

**State of Michigan
Michigan Supreme Court**

JODY POHLMAN,
Plaintiff-Appellant,
v

MSC No. 161262
Court of Appeals No. 344121
Trial Court No. 17-853588-DO

JAMES G. POHLMAN,
Defendant-Appellee.

Oakland Circuit Family Court
Hon. Lisa Langton

Robert E. L. Wright (P32279)
State Bar of Michigan – Alternative Dispute
Resolution Section
25 Division Ave., South, Ste. 500
Grand Rapids, MI 49503
616.682.7000

Rebecca Shiemke (P37160)
State Bar of Michigan –
Family Law Section
30300 Northwestern Hwy., Ste. 135
Farmington Hills, MI 48334
248.15.4493

Phillip B. Maxwell (P24872)
Attorney for Plaintiff
57 N. Washington Street
Oxford, MI 48371
248.969.1490
James G. Pohlman, *in pro per*

**Amicus Brief in Support of Plaintiff-Appellant's Application for
Leave to Appeal**

Submitted by:

The Alternative Dispute Resolution Section of the State Bar of Michigan

Robert E. L. Wright P32279

Table of Contents

Table of Authorities	ii
Statement of Jurisdiction	ii
Statement of Questions Presented	ii
Statement of Interest	iii
The Statute and the Court Rule.....	iv
Overview	1
Statement of Facts.....	2
Standard of Review.....	2
Argument	2
A. The Importance of Screening.....	2
B. An Evidentiary Hearing is Required to Determine Whether An Agreement Is Valid or Void	5
Conclusion	10
Relief Requested.....	11

APPENDICES

A. Michigan Divorces and Annulments – 1900-2018.....	A1
B. Michigan Marriage and Divorce Numbers By County – 2018.....	B1
C. 17 th Circuit Court – Kent County Divorce Mediations 2018 – 2019.....	C1

Table of Authorities

Cases	Page(s)
<i>Pohlman v Pohlman</i> , unpublished per curiam opinion, issued January 30, 2020 (Docket No 344121) . <i>passim</i>	
<i>Vittiglio v Vittiglio</i> , 297 Mich App 391; 824 NW2d 591 (2012)	7
Statutes	
MCL 600.1035.....	<i>passim</i>
Court Rules	
MCR 3.216(F)(4).....	5
MCR 3.216(H)(2)	<i>passim</i>
Miscellaneous	
State Court Administrative Office, <i>Domestic Violence Screening Protocol for Mediators of Domestic Relations Conflicts</i> (2014).....	4-6
State Court Administrative Office, <i>Mediator Standards of Conduct</i> (2013)	3

Statement of Jurisdiction

Amicus ADR Section adopts the Statement of Jurisdiction found in the brief filed by *Amicus* Family Law Section (“FLS Brief”) at page iii.

Statement of Question Presented

Should leave to appeal be granted in a matter of first impression, where there is a significant jurisprudential question concerning the effects of a mediator’s failure to conduct screening for coercion and violence mandated by statute and court rule, where such failure is alleged to have impeded a voluntary and uncoerced resolution of issues in the mediation of a domestic relations matter, and the trial court refused to conduct a requested evidentiary hearing to determine the voidability of a settlement agreement reached in the presence of alleged coercion and involuntariness arising from an unexplored history of coercion and violence.

Amicus Answers: Yes

Trial Court: Did not address leave, but denied Plaintiff an evidentiary hearing

Court of Appeals: Did not address leave, but upheld denial of an evidentiary hearing

Statement of Interest

The Alternative Dispute Resolution Section is a voluntary membership section of the State Bar of Michigan which is comprised of 769 members. The Section consists of individuals interested in conflict resolution, peacemaking, and improving the climate in Michigan for mediation, arbitration, and other forms of ADR. Members include lawyers, law students, and non-lawyers dedicated to providing better alternatives to the public through improvement of ADR practices and techniques. Part of the mission of the Alternative Dispute Resolution Section is to advance and improve the use of alternative dispute resolution processes in our courts, government, businesses, and communities.

