

Instruction Sheet for
SCHEDULING CONFERENCE STATEMENT

Explanation of Form:

This form serves as a good ~~checklist~~ for the parties and the Court to see what issues are involved in the case and the best means of trying to resolve them. It also helps determine how much preparation time will be needed before this case is ready for trial.

Please print or type all of the information.

General Instructions:

1. Write the full name of the plaintiff.
2. Write the full name of the defendant.
3. Write the full name of the judge.
4. Write the full case number. This is the same number as found on the Complaint or other papers in your case.
5. Write the plaintiff attorney's name and address if there is one.
6. Write the defendant attorney's name and address if there is one.
7. If attorneys are not involved for the plaintiff, please write the plaintiff's personal information.
8. If attorneys are not involved for the defendant, please write the defendant's personal information.
9. Write the date the case was filed.
10. If a Temporary Order was issued, list the date of the Temporary Order.
11. Place a check mark if a Temporary Order has been submitted to the Court for approval.
12. Place a check mark in the appropriate boxes.

Mediation is an informal way to help people involved in lawsuits make agreements to settle their case. A neutral mediator works with everyone to try and help them reach an agreement. Mediators receive special training to help

people in this situation. Mediation is private and confidential. Mediation is usually held in an office, not at court, and only the mediator and the people in the lawsuit are there. The mediator will not discuss the mediation without your permission. The mediator may be an attorney, or a non-attorney.

The mediator makes an appointment for everyone involved to meet at one place and time. The mediator--

- Talks to everyone on both sides, privately and as a group, about the history of the problem.
- Tries to get both sides to consider the other's point of view, and to get everyone to look at their own situation and decide what it is that they really want and need.
- Helps to understand the issues, look for solutions, and encourages everyone to make decisions so that everyone gets something positive out of the process

If an agreement is made, it is put in writing and signed by everyone. This mediation agreement is a legal document and it can be enforced in court if someone does not do what he or she promised.

The goals of mediation are to get everyone to discuss acceptable and realistic settlement options with help from the mediator, and to try and make an agreement that everyone can live with.

Mediation is a good choice for most cases. Cases not right for mediation are rare and usually involve issues that affect a large group or class of people.

13. Write in any reasons why mediation is not appropriate.

14. If the parties have agreed on a mediator mark the corresponding selection and provide the mediators full name. To view a list of mediators and their fees visit the ADR website under Circuit Court at www.accesskent.com.

To request the Dispute Resolution Center of Western Michigan mark that selection. More information can be found about the DRC on their website.

In limited circumstances where actual need is shown, the Friend of the Court will handle the mediation at a limited or no-cost basis. If applicable, mark this choice and write in the requested information.

The ADR Clerk can select a mediator at random by checking the Court selected option

15. The Court requires that the parties or their counsel be in contact and try to agree upon the issues that are settled or in dispute. In this space, indicate whether or not you and your opposition have attempted to settle all or some of the issues involved in your case. Also, if you have not consulted with one another about settlement, you need to state in the spaces provided as to why you have not met or consulted.

16. For each issue, please place a check mark indicating whether it does not apply (this is what N/A means), has been settled, or is in dispute. This enables the Court to determine what issues need to be resolved in this case.

A. It should be noted that with regard to the child custody question, "legal custody" means who has the responsibility for making the major decisions related to the children. "Physical custody", on the other hand, means in whose home the children primarily reside. Legal and Physical custody can be given to one parent or shared between the parents.

B. "Fault" means which party, the husband, or the wife, or both have been at fault in some significant way that has contributed to the breakdown of the marriage.

C. "Separate Property" means that either or both of the parties are claiming that some of the property in the marriage should not be divided between the parties, but should be awarded totally to either of the parties. This kind of property is normally thought of as inherited property, property brought into the marriage and still existing at the time of the divorce, or property that was gifted in some way to one or both of the parties.

D. "Personal Property" includes household furniture and the like, motor vehicles, collections, appliances, and most property that is not real estate.

E. "Fault/disproportionate division claimed" means that one or both of the parties are or are not claiming that more than 50% of the property in the marriage should go to that person on account of the fault of the other party.

F. "Discovery completed" means whether or not the parties are satisfied that all information requested from the other side has been completed.

G. "Appraisals needed" means whether or not appraisals of homes, motor vehicles, retirement plans, jewelry, or of any property at all need to be done.

H. "Discovery needed or pending" means additional information is needed or desired than what has already been provided to that party, including depositions, interviews, and motions to produce documents or to admit or deny certain facts.

I. "Settlement Conference" is a meeting between the parties and their attorneys (if either or both parties have them) held in order to attempt to resolve any issues. The judge may or may not be involved in the negotiations. If the parties arrive at a settlement at that time, the terms of the settlement are communicated to the judge in open court and recorded. That resolves the entire case, except for entering the judgment and any other paper work called for in the settlement agreement to be prepared and signed by the judge. If no settlement is reached, the court will give the parties direction as to what occurs next, such as setting a trial date, requiring more discovery, or an additional settlement conference.

17. Each party or attorney needs to sign where indicated. Names should be typed or printed below the signatures.