

MICHIGAN - EASTERN

LR 16.3 Mediation

(a) Mediation Under MCR 2.403. Michigan Court Rule 2.403, as amended from time to time, applies to civil cases that the court selects for mediation, subject to the provisions of this rule.

(b) Excepted Cases. Cases in which the United States is a party are not subject to mediation.

(c) Mediation Panel; Stipulation of the Parties.

(1) Cases will be mediated by the Wayne County Mediation Tribunal Association or another Michigan state trial court mediation system unless the court orders otherwise. For cases mediated by the Wayne County Mediation Tribunal Association, the tribunal clerk is the mediation clerk. For all other cases, the parties may stipulate to or the court may order the procedures that will apply.

(2) The parties may stipulate to procedural rules for mediation. The stipulation may include, by way of illustration, binding mediation, special mediation, binding special mediation, and the award of attorney fees as a sanction. In a special mediation, the parties control selection of the mediators.

(d) Actual Costs. Actual costs, including attorney fees, may be awarded under this rule where permitted by law or consent of the parties.

(e) Relationship to Offers of Judgment. When both Fed. R. Civ. P. 68 and this rule require an award of costs, Fed. R. Civ. P. 68 supersedes this rule for the costs to which it applies and this rule applies to any other costs.