

Alternative Dispute Resolution Landscape: An Overview of ADR in the Maryland Court System



Administrative Office of the Courts

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Table of Contents

Acknowledgements	i
Table of Contents	ii
Executive Summary	vi
Introduction	1
Methodology	2
Definitions	3
Part One: ADR Process Overview: A Statewide Perspective	6
The District Court of Maryland	6
CIVIL ADR PROGRAMS	6
CRIMINAL ADR PROGRAMS	10
Circuit Courts of Maryland	13
CIVIL GENERAL ADR	13
CIVIL DOMESTIC ADR	19
DELINQUENCY ADR	28
Court of Special Appeals	31
Part Two: Trends and Themes in ADR Programs	32
Growth of ADR	32
Circuit Court, Civil General	32
Circuit Court, Civil Domestic	32
Circuit Court, Delinquency	33
District Court, Civil	33
District Court, Criminal	34
Other Courts	35
Program Evaluation and Quality Control Practices	35
Overview	35
The Role of Quality Control	37
Evaluation Practices	42
Future Evaluation of Court ADR	45
Free and Reduced Fee ADR Services	46
Court-subsidized ADR	46
Pro Bono Services	49
Partnerships with Non-fee-for-service Providers	49
Lack of Access	50
Data Collection	51
Funding	51
Circuit Courts, Domestic and General Civil	51

Circuit Court, Delinquency _____	52
District Court, Civil and Criminal _____	52
Community Mediation _____	53
Part Three: State Appellate and County Summaries _____	54
Overview _____	54
COURT OF SPECIAL APPEALS _____	56
ALLEGANY COUNTY _____	59
Circuit Court- General Civil _____	59
Circuit Court- Civil Domestic _____	60
ANNE ARUNDEL COUNTY _____	63
Circuit Court- General Civil _____	64
Circuit Court- Civil Domestic _____	66
Circuit Court- Delinquency _____	69
District Court- Civil _____	70
District Court- Criminal _____	72
BALTIMORE CITY _____	75
Circuit Court- General Civil _____	76
Circuit Court- Civil Domestic _____	78
Circuit Court- Delinquency _____	81
Orphans’ Court _____	83
District Court- Civil _____	84
District Court- Criminal _____	86
BALTIMORE COUNTY _____	88
Circuit Court- General Civil _____	89
Circuit Court- Civil Domestic _____	91
Circuit Court- Delinquency _____	93
Orphans’ Court _____	96
District Court- Civil _____	97
CALVERT COUNTY _____	99
Circuit Court- General Civil _____	100
Circuit Court- Civil Domestic _____	100
District Court- Civil _____	102
District Court- Criminal _____	104
CAROLINE COUNTY _____	106
Circuit Court- General Civil _____	106
Circuit Court- Civil Domestic _____	107
CARROLL COUNTY _____	111
Circuit Court- General Civil _____	112
Circuit Court- Civil Domestic _____	113
District Court- Civil _____	116
District Court- Criminal _____	117
CECIL COUNTY _____	120
Circuit Court- General Civil _____	120
Circuit Court- Civil Domestic _____	121
District Court- Criminal _____	124

ADR Landscape
Table of Contents

CHARLES COUNTY	126
Circuit Court- General Civil	126
Circuit Court- Civil Domestic	129
District Court- Civil	131
DORCHESTER COUNTY	133
Circuit Court- Civil Domestic	133
FREDERICK COUNTY	135
Circuit Court- General Civil	135
Circuit Court- Civil Domestic	136
District Court- Civil	139
GARRETT COUNTY	141
Circuit Court- Civil Domestic	141
HARFORD COUNTY	143
Circuit Court- Civil Domestic	144
District Court- Civil	147
District Court- Criminal	149
HOWARD COUNTY	151
Circuit Court- General Civil	152
Circuit Court- Civil Domestic	153
District Court- Civil	155
KENT COUNTY	157
Circuit Court- General Civil	157
Circuit Court- Civil Domestic	159
District Court- Criminal	161
MONTGOMERY COUNTY	163
Circuit Court- General Civil	164
Circuit Court- Civil Domestic	167
Circuit Court- Delinquency	169
District Court- Civil	171
Circuit and District Court- Criminal	173
PRINCE GEORGE’S COUNTY	175
Circuit Court- General Civil	176
Circuit Court- Civil Domestic	177
Circuit Court- Delinquency	180
District Court- Civil	182
QUEEN ANNE’S COUNTY	184
Circuit Court- General Civil	184
Circuit Court- Civil Domestic	186
Circuit Court- Delinquency	187
District Court- Criminal	189
ST. MARY’S COUNTY	191
Circuit Court- Civil Domestic	191
District Court- Civil	194
SOMERSET COUNTY	196
Circuit Court- Civil Domestic	196
District Court- Civil	198

ADR Landscape
Table of Contents

District Court- Criminal _____	200
TALBOT COUNTY _____	202
Circuit Court- General Civil _____	202
Circuit Court- Civil Domestic _____	204
Circuit Court- Delinquency _____	206
WASHINGTON COUNTY _____	208
Circuit Court- Civil Domestic _____	208
District Court- Civil _____	210
District Court- Criminal _____	211
WICOMICO COUNTY _____	214
Circuit Court- Civil Domestic _____	215
District Court- Civil _____	218
District Court- Criminal _____	220
WORCESTER COUNTY _____	222
Circuit Court- General Civil _____	223
Circuit Court- Civil Domestic _____	224
District Court- Criminal _____	226
Appendices _____	228
Appendix A: Chart of Maryland Judicial System _____	229
Appendix B: ADR Landscape Semi-Structured Interview _____	230
Appendix C: Correspondence with Interviewees _____	234
Appendix D: List of Programs Interviewed _____	241
Appendix E: ADR Programs in Maryland: Circuit Court, Civil Domestic _____	245
Appendix F: ADR Programs in Maryland: Circuit Courts, General Civil _____	256
Appendix G: ADR Programs in Maryland: Circuit Courts, Delinquency _____	263
Appendix H: ADR Programs in Maryland: District Court _____	266
Appendix I: Montgomery County Circuit Court ADR Analysis _____	273

Executive Summary

Maryland has alternative dispute resolution programs (ADR) in every jurisdiction in the state and in four of the five levels of courts (District Court, Circuit Court, Court of Special Appeals, and Orphans' Court). The ADR programs vary in the processes available, type of neutrals, and program structure. At their core, all ADR programs provide litigants an opportunity to resolve their own conflicts in a private setting with the assistance of a neutral third party.

In 1998, Chief Judge Robert M. Bell created and chaired the Maryland ADR Commission which collaborated with over 700 stakeholders to develop a strategic plan for advancing mediation and other conflict resolution processes statewide. The work of the ADR Commission led to the development of a court-related agency, the Maryland Mediation and Conflict Resolution Office (MACRO).

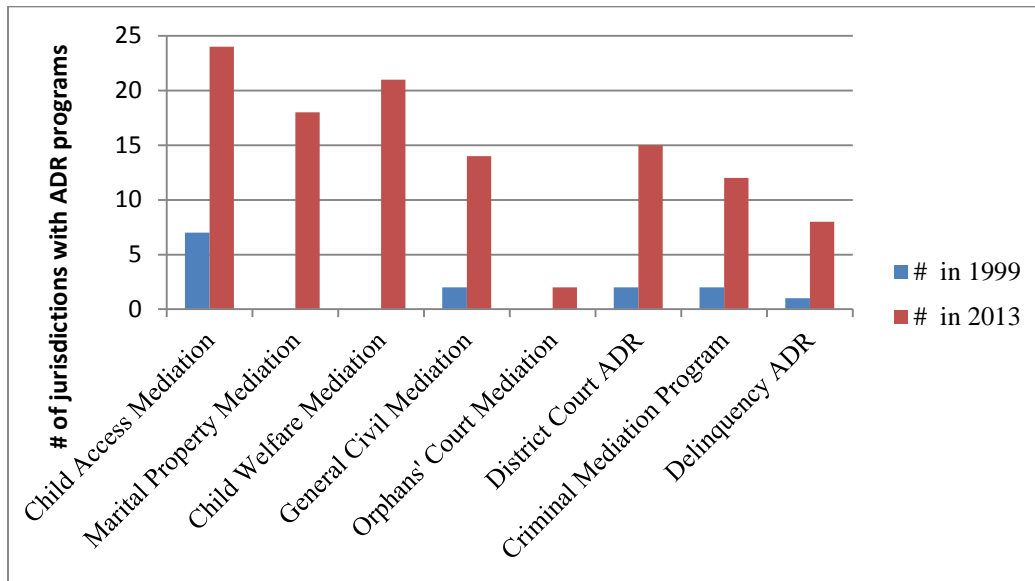
In fiscal year 2012, the Maryland trial courts handled 2,056,603 case filings and 2,287,639 case closings.¹ Although the exact number of cases that settle as a result of ADR is not available, the incorporation of ADR into many courts' case management plans aids in the effective and efficient processing of such a high volume of cases.² ADR encompasses a variety of approaches, which includes any process or collection of processes, such as mediation, settlement conferences, arbitration, and community conferencing, among others.

Over the years programs have developed to meet the need for ADR services within jurisdictions. The larger case volume jurisdictions such as Baltimore City, Baltimore County, and Montgomery County offer the most variety of ADR processes at all levels of court. Allegany County, Garrett County, and Dorchester County, three of the jurisdictions with smaller populations offer the lowest variety of ADR services. Currently all of Maryland's 23 counties and Baltimore City (hereinafter referred to as 24 counties) provide at least one ADR process for litigants.

¹ Maryland Judiciary, Annual Statistical Abstract, FY 2012, <http://www.mdcourts.gov/publications/annualreport/reports/2012/annualreport2012.pdf>.

² See Mandell, Marvin B. and Andrea Marshall, "The Effects of Court-ordered Mediation in Workers' Compensation Cases Filed in Circuit Court: Results from an Experiment Conducted in the Circuit Court for Baltimore City" (June 2002). The random assignment research study of 400 workers compensation cases in the Circuit Court for Baltimore City found both time and cost savings for litigants and resource conservation for the courts. The full report is available at www.marylandmacro.org.

Figure 1: Changes in Court-affiliated ADR Programs Since Formation of MACRO in 1999



The most prevalent use of ADR exists among domestic cases in the circuit courts. All 24 jurisdictions provide mediation for child access cases as provided by Md. Rule 9-205(b). Currently 20 counties offer mediation for child welfare cases.³ Parties with marital property cases can engage in court-connected mediation in 18 counties throughout the state. Other ADR processes for domestic matters include settlement conferencing provided in 14 counties; facilitation, offered in six counties; and a combined communication skills counseling-mediation process in St. Mary’s County.

General civil circuit court mediation began in the early 1990’s in Baltimore City and has expanded to include 13 additional counties as of 2013. Fourteen of the 24 (58%) jurisdictions offer pre-trial/settlement conferences for circuit court, general civil domestic cases. Twelve of the 14 jurisdictions offer both mediation and settlement conferences for appropriate cases.

Baltimore City and Baltimore County remain the only two jurisdictions offering ADR, specifically mediation, within the Orphans’ Court.⁴ The programs began in 2003 and 2005 respectively and allow parties to mediate probate issues. The programs, funded by local government, use a roster of mediators who work on a fee-for-service basis.

Eight jurisdictions, expanding to 10, offer ADR opportunities for delinquency matters involving juvenile offenders.⁵ The most common process available for juvenile matters is community conferencing, although the juvenile division within Montgomery County State’s

³ Child welfare includes the class of cases that address the range of legal issues from child in need of assistance through termination of parental rights issues. See Appendix E: ADR Programs in Maryland: Circuit Courts, Domestic

⁴ The Maryland Orphans’ Court is the state’s probate court and also has jurisdiction over cases involving the guardianship of minors.

⁵ See Appendix G: ADR Programs in Maryland: Circuit Courts, Juvenile.

Attorney's Office also offers mediation for delinquency cases.⁶ Community conferencing expanded in 2010 as a result of a partnership between the Judiciary's Department of Family Administration and Community Conferencing Center of Baltimore City. The partnership provides funding for operational support and training of conferencing facilitators. Participation in the process is voluntary and provided at no charge to the participants.

The processes of collaborative law and parent coordination represent two emerging ADR practices for family law matters in Maryland. Starting in 2011, the Department of Family Administration began to promote the use of collaborative law to assist parties in the out-of-court settlement of domestic issues. Since that time, the Department of Family Administration has supported three collaborative law trainings involving over 200 attorneys.⁷ Each attorney who attended the free training agreed to participate in the Department of Family Administration's collaborative law pro bono project.⁸ In 2011, the Court of Appeals adopted Md. Rule 9-205.2, governing the process of parent coordination. The process, most commonly employed in high-conflict custody cases, uses a neutral facilitator who has conflict resolution and mental health credentials.⁹

ADR programs in the District Court of Maryland started in Anne Arundel County in 1998 and have since proliferated throughout the state. At the District Court level, civil ADR exists in 15 counties. The District Court of Maryland ADR Office provides day of trial and pre-trial mediation and settlement conferences for civil cases throughout the state. Through partnerships with local community mediation centers and the Mediation Clinic at the University of Maryland Francis King Carey School of Law, litigants in 11 locations may engage in pre-trial mediation.¹⁰ State's Attorney's Offices in 12 counties offer ADR for certain misdemeanor crimes. Mediations are provided directly by staff-mediators within the State's Attorney's Office or through a partnership with local community mediation centers.

In early 2010 the Maryland Court of Special Appeals (COSA) began a pilot mediation program, which was initially funded by MACRO. By August 2012, the COSA formally incorporated its ADR Division into its own budget and case management system. Cases that require a civil report by the litigant are routinely reviewed and ordered to a settlement conference or mediation. The COSA uses a co-mediation model pairing one staff attorney-mediator and one judge-mediator per case. Since 2010, the ADR Division has managed 10-15% of COSA's civil docket, fully resolving an average of 13 cases per month. ADR services are provided at no charge to the appellants.

⁶ See "Evaluation of Two Community Conferencing Programs for Juveniles" by the Administrative Office of the Courts and Institute for Government Service and Research (2013).

⁷ See "The Current and Prospective Use of Collaborative Law in Maryland" by the Administrative Office of the Courts and Institute for Government Service and Research (2013).

⁸ Attorneys in Maryland who receive the free collaborative law training agree to accept a minimum of two pro bono collaborative cases. Other professionals who receive the free training, such as mental health providers and financial advisors, are similarly required to provide pro bono services. As of April 2012, 100 clients received pro bono collaborative law services through the project.

⁹ Funding for parent coordinators is not provided through the Maryland Judiciary.

¹⁰ Jurisdictions offering pre-trial mediation services include: Anne Arundel County, Baltimore City, Baltimore County, Calvert County, Harford County, Montgomery County, St. Mary's County, and Wicomico County. Individuals contacting the District Court ADR Program for pre-trial mediation services in other counties will be directed to the local community mediation center.

A variety of individuals serve as neutrals for the ADR programs. Ninety-two percent (35 out of 38) of domestic and general civil circuit court mediation programs utilize a court-approved roster of mediators. In most instances the mediators receive compensation for their services directly from the parties. Domestic programs in Harford County and Baltimore County rely upon neutrals employed by the court to conduct most of the court's domestic ADR services. An additional three jurisdictions (Prince George's County, Carroll County, and Baltimore City-child welfare only) use court staff to conduct a portion of the domestic ADR services. All of the counties except Prince George's County use a roster of court-approved mediators to conduct general civil mediation.

The District Court ADR Office uses a court-approved roster of ADR practitioners and ADR Office staff to serve as ADR practitioners in 15 jurisdictions in Maryland. In 2012, volunteer ADR practitioners affiliated with the District Court ADR Office provided 5,150.74 hours of pro bono services to the District Court of Maryland.

The State's Attorney's Offices in 12 counties provide for the mediation of certain criminal misdemeanors. All except two criminal ADR programs use partnerships with community mediation center volunteers to conduct the mediation sessions. In all instances mediations through the District Court ADR Office or State's Attorney's Offices are provided at no charge to the participants.

The Maryland Judiciary has historically supported the majority of ADR programs. Most domestic mediation programs and pro bono collaborative projects operate entirely from annual grants provided by the Department of Family Administration. These grants support the salaries of the family support services coordinators, fee waivers, and other program-related expenses. The Maryland Mediation and Conflict Resolution Office (MACRO) also provides supplemental grant funding for domestic and general civil circuit court ADR programs as well as criminal mediation through the State's Attorney's Offices.

On an annual basis, MACRO funds community mediation centers through its Community Mediation Performance-based Grants. Community mediation centers partner with courts, state, and local government agencies, among other community-based organizations, to provide free ADR services. In 2012, community mediation centers conducted 1,330 mediations of court-affiliated cases.¹¹

Both MACRO and the Department of Family Administration provide support for community conferencing programs. The number of programs funded by the Judiciary varies annually. The District Court and the Court of Special Appeals fund their respective ADR

¹¹ Information from a STATrac report provided via email correspondence on March, 23, 2013 from Lorig Charkoudian, Executive Director, Community Mediation Maryland. The number includes mediations that occurred and excludes mediation referrals and cancellations.

programs through the judiciary budgetary process.¹² The Orphans' Court programs receive direct support from the counties in which they reside.¹³

As state budget allocations have decreased during recent fiscal years, funding for some ADR programs has also declined. The budgetary reductions have impacted ADR programs in a variety of ways. In the domestic ADR sector, the Montgomery County Family Services Division ceased supporting staff mediators in 2012, and many programs have either eliminated fee waivers (Garrett County) or reduced the level of funding for fee waivers. As a result, Family Services Programs formed partnerships with community mediation centers or community conferencing centers to provide free ADR services and ensure the opportunity of ADR services to all individuals. Although funding at the county level has increased as programs age, many ADR services would not operate without continued funding from the Judiciary.

This report, a component of the Maryland Judiciary's statewide evaluation of court-affiliated ADR, details the over 70 ADR programs throughout Maryland. The wealth of information describes the complexities and nuances of individual programs as well as broad themes. The information is designed to educate the Maryland Judiciary and its ADR practitioners on the current role of ADR in Maryland's courts and lay the foundation for continued informed innovation.

¹² MACRO's grant program provided startup funding for contractual positions and covered other operational costs to both the District Court ADR Office and the Court of Special Appeals ADR Division.

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Introduction

In 2010 the Maryland Judiciary sought to conduct a comprehensive statewide study into the extensive use of ADR throughout the Maryland court system. Through the State Justice Institute, the Maryland Judiciary received funds to conduct an empirical research study at the state level to “articulate and compare the full cost (financial, opportunity, and reputational) of ADR with the full short- and long-term benefits (financial, opportunity, and reputational) of ADR to public agencies, individuals and the state more broadly.”¹⁴ While the case for ADR is strong, a more comprehensive approach is needed to assess the impact of the Judiciary’s investment in ADR. By examining the approaches and systems that have been developed, the Maryland Judiciary will be able to refine its practice and pursue the highest benefits for the court system and the citizens of Maryland.

Maryland has been pursuing change in its approach to conflict through the incorporation of ADR in the courts for the past 15 years, when in 1998, Chief Judge Robert M. Bell created and chaired the Maryland ADR Commission. While some states have eliminated or reduced funding for ADR programs, the Maryland Judiciary remains a leader and innovator in promoting the use of ADR throughout the state. Maryland has alternative dispute resolution (ADR) programs in every jurisdiction and in The District Court, circuit courts, orphans’ courts, and Court of Special Appeals.

The ADR Landscape, a series of interviews with ADR program coordinators, court personnel, and community ADR providers, complements the empirical research by providing a comprehensive description of all court-related ADR programs. This report details the over 70 ADR programs throughout Maryland. The wealth of information conveys the complexities and nuances of individual programs as well as broad themes. The information is designed to educate the Maryland Judiciary and its ADR practitioners on the current role of ADR in Maryland’s court and lay the foundation for continued informed innovation.

Maryland Part One of the report provides a statewide description of ADR processes available for different types of cases. Part Two identifies emerging trends and themes throughout the varied ADR programs. A county-by-county description of individual ADR programs is provided in Part Three.

¹⁴ Charkoudian, Harmon, “Cost, Benefit & Effectiveness Analysis of ADR in Maryland Literature Review to Support Research Design” (2010).

Methodology

Information for the ADR Landscape was gathered through a semi-structured interview process. Interviews, conducted by two C-DRUM staff,¹⁵ occurred at on-site locations throughout the state. All interviewees possessed direct knowledge and oversight of the ADR programs about which they were interviewed. In most instances, the interviewee was a court employee, although some interviews involved members of counties' State's Attorney's Offices or local service providers such as community mediation or community conferencing centers.

C-DRUM staff initially contacted the interviewees by e-mail to provide information about the research project and to schedule an interview. The e-mail included a copy of the memorandum from Frank Broccolina, State Court Administrator to the City and County Administrative Judges and the Honorable Ben C. Clyburn, Chief Judge of the District Court of Maryland, dated December 22, 2011. A few weeks later, C-DRUM staff contacted each e-mail recipient to schedule the in-person interview. Once a meeting date was set, each interviewee received a confirmation e-mail and a copy of the interview questions.

C-DRUM employed a two-person interview process to avoid the need to record the interview while still maximizing the accuracy of information gathered. The semi-structured interview (see Appendix B) contained a total of 26 questions designed to gather information about the ADR program administration, structure, operation, and use of neutrals. All information used for the report was gathered directly through the interviews. Interviewees also provided supplemental information, such as program forms and other informational material. Data included in the report largely represents information available for calendar year 2012.

Interviews varied in length from 20 to 90 minutes depending on the number of programs administered by the interviewee and the complexity of the programs. Following the interview, C-DRUM staff sent a thank you letter to each interviewee. C-DRUM merged the interview notes and drafted a narrative interview summary. Each interviewee received the narrative summary via e-mail to review for accuracy and comprehensiveness of information. If necessary, C-DRUM staff included questions regarding any missing or unclear information. Interviewees were provided two weeks to review and respond to the summary. The comments were then merged with the other county programs to form the final county report.

Personnel affiliated with the court-affiliated ADR programs contributed to the information found in this report. All interviews were conducted in-person except six which occurred by phone. See Appendix C and D for a copy of all correspondence and a listing of all of the programs interviewed.

¹⁵ C-DRUM partnered with the Institute for Governmental Service and Research (IGSR) to conduct the interviews of community conferencing programs. IGSR used the same semi-structured questions to interview representatives from the community conferencing programs in Baltimore City, Baltimore County, Anne Arundel County, and Montgomery County.

Definitions

Alternative Dispute Resolution (ADR): Generally ADR refers to any process or collection of processes established to resolve disputes without trial or violence. The term ADR is often used to refer to a broad category of processes such as negotiation, conciliation, mediation, settlement conferences, arbitration, consensus building, and community conferencing. MACRO Consumers' Guide to ADR Services in Maryland, online version (June, 2012).

ADR Practitioner: An umbrella term (like “neutral”) used to describe an individual conducting an ADR process. This includes a mediator, settlement conference attorney, facilitator, etc.

Child Welfare: A category of cases referring to the range of legal issues involving child dependency including child in need of assistance (CINA) to termination of parental rights (TPR) matters.

Civil General: The broad category of cases in the circuit courts that do not involve domestic or criminal matters.

Community Conferencing: A multi-party process in which all of the people affected by a behavior or a conflict that has caused them harm are convened for a meeting to have a conversation about that situation. The goal of the conference is to create an agreement that will repair the harm. During the conference, all participants have an opportunity to discuss what happened, how they were personally affected, and how the harm can best be repaired. This process may be used in conflicts involving large numbers of people and is often used as an alternative to juvenile court. MACRO Consumers' Guide to ADR Services in Maryland, online version (June, 2012).

Community Mediation: This umbrella term includes the services provided by the network of community mediation centers throughout Maryland. Community mediation centers in Maryland adhere to a 10-point community mediation model. Currently 17 centers support all 24 jurisdictions in Maryland. See www.marylandmediation.org

Collaborative Law: An alternative dispute resolution process in which the parties and lawyers establish formal agreements to resolve the dispute through cooperative negotiations, as opposed to traditional litigation. The core elements to which participants in a collaborative law process commit contractually include negotiating a mutually acceptable settlement without using court to decide any issues for the clients; agreeing to the withdrawal of the professionals if either client goes to court; engaging in open communication and information sharing; and creating shared solutions that take into account the highest priorities of both clients. See www.collaborativepractice.com

Family Cases: This includes the category of domestic and juvenile cases within the Maryland court system. The Department of Family Administration is responsible for developing a comprehensive family law system addressing all cases within the family context. Therefore, for the purposes of this report the term “family” applies to both domestic and juvenile matters. Otherwise the terms “domestic” and “juvenile” are used independently.

Facilitation: A settlement-focused process that occurs in domestic cases on the day of the scheduling conference or on the day of trial. At the request of the master, the facilitator meets with the parties and/or counsel to assist in the settlement of any or all issues. Often cases close to settlement or cases with a limited number of issues are sent to facilitation. All facilitators are attorneys. In practice, the process is similar to a settlement conference. The exception to this definition exists in Carroll County where facilitation mirrors mediation and can be facilitated by a non-attorney. Facilitation is not a defined ADR practice in the Maryland Rules.

Maryland Mediation and Conflict Resolution Office (MACRO): Under the leadership of the Chief Judge of the Court of Appeals, Maryland's Mediation and Conflict Resolution Office (MACRO) serves as an ADR resource for the state. MACRO supports innovative dispute resolution programs and promotes the appropriate use of ADR in every field. MACRO has a diverse, high-level Advisory Board and works collaboratively with many others across the state to advance effective conflict resolution practices in Maryland's courts, communities, schools, state and local government agencies, criminal and juvenile justice programs, and businesses. *See* www.marylandmacro.org

Maryland Program for Mediation Excellence (MPME): The major goal of the MPME is to assist Maryland mediators in providing high quality mediation services to mediation participants. This is accomplished by providing member mediators with choices for continued learning and improvement, along with appropriate recognition for their achievements. The MPME is a collaborative effort governed by MACRO, the Maryland Council for Dispute Resolution, Community Mediation Maryland, Association for Conflict Resolution-Maryland chapter, Maryland State Bar Association ADR Section, and representatives from the circuit courts, the District Court, roster programs and academia. The MPME is staffed and funded by MACRO. *See* www.mpmeonline.org

When mediators become members of the MPME, they commit to (a) completing eight (8) hours of continuing mediation skills training and two (2) hours of ethics training annually; (b) abiding by the Maryland Standards of Conduct for Mediators as adopted by the MPME; and (c) cooperating in good faith with the Mediation Ombuds Program. In short, they make a commitment to providing high quality mediation services. There are two features of the MPME that are most important to consumers of mediation services: the Mediator Online Directory and the Mediation Ombuds Program.

