

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

In re: *Pro Se Prisoner*
Early Mediation Program

Administrative Order

21-AO-002

This administrative order supersedes Administrative Order 20-AO-050.

ADMINISTRATIVE ORDER

At their regular meeting on January 4, 2021, the Judges of the United States District Court for the Eastern District of Michigan extended the *Pro Se Prisoner Early Mediation Program* for a period of six months. The program has been successfully operating since October 15, 2018.

I. Purpose

This Program is designed to fulfill a goal of the Judicial Conference's *Strategic Plan for the Federal Judiciary* by improving access to the Courts for *pro se* prisoner litigants through early mediation. *Pro se* prisoner civil rights cases will be addressed in an expeditious and fair manner with an early focus on the merits of claims. The process allows for mediated solutions of claims without costly and time-consuming litigation.

II. Mediation Referral Judge

1. Magistrate Judge Kimberly G. Altman is designated by the Court to serve as the Mediation Referral Judge to oversee the early mediation process. The Mediation Referral Judge is authorized to resolve any issues that arise concerning mediation, including a party's request to have their case excluded from the program.
2. The Mediation Referral Judge is authorized to lift the stay on cases that are excluded from the *Pro Se Prisoner Early Mediation Program* or cases that are not successfully mediated.
3. The Mediation Referral Judge (or designee) is authorized to place settlements on the record.

III. Mediation Procedure

1. Prior to the entry of an order staying the case by the assigned district judge, the Executive Magistrate Judge will enter preliminary orders in accordance with the Prisoner Litigation Reform Act and/or other federal rules.
2. *Pro se* prisoner civil rights claims that survive an initial screening by the Staff

Attorneys and are eligible for participation in the *Pro Se* Early Prisoner Mediation Program will be stayed for ninety (90) days and referred to the *Pro Se* Prisoner Early Mediation Program.

3. The Michigan Department of Attorney General will enter a limited appearance for defendants who are current or former state employees (as opposed to employees of a third-party contractor such as Corizon or Trinity Services Group), for the sole purpose of early mediation. For defendants who are employees of a third-party contractor, counsel for the defendant's employer will appear on their behalf solely for early mediation. The notice of limited appearance must be entered within twenty-one (21) days from the date the Order Staying Case is issued. E.D. Mich. LR. 83.25, Attorney's Appearance, is suspended to allow the entry of the limited appearance.
4. Any party who seeks to have a case excluded from the prisoner mediation program, must file a "motion to exclude case from mediation" on or before twenty-one (21) days after the date the order staying case is issued. The opposing party has seven (7) days to respond. No reply may be filed. The Mediation Referral Judge will issue an order deciding the motion. Motions received outside of the deadline will be denied.
5. The case manager to the Mediation Referral Judge will coordinate the date and time of the mediation conference to comport with the schedule of the assistant attorney general and/or other counsel for defendant(s) in the case. The thirty days' notice is to allow the Michigan Department of Corrections ("MDOC") to arrange for the *pro se* plaintiff to watch an educational video explaining the prisoner mediation process.
6. The mediation conference date must also allow for at least thirty (30) days' notice to the parties to provide staff from the Department of Attorney General and MDOC time to reserve the dates on their calendars and resolve scheduling conflicts.
7. Once the date is set for a mediation conference, the *Pro Se* Case Administrator will locate and select an available mediator from the *Pro Bono* Mediation Panel of attorneys.
8. After a mediator is selected and the date is confirmed, the Mediation Referral Judge will enter an order setting the early mediation conference.
9. The Michigan Attorney General may meet with the prisoner prior to the mediation conference, *without the mediator present*. The prisoner is *not* required to meet with the Michigan Attorney General.
10. If mediation is successful, the settlement will be placed on the record before the Mediation Referral Judge (or designee). An order of dismissal will be entered by the district judge.

11. If no settlement is reached, the case will proceed in the normal course of litigation. The Mediation Referral Judge will enter an order lifting the stay, and the case will be returned to the docket of the district judge.

This administrative order shall remain in effect for six months or until the entry of a superseding administrative order.

IT IS SO ORDERED.

S/Denise Page Hood

Denise Page Hood

Chief Judge