The Alternative Dispute Resolution Section has a public policy decision-making body with 24 members. On August 14, 2020, the Section adopted its position after a discussion and vote at a scheduled meeting. Fifteen members voted in favor of the Section's position, 0 members voted against this position, 3 members abstained, and 6 members did not vote due to absence. The Alternative Dispute Resolution Section is not the State Bar of Michigan and the positions expressed herein are those of the Alternative Dispute Resolution Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on these positions.

The opinion of the Court of Appeals in this matter involves issues of fundamental importance to *amicus curiae*.

The Statute and the Court Rule

MCL 600.1035

Submission of contested issue in domestic relations action; history of coercive or violent relationship or presence of coercion or violence; inquiry and screening by mediator; "domestic relations action" defined.

* * *

(2) In a domestic relations mediation, the mediator shall make reasonable inquiry as to whether either party has a history of a coercive or violent relationship with the other party. A reasonable inquiry includes the use of the domestic violence screening protocol for mediation provided by the state court administrative office as directed by the supreme court.

(3) A mediator shall make reasonable efforts throughout the domestic relations mediation process to screen for the presence of coercion or violence that would make mediation physically or emotionally unsafe for any participant, or that would impede the achievement of a voluntary and safe resolution of issues.

(The “Statute”).

MCR 3.216(H)(2):

The mediator must make reasonable inquiry as to whether either party has a history of a coercive or violent relationship with the other party. Throughout the mediation process, the mediator must make reasonable efforts to screen for the presence of coercion or violence that would make mediation physically or emotionally unsafe for any participant or that would impede achieving a voluntary and safe resolution of issues. A reasonable inquiry includes the use of the domestic violence screening protocol for mediators provided by the state court administrative office as directed by the Supreme Court.

(The “Rule”).

Overview

For want of a nail, the shoe was lost.
For want of a shoe, the horse was lost.
For want of a horse, the rider was lost.
For want of a rider, the battle was lost.
For want of a battle, the kingdom was lost,
And all for the want of a horseshoe nail.

(13th Century, Anon.)

This appeal involves a matter of first impression: what is the remedy for a mediator's failure to undertake reasonable efforts to screen for the presence of coercion or violence in a domestic relations mediation, as required by MCL 691.1345 (the "Statute") and MCR 3.216(H)(2) (the "Rule.") In the present case, the court-appointed mediator in a domestic relations matter, failed to screen for the presence of coercion or violence which would make mediation physically or emotionally unsafe for any participant or would impeded achieving a voluntary and safe resolution of the issues.

Plaintiff alleges she signed a settlement agreement she could not read due to vision problems, in order to gain her freedom from the mediator's office. Immediately thereafter, she sought to revoke her consent on the basis of involuntariness and coercion which should have been discovered and addressed by the mandated screening. Thus, the entire proceeding described by the Plaintiff was a mediation in name only. Yet, the trial court refused Plaintiff's multiple requests to conduct an evidentiary hearing to determine the impact of the mediator's undisputed failure to investigate Plaintiff's capacity to enter into an agreement voluntarily and without coercion.

On appeal, the Court of Appeals refused to consider the impact of the mediator's failure to perform his statutory duty on the Plaintiff's ability to knowingly and voluntarily enter into an uncoerced settlement agreement. The Court of Appeals also refused to remand the case for an evidentiary hearing to determine the extent of such impact on the Plaintiff's ability to voluntarily participate in mediation without coercion or duress from a history of domestic violence.

In any domestic relations matter where a party alleges a mediator's failure to screen for domestic violence, coupled with a claim of involuntariness or duress due to domestic violence, an evidentiary hearing should be held to determine the voluntariness of any agreement reached in such a mediation.

Statement of Facts

Amicus ADR Section adopts the Statement of Facts found in the *FLS Brief* at pages 3 to 4.

Standard of Review

Amicus ADR Section adopts the Standard of Review found in the *FLS Brief* at page 5.

ARGUMENT

This application involves a significant jurisprudential question of first impression concerning the effect of non-compliance with a statute and a court rule, both mandating screening by mediators for coercion and violence prior to and during conduct of a mediation in a domestic relations action, and the appropriate remedy for failing to conduct such screening.¹

Leave to appeal should be granted. This case involves the failure to conduct screening for coercion and violence mandated by statute and court rule for court-annexed domestic relations mediations. The complete absence of the mandatory screening – the duty of the mediator – and the failure to conduct an evidentiary hearing on the impact of that absence – the duty of the trial court – is a material error requiring reversal and remand for an evidentiary hearing.

