI-Resolve is an initiative of the State Court Administrative Office through which individuals can settle their disputes online. The types of disputes that can be resolved through MI-Resolve are 1) small claims; 2) landlord/tenant not involving eviction; 3) medical debts; 4) contracts; 5) neighborhood disputes; 6) homeowners' association; 7) personal property; 8) animal control; 9) local police referral; 10) court referral; 11) pre-court filing cases; and 12) lawyer to lawyer. Cases are restricted to two parties. Therefore, lawyers who represent clients cannot be involved.

Northern Community Mediation oversees those cases that originate in Charlevoix and Emmet counties by assigning mediators to facilitate the online mediation itself or to assist the parties in writing up the agreement if one is reached. The Executive Director is primarily responsible for this service, while one of the Case Managers serves as the secondary resource.

Mediators are trained specifically for facilitating MI-Resolve cases. Not only are they responsible for facilitating the mediation itself and/or writing up the agreement, they must also complete the appropriate court documents for those cases that are court ordered. When a case is mediated to agreement, one of the following is to be completed: (1) dismissal; 2) judgment/dismissal small claims; or 3) judgment landlord-tenant. Additionally, the mediator also is responsible for completing the Mediation Report.

## **OFFICE SAFETY**

The front door is to be locked from 5:00pm to 8:00am the following day. It should also be locked if no one is in the office or if a staff member is alone in the building after 4:30pm. NCM will maintain a surveillance camera, motion sensitive chime, and panic button to the fire and police departments.

## **OPEN CASE VS. CLOSED CASE**

A case is opened under one of two circumstances:

- The Court refers or orders a case to mediation.
- Contact is made with Northern Community Mediation requesting mediation, and the Case Manager then contacts or attempts to contact the parties involved as described under the Intake section of these Office Procedures.

A case is closed if one of the parties does not respond to the Case Manager's attempts for contact. A case is also closed when one of the following applies:

- Conciliation – a process through which a conflict is resolved without formal face-to-face mediation. This may include party contact by telephone, correspondence, internet, or informal meeting resulting in a written or verbal agreement by all parties.
- Mediated to agreement – a face to face meeting(s) which resolves the issues brought to the center by the parties in a dispute and results in a written agreement.
- Mediated without agreement – a mediation that concludes without resolving the issues and producing an agreement.
- Facilitated – assistance in working with a group of people to work together to make decisions.

- Arbitrated – a written decision provided by an arbitrator or arbitration panel based on information received during the dispute resolution process.
- Unamenable for mediation – a case that is not appropriate for mediation based on information discovered subsequent to the screening process. Examples include cases where parties are incompetent to negotiate due to behavior that interferes with the mediation process, behavior indicative of substance abuse, real issues in the case involve violent felonies or drug-related felony criminal prosecution.
- The above applies to cases that are mediated electronically, such as Zoom, Skypes, phone, online.

If a case has been closed but it resurfaces with the same issues, it will be re-opened if the case resurfaces during the same quarter in which it was closed. If the closing has taken place in a previous quarter, it will be treated as a new case. In this circumstance, the letter A will be added to the end of the original case number, and the re-opened case will be assigned the first five numbers of the original case, followed by the letter B.

### **PATH OF A CASE**

The following is the procedure for processing a case:

- A case is referred or ordered by the Court, or a request is made for mediation by one or more of the parties involved.
- The Case Manager opens the case by contacting the parties, securing a case number from Red Books, and completing the Case Information page from MADTrac.
- The Case Manager gives a copy of the Case Information page to the Executive Director.
- The Case Manager contacts the parties involved to schedule mediation.
- If no mediation is held, the Case Manager gives the appropriately completed CDRP Individual Report form to the Executive Director, closes the case, and files all appropriate paper work.
- Upon scheduling a mediation session, the Case Manager records the date, time and place of the mediation session, as well as the names of the mediators in phone Slips.
- The Case Manager arranges for the mediators to receive their packets of materials. When the mediation session is held at Northern Community Mediation, the packet is placed on the table in the mediation room.
- When the mediation is held other than at Northern Community Mediation, the Case Manager makes arrangements for the mediator(s) to have the packet prior to the mediation.
- After completion of mediation, the mediators return the packet of materials to the Case Manager. If an agreement has been reached, the original Mediation Agreement Form is enclosed in that packet of materials.
- The Case Manager closes the case by entering the appropriate data into MADTrac and filing all appropriate documentation relating to the case (including but not limited to the Case Information page from MADTrac, the CDRP Individual Report Form from MADTrac, the Case Manager's notes, and the signed agreement).
- The Case Manager gives a copy of the CDRP Individual Report form to the Executive Director.