Mediation: A process in which the parties work with one or more impartial neutrals called mediators who, without providing legal advice, assist the parties in reaching their own voluntary agreement for the resolution of all or part of a dispute. Md. Rule 17-102(g).

Neutral: For purposes of this report, the term neutral refers to a third party who provides an ADR process and who has no affiliation with either party nor any decision making authority. The term neutral may refer to a broad category of ADR providers or a single ADR provider who conducts more than one ADR process.

Parent Coordination: A process in which the parties work with a parenting coordinator to reduce the effects or potential effects of conflict on the parties' children. Parenting coordination may be used for an initial action to determine custody or visitation and an action to modify an existing order or judgment as to custody or visitation. "Parenting coordinator" means an impartial provider of parenting coordination services. Md. Rule 9-205.2(b).

Peace Order: Peace order is a civil order issued by a District Court judge to prevent one person from committing certain acts against others. Peace orders apply to non-familial relationships (dating, neighbors, co-workers, acquaintances, strangers).

See <http://www.courts.state.md.us/domesticviolence/courts.html>

Settlement Conference: A conference at which the parties, their attorneys, or both appear before an impartial individual (neutral) to discuss the issues and positions of the parties in an attempt to agree on a resolution of all or part of the dispute by means other than trial. A settlement conference may include neutral case evaluation and neutral fact-finding, and the impartial individual may recommend the terms of an agreement. Md. Rule 17-102(I).

Part One: ADR Process Overview: A Statewide Perspective

The District Court of Maryland

The District Court is a statewide unified court with 34 locations and 12 districts. At least one District Court location operates in each of the 23 counties plus Baltimore City (hereinafter referred to as 24 counties). “The District Court is Maryland’s court of lower jurisdiction. The jurisdiction of the court includes all landlord-tenant cases, replevin actions, motor vehicle violations, misdemeanors and certain felonies. In civil cases the District Court has exclusive jurisdiction in claims for \$5,000 or less, and concurrent jurisdiction with the circuit courts in claims for amounts above \$5,000 but less than \$30,000. The jurisdiction of the District Court is concurrent with that of the circuit court in criminal cases, classified as misdemeanors and certain felonies, in which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more. The District Court does not conduct jury trials.”¹⁶

CIVIL ADR PROGRAMS

The District Court ADR Office started in Anne Arundel County in 1998 and currently operates in 63% (15 out of 24) of jurisdictions in Maryland. The ADR programs are managed by the District Court ADR Office whose mission is to “establish and maintain high quality ADR programs that empower litigants.”¹⁷ Effective January 1, 2013, Chapter 300 of Title 17 of the Maryland Rules addresses ADR proceedings in the District Court. As such, the ADR Office sets statewide practices for the provision of quality ADR services pursuant to the Maryland Rules.

The District Court ADR Office is administered by an executive director and deputy director and seven additional staff members.¹⁸ The program operates with funding from the Maryland Judiciary and volunteer services from ADR practitioners and partnerships with community mediation centers and the University of Maryland Carey School of Law Mediation Clinic. ADR practitioners within the District Court ADR program provide mediation or settlement conferencing services. In all instances ADR is provided at no charge to the litigants. Detailed information on the District Court ADR Program is maintained on the program’s website.¹⁹

Day of Trial ADR

Fifteen of Maryland’s 24 counties offer day of trial ADR services for civil litigants. A variety of factors including case volume, case type, and availability of ADR volunteer practitioners influence the ADR services available at each location. Whether parties receive mediation or settlement conferencing is contingent upon the expertise of the ADR practitioner

¹⁶ <http://www.mdcourts.gov/district/about.html>

¹⁷ District Court of Maryland, About Us (2013), www.courts.state.md.us/district/adr/aboutadr.html

¹⁸ Additional staff include four regional ADR programs directors, director of ADR roster management, a data management and public information coordinator, and an administrative assistant.

¹⁹ See www.courts.state.md.us/district/adr/home.html

scheduled for any particular day. Currently 11 out of 15 counties (73%) provide both mediation and settlement conferencing. The remaining four counties offer mediation only.

Table 1.1: District Court, Civil- Day of Trial ADR Services by Location

Location	Mediation	Settlement Conferencing
Allegany	n/a	n/a
Anne Arundel (Glen Burnie)	X	X
Anne Arundel (Annapolis)	X	X
Baltimore City	X	X
Baltimore (Catonsville)	X	X
Baltimore (Towson)	X	X
Calvert	X	n/a
Caroline	n/a	n/a
Carroll	X	X
Cecil	n/a	n/a
Charles	X	n/a
Dorchester	n/a	n/a
Frederick	X	X
Garrett	n/a	n/a
Harford	X	X
Howard	X	X
Kent	n/a	n/a
Montgomery (Rockville)	X	X
Montgomery (Silver Spring)	X	X
Prince George's	X	X
St. Mary's	X	n/a
Somerset	X	n/a
Talbot	n/a	n/a
Washington	X	n/a
Wicomico	X	X
Worcester	n/a	n/a

Most District Court locations offer ADR one or two days per week. Somerset and Wicomico counties provide ADR one day per month and Washington County offers mediation two days per month. Only Baltimore City and Prince George's County offer ADR five days per week. Five counties (Anne Arundel, Calvert, Charles, Montgomery, and St. Mary's) limit the use of ADR to specific categories of cases on certain days of the week (for example, peace orders on Tuesdays or small claims on Thursdays). Generally, eligible cases for ADR include a wide variety of large and small claims cases such as landlord-tenant, contract, and replevin. Five locations offer mediation for peace order cases (Glen Burnie courthouse in Anne Arundel County, Calvert County, Charles County, Montgomery County, and St. Mary's County).²⁰ All jurisdictions may refer large claim cases to ADR; however Montgomery County has a docket specifically for large claims cases. In general, all cases are appropriate for ADR except cases involving domestic violence, concurrent criminal charges, protective orders, peace orders involving assault or a weapon, or a lack of participant capacity.

²⁰ Prince George's County plans to begin peace order mediation in 2014.

On a quarterly basis, the director of ADR roster management for the District Court ADR Office schedules the volunteer ADR practitioners for day of trial mediations and settlement conferences. In addition to individual ADR volunteers, some community mediation centers and the University of Maryland Carey School of Law provide day of trial mediation. In Baltimore City, the Mediation Clinic at the University of Maryland Francis King Carey School of Law and Community Mediation of Baltimore City provide day of trial co-mediation services. Community mediation centers in Calvert, Prince George’s, St. Mary’s, Somerset, Washington, and Wicomico counties also regularly provide day of trial mediation.

Parties are referred to ADR through a variety of methods. The parties may voluntarily request to participate in ADR on the day of trial. In addition, a judge may refer or order a case to ADR from the bench. In Baltimore, Harford, Montgomery (peace order only), and Washington counties, the regional ADR programs director pre-screens and identifies cases as appropriate for ADR. A marker is placed on the court file to the case is suited for ADR. Sometimes the ADR practitioner explains ADR to the parties waiting in the courtroom before the docket begins or the bailiff plays a video prepared by the District Court ADR Office that explains ADR. Parties may request ADR after the announcement or video. Additionally, a judge may provide an announcement and explanation regarding ADR at the start of the judge’s docket.

With the exception of Somerset County where ADR occurs at an adjoining multi-service building, all day of trial ADR takes place in a private space within the courthouse. There is no time limit for mediation sessions, although the ADR practitioner is mindful of the need for the parties to return to the courtroom for a trial if no agreement is reached. The judge may also limit the time of the ADR process, permit ADR to continue from the morning into the afternoon docket, or postpone a docketed case to allow the process to continue. The District Court ADR Office requires the participation of named litigants and those with authority to settle for the ADR process to occur. Additional people may attend with permission from the litigants and their attorneys.

Because ADR is offered on the day of trial, the participants often know very little about the process and the ADR practitioner receives limited information about the case prior to the mediation or settlement conference. The public may gain additional information about ADR through the District Court website, brochures, and information shared by the presiding judge.

Pre-trial ADR

Complementing the day of trial ADR programs, 47% of jurisdictions (7 out of 15) also offer pre-trial mediation services. Through partnerships with community-based ADR providers, the District Court ADR Office offers litigants the ability to mediate at a convenient time and place prior to the scheduled trial date.

Table 1.2: District Court, Civil- Pre-trial and Day of Trial by Location

Location	Pre-trial	Day of Trial
Allegany	n/a	n/a
Anne Arundel	X	X
Baltimore City	X	X

Location	Pre-trial	Day of Trial
Baltimore	n/a	X
Calvert	X	X
Caroline	n/a	n/a
Carroll	n/a	X
Cecil	n/a	n/a
Charles	n/a	X
Dorchester	n/a	n/a
Frederick	n/a	X
Garrett	n/a	n/a
Harford	X	X
Howard	n/a	X
Kent	n/a	n/a
Montgomery	X	X
Prince George's	n/a	X
Queen Anne's	n/a	n/a
St. Mary's	X	X
Somerset	n/a	X
Talbot	n/a	n/a
Washington	n/a	X
Wicomico	X	X
Worcester	n/a	n/a

The District Court ADR Office works with the individual courts to determine the most appropriate way to identify and refer cases for pre-trial ADR. In some locations the regional ADR programs director reviews the docket (Baltimore City, Harford County) and/or sends information on appropriate cases to the community-based partner. Other methods of pre-trial case referral include a review of cases by a member of the community mediation center and courtroom clerk (Calvert County, St. Mary's County); identification of cases by court staff (Wicomico County); or screening of cases by the community mediation center (Anne Arundel County).

Additionally, judges may order that a case be referred to pre-trial ADR. This may occur when a judge receives a pre-trial motion to rule upon and in so doing, determines the case would be appropriate for ADR. Occasionally, the litigants request pre-trial ADR.

Appropriate cases for ADR are typically referred to the community mediation center or University of Maryland Carey School of Law (Baltimore City) based mediation center at least six weeks before the date of trial. The community-based partner maintains responsibility for contacting the parties, scheduling the mediation, and conducting the process. Mediations occur at a date and time convenient for the parties. If necessary, mediations may occur at the courthouse; though in most instances the mediations occur at locations throughout the community.

ADR Practitioner Qualifications

All applicants receive approval by the executive director and the director of ADR roster management for the District Court ADR Office based upon the requirements of the rules and the

application form.²¹ Prior to receiving cases, all ADR practitioners must attend an orientation. Additionally, mediators must fulfill the District Court ADR Office's apprenticeship requirement prior to mediating. Both mediators and settlement conference attorneys participate in an on-site orientation the first time they volunteer. All mediators and settlement conference attorneys serve as volunteers and can be removed from the program roster pursuant to Md. Rule 17-304(5).

Program Evaluation and Quality Control

The District Court ADR Office implements a variety of evaluation and quality control practices. ADR Participant Surveys, completed by all participants at the end of the ADR process, and ADR Practitioner Activity Reports, completed by the ADR practitioners, are used to evaluate the ADR session. An additional survey form specifically for attorneys was incorporated into the District Court ADR Office's evaluation practices in 2013. For additional oversight, the ADR Office staff members occasionally observe ADR practitioners.

Mediators in the District Court complete a formal apprenticeship prior to mediating. The apprentice process requires the completion of two stages within nine months after the date of the orientation. During stage one, the applicant must observe a minimum of two cases on two different dates conducted by an experienced lead mediator, with a post-mediation debrief after each session. During stage two, the applicant mediates two cases on two different dates while being reviewed by a District Court ADR Office staff member or a mediator with lead status followed by a post-mediation debrief with the reviewer after each session. The mediator may then qualify to join the mediation roster as a panel mediator. As an additional quality control measure, settlement conference attorneys are reviewed by a District Court ADR Office staff member within their first nine months. Upon request, a new settlement conference attorney may observe an experienced settlement conference attorney prior to conducting his or her first conference.

All volunteer mediators must enroll in the MPME, which requires a minimum number of mediation-related educational activities per year. Consideration by the ADR Office will be given to any volunteer expressing concerns regarding joining the MPME. The District Court ADR Office also provides volunteer recognition and appreciation events for all ADR practitioners, which may include continuing education opportunities, budget permitting.

CRIMINAL ADR PROGRAMS

Throughout the state, mediation programs for certain misdemeanor criminal charges, operated through the county State's Attorney's Offices, provide an opportunity for individuals to resolve conflicts prior to a trial. In coordination with the State's Attorney's Office, twelve of the 24 (50%) jurisdictions in Maryland provide some type of criminal mediation program for adults involved in the criminal justice system at the District Court level.²² With the exception of Anne

²¹ Md. Rule 17-304

²² Mediation of criminal cases is provided in Anne Arundel, Baltimore City, Calvert, Carroll, Cecil, Harford, Kent, Montgomery, Queen Anne's, Somerset, Washington, and Worcester counties.

Arundel County, which conducts has staff members who conduct ADR services, 92% (11 out of 12) of the State's Attorney's Offices partner with local community mediation centers to offer mediation services. Montgomery County's State's Attorney's Office criminal mediation program is uniquely structured, utilizing a combination of staff, volunteer, and community mediators.

Program Administration

Fifty-eight percent (7 out of 12) of programs receive some type of direct funding to support their mediation program for criminal cases. The Maryland Judiciary, through MACRO, funds either community mediation centers or State's Attorney's Offices in five counties (Cecil, Kent, Montgomery, Queen Anne's, and Washington). The State's Attorney's Offices in Anne Arundel County, Baltimore City, and Washington County directly support the criminal mediation programs in those jurisdictions. The remaining five counties (Calvert, Carroll, Harford, Somerset, and Wicomico) receive no direct financial support. In these counties, the State's Attorney's Office and the community mediation center allocate their own resources to provide the ADR service.

All programs screen cases to determine whether a referral to mediation would be appropriate. Initial screening for mediation may occur before the assignment of a case to a state's attorney (Anne Arundel, Calvert, Carroll, Montgomery, and Worcester counties) or after assignment to a state's attorney but before the trial date (Baltimore City, Calvert County, Cecil County, Kent County, Queen Anne's County, and Somerset County). In all counties except Cecil and Kent, the individual who screens the cases is a prosecutor and/or other staff within the State's Attorney's Office. Cecil and Kent counties largely rely upon a trained volunteer from the community mediation center to review cases for possible referral to mediation. Anne Arundel and Carroll counties specifically indicated that defense attorneys may request mediation. Baltimore City was the only jurisdiction to indicate that a judge refers criminal matters to mediation.

All District Court locations limit the opportunity for mediation to cases involving misdemeanor level charges. Cases that involve repeat offenders, persons with violent felony charges or an extensive criminal history, or safety concerns are not referred to mediation. The Mediation Center within the State's Attorney's Office in Anne Arundel County has a unique relationship with the domestic violence unit which allows the program to mediate, under certain conditions, some cases involving instances of domestic violence. Otherwise, cases involving domestic violence are not referred to mediation. Other factors contributing to the referral of a matter to mediation include the existence of legal insufficiencies²³ (Anne Arundel, Harford, and Montgomery counties) and/or an ongoing relationship between the accused and the victim.

The State's Attorney's Offices partner with community mediation centers to oversee the majority of the mediation process. Specifically, the community mediation center controls all of the pre-mediation communication, conducts the mediation, and monitors all program evaluation and quality control practices. Mediations by community mediation centers are initially scheduled for a two-hour block of time and are conducted by two trained mediators (co-mediators). Parties

²³ "Legal insufficiencies" refers to a category of cases that will not be prosecuted to trial by the State's Attorneys' office due to a lack of evidence, improper paperwork/charges, prosecutorial discretion, or other reasons.

may engage in more than one mediation session. As part of their mission, community mediation centers attempt to schedule mediations at a date, time, and location convenient to the parties. Several of the counties (Carroll, Cecil, Kent, and Queen Anne's) may allow mediations to occur at the courthouse. The exception to this practice is Calvert County where all criminal mediations take place at the courthouse. The two State's Attorney's Office staff-mediator programs (Anne Arundel and Montgomery counties) often host mediations at the State's Attorney's Office facilities. Mediations conducted by staff in Anne Arundel and Montgomery counties employ a single mediator model.

Program Evaluation and Quality Control

Community mediation centers are autonomous organizational members of an umbrella community mediation organization, Community Mediation Maryland.²⁴ The affiliation with Community Mediation Maryland supports individual centers with a system of quality assurance and evaluation practices. All community mediation centers require mediators to have a minimum of 45 hours of basic mediation training and observe two mediations before conducting any mediation sessions. The centers use a co-mediation model, which allows the pairing of new mediators with more experienced mediators. The mediators engage in pre- and post-mediation discussion, a practice designed to foster quality mediation, among other things. Upon completion of the basic mediation training, community mediation volunteers must enroll in the MPME. At the conclusion of the mediation, the participants complete an evaluation and demographics sheet. Each community mediation center uses the same evaluation form. The form enables Community Mediation Maryland to aggregate and analyze information on a statewide level.

The criminal mediation program for the State's Attorney's Office for Anne Arundel County does not use any post-mediation participant or mediator evaluation forms. To ensure quality services the staff-mediators frequently engage in post-mediation discussions and analysis with each other. The staff-mediators also are subject to periodic evaluation by the State's Attorney's Office chief district court attorney. Both mediators maintain membership in the MPME and are expected to participate in mediation trainings and remain involved in ADR organizations.

The Montgomery County State's Attorney's Office Mediation Service requires all mediators to complete 40 hours of basic mediation training and interview with the Mediation Services staff. Prior to conducting solo mediations, new mediators observe one or two mediations and either mediate with the Mediation Services staff or are observed by a staff member. The mediation coordinator and Mediation Services staff person make the final decision whether to accept a mediator to the roster.

The Montgomery County State's Attorney's Office Mediation Service tracks a variety of program statistics as a method of program evaluation. The program does not employ any mediator or participant post-mediation evaluation surveys. As a quality control measure, one staff person remains available to provide assistance during all mediations. The Mediation Services staff periodically contacts volunteer mediators after mediations to discuss any issues or

²⁴ Community Mediation Maryland (2013), www.marylandmediation.org

concerns. Community mediators conducting criminal mediations in Montgomery County also adhere to the community mediation center’s evaluation and quality control practices.

Circuit Courts of Maryland

One Circuit Court exists in each of Maryland’s 23 counties, as well as one in Baltimore City. The Circuit Courts are grouped in eight judicial circuits. In Maryland, “Circuit Courts are where jury trials are held. Circuit Courts generally handle more serious criminal cases and major civil cases. These include juvenile and other family law cases such as divorce, custody and child support. The Circuit Courts hear most cases appealed from the District Court, orphans’ courts and some administrative agencies. Circuit Courts also hear domestic violence cases. Cases may be decided by juries, but also may be decided by a judge only.”²⁵ Circuit Courts, where cases can be heard by a judge or a jury, share jurisdiction with District Court in hearing domestic violence cases. Judicial masters are also used by many circuit courts to conduct hearings.

CIVIL GENERAL ADR

According to interview responses, the first civil general circuit court mediation program began in Baltimore City in the early 1990s and within the decade, an additional five programs emerged. As of early 2013, 14 (58%) Maryland jurisdictions offered mediation for general civil cases in the Maryland circuit courts. Growth of non-domestic civil mediation has been steady over the past three decades. Allegany, Frederick, Prince George’s, Queen Anne’s, and Talbot counties all began civil general mediation programs in the 2000s. Recently, Kent (2011) and Anne Arundel (2012) counties initiated programs. Additionally, exploratory discussions have begun in Caroline and Cecil counties. ADR processes are incorporated as part of the case management procedures in most counties.

With the exception of Baltimore City, Baltimore County, Prince George’s County, and Worcester County, which use two or more staff to operate their programs, all ADR programs operate with a single staff person who devotes part of his or her time to ADR services (Kent County relies on two part-time staff). The majority of programs receive funding from the county and the Maryland Judiciary through grants from MACRO for personnel and program expenses. In Frederick and Worcester counties the coordinator handles both domestic and general circuit court ADR programs.

Circuit courts throughout the state provide the ADR processes of mediation and settlement conferencing for general civil cases. Anne Arundel County also provides foreclosure ADR for foreclosure cases. Carroll County labels its settlement conference-type process pre-trial conferencing.

Table 1.3: Circuit Courts, Civil General- ADR Process by Jurisdiction

Jurisdiction	Mediation	Settlement/Pre-trial Conference
Allegany	X	n/a

²⁵ <http://www.mdcourts.gov/circuit/>

Jurisdiction	Mediation	Settlement/Pre-trial Conference
Anne Arundel	X	X
Baltimore City	X	X
Baltimore	X	X
Calvert	X	X
Caroline	n/a	X
Carroll	n/a	X
Cecil	n/a	X
Charles	X	X
Dorchester	n/a	n/a
Frederick	X	n/a
Garrett	n/a	n/a
Harford	n/a	n/a
Howard	X	X
Kent	X	X
Montgomery	X	X
Prince George's	X	X
Queen Anne's	X	X
St. Mary's	n/a	n/a
Somerset	n/a	n/a
Talbot	X	n/a
Washington	n/a	n/a
Wicomico	n/a	n/a
Worcester	X	X

Mediation

Program Administration

Of the 14 civil general mediation programs, all but one, routinely refer cases to mandatory mediation.²⁶ As a prerequisite to an order for mediation, Allegany County and Worcester County require all parties to have counsel in mediation. Baltimore County mandates that at least one party on both the plaintiff and defendant sides of the case has counsel as a prerequisite to issuing an order to civil general mediation. Rather than referring most cases to mediation, the civil general ADR programs in Baltimore City, Calvert County, and Charles County analyze the docket on a case-by-case basis and may refer a case directly to a settlement conference in lieu of mediation. Kent County remains the only county that requires parties to voluntarily agree (opt-in) to civil general mediation prior to the issuance of a court order to mediate.

The primary source of referrals to ADR is the program coordinator or other court staff in 71% (10 out of the 14) of jurisdictions. Judges primarily refer cases to mediation in four jurisdictions (Kent, Montgomery, Prince George's, and Queen Anne's counties). Talbot County relies on both sources for referrals. Judges may refer or order a case to ADR at any point. In addition, counties may also exclude cases from mediation if they involve incarcerated

²⁶ A circuit court may order a party and the party's attorney to participate in ADR but only in accordance with the Rules in this Chapter and in Chapter 100 of this Title. Md. Rule 17-201(a). In 2013 Montgomery County will begin to transition from a voluntary, opt-in mediation program to a mandatory, opt-out mediation program.

individuals, if the hearing will occur within less than 90 days, if threats of violence or safety concerns exist, or if other case management factors preclude mediation.²⁷

To help prepare the neutral for mediation sessions, most (8 out of 14) counties request that parties provide a confidential pre-mediation statement to the mediator as a matter of course or, as in the case of Kent County, upon the request of the mediator. Litigants in six jurisdictions (Allegany County, Baltimore City, Baltimore County, Charles County, Frederick County, and Worcester County) receive information from the court in advance of the mediation session. Mediations in Prince George’s County always occur at the courthouse. Mediations are held at mediators’ offices in the remaining 13 counties. On occasion, parties in Baltimore City and Montgomery County may use the law library to conduct mediations.

Neutral Qualifications and Payment

All of the jurisdictions except Prince George’s County use a roster of court-approved mediators to provide court-ordered mediation. Prince George’s County instead uses retired judges to conduct domestic settlement conferences and civil general mediations. In addition to the requirements listed in Title 17, 50% (7 of 14) of counties impose additional requirements on mediators listed on their roster, such as an office in the county, enrollment in the MPME, and bar membership.²⁸

Table 1.4: Circuit Courts, Civil General- Additional Requirements for Mediators (beyond court rules)

Civil General	Requirements to be a Mediator (beyond court rules)				
	Performance-based Certification	Attorney	Office in the County	Pro Bono	MPME
Allegany	--	X	--	--	--
Anne Arundel	--	X	X	X	X
Baltimore City	--	--	--	--	--
Baltimore	--	X	--	X	encouraged
Calvert					
Caroline	n/a	n/a	n/a	n/a	n/a
Carroll	n/a	n/a	n/a	n/a	n/a
Cecil	n/a	n/a	n/a	n/a	n/a
Charles	--	--	--	--	--
Dorchester	n/a	n/a	n/a	n/a	n/a
Frederick	--	X	--	--	--
Garrett	n/a	n/a	n/a	n/a	n/a
Harford	n/a	n/a	n/a	n/a	n/a
Howard	--	--	--	--	encouraged
Kent	--	X	--	--	--
Montgomery	--	--	--	--	--
Prince George’s	--	retired judge	--	--	--
Queen Anne’s	--	--	--	--	--

²⁷ See Appendix F: ADR Programs in Maryland: Circuit Courts, General

²⁸ Since Prince George’s County uses retired judges as mediators, it was excluded from this calculation.

Civil General	Requirements to be a Mediator (beyond court rules)				
	Performance-based Certification	Attorney	Office in the County	Pro Bono	MPME
St. Mary's	n/a	n/a	n/a	n/a	n/a
Somerset	n/a	n/a	n/a	n/a	n/a
Talbot	X	X	--	--	--
Washington	n/a	n/a	n/a	n/a	n/a
Wicomico	n/a	n/a	n/a	n/a	n/a
Worcester	--	X	--	--	--

With the exception of Talbot County which may occasionally use co-mediation, all jurisdictions rely on a single mediator model. The ADR program coordinator maintains the responsibility for mediator assignment. In designating a mediator, the program coordinator considers a variety of factors, such as location of parties and the mediator, case type, mediator experience and style, and mediator availability. The coordinator rotates case assignments among the entire roster of mediators. Instead of automatic assignment of an ADR practitioner by the court, litigants in Kent County are asked to identify a mutually-agreeable mediator. In the event that the parties fail to select a mediator, then the court will appoint a mediator from its roster.

The court orders parties to a single 2-hour mediation session. Mediators receive compensation ranging from \$150 (Allegany County) to \$200 per hour, split among the parties. In Worcester County parties pay a rate of \$100 per party for the mediation session. Litigants in cases involving business and technology and medical malpractice matters pay mediators \$250 per hour. Under Md. Rule 17-205, mediators conducting these mediations must fulfill additional training requirements.

