

CONSIDERATION OF ALTERNATIVE DISPUTE RESOLUTION SECTION PROPOSALS

Issue

Should the Representative Assembly support the Alternative Dispute Resolution Section's request that the Supreme Court or State Court Administrative Office consider the merits of the Section's proposal below?

Proponent

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Synopsis

The Alternative Dispute Resolution Section is requesting the Representative Assembly support the Section's request that the Supreme Court or State Court Administrative Office (SCAO), respectively, consider the merits of the Section's proposal listed below. The proponent is not requesting that the RA review the merits of the proposals themselves.

Proposal 3 – Convene a work group to consider revising Mediation Training Standards to permit merging of domestic relations and general civil mediation training.
Sent to the Court February 14, 2025.

Background

The ADR Section has developed some proposals over the last several years that will enhance mediation or ADR in the Michigan court system. These proposals have been submitted to the State Court Administrative Office, or to the Supreme Court, but there has been no response. Two of these proposals were also approved by the Family Law Section. The ADR and Family Law Sections are enlisting the support of the Representative Assembly in requesting that the Supreme Court or SCAO, respectively, review and give due consideration to these three proposals. The Civil Procedure & Courts Committee has endorsed this step.

Opposition

None known.

Prior Action by Representative Assembly

None known.

Fiscal and Staffing Impact on State Bar of Michigan

None known.

STATE BAR OF MICHIGAN POSITION

By vote of the Representative Assembly on September 18, 2026

Should the Representative Assembly support the Alternative Dispute Resolution Section's request that the Supreme Court or State Court Administrative Office consider the merits of the Section's proposal below?

(a) Yes

or

(b) No

February 14, 2025

Thomas P. Boyd
State Court Administrator
State Court Administrative Office
P.O. Box 30048
Lansing, MI 48909-7548

Re: Recommendations to Revise Mediation Training Standards and Trainer Qualifications

Dear Mr. Boyd,

As Chair of the Alternative Dispute Resolution (ADR) Section of the State Bar of Michigan, I submit this letter to formally present two recommendations developed by our Legislation and Court Procedures Action Team (LCPAT). After extensive deliberation and input from ADR Section members, trainers, and other stakeholders, and following a unanimous vote by the ADR Section Council, we respectfully request that the State Court Administrative Office (SCAO) consider these recommendations to improve mediation training standards and trainer qualifications in Michigan.

A. Background

The ADR Section collaborated with the Michigan Community Mediation Association (MCMA) to form an ad hoc committee of mediation trainers, tasked with assessing current mediation training requirements. Michigan's SCAO Mediation Training Standards currently mandate 40-hour training programs for both general civil and domestic relations mediation, resulting in an 80-hour total requirement for mediators pursuing training in both subject areas. The overlap in training content, time, and expense has deterred some mediators from seeking training in both areas, potentially limiting the availability of qualified mediators across these fields.

The ad hoc committee, after surveying trainers and ADR Section members, recommended two key actions for SCAO: (1) convene a work group to review mediation training standards and (2) reinstate a "train-the-trainer" program to ensure that trainers are well-equipped with instructional skills. LCPAT further recommended that members of the ADR Section—specifically from LCPAT and the Skills Action Team (SAT)—be involved in any such work

group, and that SCAO consult the ADR Section before finalizing any revisions to the mediation training standards.

B. Recommendations

1. Creation of a Mediation Training Standards Work Group

- **Legal Standard:** Under MCR 2.411(F)(2)(a) and 3.216(G)(1)(b), the State Court Administrator must approve mediation training programs that meet Court Rule requirements.
- **Problem Identified:** Mediators seeking to be approved for both general civil and domestic relations mediation currently face a combined 80-hour training requirement due to overlapping content in each course. This redundancy discourages some mediators from completing both trainings, reducing the number of mediators qualified to serve on rosters for both case types.
- **Recommendation:** We propose that SCAO establish a work group, including ADR Section members from LCPAT and SAT, to review and streamline the mediation training standards, reducing redundancy where possible. By doing so, dual training would become more accessible, benefiting the ADR community and the public. Additionally, we respectfully request that SCAO consult with the ADR Section prior to implementing any changes to ensure alignment with the needs of practitioners and the broader ADR landscape.