- When an agreement has been reached on a court-referred or ordered case, the Case Manager sends a copy of the agreement form to the court in cases that involve Child Protection, Access & Visitation, Victim-Offender Reconciliation and First-Time Offender Shoplifting.
- If no agreement is reached, the Case Manager notifies the court in writing to that effect if the case has been referred or ordered by the court.

### **PROFESSIONAL DEVELOPMENT**

In order to be a qualified mediator for Northern Community Mediation, an individual must meet the requirements described in the internship/mentoring program.

Even though they function as volunteers, Northern Community Mediation mediators are highly trained professionals, who are considered to be members of the staff. Because of their status, it is expected that they will maintain their stature by participating in eight hours of professional development workshops required by the State Court Administrative Office (SCAO) every two years and mediate a minimum of four cases per year.

### **QUALITY ASSURANCE**

#### **Program Goals**

- To ensure that Center volunteer mediators are effectively practicing facilitative mediation.
- To provide oral and written feedback to the mediator and to the Center's staff.
- To evaluate mediator performance every year.
- To provide mediators with additional training to improve their facilitative, mediation skills.
- Observation of a mediator doing a mediation by a staff member.

#### **Program Protocol**

- The Case Managers and Executive Director will rely upon four resources:
  - Remarks by co-mediators
  - Remarks by observers to the mediations
  - Evaluations completed by the participants following each mediation
  - Conversations with the mediators themselves

### **REASONS FOR NO MEDIATION**

Settled prior to mediation – a case in which a settlement is reached without the assistance of the Center and prior to a scheduled mediation.

Respondent refuses to mediate – a case in which the respondent refuses to mediate.

Initiator failed to show – a case in which the initiator does not attend the scheduled mediation and no arrangements for rescheduling have been made by the Center.

Respondent failed to show – a case in which the respondent does not attend the scheduled mediation and no arrangements for rescheduling have been made by the Center.

Both failed to show – a case in which the initiator and the respondent do not attend the scheduled mediation and no arrangements for rescheduling have been made by the Center.

Case withdrawn - a case in which one of the parties after initially agreeing to mediate decides not to participate.

Unable to contact - a case in which the center has attempted unsuccessfully three or more times to contact one of the parties over a period of three different days.

Unamenable for mediation – a case in which mediation would not be an appropriate means of resolving conflict.

## **RECORD KEEPING**

All financial records, case files, Mediator Observation Checklists, volunteer time and volunteer miles should be maintained for a minimum of seven years. Financial records include accounts payable, income accounts, expenditure accounts, savings accounts, investment accounts, grant applications, grant contracts, payroll data, quarterly, mid-year and yearly financial reports for SCAO, tax records, in kind donation data, and any other financial records that substantiate and validate the handling of the monies.

See section Case Files for information that is to be maintained in a case file. When a case is open, the Case Manager is to keep the file. Once a case is closed, the Case Manager is to file the cases chronologically in the appropriate file cabinets.

Volunteer time includes but is not limited to mediation-related time and SCAO training. It is a type of in kind donation. In January or February, all mediators and volunteers are to receive a copy of their total volunteer hours for the previous year.

