

Counsel's Corner

“I’m Sorry, This Is Really a Civil Matter. I Cannot Help You. Maybe You Should Talk To A Lawyer.”



Lawrence P. Schneider
MSPTA General Counsel

Parking and driveway disputes. Barking dogs. Boundary lines. Bullying. Trespassing. Loud music. Neighborhood feuds.

These are minor yet annoying problems that troopers across Michigan confront every day. I know that it is unpleasant to tell people who call you for help that there is nothing that you can do for them. One trooper shared with me a story about a boundary line dispute where he was called out on three separate occasions. The first two times, you know what he said. The third time was not a civil matter. It was a homicide. Over a boundary line.

I have been working with Departmental members during the past year to help get the word out to troopers. There really is something helpful that you can do in these minor disputes that are civil in nature but can often fester into criminal assaults, malicious destruction, and other criminal acts. Maybe you can even prevent a homicide. But first, it is necessary to give a brief background.

In 1988, the Michigan Legislature enacted the Community Dispute Resolution Act. It established non-

profit centers across Michigan to help persons resolve disputes without the expense of lawyers or the delay of court proceedings. The program is funded through the Michigan Supreme Court.

Each year, over 10,000 Michigan citizens who might otherwise bring a dispute before a judge or magistrate will resolve their disputes through mediation services supported by the Community Dispute Resolution Program (CDRP). Mediation – as offered through CDRP centers – is a voluntary process in which two or more parties meet with a trained neutral mediator and together find a solution resolving their problem. Mediators have no decision-making authority. Instead, they are trained to assist the parties themselves in achieving resolution.

Mediation at a CDRP center is either free or low cost. It can usually begin within two weeks of contacting a center. A typical mediation session takes about two hours. Parties mediating disputes typically reach agreements in 8 out of 10 cases; by the same percentage, parties keep their agreements. These resolution rates, consistent since the program's inception in 1990, demonstrate that the collaborative environment is an effective alternative to the adversarial courtroom environment.

A list of the Michigan dispute resolutions centers and contact information is on the following pages.

Most Michigan citizens (and police officers) have never heard of the Community Dispute Resolution Act. Here is how it might be used by you.

You have been dispatched to take a complaint from the Hatfield family, who claim that their neighbors, the

McCoys, have been blowing snow onto their driveway after every winter storm. The McCoys claim that they are only blowing the snow back onto the Hatfield property that the Hatfields dumped there to begin with. There are also some allegations about one pouring water on the other's driveway that then turns to ice. Tempers are flaring. Instead of telling the families that you cannot help them, what if you told them that in lieu of opening a criminal investigation, you would suggest that they first agree to utilize the services of the local community dispute resolution center? You hand each party a business card for the local center and ask if they would both agree to try this before any further legal or criminal action is taken. Upon their agreement, you assign Mr. Hatfield to make the initial call to the center. Someone from the center will then contact the McCoy family to arrange a time for a mediation proceeding. (Mediation proceedings are held near the dispute, not necessarily at the center office). You do not have to arrange or attend the mediation, only offer it to the parties as an alternative.

The parties are immediately better off than when you first arrived. They are far better off than if you had said, “I’m sorry, this is really a civil matter. I cannot help you. Maybe you should talk to a lawyer.” Even if they do not follow up on your recommendation, you have given them a viable alternative if the problem gets worse.

I know that this process is effective. I am the volunteer President of the Resolution Services Center of Central Michigan. In my role as a volunteer,

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COMMUNITY DISPUTE RESOLUTION PROGRAM

<http://courts.michigan.gov/Administration/SCAO/OfficesPrograms/ODR/Documents/Community%20Dispute%20Resolution%20Program%20Centers.pdf>

The following centers provide conciliation, mediation, and other forms of dispute resolution pursuant to 1988 PA 260, the Community Dispute Resolution Act.