A. The Importance of Screening for Domestic Violence in Mediation.

Over the past decade, Michigan has averaged 30,000 divorces per year.² Although statewide mediation statistics are not available, a substantial number of those cases were referred

¹ *Amicus* ADR Section adopts the Arguments found in Sections A-E of the *FLS Brief* at pages 5 to 22 to the extent they support remand for an evidentiary hearing.

² Appendix A: Michigan Divorce and Annulments Statistics, Division for Vital Records & Health Statistics, Michigan Department of Health & Human Services (2019). <https://www.mdch.state.mi.us/osr/Marriage/Tab3.5.asp>

to mediation. For example, in 2018, of 1,945 divorces filed,³ Kent County judges referred 775, nearly 40%, to mediation.⁴ Thus, a significant number of the 30,000 Michigan divorce cases filed annually will be subject to screening under the Statute and Rule.

The importance of screening for self-determination in mediation of divorce cases cannot be refuted. Indeed, in 2013, the State Court Administrative Office (“SCAO”) promulgated the *Michigan Mediator Standards of Conduct*, including two standards which bear on the importance of screening:

Standard I, Self-Determination, provides:

A mediator shall conduct mediation based on the principle of party self-determination. Self-determination is the act of coming to a **voluntary, uncoerced decision** in which each party make free and informed choices as to process and outcome, including mediator selection, process design, and participating in or terminating the process. [*Id.* at 2, emphasis added.]

Standard VI, Safety of Mediation, provides:

Consistent with applicable statutes, court rules, and protocols, reasonable efforts shall be made throughout the mediation process to screen for the presence of an impediment that would make mediation physically or emotionally unsafe for any participant, or that would impede the achievement of a voluntary and safe resolution of issues. Examples of impediments to the mediation process include: domestic abuse; ... mental illness or other mental impairment;

2. In domestic relations cases, “reasonable efforts” should include meeting separately with the parties prior to a joint session and administering the “Mediator Screening Protocol” for domestic violence, published by the State Court Administrative Office. [*Id.* at 5.]

Notably, self-determination is the very first standard promulgated by SCAO. There is a reason it is the first standard: it is critical for mediators to ensure that any settlement agreement

³ Appendix B: Michigan Marriage and Divorce Statistics by County, Division for Vital Records & Health Statistics, Michigan Department of Health & Human Services (2019).
<https://www.mdch.state.mi.us/osr/Marriage/Tab3.5.asp>

⁴ Appendix C: 2018-2019 Kent County Divorce Mediation Statistics, 17th Circuit Court (2020).
<https://www.accesskent.com/Courts/17thcc/mediate.htm>

reached at mediation is achieved through the voluntary, uncoerced participation of all parties to the agreement. SCAO again emphasized the importance of requiring mediators to ensure a safe and voluntary mediation process in Standard VI. Accounting for an increased likelihood of “domestic violence” in domestic relations cases, Standard VI recommends mediators conduct screening using the *Domestic Violence Screening Protocol for Mediators of Domestic Relations Conflicts* (the “Protocol”) promulgated by the SCAO.⁵

Four years later, in 2017, the Statute was enacted, codifying a requirement for screening in domestic relations cases, and the Rule was adopted to make the rules for mediation of domestic relations matters consistent with the Statute. The Statute and the Rule both reference the *Protocol* as an acceptable tool for mediators to use to fulfill their mandatory screening requirements. However, neither the Statute nor the Rule provide any remedy for a mediator’s failure to conduct adequate screening for coercion and violence in a domestic relations mediation. While no data has been collected to provide firm numbers, anecdotal evidence received by *Amicus ADR Section* suggests few mediators are using the *Protocol* to screen for domestic violence as required by the Statute and Rule. Despite the potential for coercion to invalidate settlement agreements, there is currently no effective remedy for parties affected by a mediator’s failure to screen.

