

# OCBA Circuit Court Committee Creates Model Forms

## Post-Dispute Arbitration Agreement and Model Standard Protective Order Approved by Oakland County Circuit Court

By Victoria A. Valentine

**T**he 2006–2007 Oakland County Bar Association's Circuit Court Committee (Committee) spearheaded two important projects this year: (1) creating a Model Post-Dispute Arbitration Agreement and (2) creating a Model Standard Protective Order.

The Committee is made up of approximately 42 members, chaired by Victoria Valentine and co-chaired by James Parks. The goal of the Committee is to bridge gaps between the Oakland County bench and

the practicing bar. In pursuit of this goal, the Committee searches for ways the bench and the bar can work together effectively to make the practice of law more efficient and enjoyable.

As most practicing attorneys are aware, drafting and agreeing to a Post-Dispute Arbitration Agreement or a Standard Protective Order can take several hours, involve numerous drafts, and, in some cases, require court intervention for direction. The Committee, made up of a diverse cross-section of practicing Michigan lawyers, created two subcommittees to work on these projects to develop comprehensive proposals. The Post-Dispute Arbitration Agreement subcommittee was chaired by Raymond Henney, and the Standard Protective Order subcommittee was chaired by Victoria Valentine.

The Post-Dispute Arbitration subcommittee drafted two versions of arbitration agreements for parties who do not have an existing arbitration agreement. Both versions of the model provide the parties with suggested terms for an arbitration agreement that facilitate an efficient and fair hearing. Version I is likely best suited for cases that are not complex. Version II is designed for more complicated cases. Parties are encouraged to agree on some or all of the terms as set forth in the arbitration agreement or address other issues that are unique to their situation.

The Standard Protective Order was drafted with the intent of reducing unnecessary discovery litigation and providing parties with protection for the exchange of confidential information.

Both subcommittees met, researched other jurisdictions' models, spoke with leaders in the practice areas, and brainstormed

to put together proposals to present to the entire Circuit Court Committee. Over the next several months, the Committee reviewed and refined the proposals. After much debate and consideration, both proposals were approved by the Committee and forwarded to the OCBA Board of Directors for approval.

Once the OCBA Board granted approval, the projects were submitted to the Oakland County Circuit Court judges for consideration. The Oakland County judges considered the proposals for over a month, engaged in discussion, and then voted unanimously to approve both projects as models.

Judge Colleen O'Brien, the liaison between the bench and the Committee, stated, "The models will save time, money, and frustration in the practice of law." Chief Judge Wendy Potts commented, "These models are an asset to both the practicing bar and the court, and we encourage all attorneys to consider using them." Chief Judge Potts also stated, "The bench sincerely thanks the Committee for all of its hard work in developing these proposals."

The models can be found on the State Bar of Michigan website, [www.michbar.org/resources/legalforms.cfm](http://www.michbar.org/resources/legalforms.cfm); the Oakland County Circuit Court website, [www.Oakgov.com/circuit/](http://www.Oakgov.com/circuit/); and the Oakland County Bar Association website, [www.OCBA.org](http://www.OCBA.org). ■

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