

ADR DIVISION
APPELLATE COURT OF MARYLAND
COURTS OF APPEAL BUILDING
361 ROWE BOULEVARD
ANNAPOLIS, MD 21401
410-260-3717
410-260-1547 (fax)



CONFIDENTIAL INFORMATION STATEMENT (CIS)

This Confidential Information Statement will be used by the mediator/facilitator/facilitator in your case to prepare for your ADR session. If you are represented, you should complete the CIS in consultation with your attorney. **Please complete all sections and return the document by the due date indicated in your Order to ADR to: AppellateCourtADR@mdcourts.gov**

Responses to this form are confidential communications between you and the ADR Division. Do not file this form with the Clerk of the Court or MDEC/ File and Serve, and do not provide it to opposing counsel/parties. This document is controlled solely by the ADR Division and is not subject to inspection under Title 16, Chapter 1000 of the Maryland Rules.

Case Name:

Case Number:

Who is filling out this form? (check what applies)

- Appellant
- Appellant's Attorney
- Appellee
- Appellee's Attorney
- Interested Person
- Interested Person's Attorney

1. Full name and contact information of the party and, if applicable, the attorney submitting this form. Include the best phone number for direct contact and email address.

2. Is there a non-party who you think would be helpful for decision-making during the ADR session? (Please note, for a non-party to participate in the ADR session, all participants must agree to their presence at the table). Please give us their name, relationship to you, and their contact information.

3. What accommodations and/or supports are important to ensure that you feel comfortable, respected, and able to participate fully and communicate effectively in the session?

4. Tell us what led to the current conflict:

5. For each appellate issue you intend to raise:

(a) What is the error alleged to be made by the court, and what facts do you have to support that error?

(b) What is the standard of review that applies to each of the alleged legal errors? (If you do not understand the standards of review, please consult with an attorney).

6. In light of the facts of your case and the standard of review, what are the strong points of your appeal?

7. In light of the facts of your case and the standard of review, what are the weak points of your appeal?

8. Did this case ever have any type of ADR services (mediation, settlement conference, negotiation) before? If so, was it helpful? Why or why not?

9. Which of the following steps have you taken to prepare for mediation/facilitation?

- Identified the appellate standard of review
- Researched any relevant case law
- Exchanged with the other side updated documents or information necessary to the discussion or decision making
- Consulted with your attorney about the appeal, if represented (or with an attorney if self-represented)
- Identified more than one potential option/offer for settlement
- Considered and/or discussed the position/offer of the other side
- Other _____

10. Briefly describe your client's current attitude about reaching a resolution in this case.

(a) How has it changed over time, if at all?

(b) Is your client optimistic about reaching a resolution in this case?

(c) Do you see yourself being able to compromise?

11. Describe any settlement negotiations that have been made in the past, and the current state of such negotiations. Have they been successful? If they have not taken place, why not?

12. Describe the history of interactions between the parties or the attorneys. How do you think that will impact the mediation/facilitation?

13. In order of priority, what are the interests and values that are important to you? Your client? What are the interests and values that you believe are important to the other side?

14. What are your goals for this mediation/facilitation?

15. How can the mediators/facilitators help in overcoming any impediments to settlement?

16. Identify any possible areas of agreement or common ground between the parties.

17. What are your top three (3) realistic options for settlement? (If this is a case involving money damages, what is a realistic range for settlement of the case?)

18. Are there any other cases or pending litigation that could impact your negotiations? If yes, would you consider a global settlement that includes the resolution of these other cases?

19. Identify any outstanding liens, the amounts of those liens and any negotiations you have had with lienholders.

20. Is there anything else you would like the mediators/facilitators to know? Please attach any documents that you think would be useful for the mediators/facilitators to review.

Party

Date: _____

Party

Date: _____

Party

Date: _____

Party

Date: _____

Attorney

Date: _____

Attorney

Date: _____

Attorney

Date: _____

Attorney

Date: _____

Interested Person/Other

Date: _____