In this case, while the Court of Appeals recognized the mediator had violated the mandates of the Statute and the Rule, the violation was held to be “harmless error.” *Pohlman v Pohlman*, unpublished per curiam opinion of the Court of Appeals, issued January 30, 2020 (Docket No

⁵ The *Protocol* is a carefully constructed, lengthy handbook to aid mediators in discovering the presence of coercion and violence. Once discovered, the default setting is to not attempt to mediate the matter unless the abused party wishes to proceed and adequate safeguards to ensure self-determination can be implemented. Only with adequate screening can domestic relations mediators ensure voluntary, uncoerced, self-determination by all participants. While the primary objective for screening is to determine whether mediation is appropriate, a secondary objective is to determine whether the mediator is right for the parties. Had the screening occurred in this case, Ms. Pohlman may have determined that mediation or the mediator were not appropriate for her dispute, eliminating the settlement agreement. A copy of the *Protocol* was filed by *Amicus FLS* as an appendix to its brief and is available at <https://courts.michigan.gov/administration/scao/officesprograms/odr/pages/resources.aspx>

344121), p 4. This holding must be reversed to prevent mediators from blithely ignoring the mandates of the Statute and the Rule, thereby putting victims of domestic violence in peril.

For this Plaintiff and similarly situated victims of abuse among the 30,000 divorces filed annually who are not screened for domestic violence, the only effective relief available to them is to automatically require an evidentiary hearing to allow them to withdraw from an agreement whenever a mediator's failure to conduct the mandated screening is alleged to have allowed coercion or violence to influence a settlement agreement.

B. An Evidentiary Hearing Is Required to Determine Whether the Settlement Agreement Is Valid or Void.

A domestic mediator's failure to screen for coercion and violence should render an agreement voidable, but not absolutely void. In the absence of the mandated screening, when a party claims an agreement was involuntary or coerced, an evidentiary hearing must be conducted by the trial court to determine whether the agreement is valid or void.

The language of the Statute and Rule concerning screening is mandatory: both state a mediator "shall" make "reasonable inquiry" and "reasonable efforts throughout" the mediation process to screen for coercion or violence which would either make the mediation physically or emotionally unsafe or impede a voluntary and safe resolution. Neither the Statute nor the Rule provide a remedy for a mediator's failure to obey the law requiring them to conduct a screening.⁶

Although the Court of Appeals recognized the language in the Statute and the Rule does not leave screening to the mediator's discretion and the mediator violated those requirements by failing to conduct any screening for violence or coercion, the majority nevertheless held the failure

⁶ A mediator may be removed from a court's list of approved mediators for "incompetence, bias, ... or for other just cause." MCR 3.216(F)(4). While disobeying the Statute and the Rule should qualify as "just cause," a court's list of mediators is primarily used to select mediators when the parties do not designate one. Parties are free to designate anyone to serve as their mediator, regardless of whether their names appear on a court list. Thus, while removal from a court list may protect future mediation participants from random assignment of a mediator who fails to screen for violence and coercion, it provides no relief for parties like the Plaintiff in this case who allege they were put into a position where they felt coerced into signing an agreement as a result of the mediator's failure to properly screen for domestic violence.

was "harmless error." *Pohlman v Pohlman*, unpublished per curiam opinion, issued January 30, 2020 (Docket No 344121) p 5. But as noted in the dissent:

Respectfully, I question whether this Court should declare the mediator's violation of the law "harmless" absent full consideration of the facts. Jody's preliminary showing, combined with James's affidavit and the State Court Administrator's guidelines for domestic violence screening, suggest that the mediator's error was not harmless.

In 2014, before the enactment of MCL 600.1035, the SCAO Office of Dispute Resolution published a "Domestic Violence Screening Protocol for Mediators of Domestic Relations Conflicts." The protocol describes its purpose, addresses "[w]hy mediating cases involving domestic violence is problematic," and sets forth a "[p]resumption against mediation if domestic violence exists", SCAO Office of Dispute Resolution, *Domestic Violence Screening Protocol for Mediators of Domestic Relations Conflicts* (June 2014), p 2:

Cases in which domestic violence is present are presumed inappropriate for mediation. This presumption can be overcome, but only if the abused party desires to participate in mediation and the circumstances of the individual case indicate that mediation will be a safe, effective tool for all concerned. The decision whether to order, initiate or continue mediation despite a presumption against mediation should be made on a case-by-case basis. The most important factor to consider in deciding whether to proceed with mediation is whether the abused party wants to mediate. Mediation should not proceed if the abused party does not want to participate. Other factors to consider are:

- a. Ability to negotiate for oneself.
- b. Physical safety of the mediation process for all concerned.
- c. Ability to reach a voluntary, uncoerced agreement.
- d. Ability of the mediator to manage a case involving domestic violence.
- e. Likelihood that the abuser will use mediation to discover information that can later be used against the abused party, or to otherwise manipulate court processes.

