

15th District Court Small Claims Mediation Program Description Using Zoom Mediation



Your case has been ordered to mediation by Zoom pursuant to 15th District Court Policy. Mediation is an effective method of resolving disputes that provides parties with the opportunity to reach mutually-satisfactory agreements in a non-adversarial manner.

The Dispute Resolution Center (DRC) will attempt to contact you by phone and/or email prior to the date specified in the attached Affidavit and Complaint. If you have not heard from them by that date, you **must** contact them by phone (734-974-2125) or email (THEDRC@washtenaw.org).

You will need to provide the Court with contact information so that the hearing can be scheduled and conducted on Zoom. Please fill out the attached contact form and submit it to Court by mail to 15th District Court, PO Box 8650, Ann Arbor, MI 48107, via fax to 734.794.6753 or via email to 15DSmallClaims@a2gov.org. When emailing, please include your case number located in the top right-hand corner of your filing in the subject line.

Please read the following information about the 15th District Court's Mediation Program, including a description of the mediation process, a procedural overview, and a summary of your procedural options.



What is Mediation?

The Michigan Court Rules define “mediation” as a process in which a neutral third party (mediator) facilitates communication between parties, assists in identifying issues, and helps to explore solutions to promote a mutually-acceptable settlement. Unlike litigation, where one party wins and one loses, mediation helps parties reach their own mutually-satisfactory resolution in a non-adversarial manner.



Benefits of Mediation

The decision-making process belongs to you. You decide how to best resolve your dispute; unlike going to Court, no one judges your problem and tells you what to do. *It works.* Thousands of cases have been successfully mediated to all parties' satisfaction. Mediation is a “win/win” rather than a “win/lose” solution. In Court, someone wins, and someone loses.

It's effective. About 80% of all mediated cases end in agreement. In fact, the likelihood of settling a dispute to both parties' satisfaction through mediation is much higher than in small claims court. Mediation also reduces the likelihood that the problem will occur again.



Who Will Mediate My Case?

The 15th District Court has a referral agreement with the Dispute Resolution Center of Washtenaw County (“Center”) to conduct mediation. The Center is a Community Dispute Resolution Program funded in part by the State of Michigan. There is no charge to the parties for mediation conducted by the Center. All mediators used by the Center meet or exceed the qualifications required under the Michigan Court Rules. Small claims mediators have completed a 40-hour training program and a 10-hour internship.

Parties may request that mediation be waived for good cause by making a written request prior to the scheduled date of mediation. Some examples of good cause include: the parties have already tried mediation, there is an outstanding personal protection order involving the parties, or there are issues of domestic violence between the parties.

PLEASE SEE REVERSE SIDE FOR MORE INFORMATION

Zoom:

1. If using Apple/Android Tablet or Phone - you must download the Zoom App first
2. If using Windows Desktop PC or Laptop - you must go to Zoom website (zoom.us)
3. Please test your device and networking prior to the proceeding by following directions at: <https://support.zoom.us/hc/en-us/articles/201362313-How-Do-I-Test-My-Video->
4. Please review all information below prior to the proceeding.

Connecting to the Virtual Court Room at scheduled proceeding date/time:

- Windows Desktop PCs and Laptops: Go to the Zoom Web Site (zoom.us) Click on “Join a Call” Join using Meeting ID provided for you in the confirmation email.
- Apple and Android Tablets or Phones: Install the Zoom App from the Apple or Android Store prior to the call. Launch the Zoom app at the time of the call and join using Meeting ID provided for you in the confirmation email.

Technical Responsibilities:

- The Court does not provide technical assistance for testing or troubleshooting. Additionally, the Court does not provide time during Court proceedings to troubleshoot issues.
- Remote Participants should take time prior to the call to become familiar with the Zoom controls and test your devices mic and speaker controls.
- If you are having technical issues with your equipment you should review Zoom training and support materials at Zoom.us.
- Remote participants should use a good LAN, WiFi, or substantial LTE connection to ensure a quality call. (Note: Mobile data use may incur cellular carrier charges which are the responsibility of the party.)

Zoom Etiquette:

- The call is a Court proceeding appropriate conduct and attire is required.
- Remote participants must use a private and quiet room that will be free of interruptions. Also, video meetings need good, consistent lighting so avoid rooms with bright windows and/or back-lighting.
- Remote participants must place their mobile devices on a solid surface with the camera at eye level. Do not hold mobile devices in your hand and do not lay phones or tablets flat on a desk or tabletop!
- The mediator has the right to terminate the call/proceeding if the video experience is not acceptable.
- The mediator has control over the proceeding and participants as if they were appearing in-person.

The mediator will review the case with you. Both sides will have an opportunity to discuss their views about the case. The mediator will assist in negotiations to find a solution that satisfies the needs of all parties. Mediators may speak with each party privately to explore alternatives, if it is reasonable or necessary.

Mediation is confidential and mediators can neither be called as witnesses nor have their records subpoenaed if the case is not resolved at mediation.

Parties appearing on this date must have authority to settle the case. If the parties agree to a settlement, the mediator will write the terms of the settlement on a judgment form and ask both sides to sign it. Later, the judge or magistrate will review the judgment and sign it, thereby making the agreement binding upon both parties.

Please note: If the plaintiff fails to **contact the DRC or appear for the mediation, the case may be dismissed.** If the defendant fails to **contact the DRC or appear, a default judgment may be entered.**

If both sides do not agree to a settlement, the case will be scheduled for a future trial date before a judge or magistrate.

If you have any questions about the 15th District Court Small Claims Mediation Program, please contact the Civil Division during normal business hours at (734) 794-6752 (select option 4 to speak to a clerk).