With the exception of Prince George's County, the court expects the parties to compensate the mediator directly. The retired judge-mediators in Prince George's County receive a per diem rate from the court for their services. Only three counties provide fee waivers or free services for income qualifying parties in general civil cases. In Anne Arundel County the court may authorize fee waivers. Litigants in Kent and Talbot counties who meet the income qualifications for a fee waiver receive free mediation from a community mediation center. Although, according to Title 17, court-approved neutrals must agree to provide pro bono services, only Anne Arundel and Baltimore counties specifically reported the use of mediators on a pro bono basis.²⁹

Program Evaluation and Quality Control

To evaluate the mediation process and ensure quality, general civil mediation programs use post-mediation participant evaluations and post-mediation mediator reports. Five jurisdictions (Anne Arundel, Baltimore, Charles, and Worcester counties and Baltimore City) use both participant evaluations and mediator reports to gain process feedback. Howard County uses participant evaluations only; whereas Allegany, Frederick, Montgomery, Queen Anne's, and

²⁹ Md. Rule 17-205(a)(8) (requiring mediators to take a reasonable number of referrals at a reduced-fee or pro bono basis).

Talbot counties solely collect mediator reports. Anne Arundel County is the only jurisdiction that requires court-approved mediators to maintain membership in the MPME in addition to meeting the requirements of the court rules. Mediators in Baltimore and Howard counties are encouraged to join the MPME. All court-approved mediators in Talbot County must obtain a performance-based mediator certification.

Settlement Conferencing

Program Administration

Fifty-eight percent (14 out of 24) of jurisdictions in Maryland offer the ADR process of settlement conferencing for general civil cases. Of the 14 counties conducting settlement conferences, only Carroll and Cecil counties provide settlement conferences and not mediation. Allegany, Frederick, and Talbot counties only offer mediation. The remaining nine counties offer both mediation and settlement conferencing, although both processes may not be available for all case types.

Settlement conferences range in duration from 20 minutes to three hours. In most instances the parties and the settlement conference officer may elect to continue discussions beyond one session. All settlement conferences take place at the courthouse.

Neutral Qualifications and Payment

Programs generally rely upon active and retired judges or attorneys to serve as neutrals at settlement conferences. Only Baltimore City uses both retired judges and attorneys to conduct settlement conferences.

Table 1.5: Circuit Court, Civil General- Settlement Conference Providers by Jurisdiction

Civil General	# of Settlement Conference Neutrals	
	Acting/Retired Judge or Master	Attorney
Allegany	n/a	n/a
Anne Arundel	31	n/a
Baltimore City	a few	40
Baltimore	6	n/a
Calvert	?	?
Caroline	1	n/a
Carroll	n/a	81
Cecil	1	n/a
Charles	n/a	30
Dorchester	n/a	n/a
Frederick	n/a	n/a
Garrett	n/a	n/a
Harford	n/a	n/a
Howard	9	n/a
Kent	1	n/a
Montgomery	6-7	n/a

Civil General	# of Settlement Conference Neutrals	
	Acting/Retired Judge or Master	Attorney
Prince George's	7	n/a
Queen Anne's	n/a	2
St. Mary's	n/a	n/a
Somerset	n/a	n/a
Talbot	n/a	n/a
Washington	n/a	n/a
Wicomico	n/a	n/a
Worcester	n/a	9

Settlement conference attorneys in Carroll and Charles counties must demonstrate a level of experience and/or subject matter expertise in order to be listed on the court-approved list of settlement conference attorneys. Montgomery County requires all retired judges who conduct settlement conferences to complete a basic mediation training course.

Litigants are not charged any fees for settlement conferences that are conducted by a retired or active judge. The neutral may or may not receive compensation depending upon his or her status and the particular jurisdiction. Active judges serve as neutrals as part of their job duties and therefore receive no supplemental compensation. Retired judges conducting settlement conferences receive a per diem rate for their services. The settlement conference attorneys in Baltimore City, Carroll and Worcester counties provide their services on a pro bono basis. In Charles and Queen Anne's counties, the parties compensate the settlement conference attorney \$200 per hour.

Program Evaluation and Quality Control

Only a handful of counties employ evaluation and quality control practices for civil general settlement conferences. Fourteen percent (2 out of 14) of jurisdictions distribute participant evaluation forms at the end of the settlement conference (Baltimore City and Charles County). Four jurisdictions (Anne Arundel, Carroll, Charles, and Montgomery counties) require the neutral to complete a data sheet or report at the conclusion of the settlement conference. Anne Arundel County distributes a participant evaluation form for foreclosure ADR only. Only Charles County uses both a participant evaluation form and a settlement conference facilitator report.

Table 1.6: Circuit Court, Civil General- ADR Program Evaluations by Jurisdiction and Process

Civil General	ADR Processes Available		
	Mediation	Settlement Conf.	Other
Allegany	X	n/a	n/a
Anne Arundel	X	X	foreclosure ADR
Baltimore City	X	X	n/a
Baltimore	X	X	n/a
Calvert	X	X	n/a

Caroline	n/a	X	n/a
Carroll	n/a	pre-trial conference	n/a
Cecil	n/a	X	n/a
Charles	X	X	n/a
Dorchester	n/a	n/a	n/a
Frederick	X	n/a	n/a
Garrett	n/a	n/a	n/a
Harford	n/a	n/a	n/a
Howard	X	X	n/a
Kent	X	X	n/a
Montgomery	X	X	n/a
Prince George's	X	X	n/a
Queen Anne's	X	X	n/a
St. Mary's	n/a	n/a	n/a
Somerset	n/a	n/a	n/a
Talbot	X	n/a	n/a
Washington	n/a	n/a	n/a
Wicomico	n/a	n/a	n/a
Worcester	X	X	n/a

Title 17 imposes no continuing education requirements on neutrals who conduct settlement conferences. None of the court programs require any continuing education requirements of neutrals who conduct civil general settlement conferences.

Other ADR

Only Anne Arundel County provides an ADR process other than mediation or settlement conferencing for civil general cases in circuit court. In 2010, Anne Arundel County implemented a customized ADR process for foreclosure cases termed “foreclosure ADR.” Cases involving foreclosure matters in the Circuit Court for Anne Arundel County receive a letter offering ADR from the Office of Case Management. The presiding judge may refer a matter to foreclosure ADR at his or her discretion. All persons who have settlement authority must participate in the process. Foreclosure ADR sessions take place at the courthouse and are provided at no charge to the parties. All foreclosure ADR is conducted by attorney-neutrals on a pro bono basis.

CIVIL DOMESTIC ADR

Civil domestic ADR programs have always outnumbered civil general ADR programs in the circuit courts in Maryland. This is largely due to Md. Rule 9-205(b), which requires the court to order parties to mediate child access matters, provided certain conditions exist.³⁰ The Judicial Alternative Dispute Resolution Committee is one of seven committees staffed by the Department of Family Administration. The Department of Family Administration has consistently funded and promoted the use of ADR for all types of family cases. Jurisdictions in Maryland provide the

³⁰ Md. Rule 9-205(b)(3) states, “ If the court concludes that mediation is appropriate and likely to be beneficial to the parties or the child and that a qualified mediator is available, it shall enter an order requiring the parties to mediate the custody or visitation dispute. The order may stay some or all further proceedings in the action pending mediation on terms and conditions set forth in the order.”

ADR processes of mediation, settlement conferencing, community conferencing, facilitation, and collaborative law to assist parties in reaching meaningful solutions for domestic disputes. Mediation is integrated into every jurisdiction’s case management processes. The family support services coordinator oversees the administration of the ADR programs in each county. The work of the coordinator is complemented by additional staff in 11 jurisdictions. In Frederick County, the family services coordinator helps to administer the in-house mediation program (which touches about 15% of the civil domestic cases). The remainder of ADR services are administered by the ADR coordinator.

Table 1.7: Circuit Courts, Civil Domestic- ADR Processes by Jurisdiction

Domestic	ADR Processes Available					
	Mediation-child access	Mediation-marital property	Mediation-child welfare	Settlement Conferencing	Facilitation	Other
Allegany	X	X	CINA	n/a	n/a	n/a
Anne Arundel	X	X	CINA/TPR	X	X	n/a
Baltimore City	X	n/a	CINA/TPR	X	n/a	n/a
Baltimore	X	n/a	CINA/TPR	X	X	adult guardianship
Calvert	X	n/a	CINA/TPR	X	n/a	n/a
Caroline	X	X	CINA/TPR	X	n/a	n/a
Carroll	X	X	CINA/TPR	X	X	n/a
Cecil	X	X	CINA/TPR	X	n/a	n/a
Charles	X	X	CINA/TPR	n/a	n/a	n/a
Dorchester	X	X	<i>In dev't</i>	n/a	n/a	n/a
Frederick	X	X	CINA/TPR	n/a	n/a	n/a
Garrett	X	X	n/a	X	n/a	n/a
Harford	X	n/a	TPR	n/a		X
Howard	X	X	TPR	X	n/a	n/a
Kent	X	X	n/a	X	n/a	n/a
Montgomery	X	X	CINA/TPR	X (marital property only)	X	n/a
Prince George’s	X	X	CINA/TPR	X	n/a	n/a
Queen Anne’s	X	X	CINA (rarely used)	n/a	n/a	n/a
St. Mary’s	X	n/a	CINA/TPR	n/a	n/a	X
Somerset	X	X	CINA (rarely used)	X	X	n/a
Talbot	X	X	CINA/TPR	n/a	n/a	n/a
Washington	X	X	n/a	X	n/a	n/a
Wicomico	X		CINA/TPR	X	X	attorney-settlement panel
Worcester	X	X	TPR	X	n/a	n/a

A variety of sources fund the domestic ADR programs. Every jurisdiction allocates some of the funding from the Department of Family Administration Jurisdictional Grant toward the provision of ADR Services and/or program coordinator salary. Nine programs also receive funding from local government. In 2012, a Conflict Resolution Grant from MACRO supported programs in four counties (Anne Arundel, Charles, Frederick, and Worcester). The Office of Family Services in Harford County received additional support from federal funds in 2012.

Mediation

Mediation represents the most commonly used ADR process for domestic cases. All 24 jurisdictions in Maryland provide mediation for child access cases. Eighteen jurisdictions also offer mediation for marital property matters, and 21 jurisdictions have (or will shortly) implement mediation in child welfare cases. Each jurisdiction customizes its program to meet the unique needs of the court administration and court users.

Program Administration

Baltimore, Harford, and Prince George's counties use neutrals who are either employees of the court or are under contract with the court to conduct most ADR services. The remaining 21 jurisdictions rely upon a court-approved roster of neutrals to provide the majority of mediation services. Additionally, Baltimore City, Carroll, Frederick, Queen Anne's, St. Mary's, and Wicomico counties rely upon staff and contract neutrals to supplement the services provided by the roster neutrals. Throughout the state, the judge or master reviews and refers cases to mediation. In 10 jurisdictions, the ADR program coordinator or other court staff routinely refer cases to mediation.

Although all orders to participate in mediation are mandatory orders from the court, Baltimore City and Baltimore County view participation in the process as voluntary. Dorchester County remains the only county requiring the agreement of the parties prior to the issuance of a court order for mediation in child access cases. Seven counties (Anne Arundel, Calvert, Caroline, Cecil, Dorchester, Montgomery, and Prince George's) consider participation in mediation for marital property matters to be voluntary. Specifically, Caroline County requires both parties to agree to participate in the process prior to generating the order to mediation. As a matter of course, jurisdictions that offer child welfare mediation seek the willingness of the parties to engage in the process prior to issuing a mandatory order to mediation.

In an effort to provide easier access to mediation, Baltimore City, Caroline County, and Kent County offer free day of trial mediation services. On days when mediators are present, litigants may engage in mediation at the courthouse on their day of trial. Orders for mediation generally assign a court-approved mediator and require litigants to mediate a specific number of sessions by a certain date. For child access cases, 83% (20 of 24) of jurisdictions order parties to two 2-hour mediation sessions. Orders for mediation in Calvert and Montgomery counties require one 3-hour mediation session. In contrast, Charles County and Queen Anne's County initially order litigants to one 2-hour mediation session.

For marital property matters, 67% (12 of 18) of jurisdictions order parties to attend two 2-hour mediation sessions. Cecil and Queen Anne's counties order litigants to one 2-hour mediation session. Montgomery and Prince George's counties require one 3-hour mediation session. Charles County may order parties to engage in up to four 2-hour mediation sessions in marital property cases.

Child welfare mediation orders typically mandate only one mediation session. The duration of the session varies from two to five hours. Although programs exist in Queen Anne’s and Somerset counties, cases are rarely referred for child welfare mediation. With the exception of Harford County, all jurisdictions provide space within the courthouse to conduct child welfare mediations. In Harford County, litigants mediate in the Office of Family Services building located near the courthouse. Litigants in Baltimore City may also mediate in The Chance Building located across the street from the Department of Juvenile Services. The mediators in Allegany County and Cecil County may host child welfare mediations in their office.

Court programs view the role of the attorney in the mediation process differently in the context of domestic mediation. About half (46%) of the jurisdictions that conduct child access mediation permit the participation of attorneys. Montgomery County allows attorney involvement only if all parties have legal representation, otherwise attorney participation is prohibited. In most instances, the decision whether to involve attorneys is determined collectively by the parties, attorneys, and mediator. Twelve jurisdictions (Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Dorchester, Kent, Queen Anne’s, St. Mary’s, and Wicomico counties and Baltimore City) specifically prohibit or discourage attorney participation in mediation.

ADR program coordinators assign mediators to cases based upon a variety of factors including rotational assignment among the roster, location of the parties and the mediator, characteristics of the case and mediator style, and availability of the mediator or a pre-set schedule. With the exception of Baltimore City, which uses a co-mediation model for child access mediations, all jurisdictions use a single mediator for child access and marital property mediations. The use of co-mediation is more prevalent in child welfare cases (five counties) due to the large number of participants in the mediation session.

Neutral Qualifications and Payment

Pursuant to Md. Rules 9-205 and 17-205, mediators in domestic cases must satisfy specific training and experience requirements in order to conduct court-referred mediations. In addition to the court rules, several jurisdictions impose heightened requirements for court-approved mediators. Additional qualifications include, for example, membership in the bar, a commitment to conduct pro bono and low bono services, maintenance of an office in the county, minimum levels of experience, and agreement to engage in specific quality assurance practices.

Table 1.8: Circuit Court, Civil Domestic- Additional Mediator Requirements by Jurisdiction

Domestic	Additional Mediator Requirements (beyond court rules)					
	Performance-based Certification	Attorney	Office in the County	Pro Bono	Liability Insurance	MPME
Anne Arundel	--	X	X	X	--	X
Baltimore City	--	--	--	--	X	--
Baltimore	--	--	--	--	--	X
Calvert	--	--	--	X	X	X
Carroll	--	--	--	--	--	X
Charles	--	--	--	X	--	--
Harford		--	--	X	--	--

ADR Landscape
Part One: A Statewide Perspective

Domestic	Additional Mediator Requirements (beyond court rules)					
	Performance-based Certification	Attorney	Office in the County	Pro Bono	Liability Insurance	MPME
Howard	--	--	--	X	--	encouraged
Prince George's	--	--	X	--	X	X
Talbot	X	X	--	--	--	--
Wicomico	--	--	--	--	--	X
Worcester	--	X	--	--	--	--

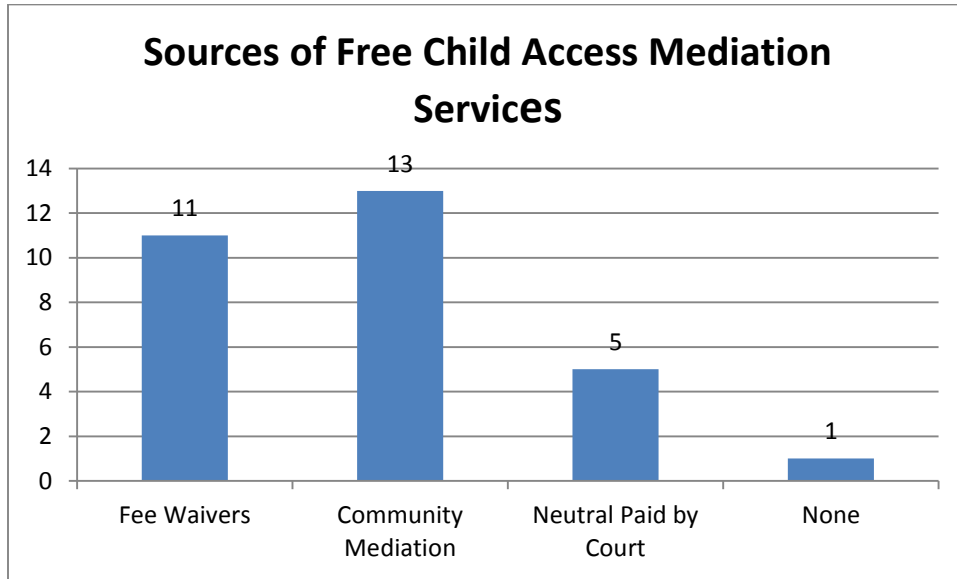
All court-approved roster mediators receive direct compensation for mediation services. The mode rate for child access mediation is two hundred dollars per hour, split among the parties (or \$200 per party per session). Mediators in Baltimore City and Wicomico County receive the lowest compensation, \$75 per hour, for child access mediation services.

Table 1.9: Circuit Court, Civil Domestic- Child Access Mediator Fees by Jurisdiction

Domestic	Fees		Fee Payment			
	Total paid by parties	Total paid to mediator per 2 party case	Split among Parties	Fee waiver available	Neutral paid by court	Community mediation (in lieu of fee waiver)
Allegany	\$400 total (\$100 per party per session)	\$400	X	X	--	X
Anne Arundel	\$200/session	\$400	X	--	--	X
Baltimore City	\$75/hr	\$300	X	X	--	UB Clinic
Baltimore	\$125 per person	\$250	--	X	--	--
Calvert	\$65 per party/hr	\$520	--	X	--	--
Caroline	\$200/session	\$400	X	--	--	X
Carroll	\$150 per party/per session	\$600	--	--	--	X
Cecil	\$100/hr	\$200	X	X	--	--
Charles	\$200/session	\$400	X	X	--	--
Dorchester	\$65/hr per party	\$520	--	--	--	X
Frederick	\$200/hr	\$800	X	X	X	--
Garrett	\$125/hr	\$500	X	--	--	--
Harford	\$100-\$150/hr	\$400-\$600	X	X	X	--
Howard	\$200/hr	\$800	X	X	--	--
Kent	\$200/hr	\$800	X	--	--	X
Montgomery	\$200/session	\$200	--	--	X	
Prince George's	\$100/per party per session	\$400	--	--	--	X
Queen Anne's	\$125/hr split for "courthouse" mediation, \$200/hr paid by court for "non-courthouse" mediation	\$250	X	X	X	X (day of trial)
St. Mary's	\$200/session	\$400	X	--	--	X
Somerset	\$200/session	\$400	X	--	X	--
Talbot	\$200/session	\$400	X	--	--	X
Washington	\$200/hr	\$800	X	--	--	X
Wicomico	\$75 per party/per session	\$300	--	X	--	--
Worcester	\$200/session	\$400	X	--	--	X

As indicated in the last three columns in Table 1.9, a combination of fee waivers, partnerships with community mediation centers, and court-paid neutrals, helps programs ensure that all parties, regardless of financial means, may have access to mediation in child access matters.

Figure 1.3: Circuit Court, Civil Domestic- Sources of Free Child Access Mediation Services



Fees for mediations involving marital property cases generally mirror the rates for child access mediation services. In Charles, Montgomery, and Prince George’s counties, however, the rates for marital property mediations are slightly higher than for child access cases. Allegany, Queen Anne’s, and Somerset counties are the only counties that provide fee waivers for income-qualifying litigants in marital property matters. Talbot County will refer a case to the community mediation center in lieu of a fee waiver.

All child welfare mediation is provided at no cost to the parties. For other domestic cases, most courts compensate mediators directly for their services, but the rates paid to mediators vary widely among the jurisdictions. In Anne Arundel County mediators conduct child welfare mediation on a pro bono basis, and in Baltimore and Harford counties mediators on staff provide all mediation services.

Table 1.10: Circuit Court, Civil Domestic- Child Welfare Mediation Rates by Jurisdiction

Domestic	Fee		Mediator Paid by Court Yes/No	Duration
	Per hour	Total paid to mediator per 2 party case		
Allegany	\$100	\$400	Y	4hr
Anne Arundel	\$0	\$0	pro bono	2hr
Baltimore City	\$75	\$375	Y	5hr
Baltimore	\$0	n/a	staff	3hr

Domestic	Fee		Mediator Paid by Court	Dura- tion
	Per hour	Total paid to mediator per 2 party case	Yes/No	
Calvert	\$70	\$140	Y	2hr
Caroline	<i>in dev't</i>	<i>in dev't</i>	Y	2hr
Carroll	\$100	\$300	Y	3hr
Cecil	\$50	\$100	paid by county	2hr
Charles	\$150 (split among the 2 mediators)	\$300 (\$150 per mediator)	Y	2hr
Dorchester	n/a	n/a	n/a	n/a
Frederick	\$50	\$200	Y	3hr + 1hr preparation
Garrett	n/a	n/a	n/a	n/a
Harford	\$0	n/a	staff/contract	3hr
Howard	\$100	\$300	Y	3hr
Kent (<i>in dev't</i>)	--	--	--	--
Montgomery	\$67	\$200	Y	3hr
Prince George's	\$100	\$300	Y	3hr
Queen Anne's	n/a	n/a	n/a	n/a
St. Mary's	\$40/hr + \$80 to write agreement	\$160	Y	2hr
Somerset	rarely used	rarely used	Y	--
Talbot (<i>in dev't</i>)	--	--	Y	--
Washington	n/a	n/a	n/a	n/a
Wicomico	\$100	\$200	Y	2hr
Worcester	\$100	\$200	Y	2hr

Program Evaluation and Quality Control

Ongoing quality assurance efforts, in addition to the four hours of annual continuing education required by Title 17, are more common in the domestic mediation programs. Twenty-nine percent (7 of 24) of jurisdictions require or encourage mediators to belong to the MPME. To assist neutrals with continuing education requirements, several programs provide in-house training opportunities for their neutrals. Harford County and Baltimore County, the two staff mediator domestic programs, provide annual trainings for staff mediators. Budget permitting, Anne Arundel and Charles counties offer trainings for the mediators on their rosters. To ensure real-time input on mediator performance, staff in the three counties of Cecil, Baltimore, and Prince George's may observe domestic mediators and provide feedback.

Most Family Services programs use a participant evaluation and/or mediator report to assess domestic mediation services. A little more than one-third, 29% (7 of 24), of domestic mediation programs use neither post-mediation evaluation forms nor mediator reports. The remaining programs implement one or both of the evaluation processes. Frederick County and St. Mary's County evaluate only mediations conducted by court-paid neutrals.

Settlement Conference

Program Administration

Of the 16 jurisdictions conducting settlement conferences for domestic matters, 81% (13 of 16) use a retired or active judge or master as the neutral. Montgomery County only uses settlement conferences for marital property cases. The remaining 19% (3 of 16) of jurisdictions use an attorney who serves as the settlement conference neutral. Similar to civil general settlement conferences, domestic conferences are offered at no charge to the litigants. All settlement conferences take place at the courthouse. Conferences vary in length from 20 minutes to the entire day, although most jurisdictions allocate one hour for settlement conferences.

Neutral Qualifications and Payment

Neutrals are compensated differently depending upon their status and the particular jurisdiction. Active judges serve as neutrals as part of their job duties and therefore receive no supplemental compensation. Retired judges who conduct settlement conferences receive a per diem rate for their services. Carroll County is the only county that compensates settlement conference attorneys in domestic cases. The neutral receives \$80 from the court for up to three hours of services.

Table 1.11: Circuit Court, Civil Domestic- Settlement Conference by Jurisdiction

Domestic	Settlement Conference		Duration of Settlement Conference	Fee for Settlement Conference
	Active/Retired Judge or Master	Attorney		
Allegany	n/a	n/a	n/a	n/a
Anne Arundel	31	--	30-60 min	\$0
Baltimore City	--	30	1hr	\$0
Baltimore	3	--	20 min – 1 day	\$0
Calvert	1	--	90 min	\$0
Caroline	1	--	varies	\$0
Carroll	--	37	3hr	\$80 (paid by court)
Cecil	2	--	20 – 30 min	\$0
Charles	n/a	n/a	n/a	n/a
Dorchester	n/a	n/a	n/a	n/a
Frederick	n/a	n/a	n/a	n/a
Garrett	1	--	1hr	\$0
Harford	n/a	n/a	n/a	n/a
Howard	9	--	1hr	\$0
Kent	1	--	varies	\$0
Montgomery	6-7 (marital property only)	--	varies	\$0
Prince George's	7	--	90 min	\$0
Queen Anne's	n/a	n/a	n/a	n/a
St. Mary's	n/a	n/a	n/a	n/a
Somerset	1	--	1hr	\$0

Domestic	Settlement Conference		Duration of Settlement Conference	Fee for Settlement Conference
	Active/Retired Judge or Master	Attorney		
Talbot	n/a	n/a	n/a	n/a
Washington	1	--	1hr	\$0
Wicomico	4	--	1-2hr	\$0
Worcester	--	13	1hr	\$0

Program Evaluation and Quality Control

No jurisdiction distributes participant evaluations at the conclusion of a domestic settlement conference. Anne Arundel, Carroll, and Montgomery counties use a post-conference report or data sheet completed by the neutral at the conclusion of the settlement conference. Settlement conference neutrals have no continuing education requirements. Court programs that offer continuing education opportunities often invite all of their neutrals, including settlement conference neutrals, to participate in training opportunities.

Facilitation

The process of facilitation is offered in Anne Arundel, Baltimore, Carroll, Montgomery, Somerset, and Wicomico counties. In Anne Arundel, Baltimore, Montgomery, and Wicomico counties, all facilitators must be members of the bar in good standing. Baltimore County and Montgomery County require facilitators to have family law experience. Facilitators in Carroll, Somerset, and Wicomico counties also conduct mediations and therefore have mediation training.

Table 1.12: Circuit Court, Civil Domestic- Facilitation by Jurisdiction

Domestic	# of Facilitators	Requirements for Facilitators		Fees for Facilitator	Fee Payment		Duration of Facilitation
		Attorney	Other		Split among Parties	Neutral Paid by Court	
Allegany	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Anne Arundel	45	Y		\$0	n/a	n/a	1 day
Baltimore City	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Baltimore	2	Y	family law experience	\$50/hr	N	Y	20-30 min
Calvert	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Caroline	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Carroll	2 staff, 1 CM volunteer	N	staff or community mediation only	\$0	n/a	n/a	1hr
Cecil	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Charles	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dorchester	n/a	n/a	n/a	n/a	n/a	n/a	n/a

ADR Landscape
Part One: A Statewide Perspective

Frederick	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Garrett	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Harford	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Howard	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Kent	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Montgomery	30	Y	10-yrs family law experience	\$0	n/a	\$75/case	1hr
Prince George's	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Queen Anne's	n/a	n/a	n/a	n/a	n/a	n/a	n/a
St. Mary's	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Somerset	9 + 1 staff	N	mediation training	\$100/hr	N	Y	30-45 min
Talbot	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Washington	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Wicomico	2	Y	mediation training	\$100/hr	N	Y	up to 3hrs
Worcester	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Regardless of the jurisdiction, the parties receive facilitation services at no charge. Facilitators provide services on a pro bono basis in Anne Arundel, Carroll, and Montgomery counties. Facilitators in Baltimore County receive \$50 per hour paid by the court. Somerset County and Wicomico County pay facilitators at a rate of \$100 per hour. Facilitations take place at the courthouse and range from 20 minutes to the entire day.