Volunteer miles include the miles traveled by the mediators and trainers for the purpose of performing their responsibilities as mediators or trainers. At the end of December, all mediators and volunteers are to receive a copy of their total mileage for that year. The mediators have three choices: receive reimbursement for mileage at the present IRS rate, decline reimbursement, or accept the reimbursement check and return it to the Center. Unless the mediator contacts the Executive Director in writing to make a correction on the mileage, it will be assumed that the mileage is correct, and mileage will be reimbursed based upon the Center's records.

## **REPORTING**

All reports are to be prepared in a timely fashion so as to avoid delinquency.

Reports to SCAO may include but are not be limited to the CDRP grant application, CDRP grant agreement, quarterly reports, mid-year reports, year-end reports, budget modification reports if needed, final expenditure and quarterly Access & Visitation reports.



Monthly reports are due to Special Education Mediation Services.

Reports to the Board of Directors include minutes of all meetings, monthly financial reports, monthly case-status reports, committee reports, and any other reports the Board deems necessary.

All reports to granting agencies are to be completed with full and accurate disclosure of the manner in which the funds were spent in a timely manner.

### **SMALL CLAIMS**

Upon receiving the documents for mediation, the mediator should look through the papers to determine whether or not a counter suit has been filed. If so, the counter claim should be incorporated as a part of that specific mediation.

Mediators should follow the protocol as defined in the SCAO training. In the opening statements, particular emphasis should be placed upon the following:

- Introduction of all parties involved and their roles in mediation
- Reading aloud the Mediation Consent Form prior to signing of the document
- Guidelines and appropriate behavior during mediation
- Emphasis upon confidentiality
- Defining what the issues are in the specific mediation

In Emmet County, upon reaching an agreement, the mediator will complete the Small Claims Court form. After the parties have signed and dated the form, the mediator and the involved parties will take the document to one of the Deputy Clerks – Civil (Hannah Mays or Wendy Viles) for the Attorney Magistrate’s approval and signature.

In Charlevoix County, upon reaching an agreement, the mediator will complete the Small Claims Court form. After the parties have signed and dated the form, the mediator and the involved parties will take the document to the Deputy Clerk – Civil (Kathy Froysaa) for the Attorney Magistrate’s approval and signature.

If the parties do not reach an agreement, the mediator along with the disputing parties will bring the Court form back to one of the Deputy Clerks – Civil (Hannah Mays or Wendy Viles) in Emmet County or the Deputy Clerk – Civil (Kathy Froysaa) in Charlevoix County for direction to a Small claims hearing.

**Conciliation:** When a case is settled prior to the mediation deadline, the following procedure is to be followed:

- The Case Manager drafts the appropriate Court documents (Judgment, Dismissal, Wage Assignment)
- The Case Manager e-mails the appropriate documents to the parties for accuracy and signatures. If a party does not have an email address, the appropriate documents are to be mailed to that party via USPS. It is the responsibility of that party to return the signed document to either the Case Manager or to the Court.

- If the Defendant does not have an e-mail address, the Case manager sends the documents to the Plaintiff via e-mail, and the Defendant goes to the physical address of the plaintiff so that both parties can review and sign the documents
- If the Plaintiff is Instant Cash, Access to Cash or Check & Cash, once the documents are signed, the Plaintiff forwards the appropriate documents onto Court.
- The Case Manager follows up with the Court to make certain that the necessary, signed documents were received and requests that a copy of ~~same~~ those documents be either e-mailed or faxed to Case Manager.

Small claims cases are to be entered into MadTrac two weeks prior to the mediation date. In contacting the parties, if a phone number ~~is~~ has been disconnected, the Case Manager is to contact the court, the Plaintiff, or the Defendant for verification of the correct phone number. If the Case Manager is unable to obtain a working phone number, the Case Manager is to send a “No Contact” letter to that party. If that party does not respond within the stipulated date, a “No Contact” letter is sent to the Court.

### **SMALL CLAIMS ZOOM PROCESS**

Once papers have been served, the Court will contact Northern Community Mediation (NCM), The Case Manager will try to resolve the disagreement through telephone calls.

- If she is able to do so, she will let the Court know of the outcome and send appropriate documents to the Court.
- If no agreement is reached, she will inform the Court as such.