Parties should be fully and regularly informed that continuing the mediation is a voluntary process and that they may withdraw for any reason. [Id. at 6 (emphasis added).]

When there is a background of domestic violence, the reasons for a presumption against mediation do not magically evaporate because the parties use "shuttle diplomacy." That method may help diffuse immediate tensions, but it cannot undo years of manipulation and mistreatment.

Id. (GLEICHER, J., dissenting) at 5-6.

In upholding the trial court's decision to dismiss the impact of the mediator's failure to screen, the majority of the Court of Appeals relied heavily upon *Vittiglio v Vittiglio*, 297 Mich App 391 (2012). However, *Vittiglio* was decided prior to the enactment of the Statute and does

not address screening at all. Indeed, it was decisions such as *Vittiglio* which led to the enactment of the Statute. Thus, *Vittiglio* has no bearing upon the appropriate remedy for a mediator's failure to comply with a statutory mandate to screen for domestic violence.

The Statute reflects a legislative determination that continuous screening for the effects of domestic violence is required in all domestic relations matters to ensure that any agreement reached is voluntary and uncoerced. These salutary requirements are premised on the understanding that a truly voluntary resolution may not be achievable where one party is negotiating under duress and feeling coerced; whether by a spouse, the mediator, or the very nature of the mediation process itself. Indeed, as noted in the dissent, "Although mediation may yield an agreement, the goal is a *voluntary* agreement. Intimidation, coercion, and duress must play no part." *Pohlman*, (GLEICHER, J., dissenting), unpub op at 2.

The trial court clearly erred in denying the Plaintiff's requests for an evidentiary hearing to determine the impact of her mediator's failure to make the foundational inquiry into the parties' history. Beyond that, the trial court should have conducted an evidentiary hearing of its own accord after the Plaintiff objected to entry of the judgment, disclosed her history of domestic violence, and made the court aware of the mediator's failure to conduct any screening.

The Court of Appeals erred in affirming the trial court. While the majority simply brushed aside the mediator's acknowledged failure to screen, stating, "Because plaintiff has not asserted or demonstrated that she was prejudiced by the mediator's failure to screen for domestic violence during mediation, any noncompliance with MCR 3.216(H)(2) was harmless." *Id.* at 5. However, Plaintiff raised the issue of her lack of voluntariness due to coercion in her objection to entry of the judgment and requested an evidentiary hearing.

In Catch 22 fashion, the Court of Appeals asserted that Plaintiff's failure to create a factual record in the trial court foreclosed review of the evidence of her abuse, the impact of the

mediator's failure to screen, and the trial court's obligation to have considered it. But, "[Plaintiff] asked for an evidentiary hearing and her motion was denied. She need have done nothing more to preserve her request to present facts supporting her claim of duress." *Id.* (GLEICHER, J., dissenting), at 5. The Court of Appeals further stated that once parties reach a settlement agreement, "it should not be set aside merely because one party had a change of heart." *Id.* at 5. The Plaintiff in this case described something well beyond a "change of heart." She described a "mediation process that not only violated the statute and the court rule, but offended basic notions of decency." *Id.* (GLEICHER, J., dissenting), at 5. That ill-conceived process, coupled with her history of abusive and controlling behavior by her husband, likely robbed her of the capacity to reach a truly voluntary agreement out of uncoerced self-determination.

Unfortunately, our courts' pattern of analyzing claims of involuntariness and undue pressure in mediated settlement agreements of domestic relations matters is mired by a history of analyses of duress in the context of commercial contract claims. In ordinary contract disputes, while parties may not be on an equal financial footing, there is usually no history of abusive or coercive conduct between the parties. But in domestic relations matters, one partner may have exerted a significant degree of economic, emotional or physical coercion and control over their domestic partner, often over many years. The impacts of such a history of coercion and control go beyond mere physical violence. The effects of coercion and control insinuate themselves deep into the core of the non-coercive partner's psyche; a mere look, a raised eyebrow or a subtle vocalization can signal further abuse lies ahead if the coercive partner's demands are not met. The effects often go beyond the parties' relationship to instill a fear of authority in general, making it more difficult to assert one's rights in the face of an authority figure, such as a mediator.