Other Domestic ADR

In addition to mediation, 15 jurisdictions conduct settlement conferences of domestic matters, six counties provide facilitation, and four counties offer uniquely-structured ADR processes. In particular, Baltimore County provides mediation for adult guardianship matters, St. Mary's County offers a combined communication skills/counseling-mediation process, and Wicomico County conducts attorney-settlement panels.

DELINQUENCY ADR

Prior to the involvement of the Department of Family Administration in 2010 only three jurisdictions (Baltimore City, Baltimore County, and Montgomery County) provided ADR for juvenile delinquency matters in the circuit courts. Since 2010, programs have grown to include an additional five counties (Anne Arundel, Dorchester, Prince George's, Queen Anne's, and Talbot). Plans have already begun to expand to Caroline and Kent counties in 2013, bringing the total number of jurisdictions offering ADR for juvenile delinquency cases to ten.

The first juvenile conferencing program, the Community Conferencing Center, began in Baltimore City. In addition to facilitating community conferencing and other restorative practices in Baltimore City, the Community Conferencing Center also provides training, technical assistance, program development, and program evaluation services for community

conferencing programs on a statewide level.³¹ Community conferencing programs receive funding from a variety of state sources including the Department of Family Administration, MACRO, and the Governor's Office of Crime Control and Prevention. Other grants, private donations, and in-kind services also support conferencing programs.

Program Administration

All programs are staffed by trained and active facilitators. The programs receive referrals for community conferences from a variety of local organizations. In particular, all programs receive referrals from the local Department of Juvenile Services. The State's Attorney's Offices in three jurisdictions and police departments in four jurisdictions refer youth to community conferencing. Other referral sources include local schools, court staff, judges, public defenders, and community members at large.

Referrals to community conferencing occur at various points in the processing of the juvenile matter. In Anne Arundel County, the opportunity to engage in conferencing occurs prior to the matter being referred to the Department of Juvenile Services. Whether the referral takes place before or after involvement with the Department of Juvenile Services, jurisdictions offering community conferencing for juvenile matters use the process as a diversion from the formal juvenile justice system. Referrals after the assignment of a case to the Department of Juvenile Services may occur at the time of intake, in concert with placing the youth on informal pre-court supervision, during formal resolution and closure of the case, or at the time of arraignment.

The majority of cases referred to community conferencing involve youth accused of second degree assaults and other misdemeanors. The Community Conferencing Center of Baltimore City is the only jurisdiction to routinely handle referrals of felony offenses including auto theft, breaking and entering, and more serious assaults. Although jurisdictions differ, most youth referred to community conferencing have at most one prior referral to the juvenile justice system. The Department of Juvenile Services in Anne Arundel County limits conferencing referrals to first-time offenders. In Baltimore County a typical youth referred to conferencing has between two and five previous offenses.

Staff from the community conferencing center match facilitators with cases based upon the abilities of the facilitators and the particular needs of the case. Each case is handled by a single facilitator. The facilitator first contacts the referred parties, explains the process, ascertains whether the individuals want to participate in the conference, and identifies all of the individuals who must attend in order for there to be a resolution. The community conferencing programs do not place any limitations on who may participate in a conference as long as the respondent acknowledges involvement in the incident and expresses willingness to resolve the situation. Conferences are conducted at no charge and participation is always voluntary.

Conferences range in duration from 45 minutes to two hours. Conferences occur throughout the community and, when possible, may occur in the neighborhood or location where the incident occurred. Most conferences resolve in one session, typically concluding within 30

³¹ See www.communityconferencing.com

days from the date of the referral. The conference facilitator assigned to the case records the outcome of the conference and informs the referral agency whether a conference occurred and if an agreement was reached. The referring agency may then choose to take further action in the event that no conference took place or the conference occurred and did not result in a successful resolution.

Neutral Qualifications and Payment

All facilitators must complete a 22-hour training workshop led by the Community Conferencing Center. Following the training, facilitators complete an apprenticeship that includes observing and discussing two conference sessions and facilitating three conferences with structured observation and feedback from an experienced facilitator. Prospective volunteer facilitators are interviewed by staff members to ensure the individual is a good match with the program. Volunteer facilitators receive either a flat rate of \$150 or a graduated stipend for duties completed for each conference: \$25 if participants on one side of a conflict are enrolled in conferencing; \$50 if all participants are enrolled; \$100 if a conference convenes but is not completed due to one or more missing participants; and \$150 if a conference is completed.

The centers operating on the Eastern Shore rely on a program staff member to conduct all of the facilitations. As the demand for services expands, the center aims to recruit and train roster facilitators. Other counties use a combination of staff and roster facilitators, although most programs indicated that staff conduct the majority of conferences.

Program Evaluation and Quality Control

At the conclusion of each conference, participants complete an evaluation form. Centers routinely contact conference participants to ensure compliance with the immediate terms of the agreement, such as restitution. Facilitators contact participants six months and one year following the conference to monitor the effectiveness of the process and to determine whether the conflict remains resolved.

For quality assurance and education, an observer attends each conference whenever possible. Following the conference, the observer and facilitator debrief using a structured debrief form. Staff and volunteer facilitators attend continuing education workshops annually and take part in ongoing collaboration, observation, and feedback sessions aimed at improving and maintaining conferencing skills.

The Community Conferencing Center of Baltimore City records information on all referrals and conference dispositions in an automated data management information system. Information and outcomes are compiled and reported periodically to collaborating agencies, funders, and others interested in learning about the Center. Researchers from the University of Maryland are conducting a formal evaluation focusing on referrals from the juvenile justice system.

Court of Special Appeals

Maryland Rules 8-205 and 8-206 provide the court with a procedural mechanism to incorporate alternative dispute resolution processes into civil appeals. In early 2010, the Chief Judge of the Court of Special Appeals, Judge Peter B. Krauser, created an Office of Alternative Dispute Resolution (“ADR”) within the Court. The Office of ADR is charged with managing and operating prehearing conference programs initiated under Maryland Rule 8-206, which currently include prehearing mediation and settlement conferences. Notwithstanding the mandatory proceeding, settlement agreements reached through mediation or settlement conference are voluntary. As of January 1, 2014, Title 17 of the Maryland Rules will include a chapter for the Court of Special Appeals as printed in the 177th Report of the Standing Committee on Rules of Practice and Procedure.

Traditionally, the prehearing conference program was administered by a sitting judge of the Court. That judge would review appeals to determine whether a prehearing conference could be useful to the parties and the court in disposing of a particular appeal. If so, that judge would assign a sitting appellate judge to hold a mandatory prehearing conference with appellate counsel. The judge presiding over the prehearing conference was required to recuse him or herself from the particular appeal if the conference did not result in a settlement and the appeal continued through the appellate process. Md. Rule 8-206(f).

The newly formed Office of ADR is managed by a non-judge director. This shift permits the Court to have candid, confidential, and *ex parte* communications with all parties to an appeal prior to a prehearing conference being ordered without the need to recuse an appellate judge. During these conversations, parties are encouraged to discuss their legal positions, potential for settlement, and the likelihood of settlement through a prehearing conference.

As of 2013, approximately 10-12% of the civil appeals filed at the Court of Special Appeals go through prehearing conference, either by order of court or by request of the parties. On an annual basis, approximately 110 appeals are resolved through mediation or settlement conference.

Part Two: Trends and Themes in ADR Programs

Growth of ADR

Circuit Court, Civil General

According to interview responses, the first civil general circuit court mediation program began in Baltimore City in the early 1990s, and within the decade an additional five programs emerged. As of early 2013, 58% of Maryland jurisdictions offer mediation for civil general cases in the Maryland circuit courts. Growth of civil general mediation has been steady over the past three decades. Allegany, Frederick, Prince George’s, Queen Anne’s, and Talbot counties all began civil general mediation programs in the 2000s. Recently Kent (2011) and Anne Arundel (2012) counties initiated programs. Additionally, two other counties are exploring the possibility of adding mediation program for general civil cases.

Circuit Court, Civil Domestic

Every jurisdiction in Maryland conducts mediation for child access cases. Civil domestic mediation programs have historically outnumbered civil general mediation programs in the circuit courts in Maryland. This is largely due to the adoption of Md. Rule 9-205(b) in 1996, which requires the court to order parties to mediate under certain conditions.³² The first program began in 1982 in Prince George’s County. Within five years from the enactment of Md. Rule 9-205(b), 19 counties initiated domestic mediation programs. In 2005, Kent County became the last jurisdiction to institute a domestic ADR program in its circuit court.

Table 2.1: Circuit Court, Civil Domestic- ADR Growth by Jurisdiction

Jurisdiction	Year Program Began
Allegany	2000
Anne Arundel	1998
Baltimore City	1997/1998
Baltimore	1992
Calvert	2000
Caroline	2000
Carroll	1992
Cecil	1998
Charles	1999
Dorchester	1998
Frederick	2000
Garrett	2000
Harford	1985
Howard	1999
Kent	2005

³² Rule 9-205(b)(3) states, “ If the court concludes that mediation is appropriate and likely to be beneficial to the parties or the child and that a qualified mediator is available, it shall enter an order requiring the parties to mediate the custody or visitation dispute. The order may stay some or all further proceedings in the action pending mediation on terms and conditions set forth in the order.”

Jurisdiction	Year Program Began
Montgomery	1999
Prince George's	1982
Queen Anne's	1997
St. Mary's	1998
Somerset	1999
Talbot	1997
Washington	1998
Wicomico	2000
Worcester	1999

Recent expansion of ADR services in the domestic arena is largely limited to child welfare mediation and collaborative law. Under the leadership of the Talbot County Family Services Department, neutrals serving several counties in the Mid-Shore region (Talbot, Kent, Caroline) received training to conduct child welfare mediation in 2013, bringing the total to 20 counties providing the service. The expansion of collaborative law in Maryland is largely the result of trainings offered by the Department of Family Administration and two pro bono collaborative law initiatives in Maryland.

Circuit Court, Delinquency

Prior to the involvement of the Department of Family Administration in 2010 only three jurisdictions (Baltimore City, Baltimore County, and Montgomery County) provided ADR, in the form of community conferencing, for juvenile delinquency matters in the circuit courts. Since 2010, conferencing has expanded to an additional four counties (Anne Arundel, Dorchester, Queen Anne's, and Talbot). Plans have begun to expand conferencing to Caroline and Kent counties, bringing the total to nine jurisdictions. Of the programs statewide, 44% (4 of 9) operate on the Eastern Shore.

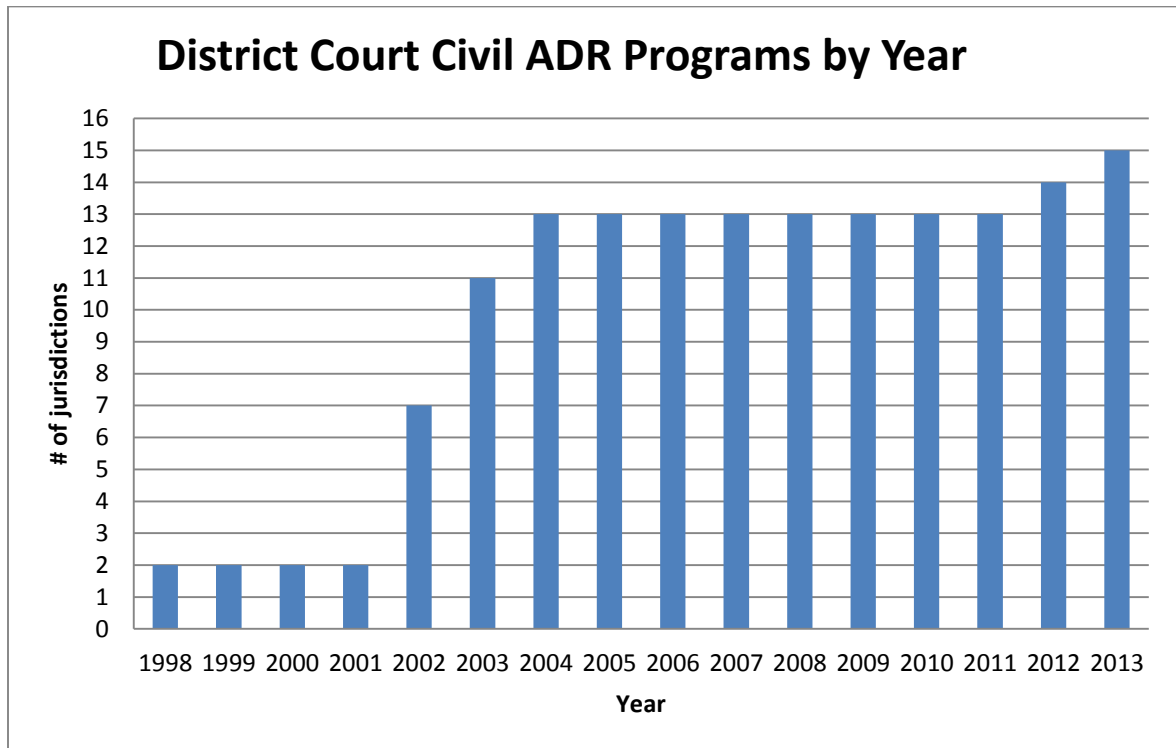
The Montgomery County State's Attorney's Office Mediation Services also conducts mediations for juvenile misdemeanor cases.

District Court, Civil

The first civil ADR program in the District Court of Maryland started as a mediation program in Anne Arundel County in 1998. Programs grew at the fastest rate from 2001-2004. As of 2013, programs exist in 15 counties. All 15 programs offer day of trial ADR services.³³ Nine programs also offer pre-trial mediation in partnership with community mediation centers and the University of Maryland Carey School of Law Mediation Clinic (Baltimore City).

³³ Day of trial ADR may include mediation or settlement conferencing depending upon the courthouse and the ADR practitioner volunteer.

Figure 2.1: District Court Civil ADR Programs by Year

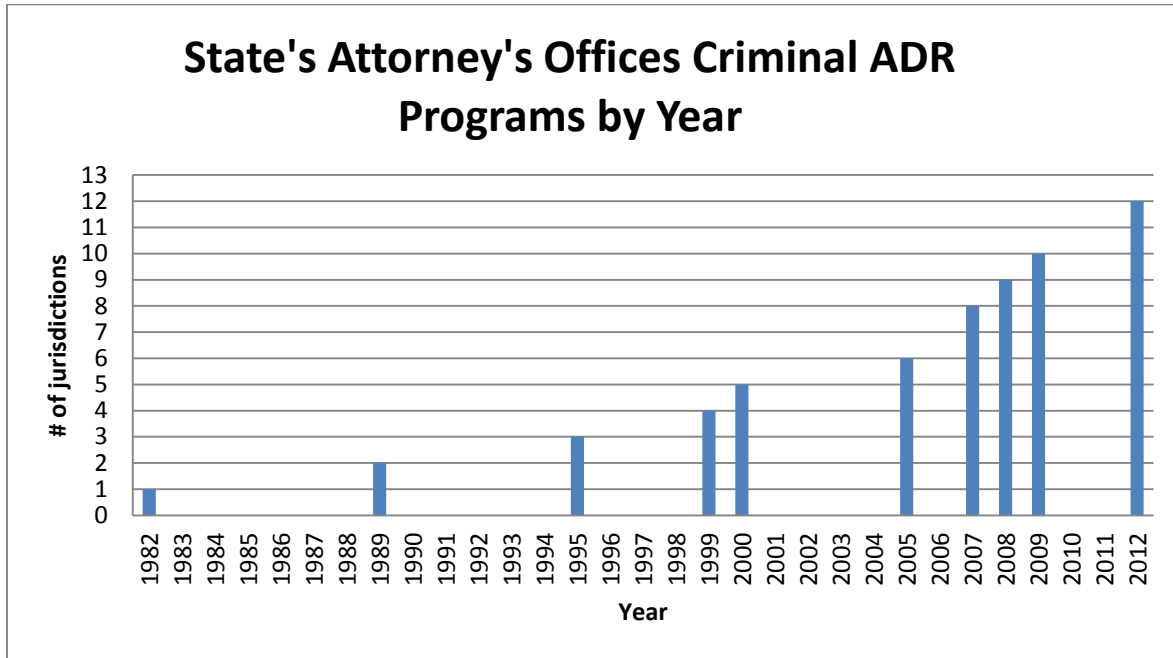


Both large and small claims cases may receive a referral or order by a judge to ADR. A few jurisdictions also provide ADR services for other types of cases on a regular basis. Litigants in peace order cases in five counties (Anne Arundel, Calvert, Charles, Montgomery, and St. Mary’s) may engage in mediation on the day of trial. The District Court ADR Office plans to initiate peace order mediation programs Prince George’s County and Baltimore City in 2014.

District Court, Criminal

In addition to initiating the first ADR program for civil matters in the District Court of Maryland, Anne Arundel County was also the first location to conduct ADR for criminal cases in 1983. As of 2012, 12 counties offer mediation for criminal misdemeanors through the county State’s Attorney’s Offices.

Figure 2.2: Growth of the State's Attorney's Offices Criminal ADR Programs by Year



The first two criminal ADR programs (Anne Arundel County and Montgomery County) are also the only programs that fully operate within the county State's Attorney's Office. State's Attorney's Offices in the remaining 10 jurisdictions partner with community mediation centers to provide mediation services.

Other Courts

Only two of Maryland's Orphans' Courts have incorporated mediation into their case management system. In 2003, Baltimore City began offering voluntary mediation for certain probate cases. Baltimore County shortly followed, instituting a mediation program in 2005. In August 2012, the Court of Special Appeals formally established an ADR Division. The ADR Division expanded upon the court's existing pre-hearing conference program to include the process of mediation.

Program Evaluation and Quality Control Practices

Overview

ADR programs throughout the state offer services designed to address the needs of parties, courts, and providers while providing a quality process. The methods used by the programs are almost as varied as the programs themselves. Title 17 of the Maryland Rules of Civil Procedure applies to court referrals to ADR in civil actions and provides a basic structure and rules for the circuit court, District Court ADR, and Court of Special Appeals programs.³⁴

³⁴ Title 17 currently applies to the Court of Special Appeals, District Court, and circuit courts. Chapter 500 is reserved for alternative dispute resolution programs in the orphans' courts.

Title 17 establishes minimum practices for quality assurance and evaluation. Specifically the rules require mediators to complete four hours of continuing mediation-related education per calendar year, submit to periodic monitoring of court-ordered mediations by a court designee, and distribute and complete evaluation and reporting forms as required by the court. According to Md. Rule 17-206, other court-designated ADR practitioners must also submit to periodic monitoring and complete any training program required by the court. There is not continuing education requirement for court-designated ADR practitioners other than mediators.

While all court civil ADR programs adhere to Title 17, some programs have instituted additional requirements. The District Court and a few circuit courts require their mediators to be members of the Maryland Program for Mediator Excellence, which is a quality assistance program coordinated by MACRO.³⁵ The program, with over 1,000 members, offers a variety of avenues to help mediators improve the quality of their mediation skills and knowledge. Programs operating outside the application of the Maryland Rules, such as community mediation centers and criminal ADR programs, may establish their own quality assurance and evaluation practices.

Circuit Courts, Delinquency

Seven jurisdictions (Anne Arundel County, Baltimore City, Baltimore County, Dorchester County, Montgomery County, Prince George's County, Queen Anne's County, and Talbot County)³⁶ provide community conferencing services for juvenile offenders in partnership with local Departments of Juvenile Services and police departments. These county-based organizations receive training and support from the Community Conferencing Center of Baltimore City (Community Conferencing Center). The Community Conferencing Center establishes quality control and provides evaluation tools used in conferencing programs throughout the state.

District Court, Civil

The District Court ADR Office oversees ADR programs in the District Court. Part of the mission of the ADR Office is to “establish and maintain high quality ADR programs that empower litigants.”³⁷ Effective January 1, 2013, Chapter 300 of Title 17 addresses ADR proceedings in the District Court of Maryland. As such, the ADR Office sets statewide practices for the provision of quality ADR services pursuant to the Maryland Rules. Specifically, Md. Rule 17-304 establishes qualifications and selection of mediators and settlement conference attorneys, addresses approval and removal of a court-designated ADR practitioner, and sets an annual four-hour mediation-related education requirement.

District Court, Criminal

Twelve State's Attorney's Offices in Maryland offer mediation for certain categories of misdemeanor criminal offenses. With the exception of Anne Arundel County, which provides

³⁵ See www.mpmeonline.org

³⁶ In 2013, programs will begin in Caroline County and Kent County. See Appendix G: ADR Programs in Maryland: Circuit Court, Juvenile

³⁷ District Court of Maryland, About Us (2013), www.courts.state.md.us/district/adr/aboutadr.html

staff-mediator ADR services, the remaining 11 county State’s Attorney’s Offices partner with local community mediation centers to offer mediations for criminal cases. Montgomery County’s criminal mediation program is uniquely organized, with a combination of staff, volunteer, and community mediators.

The partnership between State’s Attorney’s Offices and community mediation centers is structured such that the community mediation center controls all program evaluation and quality control practices. Community mediation centers are autonomous organizational members of an umbrella community mediation organization, Community Mediation Maryland.³⁸ The affiliation with Community Mediation Maryland supports individual centers with a system of quality assurance and evaluation practices.

The Role of Quality Control

a. Neutral Qualifications

Court of Special Appeals

Mediations are conducted by four staff attorney-mediators and 26 recalled judges who serve on a court-approved roster. A co-mediation model is used which pairs a judge and a staff attorney-mediator. All mediators with the Court of Special Appeals must fulfill the requirements of Md. Rule 17-403, complete additional appellate mediation training, and be an attorney in good standing. Fifteen sitting judges and seven retired judges conduct the court’s settlement and scheduling conferences. Settlement conferences are co-chaired by an appellate judge and the ADR director and other qualification is required.

Circuit Courts, Civil

Maryland Rules 9-205 and 17-205 establish the qualifications of court-designated mediators. Rule 17-206 sets the qualifications of court-designated ADR practitioners other than mediators. Both rules provide that any court-designated ADR practitioner must meet minimum qualifications, adhere to standards of conduct, and submit to periodic monitoring. Some ADR programs impose additional standards for court-approved ADR practitioners. As of May 1, 2014 all mediators on the Talbot County circuit court roster must have obtained certification through a performance-based assessment.

Table 2.2: Circuit Courts, General Civil – Additional Civil Mediator Requirements (beyond court rules)

General Civil	Requirements to be a Mediator (beyond court rules)				
	Performance-based Certification	Attorney	Office in the County	Pro Bono	MPME
Allegany	--	X	--	--	--
Anne Arundel	--	X	X	X	X
Baltimore City	--	--	--	--	--
Baltimore	--	X	--	X	encouraged

³⁸ Community Mediation Maryland (2013), www.marylandmediation.org

ADR Landscape
Part Two: Trends and Themes in ADR Programs

General Civil	Requirements to be a Mediator (beyond court rules)				
	Performance-based Certification	Attorney	Office in the County	Pro Bono	MPME
Calvert	--	--	--	--	--
Caroline	n/a	n/a	n/a	n/a	n/a
Carroll	n/a	n/a	n/a	n/a	n/a
Cecil	n/a	n/a	n/a	n/a	n/a
Charles	--	--	--	--	--
Dorchester	n/a	n/a	n/a	n/a	n/a
Frederick	--	X	--	--	--
Garrett	n/a	n/a	n/a	n/a	n/a
Harford	n/a	n/a	n/a	n/a	n/a
Howard	--	--	--	--	encouraged
Kent	--	X	--	--	--
Montgomery	--	--	--	--	--
Prince George's	--	retired judge	--	--	--
Queen Anne's	--	--	--	--	--
St. Mary's	n/a	n/a	n/a	n/a	n/a
Somerset	n/a	n/a	n/a	n/a	n/a
Talbot	X	X	--	--	--
Washington	n/a	n/a	n/a	n/a	n/a
Wicomico	n/a	n/a	n/a	n/a	n/a
Worcester	--	X	--	--	--

Circuit Courts, Delinquency

All community conferencing facilitators must complete a multi-day 22-hour training conducted by the Community Conferencing Center of Baltimore City. Following the training, all facilitators complete an apprenticeship process involving the observation of two conferences and facilitating three conferences while being observed.

Orphans' Court

The Court of Appeals has not promulgated rules regulating ADR in the Orphans' Court. The Orphans' Courts in Baltimore City and Baltimore County require the roster mediators to meet the court requirements for mediators in the circuit courts. In addition, the mediators must complete an additional eight hours of advanced mediation training in probate issues or possess experience with probate matters prior to acceptance on the court's roster.

District Court, Civil

To serve as a neutral in the District Court, an ADR practitioner must meet the threshold application requirements and qualifications of the court rules. Prior to practicing, all ADR practitioners must attend an orientation session provided by the District Court ADR Office. The orientation covers the policies and practices of the District Court ADR program and specific information relevant to a particular jurisdiction. Mediators also participate in an on-site orientation on their first day of volunteering.

Mediators must also fulfill the District Court ADR Office’s two-stage apprenticeship requirement prior to mediating. The mediator may then qualify to join the mediation roster as a panel mediator. All mediators are expected to enroll in the MPME which, among other things, requires an annual minimum number of mediation-related activities and ethics training.

Settlement conference attorneys also attend an orientation session presented by the ADR Office staff and then participate in an on-site orientation on their first day of volunteering. As an additional quality measure, settlement conference attorneys are reviewed by a District Court ADR Office staff member after their first nine months. Upon request, a new settlement conference attorney may observe an experienced settlement conference attorney prior to conducting his or her first conference.

b. Continuing Education

Court of Special Appeals

The ADR Division encourages all of its mediators to enroll in the MPME which requires a minimum number of mediation-related activities and at least two hours of mediator ethics training annually. Every neutral on staff is expected to complete 20 hours of ADR-related training each year. No continuing education requirements exist for the judges conducting pre-hearing conferences.