The Court, then may order the case to a Zoom mediation. The Court, will send the order to ~~Laura~~ the Case Manager via an e-mail.

The Case Manager will schedule the Zoom mediation.

- If an agreement is reached, the Case Manager will let the Court know and will send the appropriate documents to the Court.
- If no agreement is reached, the Case Manager will notify the Court as such.

The Court will then hold the parties to the hearing date for a face-to-face hearing.

### **STATE REQUIRED FOLLOW-UP**

The purpose of the follow-up is to determine whether or not agreements have been kept. The State Court Administrative Office (SCAO) provides each Citizen Dispute Resolution Program (CDRP) center with a random list of 50 mediations in which an agreement was reached. The Case Managers attempt to make contact with those individuals who were involved in those mediations. If they are unable to make that contact after three attempts by telephone, the process will be aborted for that case. All of this information is to be recorded in MADTrac. Once completed, the report is sent to the SCAO.

### **WEBSITE PRIVACY POLICY**

Northern Community Mediation respects the privacy of our website visitors and does not collect any personal information. NCM does not attempt to track individuals in any manner and does not link any web information to any other databases for the purpose of identifying individual website

users. NCM does not track IP addresses or deposit any “cookies” in an attempt to gain information about website users. When visiting links to others sites, NCM encourages visitors to review the privacy policies and statements of each site visited. Any questions and/or comments regarding the Privacy Policy of NCM should be directed to

Dr. Jane Millar  
 231.487.1771  
[jane@northernmediation.org](mailto:jane@northernmediation.org)  
 415 State Street  
 Petoskey, MI 49770

### **WEIGHTED CASELOAD**

The weighted caseload should be taken into consideration when a decision has to be made as to the dispute type that is to be recorded for any given case.

|               |                              |     |
|---------------|------------------------------|-----|
| • CDP         | Child Welfare Issues         | 5.9 |
| • CML         | Criminal                     | 1.8 |
| • CON (Other) | Breach of Contract           | 5.0 |
| • CON (GC)    | Breach of Contract           | 2.2 |
| • CON (SC)    | Breach of Contract           | .9  |
| • DIK         | Divorce Children             | 4.7 |
| • DIV         | Divorce No Children          | 3.7 |
| • EMP         | Employment                   | 3.8 |
| • GDA         | Guardianship/Adult           | 3.7 |
| • GDC         | Guardianship/Child           | 6.8 |
| • LAN         | Landlord/Tenant              | 1.2 |
| • NGH         | Neighbor                     | 1.8 |
| • ODM         | Domestic Matters             | 3.9 |
| • ODM (ACVS)  | Access & Visitation          | 4.6 |
| • OPM         | Other Probate Matters        | 4.3 |
| • PBP         | Public Policy                | 4.2 |
| • PJC         | Post Judgment Domestic       | 2.6 |
| • PJC (ACVS)  | Access & Visitation          | 3.5 |
| • PPO         | Personal Protection Order    | 3.9 |
| • PPP         | Personal Protection Order-DM | 3.7 |
| • PRP         | Property                     | 1.8 |
| • RST         | Real Estate                  | 3.2 |
| • SCH         | Schools                      | 1.0 |
| • SCH (TRU)   | Truancy                      | 1.9 |
| • VRA         | Adult Victim Offender        | 3.3 |
| • VRJ         | Juvenile Victim Offender     | 3.8 |
| • OTH         | Other                        | 1.0 |
| • OTH (PI)    | Personal Injury              | 1.7 |

## ZOOM

### Security

- Personal e-mails and personal phones by mediators or staff cannot be used in relationship to Northern Community Mediation (NCM), Zoom mediations.
- When scheduling the mediation, the following security measures will be taken: 1). Add a meeting password; 2). Disable file transfer; 3). Disable “join before host;” 4). Disable “allow removed participants to rejoin;” 5). Enable waiting room; 6). Prevent recording and 7). Screen sharing to “host only.”

