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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. When an agreement is reached, it is also the responsibility of the mediators to ensure that all parties sign the agreement prior to leaving the mediation.

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.

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

Unless there are extenuating circumstances, original case files are not to be removed from the office without the approval of the Executive Director.

CODES: DISPUTE TYPES

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

- CDP Child Welfare Issues (NA,RB, RL)
- CML Criminal (CM, SM)
- CON (Other) Breach of Contract (NH,NM, CB, CK, CZ, MH, MK, MM, MP, MT, MZ, GC, GZ, SC)
- CON (GC) Breach of Contract
- CON (SC) Breach of Contract
- DIK Divorce Children (DK)
- DIV Divorce No Children (DO)
- EDP Eviction Diversion Program
- EMP Employment (CD, CL)
- GDA Guardianship/Adult (AB, CA,DD, GA, GL, PO)
- GDC Guardianship/Child (JG, CY, DD, GM, LG)
- LAN Landlord/Tenant (LT)
- NGH Neighbor
- ODM Domestic Matters (DC, DP, DS)
- ODM (ACVS) Access & Visitation
- OPM Other Probate Matters (DA, DE, DH, PE, TR, TT, TV)
- PBP Public Policy
- PJC Post Judgment Domestic (DC, DM, DP, DS, DZ)
- PJC (ACVS) Access & Visitation
- PPO Personal Protection Order (PJ, PH)
- PPP Personal Protection Order-Domestic (PP)
- PRP Property (ND)
- RST Real Estate (CH, SP)
- SCH School
- SCH (TRU) Truancy
- VRA Adult Victim Offender

- VRJ Juvenile Victim Offender (DJ, DL)
- OTH Other
- OTH (PI) Personal Injury (NF, NI, NO)

CODES: MADTRAC

Access & Visitation

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

Agricultural Cases

Program Code:	AG	Court Name:	Depends
Dispute Type:	Depends	Judge:	Depends
Sub Type:	Depends	County:	Charlevoix/Emmet
Referred By:	Depends/Self	Referral Agency:	Depends

Behvioral Health

Program Code:	BHM	Court Name:	N / A
Dispute Type:	N / A	Judge:	N / . A
Sub Type:	N / A	County:	Charlevoix/Emmet
Referred By:	OMC BHMS	Referral Agency:	CMH

CDP Cases

Program Code:	CDP	Court Name:	7thE/7thC
Dispute Type:	CDP	Judge:	Snyder
Sub Type:	OTH	County:	Charlevoix/Emmet
Referred by:	CTS	Referral Agency:	7 th Probate E/Cha

Custody

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

Divorce Cases

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

Domestic Cases

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

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

Parenting Time

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

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

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

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

Small Claims Cases

Program Code:	SCC/SCE	Court Name:	SCC/SCE
Dispute Type:	CON EMP LAN NGH ORD OTH PRP RST	Judge:	Lasher
Sub Type:	BUY CON EMP LAN NGH NOI ORD OTH PRO PRP TRE	County:	Charlevoix/Emmet
Referred By:	CTS	Referral Agency:	Small Claims

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:	7 th Probate C/7 Probate E

Mediated = with the victim Conciliated = with a surrogate Facilitated = no victim or surrogate

CODES: PROGRAM

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

- 33C 33rd Circuit Court
- 53A 53rd Circuit Court
- 57E 57th Circuit Court
- 7C 7th Probate Court/Charlevoix
- 7E 7th Probate Court/Emmet
- 90C 90th District Court/Charlevoix
- 90E 90th 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
- VOA 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.