Circuit Courts, Domestic and General Civil

Court-approved mediators in the circuit courts must also obtain four hours of continuing mediation-related education per calendar year.³⁹ Title 17 imposes no continuing education requirement on non-mediator practitioners (e.g. settlement conference officers, facilitators). To assist neutrals in meeting the continuing education requirements, several programs provide in-house training opportunities for their neutrals. Harford County and Baltimore County, the two staff-mediator domestic programs, provide annual trainings for staff mediators. Budget permitting, two of the programs (Anne Arundel County and Charles County) that rely upon a roster of neutrals also provide trainings to the court-approved mediators. Some programs require or recommend membership in the MPME. As member of the MPME, the mediators must complete mediation-related activities and attend two hours of ethics education annually.

Circuit Courts, Delinquency

To maintain community conferencing facilitation skills, county programs offer skill-building sessions throughout the year. Individuals who completed the conferencing training and have not facilitated in at least a year may engage in refresher trainings offered by the Community Conferencing Center of Baltimore City. As an additional quality control measure, conferences are conducted, whenever possible, with an observer who provides feedback at the conclusion of the conference.

³⁹ Rule 17-205(a)(5) requires mediators to complete in each calendar year four hours of continuing mediation-related education in one or more topics set forth in Rule 17-104.

Orphans' Court

No formal rules exist to require mediation-related continuing education for mediators in the state's orphans' courts. Mediators on the roster for the Orphans' Court for Baltimore County must meet the four-hour annual requirement of mediation-related continuing education that applies to circuit court-approved mediators.

District Court, Civil

Court-approved mediators in the District Court must also obtain four hours of continuing mediation-related education per calendar year.⁴⁰ In an effort to facilitate free continuing education for volunteer ADR practitioners, the District Court ADR Office incorporates training opportunities into its volunteer recognition events, budget permitting. Additionally, regional ADR programs directors host periodic "brown bag" events that are designed to create a forum for ADR practitioners to discuss challenges, case studies, and provide input to the District Court ADR Office. Unless otherwise excused, all mediators must enroll in the MPME.

District Court, Criminal

Both mediators for the Anne Arundel County State's Attorney's Office Mediation Program maintain membership in the MPME. The program expects mediators to participate in mediation trainings and remain involved in ADR organizations. Other State's Attorney's Office criminal mediation programs partner with community mediation programs. The community mediators comply with the quality control practices of the community mediation center.

Community Mediation Centers

Services provided by community mediation centers meet the minimum requirements for court-approved mediators and adhere to the community mediation center's quality control and evaluation standards. All community mediation centers require mediators to have a minimum of 45 hours of basic mediation training and observe two mediations before conducting any mediation sessions. Community mediators use a co-mediation model, which allows the centers to pair new mediators with more experienced mediators, a practice designed to foster quality mediation, among other things. In addition, community mediation centers expect co-mediators to engage in pre- and post-mediation discussions. The discussions promote reflective practice and explore learning opportunities. Upon completion of the basic mediation training, community mediation volunteers must enroll in the MPME. In 2010, Community Mediation Maryland launched a performance-based evaluation system to evaluate and certify mediators in the inclusive model of mediation.

⁴⁰ Rule 17-304 requires mediators to complete in each calendar year complete four hours of continuing mediation-related education in one or more topics set forth in Rule 17-104.

c. Removal of ADR Practitioner

Few interviewees indicated the need to formally remove an ADR practitioner from the court-approved list. Md. Rules 17-207(a)(7) and 17-304(c)(5) establish the ability of courts to remove ADR practitioners from their rosters for failure to meet qualifications required by the rule or “for other good cause” following notice and an opportunity to respond.⁴¹

Court of Special Appeals

While no formal process, beyond the requirements of the court rules, to remove a neutral exists within the COSA ADR Division, the program is not required to use every neutral on the court roster.

Circuit Courts

Although only three jurisdictions have a specific process for the removal of an ADR practitioner, most program administrators promptly address concerns and complaints in an informal manner. Program coordinators may contact the complainant and the ADR practitioner to discuss the situation and determine the appropriate next steps. In addition, program coordinators exercise a great deal of discretion when assigning mediators to cases. Therefore, programs sometimes discontinue use of particular ADR practitioners about whom they have concerns instead of formally removing the individual from the court-approved roster.

Three counties described formal processes available to address complaints regarding ADR practitioners:

- Charles County requires parties to submit a written complaint. The coordinator presents the complaint to the County ADR Committee, which then takes appropriate action.
- Individuals with a complaint regarding the ADR services provided by the Family Court Services ADR Program in Harford County may file a grievance with the director. The director discusses the complaint with the neutral. Following the conversation, the director drafts a written outcome report to both the complainant and the neutral and may recommend the removal of a neutral, if warranted.
- The judge in the Prince George’s County civil domestic ADR program responds to any complaint regarding the conduct or professionalism of a mediator, save retired judges. After a complaint is filed, the court sends a letter to the mediator detailing the allegations. The mediator is afforded an opportunity to respond to the allegations. Following receipt of the response, the coordinating judge of the Family Division reviews both the complaint and response and determines the next

⁴¹ Rule 17-207(a)(7) (After notice and a reasonable opportunity to respond, the county administrative judge may remove a person from a court-approved list for failure to maintain the qualifications required in Rule 17-205, Rule 9-205(c), or Rule 17-206(a) or for other good cause).

appropriate action. The court has discretion whether to renew a mediator's contract.

Orphans' Court

Neither orphans' court program indicated a formal process to remove a neutral from the court's roster. Mediators in Baltimore County who fail to comply with the court's requirements will no longer receive case referrals. Both programs exercise discretion when referring cases and are not required to use every neutral on the court-approved roster.

District Court, Civil

Pursuant to Md. Rule 17-304(c)(5), the ADR Office may remove a person after notice and a reasonable opportunity to respond. In practice, this includes noncompliance with the District Court ADR Office's policies and procedures. Most volunteers who have been deleted from the roster are removed on their own request for personal reasons, such as relocation or lack of time to volunteer.

Evaluation Practices

Court of Special Appeals

The Court of Special Appeals ADR Division employs evaluation practices for mediations but not for pre-hearing conferences. After mediation, the participants and mediators complete an evaluation form. Information from the evaluation form and other statistical information are loaded into a software program supported by MACRO. The program collates data and can provide the COSA ADR Division with periodic reports.

Circuit Court, Domestic and General Civil

Reference to evaluation practices is found in Md. Rule 17-202, which states that the ADR practitioner "shall give to the parties any evaluation forms and instructions provided by the court and promptly advise the court whether all, some, or none of the issues in the action have been resolved." Most commonly, ADR programs use any combination of a post-ADR participant evaluation and ADR practitioner report or data sheet. Evaluation practices are used more commonly among domestic mediation programs than any other type of ADR process. Fifteen out of the 24 (63%) of domestic mediation programs use some type of post-mediation participant evaluation. Frederick and St. Mary's counties distribute participant evaluation forms only after mediations conducted by contract mediators. Ten of the 24 (42%) domestic mediation programs require mediators to complete a post-mediation report. The use of evaluation practices declines significantly among domestic settlement conference programs. None of the 14 counties distributes a post-settlement conference participant evaluation and only three (21%) require a practitioner report.

The use of practitioner evaluation forms is more prevalent than participant evaluations in the general civil mediation context. Participant evaluation forms are used in 43% (6 of 14) of counties with general civil mediation counties; whereas practitioner reports are required in 71% (10 of 14) counties. Even fewer general civil settlement conference programs use any type of evaluation. Only two of the 14 counties use a post-settlement conference participant evaluation and three counties require a practitioner report.

The forms used by the courts vary in format and content gathered. Evaluation forms are distributed to parties by the ADR practitioner or the court. Overall ADR coordinators in the circuit courts reported low rates of return for the evaluation forms. The Alternative Dispute Resolution Evaluation Support System (ADDRESS) being piloted in three circuit courts and the District Court, seeks to refine existing exit surveys by combining a core set of questions with the ability of programs to tailor questions to the unique aspects of each jurisdiction's program.

Figure 2.3: Circuit Court, Civil Domestic Mediation- Use of Evaluation Tools

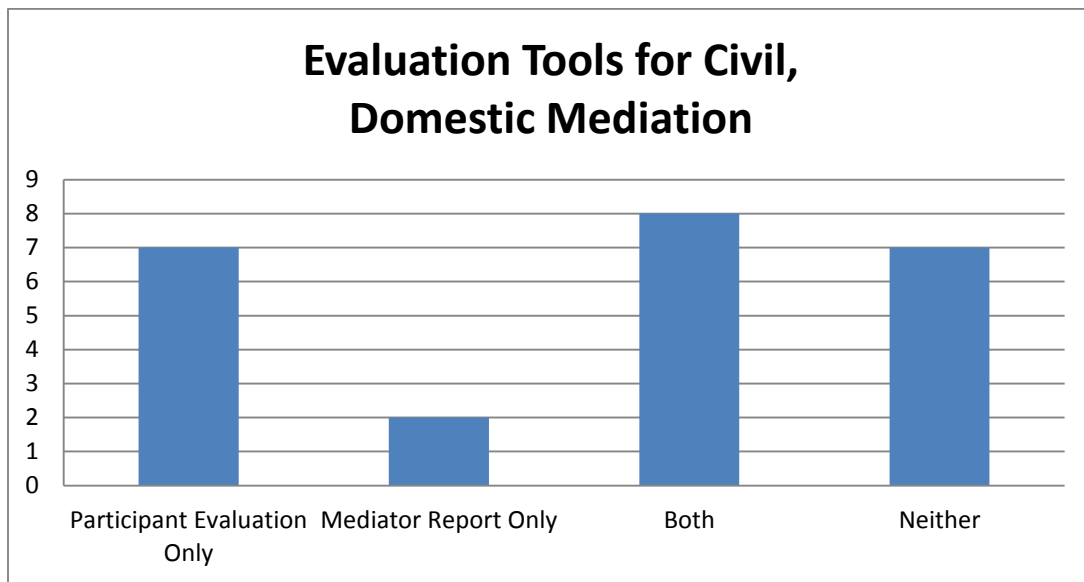
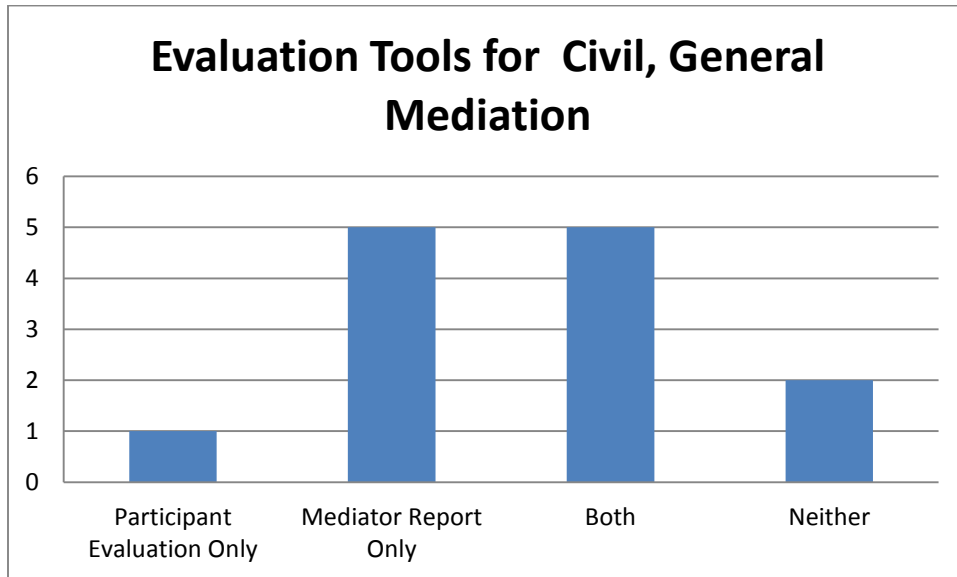


Figure 2.4: Circuit Court, General Civil Mediation Use of Evaluation Tools



Circuit Court, Delinquency

On a monthly basis, the coordinators of the county juvenile community conferencing programs meet with the Community Conferencing Center to discuss program issues and receive support and guidance. Participant evaluation and data tracking serve as the primary methods of evaluation for community conferencing programs. County programs routinely use participant evaluations at the conclusion of a community conference. The Community Conferencing Center of Baltimore City maintains a web-based database accessible by all of the county program managers. The database collects information and monitors program outcomes and compliance on a county and statewide basis.

Orphans' Court

Mediators for both orphans' courts mediation programs distribute participant evaluation forms at the conclusion of the mediation. In Baltimore County, an internally tailored computer program allows for additional evaluation of the court's ADR services.

District Court, Civil

The District Court ADR Office implements the same evaluation measures throughout the state regardless of the ADR process. ADR Participant Surveys, provided to all participants at the end of the ADR process (both mediation and settlement conferencing), and ADR Practitioner Activity Reports, completed by the ADR practitioners, are used with every mediation or settlement conference. The District Court ADR Program emphasizes the use of evaluation forms by ADR practitioners and participants and consistently reports a high return-rate of evaluation

forms.⁴² For additional oversight, the regional ADR programs director may observe ADR practitioners as permitted by ADR Office policy and the new court rules.

An additional survey form specifically for attorneys was incorporated into the District Court ADR Program's evaluation practices in 2013. The District Court ADR Office is piloting the Maryland Judiciary's ADR Evaluation Support System (ADRESS) and will be joined by several circuit court ADR programs in 2014.

District Court, Criminal

The criminal mediation program for the State's Attorney's Office for Anne Arundel County does not use any post-mediation participant or mediator evaluation forms. To ensure quality services, the staff-mediators frequently engage in post-mediation discussions and analysis with each other. Furthermore, the staff-mediators are subject to periodic evaluation by the Chief District Court attorney.

The Montgomery County State's Attorney's Office Mediation Services tracks a variety of program statistics as a method of program evaluation. The program does not employ any mediator or participant post-mediation evaluation forms. As a quality control measure, one staff person remains available to provide assistance during all mediations. The Mediation Services staff will periodically contact volunteer mediators after the mediation to discuss any issues or concerns.

Community Mediation Centers

Regardless of the case type or the jurisdiction, community mediation centers engage in the same evaluation practices and use the same evaluation forms. At the conclusion of the mediation, the participants complete an evaluation and demographics sheet. The consistency of the form enables Community Mediation Maryland to aggregate and analyze information on a statewide level.

Future Evaluation of Court ADR

Working collaboratively with court ADR program coordinators, administrators, and other court personnel from circuit court and District Court locations statewide, MACRO, a court-related agency, identified a need for better ADR data. Specifically, court programs needed improved data collection tools, simplified methods of collecting data, and a database to provide decision makers with accessible and actionable data analysis.

In 2008, MACRO was awarded a matching grant from the State Justice Institute to develop and implement the Alternative Dispute Resolution Evaluation Support System (ADRESS). When implemented, ADRESS will yield more comprehensive ADR program evaluation data than has ever been available in Maryland or any other state court system.

⁴² An analysis of ADR Participant Surveys completed from June through November 2010 showed a response rate of just over 68%. Of the persons completing the form 53% of respondents supplied contact information in the section requesting permission to be contacted in the future. Data on file with District Court of Maryland ADR Office.

ADRESS uses a variety of methods to gather data including:

- refined exit surveys with a core set of questions combined with the ability to add tailored questions to address the unique aspects of each jurisdiction’s program;
- a web-based data collection system that integrates case docket information with exit survey data about the program, the ADR process used, and the practitioner’s performance. For the first time, courts will be able to conduct a longitudinal analysis of ADR data with case docket information (filings, delivery of services, rulings, and other milestones) in order to better understand the relationships and impacts of ADR and court processes; and
- equipment at individual courthouses to scan exit survey data into the web-based system, eliminating the need for tedious manual data entry.

Once data is in the system, ADR program coordinators can create individualized reports about their courts’ activities. The new information will assist program coordinators in making timely system and quality improvements. Also, the core set of questions will allow MACRO to better understand both the breadth and depth of services being provided on a statewide basis. MACRO and four pilot sites are working together to plan and test ADRESS: the Circuit Courts for Baltimore City, Baltimore County, and Worcester County as well the statewide District Court. The pilot program will help to “fine-tune” the system before making ADRESS available to any interested court system in Maryland.

Free and Reduced Fee ADR Services

The majority of circuit courts use a fee-for-service model for ADR processes. In contrast, all District Court ADR programs provide services at no charge to the participants through the use of volunteer neutrals. Whether the ADR practitioner receives compensation from the parties or the court, most circuit court ADR providers receive some monetary payment for their services. As a result, the circuit courts have developed a variety of methods to ensure that litigants receive ADR services regardless of financial means.

Court-subsidized ADR

Court-subsidized ADR is categorized as the provision of ADR services by salaried neutrals or payment of court-approved ADR practitioners by the court.

Court of Special Appeals

Appellants pay no fees for the ADR services provided through the Court of Special Appeals. Mediators conducting appellate mediations are a combination of staff-neutrals employed by the court, and retired judges who receive a per diem rate from the court for their services. Pre-hearing conferences are facilitated by either a sitting judge as part the judge’s judicial obligations or a retired judge who is compensated at a per diem rate.

Circuit Court, Domestic and General Civil

Six domestic circuit court programs use neutrals who are employees of the court. All such staff-neutral programs either provide the ADR service at no charge to the parties or on reduced-fee or free basis for parties who meet income eligibility.

Table 2.3: Circuit Court, Civil Domestic: Staff Neutrals by Jurisdiction

Jurisdiction	# of Staff Neutrals
Allegany	n/a
Anne Arundel	n/a
Baltimore City	1
Baltimore	5
Calvert	n/a
Caroline	n/a
Carroll	2
Cecil	n/a
Charles	n/a
Dorchester	n/a
Frederick	n/a
Garrett	n/a
Harford	1
Howard	n/a
Kent	n/a
Montgomery	n/a
Prince George's	2
Queen Anne's	n/a
St. Mary's	n/a
Somerset	1
Talbot	n/a
Washington	n/a
Wicomico	n/a
Worcester	n/a

Mediation

Five additional counties (Frederick, Harford, Montgomery, Queen Anne's, and Somerset counties) conduct mediations at no charge to the parties by directly compensating a contract or roster mediator. None of the civil general ADR programs rely upon staff-neutrals for the provision of ADR services. Some programs, such as Baltimore City civil general, may occasionally use staff-neutrals to conduct mediations on the day of trial or hearing or other short-notice requirement.

The model of court-financed ADR allows the parties to engage in ADR at no cost; the court compensates the neutral directly. Twenty of the 21 jurisdictions that offer child welfare mediation directly compensate the mediator on a flat-rate or hourly basis. The only exception exists in the Circuit Court for Anne Arundel County where mediators conduct child welfare mediation on a pro bono basis. The model of court-financed mediation exists among all programs that use retired judges as neutrals.

Facilitation

Facilitation is often used by courts as a day of trial or hearing ADR process for cases involving a small number of legal issues or cases that appear close to settlement. Most facilitations last 30-60 minutes and occur at the courthouse. Six counties use neutrals to conduct circuit court civil domestic facilitation (Anne Arundel, Baltimore, Carroll, Montgomery, Somerset, and Wicomico). With the exception of Carroll and Somerset counties, facilitators must be members of the bar and possess experience handling domestic matters.⁴³ Facilitators in Anne Arundel, Carroll, and Montgomery counties receive no compensation for their services. The remaining three counties provide a flat hourly rate to the facilitators. In all instances, the process is provided at no charge to the parties.

Pre-trial/Settlement Conferences

Settlement conferences in the Maryland courts are conducted by either a sitting judge or master, retired judge or master, or an attorney. Compensation for the settlement conference officer is determined by the category of individual conducting the conference. Retired judges and masters receive a per diem rate, as determined by the Judiciary, for their services. Sitting judges and masters conduct settlement conferences as part of their salaried duties and therefore receive no supplemental compensation.

Attorneys who conduct conferences provide services on a pro bono basis, receive compensation from the court, or are paid by the parties. Three jurisdictions (Baltimore City, Carroll County, and Worcester County) use settlement conference attorneys for civil domestic cases, whereas five counties use settlement conference attorneys for civil general cases. Settlement conference attorneys conduct domestic and civil general settlement conferences on a volunteer basis in Anne Arundel County, Baltimore City, and Worcester County. Settlement conference attorneys in Carroll County receive \$80 per hour from the court to conduct domestic or civil general settlement conferences. Charles County is the only jurisdiction that requires parties to compensate the settlement conference attorney directly. In Charles County, the settlement conference attorney receives \$200 for the first two hours of services. Although a settlement conference program in Queen Anne's County exists, it is rarely utilized.

⁴³ In Carroll County the Family Services Division staff and a volunteer from the Carroll County Community Mediation Center conduct facilitations. In Carroll County the process provided is similar to pre-trial mediation. Facilitation mainly differs in that it is provided at the courthouse on the day of trial or hearing and involves a single ADR practitioner.

Orphans' Court

Mediators in both Orphans' Court mediation programs receive direct compensation from the litigants. In instances where the parties are unable to pay the mediator, the court may order the estate to pay mediation fees.

District Court, Civil and Criminal

The civil ADR program in the District Court of Maryland overwhelmingly relies upon ADR practitioner volunteers to administer the ADR services. All regional ADR program directors are trained mediators and may, on occasion, conduct mediations.

State's Attorney's Office ADR programs for District Court criminal cases exist in Anne Arundel County and Montgomery County. The programs within the two State's Attorney's Offices rely upon staff-mediators to conduct all or most of the mediations.

Pro Bono Services

Circuit Courts

All circuit court-designated ADR practitioners agree to "accept a reasonable number of referrals at a reduced-fee or pro bono basis."⁴⁴ Five counties (Anne Arundel, Calvert, Charles, Harford, and Howard) reported the use of roster neutrals to provide pro bono services for domestic matters. None of the civil general ADR programs identified relied upon pro bono services as a method to address instances of financial hardship for the process of mediation. Circuit court general civil pre-trial/settlement conference programs in Baltimore City, Carroll County, and Worcester County specifically rely upon the pro bono services of the neutrals to provide the ADR process.

District Court

The District Court civil ADR program relies on its roster of approximately 300 volunteer ADR practitioners to provide free ADR services. In 2012, volunteer ADR practitioners affiliated with the District Court ADR Office provided 5,150.74 hours of pro bono services to the District Court of Maryland.

Partnerships with Non-fee-for-service Providers

Court programs form partnerships with community-based service providers as another method to meet the need for free ADR services. The majority of community-based partnerships involve community mediation centers, although collaborations also exist between courts and law school mediation clinics (Baltimore City-domestic and the District Court in Baltimore City) as well as local bar associations (Baltimore City-domestic). Circuit court domestic mediation programs in 12 out of the 24 jurisdictions collaborate with community mediation centers

⁴⁴ Md. Rule 17-205(8)

(Allegany, Anne Arundel, Caroline, Carroll, Dorchester, Kent, Prince George's, Queen Anne's, St. Mary's, Talbot, Washington, and Worcester counties). Courts refer income qualifying and self-represented parties to community mediation centers to receive free mediation services. In 2012, community mediation centers provided 384 mediations for circuit court domestic cases. The duration of mediation services ranged from two to 12 hours per case.

While the vast majority of non-fee-for-service partnerships involve child access mediations, some programs refer parties to community mediation for other types of cases as well. All but one of the 12 criminal mediation programs partner with community mediation centers. Community mediation centers conducted 373 mediations referred from State's Attorney's Offices in 2012. Centers devote an average of three hours per criminal mediation. The Circuit Court for Calvert County uses a combination of roster mediators and community mediators to provide child welfare mediations. Starting in 2013, the Circuit Court for Talbot County joins Kent County in partnering with a local community mediation center to offer free civil general mediation services for income qualifying parties. Of all case types, community mediation centers conduct the least number of circuit court civil general mediations. In 2012, community mediation centers held six mediations involving circuit court civil general matters.

The District Court ADR Office collaborates with community mediation centers and the University of Maryland Carey School of Law (Baltimore City) to provide pre-trial mediation in nine counties and day of trial mediation in seven counties ADR services. Community mediation centers mediated 567 cases for the District Court of Maryland in 2012, including 474 day of trial cases, 33 peace order cases, and 65 pre-trial cases. Day of trial mediations averaged one hour per case and pre-trial cases averaged two hours each.

Lack of Access

Due to budget constraints, the Family Services Division in Garrett County no longer funds fee waivers for indigent individuals. Since no other partnership exists for the provision of free mediation services in Garrett County, parties without the means to pay cannot engage in mediation. Three counties require parties to have counsel as a prerequisite to participating in mediation. Garrett County refers only represented parties to domestic mediation; Allegany and Worcester County require parties to have representation to engage in civil general mediation; and the Circuit Court for Baltimore County general civil program will refer a case to mediation only if at least one party on each side has counsel. These policies limit access to mediation to only litigants with representation.

To address the issue of lack of representation, both the Baltimore City domestic ADR program (child access cases only) and the Court of Special Appeals ADR Division formed a partnership with the University of Baltimore Clinical Law Program whereby student attorneys provide limited representation during mediation to litigants.

Data Collection

Interviewees were asked to respond to two interview questions designed to gather numerical programmatic information (1) “What percentage of eligible cases were referred to ADR, by process type” and (2) “Of the cases referred, how many engaged in the process?” With the exception of Montgomery County,⁴⁵ most counties could only provide an estimate when responding to the question.

The two questions posed in the interview were designed to gauge the use of the program within a particular jurisdiction and allow for a more level comparison among jurisdictions with varying case volumes. Anecdotally some counties could identify the number of cases referred to a process, but could not indicate the number of mediations or settlement conferences that actually occurred. More commonly, counties could not indicate the number of cases referred to ADR out of the total pool of possible cases. Simply put, programs do not track the actual mediation referrals based upon the total number possible referrals.

A variety of reasons exist for the lack of data. Since, many ADR programs began after the development of the county’s data management system, the fields to track the data do not exist in the software programs. ADR programs often function with assistance from other units within the courthouse, such as the Assignment Office. In such instances, the ADR coordinator is not involved until the order for ADR is generated; thus, the ADR coordinator never knows the total number of possible cases.

Finally, the decision to refer a case to ADR remains at the discretion of the court. Even though programs may prohibit a referral to ADR in certain circumstances, the programs often review cases individually and may determine not to refer a case to ADR based upon additional factors. The discretionary nature of referrals provides a challenge when trying to identify the total number of cases eligible for ADR.

