



Alternative Dispute Resolution (ADR) Program Sixth Judicial District

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Instructions and Explanations Regarding the ADR Process in Superior Court **GENERAL CIVIL CASES**

The Rules and Procedures for the Sixth Judicial District Alternative Dispute Resolution (ADR) Program (as March 1, 2010) mandate all civil cases involving home-building, construction or home improvement disputes shall be referred to the ADR Program for dispute resolution. In addition, all personal injury cases filed in the Flint and Towaliga Circuits shall also be referred to the ADR Program for dispute resolution.

- 1. Initiation of the ADR Process.** The referral will begin with the filing of the case with the ADR Office within sixty (60) days after the completion of discovery, upon submission by the parties, or upon referral of the Court. It is the plaintiff's responsibility to notify the ADR Office by submitting a completed General Civil Initiation Form* along with a copy of the pleadings once discovery has been completed. *Please note that no ADR forms shall be required in the initial filing of the case with the Clerk of Superior Court.*
- 2. ADR Conference or Hearing Date.** Unless otherwise agreed, it is the plaintiff's responsibility to notify the ADR Office of the agreed upon method of dispute resolution and to provide notice of the selected neutral and the date, time, and place of session. If a neutral is not selected/specified or if a dispute arises over the selected/specified neutral, a neutral will be assigned by the ADR Office.
- 3. Appearance at ADR Conference.** The appearance of all parties and their attorneys is required at mediations, non-binding arbitration hearings and early neutral evaluation; unless the court finds that a party is a nonresident or is incapacitated. In every process, the presence of a representative with full authority to settle without further consultation is required if the decision to settle depends upon an entity other than a party, unless otherwise ordered by the Court.
- 4. Completion of ADR Process.** The ADR process shall be completed within sixty (60) days of the referral to ADR (completed General Civil Initiation Form or copy of court order) to the ADR Office, unless extended by the ADR Director or order of the Court. Notice to the ADR Office will be effective on the date it is received by the ADR Office. Upon completion of the ADR session, the neutral shall submit a report which includes the following information:

- a. The result of the ADR session;
- b. Which parties were present at the session;
- c. Whether all fees have been paid to neutral; and
- d. If another session has been scheduled.

The ADR Office will then file an ADR Certification with the Clerk of Superior Court upon receipt of the Neutral's Report. Only the certified results will be reported to the Court (i.e., full agreement, partial agreement, no agreement, etc.). Once the release is filed, the parties may request a hearing date.

This outline provides only an overview of the ADR Process as it pertains to general civil cases. Variances in procedures are determined on a case-by-case basis. Please refer to the ADR Rules and Procedures for the Sixth Judicial District (as amended March 1, 2010) for additional information.

*Copies of the General Civil Initiation Form for Civil Cases are available from the ADR Program Office and online at www.adr6th.org.