

Clearinghouse eases small claim caseload

By Janice Brunson
staff writer

After one year of operation, the Dispute Resolution Clearinghouse and Settlement Center in Oakland County appears to be here to stay.

In fact, based on the number of settlements this past year, resolving problems out of court is the wave of the future, according to executive director Molly Forward of Birmingham, who founded the center in the belief that people are best able to settle their own differences.

Since April 1990, 220 disputes headed for small claims court have been settled by a staff of 60 area vol-

unteers trained in mediation techniques, saving the court system untold expense and time.

Although statistics are few, Forward points to 52nd District Court in Rochester where projections last year indicated a 9 percent increase in all adjudication, including criminal, civil, traffic and small claims. Today, that court's action has increased in all areas except small claims.

"Small claims is holding at last year's figures. There has been no increase at all," said Forward. And, in her opinion, dispute resolution is the reason why.

ELEVEN NEIGHBORS IN ALL two families living side by side and at odds with one another. Ongoing hostilities erupted into fistcuffs. Police were called and there were charges of assault and battery.

Mediation provided a creative solution, with both families signing a contractual agreement supplied by the Settlement Center. Future differences are to be addressed immediately, in meetings between the senior male heads of each household. Total cost for mediation services, \$12.

"Neighborhood disputes often involve multi-issue disputes. The issue that comes to the mediation table is

often not the real issue. It may be differences in culture, differences in age. Sitting down and talking helps people to understand better," Forward said.

Some people repeatedly use the service, like two brothers who are partners in a business. They have requested mediation on five separate occasions.

Physicians often use the service to settle past due accounts, hoping to receive payment while maintaining the doctor-patient relationship.

"There is no question the money is owed. But people are in dire financial straits. Sometimes sitting down face to face, there is more of an ef-

fort to pay, even \$5 a month," Forward said.

Lois Ryan, former director of the Birmingham Area Senior Coordinating Council and now chair of the Settlement Center's board of trustees, said that with the breakdown of the traditional family, there are few role models for resolving problems.

"Mediation offers a model. They see, aha, this applies to me."

TO ENSURE COMPLETE freedom of expression during mediation, all hearings are strictly confidential. Cost is minimal, \$12 unless filing fees of \$17 to \$27 have already been paid in small claims court. The service is free of charge to senior citizens and the indigent.

Occasionally, a case is resolved prior to mediation, solutions emerging during phone calls by mediators prior to hearings and without benefit of face to face meetings. This is called conciliation.

The biggest problem is convincing a litigious citizenry prone to law suits that mediation is beneficial. The process carries no assumption of guilt or innocence. Unlike court, there is no reliance upon judges for solution. The responsibility for settlement rests with those who are involved.

"People come to recognize they are the best creators of their own solutions. Every case is unique. Every settlement is unique," Forward said.

Since January, anyone filing small claims action in Rochester's District Court is told about mediation by Rick Troy, one of three full-time staffers employed by the Settlement Center. Come July, volunteers trained in mediation education will assume duties in Rochester and Troy will move to 48th District Court in Bloomfield Township. Once volunteers are trained to work there, Rick Troy will move on to 46th District Court in Southfield.

Presently, 60 volunteers have completed mediation training at Oakland University, a 40-hour course taught by Dr. Harvey Burdick

who is also a Settlement Center trustee.

"THIS SERVES A good purpose, an alternative method to solving disputes. It doesn't tie up the courts. People negotiate their own settlements. I just help them along," said John Johnson, a retired Birmingham attorney who, trained a year ago, has mediated eight cases since.

"This won't ever completely replace small claims court but it certainly serves to expedite small claims," Johnson said.

Johnson is one of three attorneys who are mediators. There is also retired Oakland County district judge John Mann, Birmingham schools media specialist Mary Jane Lemon and Steve Eagle of West Bloomfield, who is a police officer in Auburn Hills.

Mediation is supported by the Oakland County Bar Association and the Oakland County District Judges Association. The Settlement Center's operating budget last fiscal year was \$125,000, 75 percent of which was funded by the state's Community Dispute Resolution program. Two dollars from the cost of filing each law suit is earmarked for state funding. A dozen programs are now operating in Michigan.

The remainder of the Settlement Center's budget is raised by grants and fund-raisers. For more information, call 338-4280.



Molly Forward

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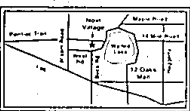
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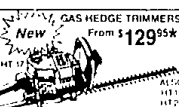
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