The Statute and Rule promote self-determination by supporting a foundation of safety upon which a mediation may be constructed. "[The Statute and the Rule] represent legislative and

judicial recognition that victims of domestic violence may be subject to pressures emanating from the marital relationship that cloud judgment or weaken resolve.” *Id.* (GLEICHER, J., dissenting) at 3. These are the situations which the Statute and Rule were intended to address, establishing mediators as gatekeepers to prevent vulnerable parties from entering into mediation without adequate safeguards in place. The Statute and Rule were intended to protect vulnerable parties by placing a duty on the mediator to screen for a history of violence or coercion. They even provide mediators with a tool to do so.

A mediation absent the foundational screening is more likely to result in a vulnerable party signing an agreement out of fear of retribution, rather than acting voluntarily in their own, knowing self-interest. A mediation constructed on such an inadequate foundation can result in constructing an agreement which should not be enforced by Michigan courts.

However, a determination of voidability should not be presumed, but must be made by the trial court only after conducting an evidentiary hearing. Nor should agreements be automatically voided due to the absence of screening, where there was no history of coercion or violence to be discovered. A *per se* rule automatically voiding agreements reached in the absence of screening goes too far. If there was no domestic violence in the parties’ relationship to deprive them of self-determination, then the absence of screening may have had no effect on their capacity to enter into an agreement with their spouse.

An evidentiary hearing is needed to determine the impact and a *per se* rule avoiding settlement agreements is not supported by *Amicus ADR Section*. Without conducting an evidentiary hearing, no court can properly determine the extent of prejudice the mediator’s failure to screen had on a party’s capacity to consent to the terms of a settlement agreement; an agreement the Plaintiff claims she felt forced to sign in order to gain her freedom.

CONCLUSION

Domestic violence screening is a required element of the domestic mediation process. Screening is required by both Statute and Rule. The mediator's failure to screen — a *per se* violation of the Statute and Rule — resulted in a flawed mediation process, potentially obviating the voluntariness of the settlement which would render the settlement agreement void. Only by conducting an evidentiary hearing may the trial court determine the extent of the impact created by the mediator's error.

Because he conducted no screening, the Pohlman's mediator was unaware of the history of violence, coercion and control suffered by the Plaintiff. Because he was ignorant of that history, he took no steps to ensure Ms. Pohlman's safety or her capacity for self-determination. Because the trial court refused her an evidentiary hearing and the failure of the Court of Appeals to correct the trial court's error, her pleas for relief from the mediator's mistakes have gone unanswered. Even her ex-husband supports her request for leave to appeal in the face of what happened to her. [Docket #48.]

So, with apologies to the unknown author quoted in the introduction:

For want of a screening, their history was lost.
For want of their history, knowledge of coercion was lost.
For want of knowledge, the process was flawed.
For want of the process, consent *may* be lost.
For want of consent, the agreement *may* be lost.
For want of an agreement, the judgment *may* be lost.
And all for the want of a screening.

RELIEF

The ADR Section requests leave to appear as *amicus curiae* and to file this brief in support of the Plaintiff's motion for leave appeal in order to establish a remedy addressing the effect of a mediator's failure to comply with the elements of the Statute and Rule.

Respectfully submitted,

Dated: September 23, 2020

/s/ Robert E. L. Wright

Robert E. L. Wright

On behalf of the State Bar of Michigan –
Alternative Dispute Resolution Section

APPENDIX A

Number of Divorces and Annulments
Divorce and Annulment Rates
Michigan and United States Occurrences
Selected Years, 1900 - 2018