BERRIEN, Branch, Cass, St. Joseph, Van Buren
Citizens Mediation Service, Inc.
811 Ship Street, Suite 302
St. Joseph, Michigan 49085
Phone (269) 982-7898
Fax (269) 982-7899
E-Mail matt_balfe@citizensmediation.org
Website www.citizensmediation.org
Contact Matthew Balfe

INGHAM, Clinton, Eaton, Gratiot, Isabella, Shiawassee
Resolution Services Center of Central Michigan
516 S. Creyts Rd, Suite A
Lansing, MI 48917
Phone (517) 485-2274
Fax (517) 485-1183
E-Mail gtrice@rscem.org
Website www.rscem.org
Contact Greta McHaney-Trice

CHARLEVOIX, Emmet
Citizen Dispute Resolution Service, Inc.
Northern Community Mediation
415 State Street
Petoskey, Michigan 49770
Phone (231) 487-1771
Fax (231) 487-1770
E-Mail jane@northernmediation.org
Contact Jane Millar

JACKSON, Hillsdale, Lenawee, Monroe
Southeastern Dispute Resolution Services
United Way of Jackson County
P.O. Box 1345
536 N. Jackson St.
Jackson, Michigan 49204
Phone (517) 990-0279
Fax (517) 784-2340
E-Mail mstanley@uwjackson.org
Contact Marc Stanley

CHIPPEWA, Luce, Mackinac
Eastern UP Dispute Resolution Center, Inc.
P.O. Box 505
Sault Ste Marie, Michigan 49783
Phone (906) 253-9840
Fax (888) 664-6402
E-Mail cdrc@eupmediate.org
Website www.eupmediate.org
Contact Nicole Dowd-McKechnie

KALAMAZOO, Barry, Calhoun
Dispute Resolution Services
Gryphon Place
3245 South 8th Street
Kalamazoo, Michigan 49009
Phone (269) 552-3434
Fax (269) 381-0935
E-Mail MAlcala@gryphon.org
TFagan@gryphon.org
Website www.gryphon.org
Contact Maricela Alcala / Tanja Fagan

DELTA, Baraga, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Menominee, Ontonagon, Schoolcraft
Resolution Services Program
UPCAP Services, Inc.
P.O. Box 606
Escanaba, Michigan 49829
Phone (906) 789-9580
Fax (906) 786-5853
E-Mail gocc@upcap.org
Website www.upcap.org
Contact Cheryl Goc

KENT, Ionia, Lake, Mecosta, Montcalm, Newaygo, Osceola
Dispute Resolution Center of West Michigan
Community Reconciliation Center
678 Front Avenue, NW, Suite 250
Grand Rapids, Michigan 49504-5368
Phone (616) 774-0121
Fax (616) 774-0323
E-Mail cqilman@drcwm.org
Website www.drcwm.org
Contact: Christine Gilman

GENESEE, Arenac, Bay, Clare, Gladwin, Midland, Ogemaw, Roscommon, Saginaw
Community Resolution Center
315 East Court Street, Suite 200
Flint, Michigan 48502
Phone (810) 249-2619
Fax (810) 239-9545
E-Mail Jane.Odell@comcast.net
Website www.mediation-crc.org/
Contact Jane O'Dell

MACOMB, Huron, Lapeer, Sanilac, St. Clair, Tuscola
The Resolution Center
176 S. Main Street, Suite 2
Mt. Clemens, Michigan 48043
Phone (586) 469-4714
Fax (586) 469-0078
E-Mail cpappas@theresolutioncenter.com
Website www.theresolutioncenter.com
Contact Craig R. Pappas

GRAND TRAVERSE, Antrim, Benzie, Leelanau, Missaukee, Wexford
Conflict Resolution Services, Inc.
852 South Garfield Avenue, Suite B
Traverse City, Michigan 49686
Phone (231) 941-5835
Fax (231) 941-4530
E-Mail ExecDir@crsmediationtc.org
Website www.CRSmediationTC.org
Contact Rebecca Garland

MARQUETTE, Alger
Marquette-Alger Resolution Service
715 W. Washington Street, Suite A
Marquette, MI 49855
Phone (906) 226-8600
Fax (906) 226-5399
E-Mail marquette@marsmediation.org
Website www.marsmediation.org
Contact Jennifer Frazier