Funding

Circuit Courts, Domestic and General Civil

The majority of ADR programs operate with funding from the Maryland Judiciary. The Department of Family Administration, within the Administrative Office of the Courts, and MACRO, a court-related agency reporting to the Chief Judge of the Court of Appeals, provide grants to support ADR programs. Every domestic ADR program receives an annual Family Services Jurisdictional Grant. Funding from the jurisdictional grant supports the overall work of the Family Services Divisions, including ADR programs. Grant funding supports the salary of the family support services coordinator, fee waivers, and other program expenses. The Department of Family Administration also provides direct funding to the Community

⁴⁵ See Appendix I: Montgomery County Circuit Court ADR Statistics.

Conferencing Center of Baltimore City to support the growth of community conferencing for juvenile matters throughout the state. Since 2011, the Department of Family Administration has provided free training in collaborative law in an effort to promote the provision of pro bono and low bono collaborative services.

During 2012, four circuit court domestic ADR programs received supplemental funds from MACRO (Talbot, Frederick, Anne Arundel, and Worcester counties) to support specific initiatives such as child welfare mediation and supplemental trainings. County governments cover all or part of the ADR coordinators' salaries or benefits in four counties (Anne Arundel, Carroll, Baltimore, and Harford).

County funds or a Conflict Resolution Grant from MACRO support civil general ADR programs. Of the 12 civil general ADR programs, six received a MACRO grant to support the program. The county government in the six remaining counties supports the provision of ADR services.

Circuit Court, Delinquency

All jurisdictions receive funding from the Department of Family Administration to support the provision of court-connected community conferencing throughout Maryland. Money from MACRO and the Governor's Office of Crime Control and Prevention also supports juvenile conferencing programs.

District Court, Civil and Criminal

The District Court of Maryland fully funds the District Court ADR Office which provides ADR services for civil cases.⁴⁶ ADR services provided by volunteer ADR practitioners and partnerships with community mediation providers throughout the state allow the District Court to provide comprehensive ADR services throughout the state.

State's Attorney's Offices and community mediation centers provide mediation services for criminal cases through grant and dedicated program funding. In 2012, five jurisdictions (Cecil, Kent, Montgomery, Queen Anne's, and Washington) received Conflict Resolution Grants from MACRO to conduct criminal mediations. In three jurisdictions (Anne Arundel, Baltimore City, and Washington) the State's Attorney's Offices dedicated funds to support the ADR programs. The remaining five counties (Calvert, Carroll, Harford, Somerset, and Worcester) received no dedicated funds to support the provision of mediation services in criminal cases. In these counties, the State's Attorney's Offices and community mediation centers allocated internal resources to provide the mediation service.

⁴⁶ From fiscal year 2000 through fiscal year 2011 MACRO provided supplemental support for contractual positions and other costs associated with the overall operations of the District Court ADR Office.

Community Mediation

Community mediation centers provide free mediation services to courts and litigants throughout the state. In 2012, community mediation centers conducted 1,330 mediations of cases in Maryland's circuit and District Courts. With a few exceptions, the centers receive no direct funding from the courts in the jurisdictions they serve. Annually, community mediation centers receive grant support from the Judiciary through a Community Mediation Performance-based Grant from MACRO. This grant supports the centers' efforts with the courts as well as their work mediating community-based cases to prevent escalation to courts or violence. Centers also support themselves through diverse funding sources including other government and private grants, private donations, in-kind services, and fees for services.

Part Three: State Appellate and County Summaries

Overview

The Maryland court system consists of four levels of courts, two appellate courts and two trial courts. The two appellate courts, the Court of Appeals, the state's highest court, and the Court of Special Appeals, the state's intermediate appellate court, review the decisions of the circuit courts on a statewide level. The circuit courts consist of eight judicial circuits with a court in each of Maryland's 24 jurisdictions. The District Court, a unified court system, has 34 locations in 12 districts throughout the state. Part Three of this report provides detailed summaries of the state appellate ADR program and the ADR programs on a county basis.

In addition to the Court of Special Appeals ADR Division, there are over 70 ADR programs, each with unique characteristics based upon the location of the program and the needs of the court and litigants. Despite these differences, some commonalities exist on a statewide level. To avoid repetition, the consistent practices are detailed below instead of repeating the details in the individual program summaries. Title 17 of the Maryland Court Rules governs ADR in the circuit courts, the District Court, and the Court of Special Appeals.

The Court of Special Appeals ADR Division performs the duties assigned in Title 17 Chapter 400 and administers the ADR programs of the Court of Special Appeals. The Chief Judge approves mediators pursuant to the qualifications listed in Md. Rule 17-403. Unless waived by the Court of Special Appeals, neutrals must also observe at least two Court of Special Appeals mediation session and participate in a debriefing session with a staff mediator, prior to mediating. In addition to completing advanced appellate mediation training, mediators must also submit to periodic monitoring, and similar to other court-approved mediators, must complete four hours of continuing mediation-related education annually. No specific continuing education requirements apply to settlement conference neutrals.

The individuality of the circuit courts allows for the customization of county ADR programs consistent with the guidelines established in Title 17. All court-approved neutrals in the circuit courts must meet the qualifications of court-designated mediators as detailed in Md. Rules 17-205 and 9-205 (for domestic matters). Rules set qualifications for court-designated ADR practitioners other than mediators (such as settlement conference neutrals). Chapter 200 also establishes procedures for approval and removal of court-designated neutrals. According to Md. Rule 17-207, ADR practitioners must complete and submit an application and documentation to the court. The county administrative judge or designee will notify the applicant of the approval or disapproval of the application.

Once mediators are accepted onto a court roster, the court rules require them to obtain four hours of continuing mediation-related education per calendar year.⁴⁷ Title 17 imposes no continuing education requirement on non-mediator practitioners (e.g., settlement officers,

⁴⁷ Rule 17-205(a)(5) (complete in each calendar year four hours of continuing mediation-related education in one or more topics set forth in Rule 17-104).

facilitators). Mediators must also agree to administer and complete evaluation forms provided by the court.

The District Court ADR Office establishes requirements for all civil District Court ADR programs throughout the state consistent with the requirements of Title 17, chapter 300. All ADR practitioners must meet the requirements of Md. Rule 17-304 and complete an application. The applicants receive approval by the executive director and the director of ADR roster management for the District Court ADR Office. Prior to practicing, all ADR practitioners must attend an orientation. Additionally, mediators must complete the District Court ADR Office's apprenticeship requirement prior to mediating. Both mediators and settlement conference attorneys participate in an on-site orientation the first time they volunteer.

The District Court ADR Office implements a variety of evaluation and quality control practices. ADR Participant Surveys, completed by all participants at the end of the ADR process, and ADR Practitioner Activity Reports, completed by the ADR practitioners, are used to evaluate the ADR process. An additional survey form specifically for attorneys was incorporated into the District Court ADR Office's evaluation practices in 2013. For additional oversight, the regional ADR programs director occasionally observes ADR practitioners.

Mediators in the District Court complete a formal apprenticeship prior to mediating. The apprentice process requires the completion of two stages within nine months after the date of the orientation. During stage one, the applicant must observe a minimum of two cases on two different dates conducted by a lead mediator, with a post-mediation debrief after each session. During stage two, the applicant mediates two cases on two different dates while being reviewed by a District Court ADR Office staff member or a mediator with lead status, followed by a post-mediation debrief with the reviewer after each session. The mediator may then qualify to join the mediation roster as a panel mediator. As an additional quality measure, settlement conference attorneys are reviewed by a District Court ADR Office staff member within their first nine months. Upon request, a new settlement conference attorney may observe an experienced settlement conference attorney prior to conducting his or her first conference.

All volunteer mediators must enroll in the MPME, which requires a minimum number of mediation-related activities per year. Consideration by the ADR Office will be given to any volunteer expressing concerns regarding joining the MPME. The District Court ADR Office also provides volunteer recognition and appreciation events for all ADR practitioners, which may include continuing education opportunities, budget permitting. Md. Rule 17-304 mandates a minimum of four hours of continuing mediation-related education annually.

All mediators and settlement conference attorneys serve as volunteers and can be removed from the program roster pursuant to Md. Rule 17-304(5).

Chapter 500 of Title 17 is reserved for ADR programs in the Maryland Orphans' Courts.

COURT OF SPECIAL APPEALS

The Maryland Court of Special Appeals (COSA) has offered ADR in the form of pre-hearing conferences since the 1980's under Md. Rules 8-205 and 8-206. The Court started offering mediation through a pilot program in March of 2010 and in August of 2012 the pilot program was transitioned into a permanent part of the Court's case management system and budgetary processes. Appeals are now ordered to a variety of pre-hearing conferences, including mediation, settlement conference, or scheduling conference through its ADR Division. Effective on January 1, 2014, Chapter 400 of the Maryland Rules, Title 17- Alternative Dispute Resolution addresses proceedings in the Court of Special Appeals.

Information about the Court of Special Appeals ADR Division is available at:
<http://www.mdcourts.gov/cosappeals/mediation/>

Overview of ADR Processes

Mediation

- Offered for most cases
- Co-mediation by a staff attorney-mediator and judge-mediator
- No fee for mediation

Settlement Conference

- Offered occasionally for cases where parties/counsel do not wish to discuss a full resolution, yet may want to limit issues on appeal or agree to a streamlined approach to a complex appeal
- Conducted by the Director of ADR and one of 15 sitting appellate judges or seven recalled appellate judges
- No fee for settlement conferences

Program Administration

The Court of Special Appeals (COSA) ADR Division is staffed by a full-time director, a full-time deputy director, two full-time attorney-mediators, and one full-time administrative assistant who devote all of their time to ADR-related duties. The ADR Division neutrals are salaried employees who perform ADR as their primary job duty or recalled judges who receive a per diem rate for their services. In addition, the ADR Division operates with funding from the Maryland Judiciary and regularly receives additional support through interns from local law schools.

Mediation and settlement conferences are part of the court's standard case management system. Settlement conferences include more legal analysis and procedural discussion than mediation and focus primarily on the legal issue(s) on appeal. In contrast, mediation seeks to resolve the underlying conflict by addressing issues beyond those currently before the court and also invite involvement of other interested individuals or entities who may not be named parties

in the case. Mediated appeals often result in global settlements of ongoing litigation in the trial courts and, on occasion, involve disposition of litigation outside of Maryland or in the federal courts.

The COSA ADR Division screens every civil case before the court in accordance with Md. Rules 8-205 and 8-206. In general, only cases that require the submission of a civil report by the litigant are screened for mediation. Cases that do not meet the civil reporting requirement, such as criminal appeals or cases involving juvenile, adoption, parole review, or prisoner confinement issues are not referred to ADR automatically; however, a joint request by the parties and/or counsel for mediation or settlement conference is most often granted.

In most instances, the ADR Division contacts counsel on both sides to discuss whether mediation may be beneficial for the case. The office uses information obtained from in determining whether mediation is appropriate. If deemed appropriate, the parties are ordered to mediation unless it appears that the matter would benefit from a settlement conference rather than mediation. The Chief Judge of the Court, the director of ADR, or an incumbent appellate judge, can refer a case to ADR. In addition, the parties may request mediation or a settlement conference at any point during the life of the case. Most cases in which parties wish to utilize an ADR process are appropriate for mediation or other ADR service.

Mediations occur at the Judiciary Education and Conference Center and settlement conferences take place in the Court of Special Appeals. Each ADR session is ordered for four hours, but can be longer or continue into another session upon request of all parties and agreement by the director of ADR. All parties and their counsel are required to attend the mediation or settlement conference with full settlement authority. Non-party stakeholders are encouraged to attend the session with the approval of all parties. Annually, approximately 10% of eligible cases are referred to ADR and 100% of the cases referred to ADR participate in the process.⁴⁸

There is no court cost assessed to any party for the purposes of ADR. Information about the Court of Special Appeals ADR services is provided to the public and the Maryland Bar through the ADR Division website and staff presentations to bar associations, counsel, professional conferences and other public speaking opportunities.

Neutral Qualification and Payment

Mediations are conducted by four staff attorney-mediators and 26 recalled judges who serve on a court-approved roster. A co-mediation model is used which pairs a judge and a staff attorney-mediator. All mediators with the Court of Special Appeals must fulfill the requirements of Md. Rule 17-403, complete additional appellate mediation training, and be an attorney in good standing. Fifteen sitting judges and seven retired judges conduct the court's settlement and scheduling conferences. Settlement conferences are co-chaired by an appellate judge and the ADR director and other qualification is required.

⁴⁸ According to data provided by the Court of Special Appeals ADR Division from March 2010 – July 2012.

Program Evaluation and Quality Control

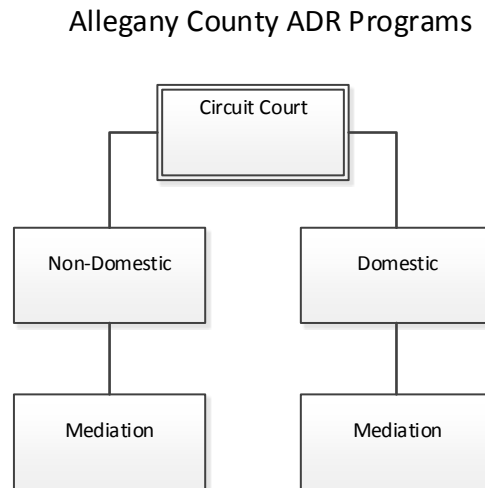
The Court of Special Appeals employs both quality control and evaluation practices. After mediation, the participants and mediators complete an evaluation form. Information from the evaluation form and other statistical information are loaded into a software program supported by MACRO. The program collates data and can provide the COSA ADR Division with periodic reports. In addition, co-mediators usually conduct a briefing session at the conclusion of the mediation as a quality assurance practice. The same evaluation is used for settlement conferences. The ADR Division also encourages its mediators to enroll in the MPME and every neutral on staff is expected to complete 20 hours of ADR-related training annually. While no formal process exists within the COSA ADR Division to remove a neutral, the Court is not obligated to use every neutral on the court roster.

ALLEGANY COUNTY

The **Circuit Court for Allegany County** provides mediation for most general civil and domestic cases. Starting in January 2001, mediation referrals for cases involving motor torts, contracts, workers' compensation, malpractice, and other torts began. Mediation has been available for domestic cases such as those involving child access, marital property, and CINA issues since 2000. Mediation is part of the court's standard case management process and, with the exception of marital property cases, the order for mediation is mandatory.

Information about the ADR programs for Allegany County is available at:

- Family Services Program-
<http://www.courts.state.md.us/circuit/Allegany/family.html>



Circuit Court- General Civil

Overview of ADR Processes

Mediation

- Available for most civil cases in which both parties are represented by counsel
- Court-approved roster of mediators (currently 30, 10 of whom receive most referrals)
- Mediation may be ordered for one 2-hour session
- Mediators receive \$150 per hour from the parties

Program Administration

The Allegany County Circuit Court ADR program is administered by one full-time court administrator/civil mediation coordinator who divides her time between ADR and other non-ADR responsibilities and whose salary is partially funded through a Conflict Resolution Grant from MACRO.

As part of the court's standard case management process, the Assignment Office sends cases to the civil mediation coordinator after the answer has been filed and the matter is set for trial. With the exception of cases involving CSX Transportation or incarcerated individuals, and cases in which a Motion for Exemption is granted, the civil mediation coordinator will routinely issue a mandatory mediation order in all cases involving motor torts, contracts, workers' compensation, malpractice, and other torts in which all parties are represented by counsel.

In addition to the order for mediation, the court provides the attorneys with a "Civil Mediation Procedure" document explaining the mediation process. The court requires named parties and attorneys to participate in the mediation session. Unnamed parties with decision-making authority (such as an insurance adjuster) are permitted to participate in mediation either in person or by phone. Although most mediation sessions conclude several weeks before the trial date, parties can mediate up until the date of trial. Mediations are routinely provided by 10 local mediators, out of 30, on the court roster. Mediations occur at the mediator's office or another mutually agreeable location. A mediator is assigned to a case by matching the characteristics of the case and the attorneys with the qualities of the mediator. Parties are expected to provide an information sheet describing their positions to the mediator before the mediation session.

Neutral Qualifications and Payment

All mediators must meet the qualifications set forth in Md. Rule 17-205 and be members in good standing of the Maryland Bar. The final decision to accept a mediator is made by the Allegany County Circuit Court administrative judge. If an attorney complains about a mediator, then that mediator will no longer be assigned to future cases involving that attorney. A mediator may be removed from the court-approved list according to Md. Rule 17-207(a)(7).

Mediators receive \$150 per hour split among the parties for a two-hour session. The parties and mediator may agree to extend the mediation beyond the two hours. The court expects the mediator to obtain payment prior to providing any mediation services.

Program Evaluation and Quality Control

At the conclusion of a mediation, the mediator completes a mediator report which is filed with the ADR coordinator. The Allegany County ADR program does not currently employ any additional evaluation or quality control measures for its program or its neutrals beyond the continuing education requirements established in Md. Rule 17-205(a)(5).

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Available for child access, marital property, and child welfare (CINA) matters.
- Mediations provided by 23 child access mediators, four child welfare (CINA) mediators, and five marital property mediators

- Fee waivers issued
- Mediators receive \$400 for two 2-hour mediation sessions in child access and marital property cases; \$400 for a four-hour CINA mediation
- Free child access mediation for qualifying parties provided by the Mountainside Mediation Center

Program Administration

Since 2000, the Family Services Program in Allegany County has been administered through the work of a full-time family services coordinator who devotes part of her time to ADR-related matters. Mediation is available for child access, marital property, and CINA matters.

Mediation is mandated as part of standard case management for child access and child welfare cases and may also be ordered for marital property cases as appropriate. The family services coordinator determines whether a child access or marital property case should be ordered to mediation following a telephone conversation with the parties. As a matter of course, all cases are ordered to mediation except cases involving domestic violence, child abuse, or any person who is incapable of attending the mediation (e.g., an incarcerated individual). The Department of Social Services or the family law master may request mediation for CINA matters at the point of reunification between the child and his or her family. Although the parties are ordered to participate in mediation, the court imposes no consequences on parties who fail to appear for a scheduled mediation.

The order for mediation and case management standards requires the completion of the mediation within 60 days from the date of the referral. Only the named parties and their attorneys may participate in the mediation unless the parties agree otherwise. Child access and marital property mediations are scheduled for two 2-hour sessions. The mediations take place at the mediator's office. The court compensates CINA mediators. For all other cases, the parties must compensate the mediator. Mediations of CINA cases involve an order for one 4-hour session. In addition to the order for mediation, litigants may learn more about the mediation process through the Family Services website and during the co-parenting seminar.

Unless the parties request a specific mediator, the family services coordinator assigns a mediator based upon the neutral's availability and by rotating through the court's roster. The mediator receives a copy of the questionnaire containing basic information about the case that was completed by the family services coordinator during telephone intake prior to the mediation. The court maintains a list of court-approved mediators.

In July 2014, family services began referring one case per month to Mountainside Mediation Center, the community mediation center serving Allegany and Garrett counties. Parties with contested child access cases that meet the criteria for inability to pay for mediation and without other prohibitive factors such as an associated protective order or an unavailable party will receive a referral. The family services division provides Mountainside Mediation Center with the court order and the preliminary screening sheet. The community mediation

center uses a co-mediation model for all mediations. The referral program will continue through June 2014, at which time it will be reviewed by the community mediation center and family services.

Neutral Qualifications and Payment

The administrative judge decides whether to accept a mediator onto the court’s roster, provided that the mediator meets the requirements set forth in Md. Rules 9-205 and 17-205. Although no formal process exists to remove a mediator from the roster, the family services coordinator will notify any mediator who has received a complaint from a mediation participant.

The type of case determines the possible duration of the session and any mediator fees:

Table 3.1: Allegany County- Civil Domestic: ADR Process by Cost and Duration

Type of Mediation	# of Neutrals	Cost Per Session	Duration of Session
Child Welfare	4	\$400 paid by the court	one, 4-hour session
Child Access	23	\$400 total, \$100 per party, per session	two, 2-hour sessions
Marital Property	5	\$400 total, \$100 per party, per session	two, 2-hour sessions

Fee waivers are available upon request. Upon exhaustion of fee waiver funds, however, parties who lack the means to pay the mediator cannot engage in mediation. Funds to support fee waiver requests and compensate CINA mediators are provided through a Family Services Jurisdictional Grant from the Department of Family Administration.

Program Evaluation and Quality Control

At the conclusion of the mediation, the parties complete a confidential mediation participant survey. The participants may contact the family services director, the ADR coordinator, or the case manager with any concerns about a mediator or the process. Mediators must satisfy the continuing education requirements established in Md. Rule 17-205(a)(5).

ANNE ARUNDEL COUNTY

Every contested case subject to the court's differentiated case management plan is considered for ADR in the **Circuit Court for Anne Arundel County**. Since 1987, cases have been routinely set for pre-trial settlement conferences prior to the scheduling of the trial. Litigants in child access, child welfare, marital property, and general civil cases also may engage in mediation. The court also offers foreclosure ADR for specific matters and facilitation services for child access and marital property cases on the day of the scheduling conference. A partnership with the Anne Arundel Conflict Resolution Center provides free mediation services to qualifying parties in child access matters. Court-approved mediators provide pro bono mediations upon request of the court.

The Anne Arundel County Partnership for Children, Youth, and Families Community Conferencing Program provides free community conferences for first-time youth offenders referred by the Anne Arundel County Police Department. If the participants reach an agreement then the matter is diverted from the juvenile justice system.

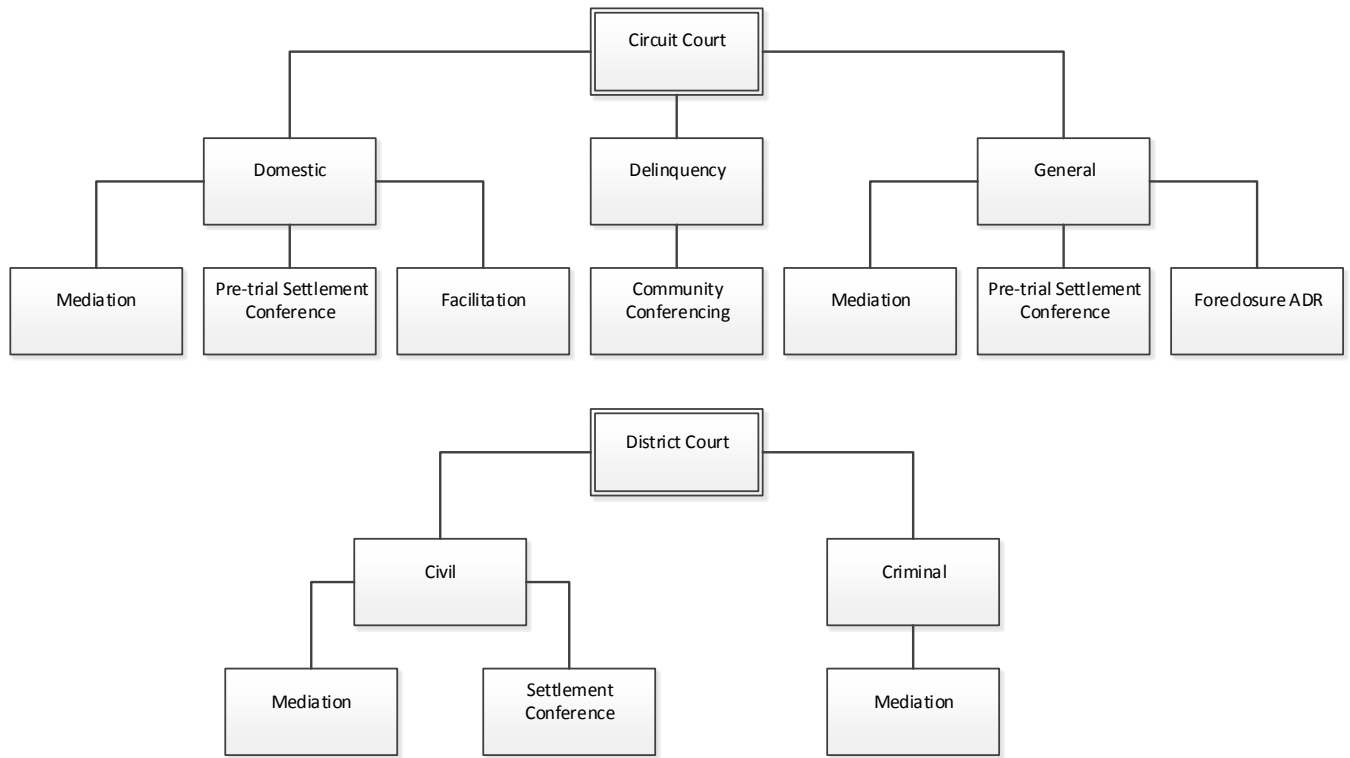
The **District Court of Maryland in Anne Arundel County** has operated a day of trial ADR program since 1998. In addition to day of trial ADR, pre-trial mediation is available through a partnership with the Anne Arundel Conflict Resolution Center. In 2013, the existing peace order mediation program was revised and improved. Anne Arundel County established the first criminal mediation program in the state.

Since 1983, the **Office of the State's Attorney for Anne Arundel County's** Mediation Center has offered mediation for misdemeanor criminal cases. The Anne Arundel County program provides services through two staff mediators employed by the State's Attorney's Offices located in Glen Burnie and Annapolis.

Information about the ADR programs for Anne Arundel County is available at:

- Circuit Court ADR Program: <http://www.circuitcourt.org/adr-mainmenu-120>
- District Court ADR Program: <http://www.courts.state.md.us/district/adr/home.html>
- State's Attorney's Office Mediation Program: http://www.statesattorney-annearundel.com/index.php?option=com_content&task=view&id=18&Itemid=39

Anne Arundel County ADR Programs



Circuit Court- General Civil

Overview of ADR Processes

Mediation

- Provided by 20 court-approved roster mediators
- All mediators must be attorneys, members of the MPME, and have office space in Anne Arundel County
- Mediators receive \$200 per hour for one 2-hour mediation session

Pre-trial Settlement Conferences

- Provided by 31 judges, retired judges, and masters
- Occur at the courthouse
- A pre-trial settlement conference must occur before a trial date is set

Foreclosure ADR

- Conducted by volunteer attorneys

Program Administration

The Circuit Court for Anne Arundel County provides a variety of ADR processes for litigants in civil general cases. In an effort to promote resolution before trial, the court instituted a pre-trial settlement conference program in 1987. In 2010, ADR services expanded to foreclosure matters. Recently, the court incorporated mediation as an ADR option. The ADR program in Anne Arundel County is administered by an ADR coordinator. Funding for the ADR program is provided by the Anne Arundel County government and a Conflict Resolution Grant from MACRO.