Year	United States		Michigan	
	Number	Rate	Number	Rate
1900	56,000	1.5	2,435	2.0
1910	83,000	1.8	3,716	2.6
1920	170,505	3.2	8,679	4.7
1930	195,961	3.2	10,639	4.4
1940	264,000	4.0	12,054	4.6
1950	385,000	5.2	15,979	5.0
1960	393,000	4.4	16,656	4.3
1970	708,000	7.0	29,934	6.7
1980	1,189,000	10.4	45,047	9.7
1990	1,182,000	9.4	40,568	8.7
1991	1,187,000	9.4	40,103	8.5
1992	1,215,000	9.6	40,425	8.5
1993	1,187,000	9.2	40,470	8.5
1994	1,191,000	9.2	39,795	8.3
1995	1,169,000	8.8	39,449	8.2
1996	1,150,000	8.6	38,169	7.8
1997	1,163,000	8.6	38,202	7.8
1998	1,135,000	8.4	38,523	7.8
1999	n.a.	8.2	38,006	7.7
2000	1,158,145	8.2	38,932	7.9
2001	1,135,169	8.0	38,869	7.8
2002	1,129,665	7.9	37,804	7.7
2003	1,102,908	7.6	35,596	7.1
2004	1,076,737	7.3	34,696	6.9
2005	1,069,721	7.2	34,580	6.8
2006	1,021,858	6.8	35,022	6.9
2007	1,093,058	7.2	34,522	6.9

RECEIVED by MSC 9/23/2020 3:42:17 PM

Year	United States		Michigan	
	Number	Rate	Number	Rate
2008	1,305,994	8.6	33,527	6.7
2009	1,216,767	7.9	32,771	6.6
2010	1,243,152	8.1	34,956	7.1
2011	1,245,525	8.0	33,940	6.9
2012	1,265,277	8.1	32,892	6.7
2013	1,197,095	7.6	31,687	6.4
2014	1,145,110	7.6	29,708	6.0
2015	1,110,579	6.6	29,478	6.0
2016	1,098,805	6.5	28,916	5.8
2017	1,075,500	6.3	28,136	5.6
2018	—	—	28,186	5.6

Note: Rates are the number of persons whose marriage ended in divorce or annulment per 1,000 population.

1991-1999 U.S. data are provisional and represents 12 months ending with December.

U.S. divorces from 2000-2007 were estimated using "Table 1300. Marriage and Divorce Rates by Country", U.S. Bureau of Census. U.S. divorce rates and numbers exclude data for California, Georgia, Hawaii, Indiana, and Louisiana in 2004; and California, Georgia, Hawaii, Indiana, Louisiana, and Minnesota in 2005 to 2007.

Starting in 2008, the number and rates of U.S. divorces are estimated using the U.S. Census Bureau, 2008-2018 American Community Survey figures and contain estimation error not indicated in the table.

Source: Michigan Occurrence Divorce Files, Division for Vital Records & Health Statistics, Michigan Department of Health & Human Services; Population Estimate (latest update 7/2019), National Center for Health Statistics, [U.S. Census Populations With Bridged Race Categories](#)
Monthly Vital Statistics Report, National Center for Health Statistics and U.S. Bureau of Census.

APPENDIX B

**Marriage and Divorce Numbers and Rates
by County of Occurrence,
Michigan Residents, 2018**

County	Marriage		Divorce	
	Number	Rate	Number	Rate
Michigan	56,374	11.3	28,186	5.6
Alcona	53	10.2	32	6.2
Alger	72	15.8	26	5.7
Allegan	832	14.2	353	6.0
Alpena	185	13.0	90	6.3
Antrim	157	13.4	63	5.4
Arenac	65	8.6	40	5.3
Baraga	33	7.9	20	4.8
Barry	403	13.2	224	7.3
Bay	621	12.0	345	6.6
Benzie	127	14.3	51	5.7
Berrien	1,225	15.9	472	6.1
Branch	258	11.8	165	7.6
Calhoun	806	12.0	475	7.1
Cass	276	10.7	159	6.2
Charlevoix	206	15.7	113	8.6
Cheboygan	152	12.0	93	7.3
Chippewa	201	10.7	75	4.0
Clare	207	13.5	122	7.9
Clinton	486	12.3	215	5.4
Crawford	82	11.8	61	8.8
Delta	209	11.7	96	5.4
Dickinson	156	12.3	106	8.4
Eaton	672	12.2	393	7.2
Emmet	260	15.6	96	5.8
Genesee	2,102	10.3	1,262	6.2
Gladwin	174	13.7	78	6.2
Gogebic	63	8.3	40	5.3
Grand Traverse	664	14.3	301	6.5
Gratiot	235	11.6	117	5.8
Hillsdale	315	13.8	187	8.2
Houghton	178	9.8	62	3.4

