

# Alternative Dispute Resolution

## Theme Introduction

By William D. Gilbride Jr.

Last August, the Michigan Supreme Court and the Office of Dispute Resolution within the State Court Administrative Office (SCAO) published the results of the 2018 ADR Summit. The summit was convened in early 2018 following publication of the results of a study on the effectiveness of case evaluation in the circuit courts. That study, which included a survey of more than 1,100 practitioners and judges, analyzed timelines for case disposition and charted what types of ADR work best and under which conditions. It concluded that mediation was generally more effective than case evaluation in reaching earlier case dispositions, and that mediation had significantly higher satisfaction rates than case evaluation.<sup>1</sup>

Based on this study, summit participants set about to obtain input from judges, state court administrators, practicing attorneys, and ADR practitioners regarding their insights on the effectiveness of ADR in civil cases, and to provide recommendations to the state court administrator for further assessment and implementation of ADR processes. Key recommendations resulting from the summit were to encourage judges to become involved in cases earlier in the litigation process, to design effective and efficient ADR processes, and to further assess the effectiveness of case evaluation.

It is clear from SCAO's work that there is currently strong interest among courts, legal practitioners, and litigants to incorporate one or more forms of ADR in the process of assuring access to justice and to provide an orderly and efficient mechanism for citizens to find solutions to their civil disputes. In this edition of the *Michigan Bar Journal*, the Alternative Dispute Resolution Section Council is pleased to provide a collection of articles covering a spectrum of ADR concepts, principles, and strategies. The ADR field is multifaceted, and each case may benefit from a unique combination of approaches

tailored to the litigants, the nature of the dispute, the judge or the venue in which the case is pending, or other features particular to the pending case. I hope you find the articles to be both interesting and helpful.

Our space in the *Bar Journal* this month is limited. If you are interested in learning more about the field of ADR in Michigan, visit <http://connect.michbar.org/adr/journal> to read *The Michigan Dispute Resolution Journal*.

The section's mission is to encourage conflict resolution by providing training and education for ADR professionals, giving them the tools to empower people in conflict to create optimal solutions, and advancing the use of ADR processes in our courts, government, businesses, and communities. ■



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### ENDNOTE

1. Courtland Consulting, *Case Evaluation and Mediation in Michigan Courts: A Follow-up Study* (May 1, 2018) <<https://courts.michigan.gov/Administration/SCAO/OfficesPrograms/ODR/Documents/2018%20Mediation%20and%20Case%20Evaluation%20Study.pdf>> [<https://perma.cc/A5GC-B8KM>] and Mich Courts, *2018 ADR Summit Meeting Summary* (August 2018) <<https://courts.michigan.gov/Administration/SCAO/OfficesPrograms/ODR/Documents/2018ADRSummitReportFINAL.pdf>> [<https://perma.cc/QV7X-E7RY>] (both websites accessed January 5, 2019).