2. Reinstatement of the “Train-the-Trainer” Program

- **Legal Standard:** MCR 2.411(F)(2)(a) and 3.216(G)(1)(b) require the State Court Administrator to oversee and approve mediation training programs to uphold Michigan Court Rules.
- **Problem Identified:** Effective mediation training is reliant on the instructional abilities of trainers. Some trainers, while highly skilled mediators, may lack the pedagogical expertise necessary for effective mediation instruction, impacting the overall consistency and efficacy of training across Michigan.
- **Recommendation:** We recommend that SCAO revive the “train-the-trainer” program, requiring all individuals seeking SCAO approval as trainers to complete a course in instructional techniques. This program would ensure that trainers possess the instructional skills necessary to deliver effective and consistent mediation training, meeting the high standards required by Michigan Court Rules.

Conclusion

We believe these recommendations present practical solutions to enhance Michigan's mediation training standards. The ADR Section Council is ready to work collaboratively with SCAO and other stakeholders to support these initiatives and contribute to discussions on refining Michigan's mediation training framework. We appreciate your consideration of these proposals and welcome any questions or requests for further information.

Thank you for your dedication to advancing mediation standards in Michigan.

Sincerely,

Lisa W. Timmons
2024-2025 Chair, ADR Section
State Bar of Michigan

Mediation Training Modifications Summary

A cohort of approved mediation trainers (Erin Archerd, Anne Bachle Fifer, Charity Burke, Christine Gilman, Megan McCoy, Jane Millar, Antoinette Raheem, and Zena Zumeta plus SCAO specialist Michelle Hilliker) has been considering modifications to the mediation training requirements for general civil and domestic relations mediation training in Michigan. The SCAO Mediation Training Standards currently require applicants to complete 40-hour trainings for both general civil and domestic relations trainings, with the result that a person desiring training in both fields needs to complete 80 hours of training, some of which is redundant.

The committee developed two alternatives:

- Require a 40-hour general civil mediation course for all mediators, then offer a shorter specialty course for domestic relations mediation training;
- Require a stand-alone “fundamentals” course of 24 or fewer hours, then offer two shorter specialized courses, GC and DR.

A survey was sent to other Michigan mediation trainers, as well as CDRP directors, in spring 2023 to gauge their interest in modifying the training requirements. Most responded that the concern about overlap was not strong enough to justify revising the training standards.

The committee was still interested in hearing from other constituencies, including people who wanted to take both trainings but were deterred by the investment of 80 hours of training, as well as people who had taken both trainings and were disappointed by the overlap of topics. So in May 2024, a survey was sent to all members of the ADR Section. We received 46 responses, half of whom had taken both trainings. In this group, only 10 opted to retain the current training standards; 24 respondents (just over half) favored revising the trainings.

The majority suggested that it was “a waste of time” to require two 40-hour trainings, and that Michigan “would have more mediators trained in both areas” if not for the 80-hour training requirement. Especially noteworthy were these comments:

- “I have yet to take the DR training, although my background is in DR, simply because I don’t want to take another 40-hour course” that includes some repetition.
- “Have not taken the DR due to the 40-hour commitment. If it was more specialized, I would consider DR.”

The respondents who were satisfied with the current requirements noted that the two trainings are not duplicative because they’re conducted by different trainers, and that

some participants benefit from the review of topics, especially if there are several years between the two trainings.

This committee recommends that:

- SCAO convenes a meeting of stakeholders to assess current Mediation Training Standards and recommend revisions.
- SCAO revives its “train-the-trainer” program, which all would-be trainers would have to complete in order to receive SCAO approval.