RECEIVED by MSC 9/23/2020 3:42:17 PM

County	Marriage		Divorce	
	Number	Rate	Number	Rate
Huron	190	12.2	77	4.9
Ingham	1,692	11.6	759	5.2
Ionia	377	11.7	165	5.1
Iosco	163	13.0	81	6.5
Iron	69	12.4	39	7.0
Isabella	337	9.6	155	4.4
Jackson	950	12.0	584	7.4
Kalamazoo	1,567	11.8	377	2.8
Kalkaska	115	12.9	65	7.3
Kent	4450	13.6	1,945	5.9
Keweenaw	26	24.6	10	9.5
Lake	60	10.1	23	3.9
Lapeer	495	11.2	265	6.0
Leelanau	212	19.5	43	4.0
Lenawee	513	10.4	388	7.9
Livingston	1,079	11.3	587	6.1
Luce	31	9.9	19	6.0
Mackinac	144	26.7	31	5.7
Macomb	4,837	11.1	2,337	5.3
Manistee	129	10.5	56	4.6
Marquette	409	12.3	200	6.0
Mason	172	11.8	98	6.7
Mecosta	244	11.2	149	6.8
Menominee	144	12.5	71	6.2
Midland	505	12.1	260	6.2
Missaukee	91	12.0	63	8.3
Monroe	763	10.1	503	6.7
Montcalm	436	13.6	263	8.2
Montmorency	42	9.1	31	6.7
Muskegon	1,040	12.0	555	6.4
Newaygo	291	11.9	186	7.6
Oakland	7,035	11.2	3,242	5.1
Oceana	182	13.7	111	8.3
Ogemaw	119	11.4	74	7.1
Ontonagon	21	7.2	14	4.8
Osceola	136	11.7	83	7.1
Oscoda	40	9.7	35	8.5

County	Marriage		Divorce	
	Number	Rate	Number	Rate
Otsego	180	14.6	87	7.1
Ottawa	1,731	11.9	815	5.6
Presque Isle	58	9.1	31	4.9
Roscommon	125	10.5	83	7.0
Saginaw	963	10.1	582	6.1
St Clair	891	11.2	503	6.3
St Joseph	414	13.6	225	7.4
Sanilac	210	10.2	138	6.7
Schoolcraft	48	11.9	10	2.5
Shiawassee	412	12.1	219	6.4
Tuscola	297	11.3	122	4.6
Van Buren	499	13.2	246	6.5
Washtenaw	1,893	10.2	815	4.4
Wayne	7,821	8.9	4,293	4.9
Wexford	251	15.0	141	8.4

Note: Marriage and Divorce rates are persons per 1,000 population rather than events per population. Asterisk (*) indicates that data does not meet the standards of reliability or precision.

Source: 2018 Michigan Occurrence Marriage and Divorce Files, Division for Vital Records & Health Statistics, Michigan Department of Health & Human Services.

APPENDIX C

17th Circuit Court Statistical Chart of Domestic Mediations 01/01/19 through 12/31/19					
				2018 Totals	
Mediations held		421	%	408	%
	Cases Settled	209	49.6	197	48.3
	Cases Settled (in part)	113	26.8	101	24.8
	Cases Not Settled	98	23.3	110	26.9
	Other*	1	.3	0	0
Other: (1) reconciled after mediation					
Mediations not held		317	%	367	%
	Unnecessary to mediate due to prior settlement	198	62.5	232	63.2
	No response from party(ies)	43	13.6	40	10.9
	Reconciliation	23	7.3	22	6.0
	Inappropriate to mediate	10	3.1	15	4.1
	Other**	43	13.5	58	15.8

Other: (4)FTA at settlement conf – case dismissed, (7) cancelled, (1) will be using FOC, (10) no explanation, (3) trial held, (10)party failed to appear, (1) def not father, (1) party uncooperative (4) unable to schedule, (1) mediation declined, (1) Death of party

Observations: 76.4 percent of the mediations held either settled or settled/in part compared to 73.1 percent in 2018.

All interim reports were excluded from this chart.

* * * * *