MUSKEGON, Manistee, Mason, Oceana
Mediation & Restorative Services
27 East Clay Avenue
Muskegon, Michigan 49442
Phone (231) 727-6001
Fax (231) 727-6011
E-Mail kkscarbrough@mediatewestmichigan.com
Website www.mediatewestmichigan.com
Contact Kate Kesteloot Scarbrough

OAKLAND
Oakland Mediation Center, Inc.
550 Hulet Drive, Suite 102
Bloomfield Hills, Michigan 48302
Phone (248) 338-4280
Fax (248) 338-0480
E-Mail bhanes@mediation-omc.org
Website www.mediation-omc.org
Contact Bonnie Hanes

OTSEGO, Alcona, Alpena, Cheboygan, Crawford,
Iosco, Kalkaska, Montmorency, Oscoda,
Presque Isle
Community Mediation Services
Otsego County
114 East Main Street
Suite #1
Gaylord, Michigan 49735
Phone (989) 732-1576
Fax (989) 705-1337
E-Mail annette@mimmediation.com
Website www.mimmediation.com
Contact Annette Wells

OTTAWA, Allegan
Mediation Services
Center for Dispute Resolution
Courthouse Square
68 West 8th Street, Suite 220
Holland, Michigan 49423
Phone (616) 399-1600
Fax (616) 399-1090
E-Mail EGiddings@MediationServices.Works
Website www.MediationServices.Works
Contact Elizabeth Giddings

WASHTENAW, Livingston
Dispute Resolution Centers of Michigan, Inc.
The Dispute Resolution Center
4133 Washtenaw Avenue
Suite B125, PO Box 8645
Ann Arbor, Michigan 48107-8645
Phone (734) 794-2125
Fax (734) 794-2126
E-Mail dulinb@ewashtenaw.org
Website www.thedisputeresolutioncenter.org
Contact Belinda Dulin

WAYNE
Wayne Mediation Center
Garrison Place
19855 W. Outer Drive, Suite 206 – East Bldg.
Dearborn, Michigan 48124
Phone (313) 561-3500
Fax (313) 561-3600
E-Mail bdempsey@mediation-wayne.org
Website www.mediation-wayne.org
Contact Bernard Dempsey

*I would
like to see the
Michigan State Police
become the biggest
referral source
to the centers.
I promise,
the courts will
not complain.*

– Larry Schneider

August 18, 2015

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- Chest pain/difficulty breathing
- Elevated blood pressure
- Hyperalertness/easily startled

Behavioral Responses:

- Impulsive/excessive risk taking/recklessness
- Silence/withdrawal/avoidance
- Problem sleeping/nightmares
- Changes in personal or work habits
- Changes in eating or use of alcohol

All too often we hear the negative impact unmanaged stress can have on personal and professional lives contributing to things like discipline, divorce, debt, poor drinking/diet habits, and depression. In my short time at the MSPTA office I have observed members reach out to the office for support and intervention both personally and professionally to avoid the pitfalls and life interruption caused by undue stress. Some immediate resources available include

the behavioral science section, chaplaincy, and the recently established peer support group. For members attending the October quarterly you and your spouse will have the opportunity to attend a joint training session conducted by Dr. Robert Wolford, Ph.D., and Dr. Richard Copen, Ph.D., with strategies to assist with identifying and managing stress overflow.

Please be safe. I look forward to seeing everyone at the quarterly. ■

One to Make You Smile ...



Is This Considered A Gaggle of Geese?

**Submitted by:
D/Sgt. Robert Engler
(2nd District, Special
Investigation Section)**

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I have personally mediated disputes between neighbors who came in hating each other and who left exchanging business cards. I know of so many disputes with similar results. The Courts are the biggest referral source to the Community Resolution Services Programs. I would like to

see that change. I would like to see the Michigan State Police become the biggest referral source to the centers. I promise, the courts will not complain.

If you would like to learn more, call the center that serves your Post area. Stop in for a visit to learn more about what they can do to make your

job more productive and rewarding. Pick up a stack of business cards. This is a partnership that we really need to develop, but it needs to start with troopers across the state recognizing what your local resolution center can do to help you be everything that the Michigan State Police stands for. ■