ADR is part of the standard case management process in Anne Arundel County. As a matter of course, every contested civil case that is subject to the court's differentiated case management plan "shall be considered for ADR, if appropriate." Early use of ADR is preferred, although it may occur at any stage in the litigation. All civil general cases are reviewed for a mediation referral by personnel within the Office of Case Management. The court issues an order for mediation along with the scheduling order. One of the court's 20 civil, attorney-mediators will be assigned by the court to conduct the two-hour mediation session. The judge or master takes into consideration the case type and mediator characteristics when matching mediators with cases. Mediations occur at the mediators' offices. Unless a party is a government entity or is receiving free legal representation under the auspices of a qualified program, such as Legal Aid, or otherwise qualifies for a fee waiver, litigants provide direct compensation to the mediator. If a party fails to comply with an order for mediation, the court may issue a show cause order and hold a hearing at which the court may impose sanctions on the party or dismiss the case, if appropriate.

In an effort to resolve cases before a case is set for trial, all cases within the court's case management plan, regardless of subject matter, receive an order for a pre-trial settlement conference before a master, judge, or retired judge. Pre-trial settlement conferences are scheduled for a one-hour session at the courthouse.

Cases involving foreclosure matters receive a letter offering ADR from the Office of Case Management during the middle to late stages of the case. The presiding judge may refer a matter to foreclosure ADR at his or her discretion. All persons who have settlement authority must participate in the process. Foreclosure ADR sessions take place at the courthouse and are provided at no charge to the parties.

In addition to an order for ADR, parties may learn about available ADR services through the court's website. The court sends the ADR provider a copy of any court orders before the ADR session. Parties are expected to provide a confidential case summary form to the neutral in advance of the ADR session.

Neutral Qualifications and Payment

The court maintains a roster of 20 court-approved civil mediators. In addition to the requirements established in Md. Rule 17-205, mediators in the Anne Arundel County Circuit Court must also possess office space in Anne Arundel County, be members in good standing of

the bar, maintain membership in the MPME, and conduct pro bono mediations as necessary. All applications are initially reviewed by the ADR coordinator who then submits the applicant to the administrative judge for approval. Mediators receive \$200 per hour, split equally between the parties, for one two-hour session. Mediators may be removed from the court roster in accordance with Md. Rule 17-207(a)(7). A mediator who accepts a fee in excess of the fee set by the court may be removed from the court's mediator panel.

All non-mediator ADR providers must satisfy the requirements established in Md. Rule 17-206 and be approved by the administrative judge. All attorneys providing foreclosure ADR are volunteers and receive no compensation for their services.

Program Evaluation and Quality Control

The ADR Program in the Circuit Court for Anne Arundel County uses several different evaluation methods. At the conclusion of civil mediation and foreclosure ADR, parties complete a written evaluation. In addition, mediators submit a case disposition form and settlement officers complete a data sheet at the conclusion of the ADR process. All of the forms are reviewed by ADR program staff. Participants in settlement conferences do not complete any post-ADR evaluation.

The court monitors the outcomes of all ADR processes. Attorneys and parties may contact the court with any problems or concerns. Mediators must meet the continuing education requirements of Md. Rule 17-205(a)(5) and the MPME. As additional quality assurance practices, all ADR practitioners are offered opportunities to participate in ADR trainings through the court and other organizations.

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Provided by 51 court-approved roster mediators
- Mediation provided for child access, marital property, and child welfare (CINA and TPR) cases
- Mediators receive \$200 per two-hour session per party
- Free child access mediation provided by the Anne Arundel Conflict Resolution Center for parties eligible for a fee waiver

Pre-trial Settlement Conferences

- Provided by 31 judges, retired judges, and masters
- Occur at the courthouse
- A pre-trial settlement conference must occur before the date for a merits hearing is set
- All cases are ordered to a pre-trial settlement conference

Facilitation

- Conducted by 45 volunteer facilitators
- All facilitators are members in good standing of the Maryland bar
- Facilitations provided at no charge to the parties

Program Administration

The Circuit Court for Anne Arundel County provides a variety of ADR processes for litigants in civil domestic cases. In an effort to seek a resolution before the merits trial, the court instituted a pre-trial settlement conference program in 1987. In 1998, the ADR services expanded to include the processes of mediation and facilitation. Facilitation is a settlement-focused process that occurs on the day of the scheduling conference. At the request of the master, the facilitator meets with the parties and/or counsel to assist the parties in reaching a settlement of any or all issues.

The ADR program in Anne Arundel County is administered by an ADR coordinator and family law case manager. Funding for the ADR program is provided by the Department of Family Administration, Family Services Jurisdictional Grant, the Anne Arundel County government, and a Conflict Resolution Grant from MACRO. The program also benefits from free mediation services provided by the Anne Arundel Conflict Resolution Center.

ADR is part of the standard case management process in Anne Arundel County. As a matter of course, every contested case that is subject to the court's differentiated case management plan "shall be considered for ADR, if appropriate." Early use of ADR is preferred, although the court will allow it to occur at any stage in litigation. Upon filing, court staff review child access cases for allegations of physical or sexual abuse of a party or child and for domestic violence issues. If no abuse allegations exist, the case may be ordered to mediation through the Office of Case Management. Cases involving domestic violence will not receive an automatic referral to mediation. Instead, the parties will be interviewed at the time of the scheduling conference to determine whether mediation is appropriate. Mediation is voluntary for cases involving marital property. In these matters, the master decides whether to refer the case to mediation during the scheduling conference. Free mediation for child welfare matters is also available in Anne Arundel County. The court typically orders mediation in termination of parental rights cases either prior to trial or at any other time the court deems appropriate. All child welfare mediations occur at the courthouse.

The court has a roster of 51 domestic mediators, who are assigned to conduct two 2-hour mediation sessions. Mediations occur at the mediators' offices. The parties compensate the mediator directly. Parties in child access cases who qualify for a fee waiver may receive a referral for free mediation services provided by volunteer mediators from the Anne Arundel Conflict Resolution Center. Mediations conducted by the community mediation center use a co-mediation (two mediators) model. The mediations occur at a time and place convenient to the parties.

Attorneys participate in marital property mediations but typically do not attend other types of domestic mediations unless specifically authorized by the court. Mediation must conclude by the date indicated on the order for mediation or prior to the pre-trial settlement conference. Parties who fail to comply with an order for mediation may receive a show cause order. After a hearing, the court may impose sanctions on the party who failed to appear or dismiss the action.

At the scheduling conference, the master also has the option to refer a case to facilitation with one of 45 court-approved facilitators. Facilitations occur at the courthouse at the time of the scheduling conference. Cases that do not settle during the facilitation proceed to the next event in the case. The facilitator provides the services at no cost to the court or the parties.

In an effort to resolve cases before a case is set for trial, all managed cases, regardless of subject matter, receive an order for a pre-trial settlement conference before a master, judge, or retired judge. Pre-trial settlement conferences are scheduled for a 30-60 minute session at the courthouse.

In addition to an order for ADR, parties may learn about ADR services through the court's website and Family Law Orientation Workshops. The court sends the mediator a copy of any court orders before the ADR session. Since facilitation takes place on the day of the scheduling conference, the facilitator receives limited information about the case and the parties receive little information about ADR before the process begins. Parties are expected to provide a joint marital and non-marital property statement to the mediator before a mediation involving marital property issues.

Neutral Qualifications and Payment

The court maintains a roster of 51 court-approved civil domestic mediators, five of whom can also conduct pro bono child welfare mediations. In addition to the Md. Rules, mediators in the Anne Arundel County Circuit Court must possess office space in Anne Arundel County, be members in good standing of the bar, maintain membership in the MPME, and conduct pro bono mediations as necessary. All applications are initially reviewed by the ADR coordinator, who then forwards the application to the administrative judge for approval. Mediators receive \$200 per session, split equally between the parties, for each of the two-hour sessions. Mediators may be removed from the court roster in accordance with the Maryland Rules. A mediator who accepts a fee in excess of the fee set by the court may be removed from the court's mediator panel.

The court's 45 volunteer facilitators must satisfy the requirements of Md. Rule 17-206 and be attorneys in good standing. Facilitators provide services on a pro bono basis.

Program Evaluation and Quality Control

The domestic ADR program in the Circuit Court for Anne Arundel County uses several different evaluation methods. At the conclusion of a mediation or facilitation process, the parties complete a written evaluation form. In addition, mediators complete a case disposition form and

settlement officers complete a data sheet. All of the forms are reviewed by the ADR program staff. Participants in settlement conferences do not receive any post-ADR evaluation.

The court monitors the outcomes of all ADR processes. Attorneys and parties may contact the court with any problems or concerns. Mediators must meet the continuing education requirements of Md. Rule 17-205(a)(5) and the MPME. As additional quality assurance practices, all ADR practitioners are offered opportunities to participate in ADR trainings sponsored by the court and other organizations.

Circuit Court- Delinquency

Overview of ADR Processes

Community Conferencing

- Cases referred by the Anne Arundel County Police Department
- Conferences conducted by five facilitators (one staff and four private practitioners)
- Private practitioners receive a \$150 stipend per facilitation
- Voluntary process provided at no charge to the parties

Program Administration

The Anne Arundel County Partnership for Children, Youth, and Families Community Conferencing Program works with the Anne Arundel County Police Department to provide a diversion process for delinquency matters involving youth. The community conferencing program began in May 2011 and receives support from the Governor's Office of Crime Control and Prevention. The program also receives referrals from the Anne Arundel County Public Schools and the public at large. A community conferencing coordinator is responsible for the overall administration of the program. The youth victim assistance officer within the Anne Arundel Police Department also assists the program by screening and referring cases.

Community conferencing is an integrated part of the case management process for juvenile cases in the Anne Arundel County Police Department. The youth victim assistance officer within the police department routinely reviews arrest and citation cases to identify first-time offenders who have had no prior association with the Department of Juvenile Services. Cases involving felonies are automatically excluded from consideration. Offenders in Anne Arundel County are given the opportunity to engage in a community conference as a diversion process, prior to the matter being referred to the Department of Juvenile Services. Every week, the youth victim assistance officer provides referrals to the Community Conferencing Program.

Upon receipt of the referral, the Community Conferencing Program sends a letter to the juvenile and tries to contact the potential participants. Community conferences typically occur within two to three weeks from the date of the referral from the Police Department. No limits are placed on the individuals who may participate in the conference. Community conferences typically take place at the location where the incident occurred such as a school or retail establishment. Participants are asked to allow two hours for the conference, although most conferences conclude within 60-90 minutes. Participation in the conference is voluntary and free

for all participants. If an offender chooses not to participate or the parties do not reach an agreement, the case is forwarded to the Department of Juvenile Services.

Individuals learn about the program through the Community Conferencing Center of Baltimore City's website, flyers, and presentations.

Neutral Qualifications and Payment

Community conference facilitators must complete a three-day training from the Community Conferencing Center of Baltimore City. All facilitators must be approved by the community conferencing coordinator, have demonstrated mediation skills, experience working with children, and a background with either the criminal justice system or social work. Prior to conducting a conference, the facilitator must attend an orientation offered by the community conferencing coordinator. Currently, the coordinator and four additional facilitators conduct conferences in Anne Arundel County. The non-staff facilitators receive a stipend of \$150 per facilitation.

Program Evaluation and Quality Control

At the conclusion of the conference, the participants complete an evaluation form. The community conferencing coordinator observes every conference as a quality control practice. To monitor the program's effectiveness, the coordinator tracks recidivism of conference participants.

District Court- Civil

Overview of ADR Processes

Mediation and Settlement Conferences

- Day of trial mediation and settlement conferences at the District Courts in Glen Burnie and Annapolis
- Pre-trial mediation available through a partnership with the Anne Arundel Conflict Resolution Center
- ADR part of the standard case management process
- ADR free of charge
- ADR provided by 21 mediators and seven settlement conference attorneys

Program Administration

The District Court ADR Office in Anne Arundel County is administered by a regional ADR programs director who is also responsible for three other counties. Direct personnel support for all District Court ADR Office is provided by the regional program director, deputy director, and director of ADR roster management for the District Court ADR Office as well as seven additional staff including an administrative assistant. The program operates with funding from

the Maryland Judiciary and volunteer services from ADR practitioners and the Anne Arundel County Community Mediation Center.

Day of Trial

Parties with general civil cases at the Glen Burnie or Annapolis courthouses may receive day of trial ADR services as part of the court's standard case management process. In general, all cases are appropriate for ADR except cases involving domestic violence, concurrent criminal charges, protective orders, peace orders involving assault or a weapon, or lack of capacity. Parties receive mediation or a settlement conference depending upon the expertise of the ADR practitioner scheduled for any particular day. At the Glen Burnie courthouse ADR is available during the morning docket on the second Tuesday of each month and every Tuesday afternoon during the afternoon docket. At the same courthouse, peace order mediation is available every Tuesday morning. ADR is provided in the Annapolis courthouse during the Thursday afternoon docket and the morning docket on the second Thursday of every month.

On days when an ADR practitioner is present, the judge has discretion to determine which cases are referred to ADR. Participants may also request ADR after viewing an informational video or hearing an announcement about ADR services in the courtroom. Additionally, the courtroom clerk may identify a case as appropriate for ADR.

On a quarterly basis, the director of ADR roster management for the District Court ADR Office schedules the volunteer ADR practitioners for day of trial mediations and settlement conferences. Day of trial mediations and settlement conferences occur in the courthouse. There is no time limit for mediation, although the mediator is mindful of the need to return to the courtroom to allow the parties to have their trial if no agreement is reached in mediation. The judge also may limit the time of a mediation or postpone a docketed case to allow the mediation process to continue.

The District Court ADR Office requires the named parties and those who have settlement authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys. Since ADR is offered on the day of trial, the participants often know very little about the process. After the explanation of the process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. The ADR practitioner receives limited case information prior to beginning the process.

The process is offered at no charge to the parties. The public may learn about ADR services through the District Court website, brochures, the District Court self-help center, posters, and information shared by the presiding judge.

Pre-trial

Since 1998, litigants have had the opportunity to engage in pre-trial mediations through the court's partnership with the Anne Arundel Conflict Resolution Center. Staff from the Anne Arundel Conflict Resolution Center access the Judiciary's main frame and review the court's docket six weeks prior to the trial date to identify cases that may be appropriate for pre-trial mediation. The Center then contacts the parties, conducts intake, and mediates for interested parties. Pre-trial mediations usually conclude one month after the date of referral and occur at

locations throughout the county convenient to the parties. Mediators from the Anne Arundel Conflict Resolution Center use a co-mediation model. The community mediation center notifies the regional ADR programs director with the results of the referral prior to the trial date.

Neutral Qualifications and Payment

Twenty-four ADR practitioners (17 mediators, three settlement conference attorneys, and four practitioners who can provide either mediation or a settlement conference) provide day of trial ADR services in Anne Arundel County. Additionally, five of the 17 mediators have been trained in peace order mediation and can begin conducting peace order mediations once the program begins in 2013. Another training planned for late 2013 will expand the pool of peace order mediators.

All ADR practitioners in Anne Arundel County must meet the requirements established by the District Court ADR Office as detailed in the overview section of Part Three.

Program Evaluation and Quality Control

The District Court in Anne Arundel County follows the program evaluation and quality control practices implemented by the District Court ADR Office statewide. These practices are described in the overview section of Part Three.

District Court- Criminal

Overview of ADR Processes

Mediation

- Conducted by two part-time staff mediators
- Voluntary mediation provided at no charge to the parties

Program Administration

The Mediation Center within the Office of the State's Attorney for Anne Arundel County offers mediation for misdemeanor criminal cases in both District Court locations in Anne Arundel County. In cases in which mediation cannot be arranged (because of an unavailable or out-of-state party, for example) or in which the State's Attorney's Office needs the case to resolve quickly, the mediators may offer to use facilitation. Facilitation is a process conducted over the phone to assist parties in reaching a resolution. Two mediators currently direct and provide all of the Mediation Center's ADR services. The program also benefits from the assistance of six Anne Arundel County State's Attorney's Office employees including three full-time and one part-time case screeners, two part-time directors, and one part-time case manager.

Mediation is part of the standard case management process in Anne Arundel County. The internal State's Attorney's Office screening unit reviews the cases and makes the referral to mediation before the case is assigned to a prosecutor. Cases are referred to ADR if there is an ongoing relationship between the parties. In general, harassment, trespass, theft, and minor

assaults, or cases in which the State's Attorney identifies potential legal insufficiencies, are appropriate for mediation. Cases involving serious domestic violence, a party with a long criminal history of violence, or safety issues are not appropriate. A collaborative relationship has been cultivated with the domestic violence unit of State's Attorney's Office so that cases potentially arising from family violence may be scrutinized carefully to help determine whether mediation is appropriate.

Cases may also be referred by assistant state's attorneys, witness specialists, the Office of the Public Defender, defense attorneys, and judges. Individuals whose family members or friends have mediated with the Mediation Center may request mediation for themselves. Self-referred cases are reviewed for mediation and often are accepted. In addition, calls received from the public regarding neighborhood disputes or other conflicts are reviewed and may be referred to mediation, sometimes in connection with a peace order. A referral to mediation typically occurs after the filing of charges, but before the defendant is served.

The mediator receives background information about the case referred, including a copy of the statement of charges. The mediator may determine that mediation is not appropriate for the case. If the case is appropriate for mediation, the mediator sends a letter and brochure describing mediation to the parties. The mediator also contacts the parties by phone to answer questions and schedule the mediation session. Participation in mediation is voluntary and free of charge.

Mediations typically occur in a conference room at the State's Attorney's Office in Annapolis and Glen Burnie or in a conference room at the District Court in Glen Burnie. Mediations are scheduled for approximately two hours and are typically completed within one month after the date of the referral. There are no limitations on who may participate in mediation, but the program discourages witness participation to preserve confidentiality.

The public learns about the State's Attorney's Office mediation program through outreach activities, as well as through attorneys, judges, brochures, police, the State's Attorney's Office website, the court commissioner, parole and probation officers, community associations, elected officials, and court personnel.

Neutral Qualifications and Payment

Two mediators currently provide all of the Mediation Center's ADR services. Applicants for the staff mediator position engage in an interview and must pass a background check. In addition to demonstrating extensive mediation training, applicants are observed by State's Attorney's Office staff. The State's Attorney's Office of Anne Arundel County funds the salaries of staff mediators.

Program Evaluation and Quality Control

The State's Attorney's Office chief district court attorney evaluates mediators in the program. To improve quality, the mediators may debrief with each other after a mediation and are expected to participate in mediation trainings and ADR organizations. The program uses no

formal evaluation forms. The assistant state's attorney who is assigned to the case reviews and approves all agreements reached in mediation.

BALTIMORE CITY

With one of the oldest civil ADR programs in the state, the **Circuit Court for Baltimore City** has provided litigants the opportunity to engage in mediation and settlement conferences since the early 1990's. Mediation is available for most civil domestic and civil general cases. A combination of court-approved roster mediators, volunteer settlement conference attorneys, and retired judges provide the majority of ADR services.

Since 2003, litigants in the **Orphans' Court for Baltimore City** have had mediation available for probate and caveat cases.

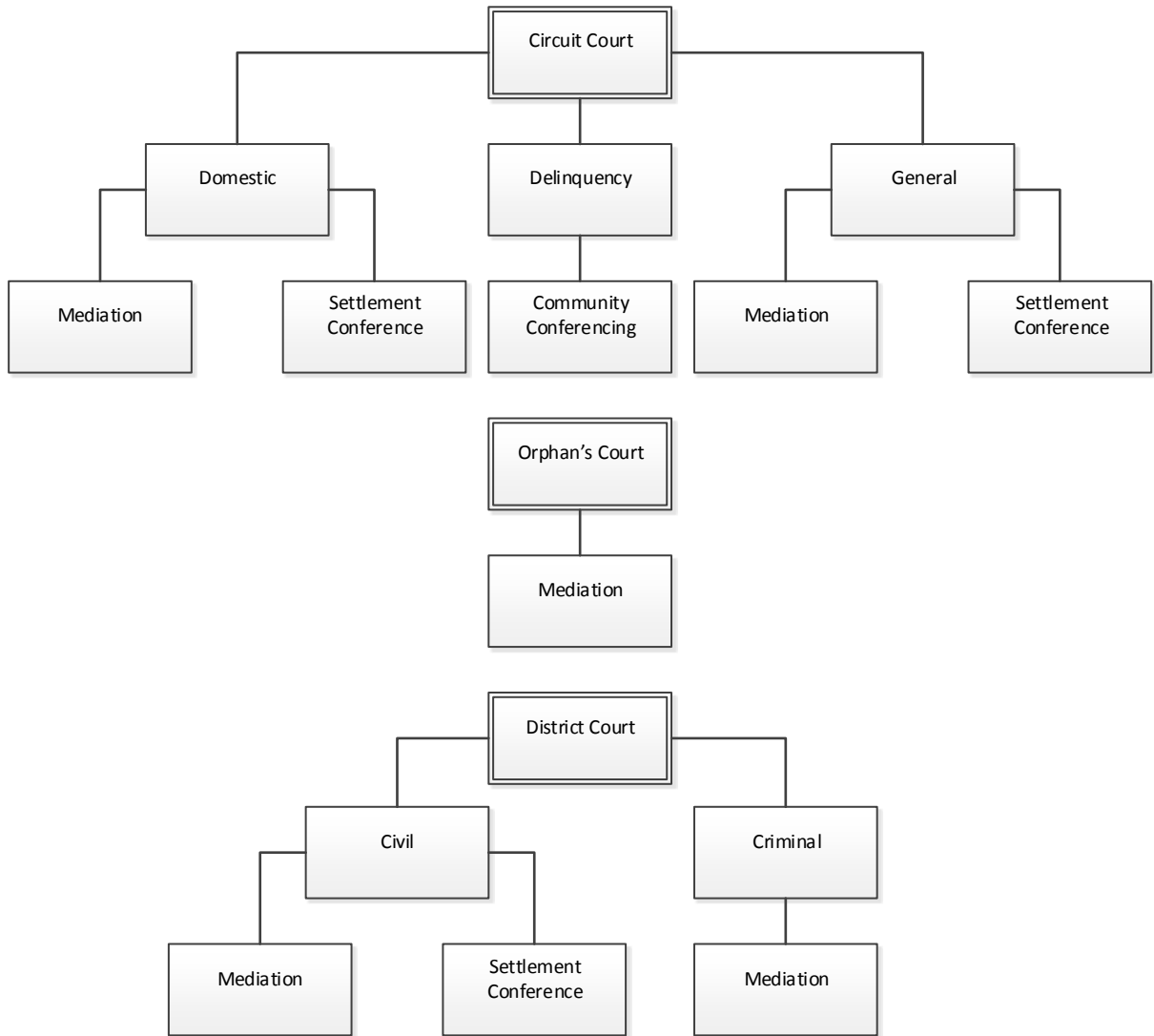
Litigants in civil and criminal **District Court** matters may engage in ADR in Baltimore City. The District Court ADR Office has operated a civil day of trial mediation and settlement conference ADR program at the courthouse on Fayette Street in Baltimore City since at least 2002. Pre-trial mediation is available from September to April through a collaboration with the University of Maryland Francis King Carey School of Law Mediation Clinic.

The **Baltimore City State's Attorney's Office**, through a partnership with Community Mediation of Baltimore City, refers criminal misdemeanor cases for voluntary and free mediation services. In addition, juveniles accused of certain offenses may engage in the restorative practice of community conferencing through a relationship between the **Department of Juvenile Services** and the Community Conferencing Center of Baltimore City.

Information about the ADR programs for Baltimore City is available at:

- Civil Docket Alternative Dispute Resolution: <http://www.baltocts.state.md.us/civil/adr.htm>
- District Court ADR Program: <http://www.courts.state.md.us/district/adr/home.html>
- Community Conferencing: <http://www.communityconferencing.org>

Baltimore City ADR Programs



Circuit Court- General Civil

Overview of ADR Processes

Mediation

- Provided by 110 court-approved roster mediators
- Mediators receive \$200 per hour for general civil cases and \$250 per hour for medical malpractice and business and technology cases
- Ordered to a two-hour mediation session

Settlement Conferences

- Provided by a few retired judges and 40 settlement conference volunteers
- Occur 30 days before the trial date
- Scheduled in 30-minute increments

Program Administration

The Baltimore City Circuit Court ADR program is administered by two full-time ADR staff. The court's Assignment Office, ADR judge, and differentiated case management coordinator also assist the program. A Conflict Resolution Grant from MACRO funds the program.

ADR is part of the standard case management process in Baltimore City. Settlement conferences are routinely scheduled for all non-expedited (cases not on a fast track such as foreclosure and administrative appeals) civil cases. The scheduling order sets the settlement conference for 30 days prior to the court date. Settlement conferences are scheduled with a retired judge on Monday – Wednesday and a volunteer settlement conference attorney on Thursdays and Fridays. The ADR deputy director is available to conduct conferences as needed. Cases are set for settlement conferences at 30-minute increments, but may last longer depending upon the case and the neutral's availability.

Litigants in cases involving motor tort, personal injury, employment contract, insurance, condemnation, workers' compensation, business or commercial, professional malpractice, medical malpractice issues, and other cases where parties indicate that they would like to mediate receive an order for mediation along with the scheduling order. Orders for mediation typically are issued within 30 days from the filing of the answer. In addition to the court order, parties may request mediation at any time. Some contested adult guardianship cases may receive mediation, conducted by ADR program staff, on the day of the scheduled hearing.

Mediations occur at the mediator's office or the office of one of the parties' attorneys. The Baltimore City Law Library may also be used if necessary. Parties are ordered to one 2-hour mediation session. Most mediation sessions occur two to eight months following the order for mediation. The court places no limits on who may participate in the mediation, but everyone who has settlement authority must attend.

Litigants learn about ADR services through the court's website, brochures, and their attorneys. Parties engaging in mediation also receive the order for mediation and mediation instructions. Prior to the mediation, parties are expected to provide the mediator with a pre-mediation statement.

Neutral Qualifications and Payment

The Baltimore City Bar Association coordinates the 40 volunteer settlement conference attorneys. All settlement conference attorneys must be experienced members of the bar. A panel

of retired judges also conducts settlement conferences. Settlement conference attorneys conduct conferences on a pro bono basis. The retired judges receive a per diem rate from the court for their time.

The Baltimore City Circuit Court maintains a roster of 110 court-approved mediators. All mediators must meet the requirements established in Md. Rule 17-205 to be included on the court-approved roster by the ADR supervisory judge. Once on the court's roster, mediators must attend an orientation session prior to receiving any referrals. Mediators conducting general civil mediations receive \$200 per hour, paid equally by the parties, and \$250 per hour divided equally among the parties for medical malpractice cases and cases on the business and technology track. The ADR coordinator assigns mediators to cases by matching the subject matter expertise of the mediator with the issues involved in the case. Mediators who have not met the continuing education requirements of Md. Rule 17-205(a)(5) or fail to comply with the program's procedures do not receive mediation referrals.