### Technical Requirements & Difficulties

- Ideally, all participants would have a computer, laptop, iPad or other electronic device with a camera and speakers.
- At the very least, a participant has to have a phone and an e-mail address.
- When a person has no camera but uses the link to enter the mediation, rather than seeing his/her picture there will be a black box with that person’s phone number. It may be necessary to ask the person to identify who she/he is.
- If a person is using a phone to enter the mediation, he/she will have to use the phone number that appears on the invitation.
- The Case Manager should provide everyone who will be participating in the mediation a phone number to call if they encounter problems in getting into the meeting.

### Intake Process

- The intake process for a Zoom mediation is the same as for a face-to-face mediation with the additional steps as described below.
- If the parties agree to participate in a Zoom mediation, the Case Manager ensures that they have downloaded the Zoom App onto their electronic device prior to mediation.
- Unless there are extenuating circumstances, mediation times will be scheduled at 9:30am or 1:30pm.
- It is essential that the e-mails of all participants are obtained.
- The Case Manager schedules the mediation in Zoom and sends it to the parties involved.
- The Case Manager copies the link for the mediation and pastes it into an e-mail to the mediators. This is for the purpose of maintaining the privacy of the mediators’ e-mail addresses.
- The Case Manager sends the Consent to Mediate via DocuSign to the participants, which the parties are to read, sign and return prior the mediation.
- The Court is to be notified of the scheduled mediation if applicable.
- Both the signed Consent to Mediate and the Agreement forms are to be filled in by the
- A day or two prior to mediation, the Case Manager sends a reminder e-mail with the link and phone number to call if a party experiences technical problems the day of mediation.

### Starting the Mediation by the Case Manager

- Go to the Outlook calendar, click on the appropriate meeting, click on the link into the meeting
- In the upper right-hand corner, it is preferable to choose “gallery view” to see all participants rather than “speaker view” to see only the person speaking.

- Once all invitees are present, the Case Manager may turn the mediation over to another mediator to be the host, in which case the Executive Director can mute and turn off her video until she is needed for DocuSign if an agreement is reached.

#### To Remove Party from the Mediation

- Go to Manage Participants at the bottom of the screen
- Hover over the name of the person to be removed
- Go over to blue oval with the word “More” in it
- Drop down and click remove
- Participant can be re-admitted at the discretion of the mediator

#### To Change Host

- Click on “participants” across bottom of screen
- List of participants appears on right of screen
- Hover over the person who is to become host. Two blue ovals will appear; mute and more.
- Go to more and drop down to “Change host.”

#### Mute Buttons

- Button in bottom left hand corner
  - Used by participants to mute themselves
  - Attorney and client could each mute themselves and then have a phone conversation with one another
- By going to the participant list, host can mute specific individuals by clicking on the appropriate microphone icon

#### White Chat Button Across Bottom of Screen

- Click on chat button
- White column appears on the right of the screen
- At bottom is the word “everyone” with a drop down listing all of the participants.
- To send a message to everyone, leave everyone showing, write message in the box below and then hit “enter.”
- To send a message to a specific individual, drop down to that person’s name, write the message and hit “enter.”

#### To Share Screen

- Click on share across the bottom of the screen
- Click on share again
- Open desired document. For documents that will be shared, put them on the desktop to the right of the screen prior to mediation. That way it will be easy to locate the documents.
- When done sharing the document, click on “stop share,” which is in the middle across the top in a small, red box.

## Breakout Sessions for Caucus

- Go to breakout icon at bottom of screen. This is made up of four white squares that form a square
- Click on manually
- Click on create rooms
- Click on add a room
- Hover over Breakout 1
  - Rename the room to the names of the parties
  - Assign the room to the names of the parties
  - Follow the same procedure for Breakout 2
- Click on open rooms
- Click on Breakout 1
  - Click on join
  - Click on yes
  - Follow the same procedures for Breakout 2
- To leave a breakout room
  - ⊖ Click on ~~go to another~~ **leave room**
  - ⊖ ~~Click on join in other room~~
- ~~Click leave to leave all breakout rooms~~

Office Procedures/ Office Procedures  
11.13.20