

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
*Pro Se Prisoner Early Mediation Program***

The Western District of Michigan's (WDMI) *Pro se Prisoner Early Mediation Program* (PEM) uses early mediation conferences to assist the parties in settling *pro se* prisoner civil rights cases brought under 42 U.S.C. § 1983. PEM has been very successful, resolving more than 50% of the cases that have gone to mediation. The WDMI has been using its Voluntary Facilitative Mediation panel mediators, but it now needs additional trained mediators to maximize PEM's benefits. Accordingly, the Court has asked the FBA to assist in identifying and training additional PEM mediators. These additional mediators would be used solely for PEM.

Section 1983 allows state prisoners to file federal lawsuits for claims of alleged violations of constitutional rights by prison officials. These may include Eighth Amendment claims relating to prison conditions and medical care, First Amendment claims relating to speech and the free exercise of religion, and Fourth Amendment claims relating to searches and seizures. These cases often include affirmative defenses of failure to exhaust administrative remedies and qualified immunity. Section 1983 cases take up a significant part of the Court's docket.

PEM mediation takes place in half-day sessions on Fridays at the Grand Rapids Federal Courthouse (and sometimes in Lansing). The parties and attorneys explain to the mediator the factual and legal issues in the case. Mediators meet jointly with all parties and/or separately and confidentially with each party and counsel to discuss the issues, with the goal of obtaining and presenting settlement offers or proposals. As in other mediations, all communications (written and oral) are strictly confidential. No party is required to participate in PEM. Accordingly, the parties who do participate do so by choice, increasing the likelihood of settlement.

Our FBA Chapter has a long history of working cooperatively with the Court. Please consider whether, as part of your *pro bono* commitment, you would be willing to serve the Court and litigants through this important program. If so, please complete the application and return it by **March 20, 2020**. For more information about PEM and the training process, contact U.S. Magistrate Judge Phillip J. Green at (616) 456-2309.

To be considered for certification as a *pro bono* PEM mediator, an applicant must meet the following **minimum qualifications**:

- ☐ be an attorney with at least **five years** of litigation experience, with preference given to those applicants whose principal practice is in the state and federal courts in the Western District of Michigan;
- ☐ be a member in good standing of the WDMI bar;
- ☐ successfully complete four hours of training to be sponsored by the court at the Grand Rapids Federal Courthouse on **May 15, 2020**; and
- ☐ agree to serve as a mediator in a **pro bono** capacity at least twice each year.

Submit the attached application, along with any copies of certificates of completion of training to Melissa Rabidoux at Melissa_Rabidoux@fd.org

WESTERN DISTRICT OF MICHIGAN
Pro Bono Prisoner Early Mediation Program
Mediator Application and Certification

1. Name _____ P# _____
2. Firm/Business Address _____

Telephone _____ Email _____
3. Date admitted to practice in the U.S. District Court for the Western District of Michigan:

4. Are you admitted to practice in any other federal court? ____ If yes, please provide the name of the court and the date of your admission:

Name of court

Date of Admission

5. List any experience you have litigating §1983 or other Civil Rights cases.

6. List any facilitative mediation training you have successfully completed:

Session	Sponsor	Location	Dates	Hours
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

7. Have you ever served as a facilitative mediator? ____ If yes, approximately how many disputes/cases have you mediated?

Prior to the filing of a lawsuit _____

In federal court _____

In state court _____

I hereby certify that I agree to the conditions for service as a mediator in the Western District of Michigan, as set forth in the WDMI *Pro Se* Prisoner Civil Rights Litigation – Early Mediation Program Protocol.

Date: _____

(Signature)