



**House
Legislative
Analysis
Section**

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LOCAL DISPUTE RESOLUTION

House Bill 4208

Sponsor: Rep. Richard Bandstra

Committee: Judiciary

Complete to 10-1-93

A SUMMARY OF HOUSE BILL 4208 AS INTRODUCED 2-10-93

The bill would amend the Community Dispute Resolution Act (MCL 691.1552 et al.) to do the following:

****clarify the definition of "mediator."** Instead of being an "impartial, neutral person responsible for reaching a resolution in each case," a mediator would be an "impartial, neutral person who assists parties in voluntarily reaching their own settlement of issues in a dispute and who has no authoritative decision-making power."

****explicitly provide that the interest generated by the community dispute resolution fund be credited to the fund and used exclusively for the purposes of the act.**

****narrow the confidentiality provisions of the act.** At present, a mediator's or center's files are confidential and not subject to disclosure in a judicial or administrative proceeding; communications relating to the subject matter of a resolution also are confidential communications. Under the bill, confidentiality of files or communications would be protected only to the extent that they were made for use in and actually used in a mediation. There would be no confidentiality protection where all parties agreed in writing to waive confidentiality, or in a subsequent action between the mediator and a party for damages arising out of the mediation (e.g. when a party subsequently sued the mediator).

****increase the minimum training requirement for mediators from 25 hours to 40 hours, and specify that principles of the legal system, as well as conflict resolution techniques, be a part of the training curriculum.**

****require a grant recipient to provide for community participation and respond to local community needs.** In determining whether this requirement had been satisfied, the state court administrator would consider the extent to which the applicant had: active board members and mediators drawn from the community and client constituencies, programs and services aimed at local dispute resolution needs, local financial and in-kind support, and a diversified base of referral services.

****increase the maximum amount of state funding under certain circumstances from 50 percent to 65 percent of a grant recipient's needs.** (If the pro rata share of the amount generated by court fees is a higher amount, then the sum represented by court fees is the maximum funding amount.)

House Bill 4208 (10-1-93)