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

TYPE OF CASE	FEE PER PERSON
Assault	\$50.00
Consumer/Merchant	\$50.00
Custody	\$50.00
Employment	\$50.00
Neighborhood	\$50.00
Ordinance, Statute, Regulation	\$50.00
Parenting Time	\$50.00
Personal Injury	\$50.00
Professional/Client	\$50.00
Public Policy	\$50.00
School Problems	\$50.00
Breach of Contract*	\$75.00
Landlord/Tenant	\$75.00
Property**	\$75.00
Real Estate**	\$75.00
Divorce without Children**	\$100.00
Domestic Relations**	\$100.00
Guardianship**	\$100.00
Wills & Trusts**	\$100.00
Divorce with Children**	\$125.00
**Cases Valued at \$25,000 or More	\$125.00
**Cases Valued at \$250,000 or More	\$250.00
**Cases Valued at \$500,000 or More	\$500.00
	FEE FOR OFFENDER ONLY
First-Time Offender, Shoplifting Program	\$100.00

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

** The value is determined by the value of the assets minus the value of the liabilities.

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 will be charged.

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

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.
- 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. The Case Manager shall enter the information into MADTrac in a timely manner so that a case does not sit open in MADTrac for an unreasonable amount of time.

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

- An agreement had been reached through mediation. 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 a minimum of ten hours of observation.
- 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.

INTERPRETER

If an interpreter is needed, it is the responsibility of the requesting party to make the necessary arrangements for the interpreter, to cover the expenses for that interpreter, and to provide contact information for the interpreter to the Case Manager. If requested, the Case Manager will provide a list of potential interpreters

MEDIATION: ELECTRONIC PARTICIPATION

Although Northern Community Mediation's (NCM) preferred method of mediating a case is via Zoom, NCM understands that there are times when an in-person mediation is more appropriate. An example would be when one of the parties does not have an electronic device such that he/she can be seen by the other parties. It is the responsibility of the Case Manager to determine whether or not the mediation will take place via Zoom or in-person.

- 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.

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-for-in-person and Zoom 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.
- All parties must be able to attend the mediation in a private area where there will be no interruption during the entire time of the mediation.
- If an agreement is reached, signatures will be obtained via DocuSign before the end of the mediation.

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 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)

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

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

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

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

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

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.

In the event that a staff member or mediator feels threatened by someone outside of the premises, she/he should immediately lock the front door if possible and at the very least both side doors, which are accessible only with the key code. She/he should then call 911. In the event that the threat is coming from someone within the premises, the staff member/mediator should do her/his best to de-escalate the situation and call 911. If possible, she/he should get to one of the two back offices that have locks on the inside of the doors.

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.

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

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	1.4
• SCH (TRU)	Truancy	1.9
• VRA	Adult Victim Offender	3.3
• VRJ	Juvenile Victim Offender	3.8

- | | | |
|------------|-----------------|-----|
| • OTH | Other | .9 |
| • OTH (PI) | Personal Injury | 1.7 |

ZOOM

All participants need to have a computer, laptop, iPad or other electronic device with a camera and speakers, as well as an e-mail address. The Case Manager shall provide everyone who will be participating in the mediation a phone number to call if they encounter problems in getting into the meeting. At least one of the mediators has to be familiar enough with Zoom so that he/she can function as the host.

On the day of the mediation, the Case Manager will enter the meeting 15 minutes prior to the scheduled time so that she can admit the mediators 15 minutes prior to the meeting. Once the mediators are in the meeting, the protocol will be as follows:

- The Case Manager will turn the host position over to one of the mediators.
- The Case Manager will then leave the meeting completely.
- If an agreement is reached, the mediators will call the Case Manager to let her know that a copy of the agreement is being sent to her via e-mail.
- The Case Manager will remain on the phone with the mediator.
- Upon receiving the agreement, the Case Manager will send the agreement via DocuSign to the participants.
- Upon receiving all signatures, the Case Manager let the mediators know that all signatures are on the agreement.
- The Case Manager will send a copy of the signed agreement to all of the participants via e-mail.
- The mediators will then end the meeting.

Personal e-mails and personal phones by mediators or staff cannot be used in relationship to Northern Community Mediation (NCM), Zoom mediations.