Program Evaluation and Quality Control

The Baltimore City ADR program utilizes several different evaluation methods. At the conclusion of the mediation, attorneys complete a mediation evaluation form and the mediators complete an ADR data sheet. In 2013, Baltimore City became one of two jurisdictions to use participant evaluations for civil general settlement conferences.

Quality assurance practices include encouraging participant feedback to the ADR Office and pairing experienced mediators with new mediators to mediate together. The ADR Office staff may also observe new mediators.

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediation available for child access/custody and child welfare cases
- Child access/custody mediations provided by approximately 24 mediators and students from the University of Baltimore School of Law Mediation Clinic for Families; one staff member and 10 mediators provide child welfare mediations
- Co-mediation model used for all child access mediations and solo model for child welfare mediations
- Each roster mediator receives \$75 per party, per hour

Settlement Conferences

- Provided for child access and child custody cases
- Conducted by a panel of volunteer settlement conference attorneys (currently 30)
- Scheduled for one hour

Program Administration

The Family Services ADR Program in Baltimore City is administered by a full-time associate administrator who spends part of her time on ADR-related work and a part-time mediation program coordinator who devotes all of her time to ADR-related work. Baltimore City is the only county with a full-time ADR coordinator dedicated to the child welfare mediation program. A secretary and a juvenile master also assist with the program. A Department of Family Administration, Family Services Jurisdictional Grant provides for staff funding and other program support.

ADR is part of standard case management for child access, child custody, and child welfare cases in Baltimore City. All child access and child custody cases are initially reviewed by a case manager. Cases that do not involve an incarcerated parent or allegations of domestic violence or child abuse receive an order for mediation. Mediations occur in a variety of locations including the courthouse, the mediator's office, or another mutually agreeable location. During the same day as the scheduling conference, law students enrolled in the University of Baltimore School of Law Mediation Clinic for Families provide free mediation services for cases found to be appropriate by the Family Division Master assigned to the case. Additionally, law students from the Mediation Clinic practicing under Md. Rule 16 and volunteers through the Pro Bono Resource Center, provide limited representation to parties participating in mediation.

Other than same day mediation, parties are ordered to two 2-hour mediation sessions. Mediators are assigned to a case after considering factors such as experience, gender, race, and ethnicity and rotating among the roster. Baltimore City is the only county program that uses a co-mediation model for child access and child custody mediations conducted by roster mediators. Participation in mediation is limited to the named parties.

The parties in child access cases may also engage in a settlement conference provided by a volunteer settlement conference attorney. The panel of settlement conference attorneys consists of approximately 30 volunteers, although the exact number may fluctuate throughout the year. Settlement conferences occur at the courthouse on Tuesday and Wednesday mornings. Up to three 1-hour settlement conferences may be scheduled on the same morning. Settlement conferences are provided at no charge to the parties.

Child welfare cases that do not settle at the permanency planning settlement hearing are automatically mandated to attend mediation. As in other counties, anyone involved in the case may also request mediation. A judge or master issues an order for mediation. Typically child welfare mediation occurs at least three weeks following the settlement hearing. The process, initially scheduled for a two-hour session, takes place at the Baltimore City Juvenile Justice Center or the Chance Building across the street. The court allows all decision makers, including attorneys, to attend child in need of assistance mediations. The biological mother and father, the foster care parents, and care givers may participate in termination of parental rights cases, but attorneys are not permitted to attend. The ADR coordinator assigns one of the 10 mediators to the case on a rotating basis unless a mediator with a specific skill or gender is needed. On a

monthly basis three mediators are on “stand-by” to provide last minute mediation services. The ADR coordinator is also available to conduct mediations if necessary.

Although the parties receive an order to attend ADR, the court considers the decision to engage in the process as voluntary and does not impose consequences on individuals who fail to appear at a mediation. If the parties do not engage in pre-trial mediation, a mediator may be available on the day of the scheduling conference or the day of a trial or hearing to conduct mediations. Litigants learn about ADR services through the court’s website and a mandatory free orientation session offered by the Family Services Program twice monthly. Participants in settlement conferences complete a short case information form prior to engaging in the process. In all instances, the neutral receives limited case and party information before the ADR process.

Neutral Qualifications and Payment

In addition to the requirements of the court rules, all child access and custody roster mediators must maintain professional liability insurance. Prior to acceptance onto the court’s roster by the ADR coordinator, child welfare mediators engage in on-the-job training and observations with a senior mediator. All settlement conference attorneys must have family law experience.

With the exception of mediators from the University of Baltimore School of Law Mediation Clinic for Families, each roster mediator receives \$75 per hour, to be shared between the parties for their services. A reduction or waiver of mediation fees is available to parties who qualify through funding from the Department of Family Administration, Family Services Jurisdictional Grant. Child welfare mediators may invoice the court \$75 per hour for up to five hours of services per case.

Program Evaluation and Quality Control

At the conclusion of any mediation, the participants complete a post-mediation “Family Mediation Services Evaluation.” Mediators for child access and custody cases also complete a written summary to provide to the court which documents whether the parties settled, who appeared for the mediation, and whether the case was determined to be appropriate for mediation. The program coordinator routinely reviews the summaries completed by mediators and participant evaluations. As a quality assurance practice, the program coordinator provides a summary of each to the associate administrator and the judge in charge of the family division. As in most jurisdictions, no evaluation is used for settlement conferences.

All mediators must complete the continuing education requirements of Md. Rule 17-205(a)(5). Mediators who conduct child welfare mediations also engage in meetings with the ADR coordinator and juvenile master. The ADR coordinator informs roster mediators about upcoming relevant trainings.

Circuit Court- Delinquency

Overview of ADR Processes

Community Conferencing

- Available for youth involved in conflicts or incidents of delinquency
- Provided through a partnership with the Community Conferencing Center of Baltimore City
- Conference facilitated by one of nine staff members or one of the 10-15 volunteer facilitators

Program Administration

Founded in 1996, the Community Conferencing Center of Baltimore City provides conferencing services for youth involved in conflicts or incidents of delinquency involving two or more parties. One of the oldest and largest programs of its kind in the nation, the Center employs nine management and staff members, including the executive director, assistant director, outreach coordinator, case management coordinator, “daily rap” coordinator (who oversees this service, which involves circle dialogues in schools), and three facilitators, one of whom works part-time. A variety of institutions support the overall work of the Community Conferencing Center including the Maryland Judiciary, the Governor’s Office of Crime Control and Prevention, private foundations, and individual donations. A small amount of fee-based services also provide additional funding. The Center receives some in-kind support in the form of information technology services and design and marketing services.

The Community Conferencing Center partners with a variety of state and city organizations to provide conferencing services. Referral sources include the Baltimore City Police Department, Baltimore City school administration, school police, Office of Suspension Services, the Maryland Department of Juvenile Services, the courts, and community members and organizations. Cases are referred to community conferencing at a variety of stages. Schools, school police, and city police can refer youth to community conferencing in lieu of a formal referral to the Department of Juvenile Services. Cases that are sent to the Department of Juvenile Services are reviewed by a staff member at the time of intake and may receive a referral to community conferencing at that time. The referral to conferencing may occur in concert with placing the youth on informal pre-court supervision or result in a formal resolution and closure of the case. In addition, the Office of the State’s Attorney, usually in consultation with the Public Defender, may refer a case to conferencing at the time of arraignment or soon thereafter.

A majority of Department of Juvenile Services and court-referred cases involve youth accused of second degree assaults and other misdemeanors. The Community Conferencing Center does, however, routinely handle referrals for felony offenses, including auto theft, breaking and entering, and more serious assaults. Most youth referred to community conferencing have at most one prior referral to the juvenile justice system. Approximately one-third of all referrals for conferencing originate from the Department of Juvenile Services and the courts (usually the Office of the State’s Attorney). Cases are assigned by the Center’s case

management coordinator to facilitators within 24 hours of the referral, primarily on the basis of workload and availability. In the preparation stage, the facilitator talks with those involved in the precipitating event and gathers information to identify all of the individuals who should ideally participate in the conference (e.g., peers, family members). The facilitator explains the goals and format of the conferences, invites the participants, and arranges for the conference. Conferences are free to the parties and participation is always voluntary.

As a precondition for a conference, complainants who are involved in any Department of Juvenile Services or court-referred case, must agree to divert the case to community conferencing rather than court, and respondents must “acknowledge involvement in the incident.” It is not the practice of the Community Conferencing Center to exclude any youth from participating in a conference but a referring entity may employ its own eligibility criteria. For example, the Baltimore Police Department restricts referrals to youth who have been arrested for a misdemeanor offense, and excludes those involved in serious matters (i.e., previous arrest for a violent crime, more than three prior arrests, two prior referrals to a diversion service provider, or the current arrest stems from certain charges, such as a sex offense).

Conferences are held at a time and place convenient to the participants, typically a location within a community such as a neighborhood center, library, church, or school. Conference sessions take one to two hours and 99% of the cases are handled in a single session. Court-referred cases are typically concluded within 30 days due to time restrictions in hearing postponements. The agreement formalized at the end of the conference can include a formal apology, a commitment to behavior change, restitution, community service, or an intention to seek support such as counseling. An agreement grid, specifying the behaviors or actions that will be undertaken, the responsible party (parties) in the action, and the date by which they will be done is used by the facilitators to follow up on the case. The resolution of the case --successful or unsuccessful-- is recorded and reported to the referring agency. The time allotted between referral to the Center and final follow-up can vary by referral source. The Center facilitator assigned to the case records the outcome of the conference and informs the referring agency, which may choose to take further action in the event that the conference is not held or does not result in a successful resolution.

Participants may learn about community conferencing through the various referral agencies and institutions as well as through neighborhood organizations, churches, and other community groups. The executive director and outreach coordinator engage in a variety of public awareness and information dissemination efforts including brochures, a Center website, and various multi-media outlets.

Neutral Qualifications and Payment

In addition to nine staff, all of whom facilitate conferences, the Center maintains a roster of 10-15 volunteer facilitators. All facilitators must complete a multi-day 22-hour training workshop led by the executive director, and an apprenticeship that includes observing and discussing two conference sessions, and facilitating three conferences with structured observation and feedback from an experienced facilitator. Prospective volunteer facilitators

interview with staff members to ensure that the individual is a good match with the program. Volunteer facilitators receive a stipend for each conference that is completed.

Program Evaluation and Quality Control

Staff and volunteer facilitators attend two continuing education workshops annually and take part in ongoing collaboration, observation, and feedback sessions aimed at improving and maintaining conferencing skills. In addition to informal feedback, a structured debriefing form is used in periodically-scheduled observations. These processes are useful both for staff development and for helping management to identify and address any problems individual facilitators may have conducting conferences for the Center.

Community Conferencing Center staff record information on all referrals made to the Center and their conference dispositions in an automated management information system. Basic descriptive information on the referrals (e.g., source, demographics, incident type) and their outcomes (conferences held, successful resolutions) are compiled and reported periodically for dissemination to collaborating agencies, funders, and the wider audience of persons interested in learning about the Center. At the request of the Community Conferencing Center, Department of Juvenile Services staff has provided data on the recidivism outcomes of a cohort of community conferencing participants. Analysis of the information showed favorable outcomes compared to recidivism rates of other youth involved with the Department of Juvenile Services. A formal evaluation focusing on referrals from the juvenile justice system is currently underway by researchers at the University of Maryland under a contractual arrangement with the Administrative Office of Courts.

Orphans' Court

Overview of ADR Processes

Mediation

- Provided by 48 court-affiliated roster mediators
- Mediators receive \$150 per party, per hour for a 2-hour mediation session
- Mediation available for any party that may request it, the represented or the pro-se litigant

Program Administration

In 2003, the Orphans' Court for Baltimore City instituted a mediation program to provide mediation for cases involving probate issues. Since the Orphans' Court receives no direct funding to support the mediation program, all staff of the Orphans' Court (including the three judges, a court administrator, and a law clerk) assist with the program administration.

A referral to mediation may occur at any point in the litigation process and any represented or self-represented party may request mediation. Caveat cases are automatically referred to mediation by the judge at the scheduling conference. Other types of cases receive a

mediation referral at the discretion of the judge. With the exception of caveat cases, mediation is strictly provided on a voluntary basis, unless the court orders mediation in very contentious cases. At the time of referral the judge will assign one of the court's 48 roster mediators to conduct the mediation. Mediations may occur at the mediator's office or any other mutually agreeable location. Initially scheduled for two hours, the mediation session may last longer or continue at a later date if all parties agree. The court places no limitations on who may participate in the mediation.

Parties learn about the mediation program through the court referral, mediation instructions, and brochures. Prior to engaging in the process the parties provide the mediator and opposing counsel with a "Mediation Conference Statement Form."

Neutral Qualifications and Payment

All Orphans' Court mediators must complete 40-hours of mediation training and either have experience with probate cases or complete a probate course for mediators. A judge reviews all applications and may admit the mediator onto the court's roster. Mediators receive \$150 per party, per hour for their mediation services. Parties unable to afford the mediator fees may submit a "Request for Waiver of Mediation Fee" form. Upon review, the court may grant the waiver and has discretion to order that the fee be paid from the estate.

Program Evaluation and Quality Control

At the conclusion of the mediation session, the parties receive a participant evaluation form and the mediator completes an "ADR Data Sheet." Although evaluation forms are distributed after every mediation, the court reports a low return rate. As a quality assurance practice, the Orphans' Court monitors the estate post-mediation for any future related litigation.

District Court- Civil

Overview of ADR Processes

Mediation and Settlement Conferences

- Day of trial mediation and settlement conferences provided Monday through Friday afternoons by 31 volunteer ADR practitioners
- Pre-trial mediations conducted by the Mediation Clinic at the University of Maryland Francis King Carey School of Law
- Partnership with Community Mediation of Baltimore City established in 2012
- ADR provided free of charge

Program Administration

The District Court ADR program in Baltimore City is administered by a regional ADR programs director who is also responsible for one other county. Direct personnel support for all District Court ADR programs is provided by the executive director and deputy director for the

District Court ADR Office as well as seven additional staff including an administrative assistant. The program operates with funding from the Maryland Judiciary and volunteer services from ADR practitioners and partnerships with the Mediation Clinic at the University of Maryland Francis King Carey School of Law and Community Mediation of Baltimore City. In all instances, the process is provided at no charge to the litigants.

Day of Trial

Parties with general civil cases at the District Court downtown courthouse may receive either day of trial mediation or settlement conference services, depending upon the ADR practitioner volunteer present, during every afternoon docket, Monday through Friday. On days when an ADR practitioner is present, the courtroom clerk may identify a case as appropriate for ADR and the judge has discretion to order or refer a case from the bench. Participants may also request mediation after viewing an ADR informational video or receiving an announcement about ADR services prior to the judge taking the bench. In general, all cases are appropriate for ADR except cases involving domestic violence, concurrent criminal charges, protective orders, peace orders involving assault or a weapon, or lack of capacity.

On a quarterly basis, the director of ADR roster management for the District Court ADR programs schedules volunteer ADR practitioners for day of trial mediations and settlement conferences. Day of trial and pre-trial mediations conducted by the Mediation Clinic or any volunteers from Community Mediation of Baltimore City use a co-mediation model. Most other mediators use a solo mediator process. All settlement conferences are conducted by one neutral. There is no time limit for mediation, although the ADR practitioner is mindful of the need to return to the courtroom to allow the parties to have their trial, if no agreement is reached in ADR. The judge has discretion to limit the time of the ADR process or to postpone a docketed case to allow the process to continue. Day of trial mediations and settlement conferences occur in the courthouse in the ADR conference room or courthouse law library.

The District Court ADR Office requires the named parties and those who have settlement authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys. Since ADR is offered on the day of trial, the participants often know very little about the process. After the explanation of the process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. The ADR practitioner receives limited case information prior to beginning the process.

The process is offered at no charge to the parties. The public may learn about ADR services through the District Court website, brochures, the District Court self-help center, posters, and information shared by the presiding judge.

Pre-Trial

The regional ADR programs director reviews the docket six weeks prior to the trial date and will refer appropriate cases to the Mediation Clinic to conduct intake, schedule mediation with the parties, and hold a mediation prior to the trial date. Each pre-trial referral to the Mediation Clinic includes a “Case Information Sheet” sent by the regional ADR programs

director. Pre-trial mediations take place at the law clinic of the University of Maryland Carey School of Law. Pre-trial mediations must conclude at least one week prior to the trial date.

Neutral Qualifications and Payment

The regional ADR programs director and 31 ADR practitioners (19 mediators, 11 settlement conference attorneys, and one practitioner who can provide either mediation or a settlement conference) provide day of trial ADR services in Baltimore City. In addition, approximately 10-15 law students from the Mediation Clinic, supervised by three faculty who are mediators, conduct day of trial mediations on Tuesday and Friday afternoons and pre-trial mediations throughout the law school's academic year. Additionally, the District Court ADR Office formed a relationship with Community Mediation of Baltimore City in 2012. Currently, seven community mediators provide day of trial mediations at least two days per month.

All ADR practitioners in Baltimore City must meet the requirements established by the District Court ADR Office as detailed in earlier the overview section of Part Three.

Program Evaluation and Quality Control

The District Court in Baltimore City follows the program evaluation and quality control practices implemented by the District Court ADR Office statewide. These practices are described above in the overview section of Part Three of this report.

District Court- Criminal

Overview of ADR Processes

Mediation

- Mediation part of the standard case management process
- Co-mediation conducted by 75 Community Mediation in Baltimore City volunteer mediators
- Voluntary mediation provided at no charge

Program Administration

The Baltimore City State's Attorney's Office has formed a partnership with Community Mediation to offer mediation for District Court level criminal cases in Baltimore City. The partnership, established in 1997, provides for the voluntary mediation of criminal cases. Categories of charges appropriate for mediation include, but are not limited to, second degree assault, malicious destruction or property damage, harassment, trespassing, misuse of telephone, theft, and vehicle theft. The criminal mediation program is administered by a full-time Community Mediation liaison for the State's Attorney's Office. Community Mediation's lead mediation coordinator and a volunteer coordinator also assist with the program. All intake and mediation services are provided by Community Mediation at no cost to the District Court, the State's Attorney's Office, or the participants. The Baltimore City State's Attorney's Office provides funding for the Community Mediation liaison position.

Mediation is integrated into the standard case management process in the District Court in Baltimore City. A member of the Baltimore City State's Attorney's Office Civilian Review Unit initially reviews cases to determine whether they are appropriate for mediation. In addition, the judge or prosecutor may refer a case to mediation on the day of trial. Cases involving domestic violence or in which the parties do not feel safe speaking freely in a mediation setting are not appropriate for mediation. After the initial screening by the Civilian Review Unit, the case is sent to the Community Mediation liaison for a second review. Most referrals to mediation occur one month prior to the trial date. The liaison then sends a letter to the parties on behalf of the State's Attorney's Office, offering the parties the opportunity to mediate. Finally, the Liaison contacts the parties to conduct intake and schedule the mediation session.

Mediations occur at a time and place convenient for the parties at locations throughout the city such as businesses, non-profits, or government offices. Parties initially engage in one 2-hour mediation session. Additional sessions may be scheduled as necessary. All parties must agree on who can attend the mediation, but generally attorneys do not participate. The mediation typically occurs within 10-14 days after the parties agree to participate. A co-mediation process is used. Mediators receive limited information such as the names and gender of the party and the referral source prior to the mediation session. The participants learn about the mediation services through the court, police, and Civilian Review Unit.

Neutral Qualifications and Payment

Seventy-five volunteer mediators from Community Mediation provide mediation services. All mediators have completed 50 hours of basic mediation training from Community Mediation or an approved trainer. All mediators handling matters referred from the State's Attorney's Office also receive a supplemental training on agreement writing. The Baltimore City State's Attorney's Office does not impose any specific neutral qualifications or practices. Community Mediation maintains the responsibility for the approval and removal of all mediators on its roster. Mediators are assigned to cases based upon the mediator's availability, experience, and skill level.

Program Evaluation and Quality Control

The Baltimore City State's Attorney's Office does not require any specific evaluation or quality control practices. Community Mediation employs the same evaluation and quality assurance practices for criminal mediations as it uses for all mediation services. At the conclusion of the mediation, the participants complete an evaluation and demographics sheet. As quality assurance measures, staff mediators sometimes mediate with volunteer mediators. All mediators must enroll in the MPME, and co-mediators give post-mediation feedback to each other. In addition, Community Mediation encourages all of its mediators to complete the Community Mediation Maryland performance-based evaluation process.

The volunteer coordinator addresses complaints regarding mediator performance directly with mediators. If the concern is not corrected after several interventions, the mediator may be removed from the roster.

BALTIMORE COUNTY

A variety of ADR processes exist for litigants in the **Circuit Court for Baltimore County**. Mediation became available for child access cases in 1992, expanded to general civil cases in 1997, and is currently available for child welfare and adult guardianship cases. General civil mediations are conducted by court-approved roster mediators. Domestic cases receive mediation services from Family Division staff mediators. Both programs also provide settlement conferences conducted by retired judges or masters.

Juveniles in Baltimore County may engage in a community conference at the pre-adjudication phase for certain misdemeanors. The program originated in 2006 in the Baltimore County Department of Health. A new non-profit organization, the Conflict Resolution Center of Baltimore County took over the program in 2010. Currently the program receives referrals from the various state and county agencies, schools, and individual members of the public.

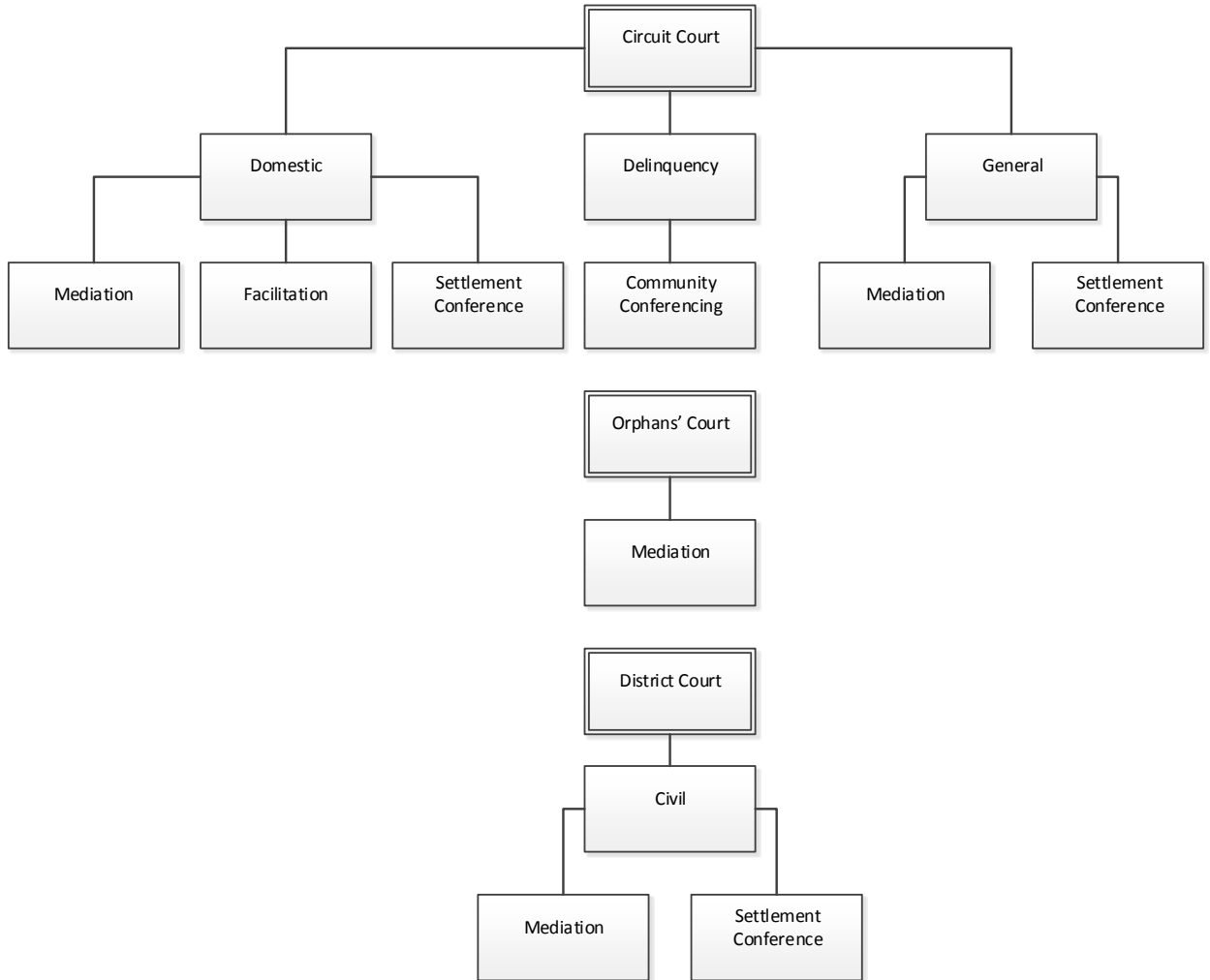
Since 2005, the **Baltimore County Orphans' Court** has offered mediation to represented parties for probate and other cases. In 2009, the program expanded to provide the same mediation opportunities for self-represented litigants. Although no court rules currently apply to the Orphans' Court, the program follows the standards in Md. Rule 17-205 for the qualifications of its neutrals.

Starting in 2002, litigants in the **District Court in Baltimore County** began to receive ADR services. Litigants may engage in day of trial mediation and settlement conferencing at the Catonsville and Towson courthouses. The District Court ADR Office plans to initiate a day of trial ADR program at the Essex courthouse in the near future.

Information about the ADR programs for Baltimore County is available at:

- Circuit Court Civil ADR Program: <http://www.baltimorecountymd.gov/Agencies/circuit/mediation/index.html>
- Family Division: <http://www.baltimorecountymd.gov/Agencies/circuit/family/index.html>
- Orphans' Court Estate Mediation: <http://www.baltimorecountymd.gov/Agencies/orphanscourt/mediation.html>
- District Court ADR Office: <http://www.courts.state.md.us/district/adr/home.html>

Baltimore County ADR Programs



Circuit Court- General Civil

Overview of ADR Processes

Mediation

- Conducted by a court-approved roster of 144 civil mediators
- All mediators must be licensed to practice law
- Parties pay the mediator \$200 per hour for general civil cases
- Only cases in which at least one party on each side has representation may engage in mediation

Settlement Conferences

- Conducted by six retired judges
- Provided at no cost to the parties

Program Administration

In 1987, the Baltimore County Circuit Court ADR program began to offer settlement conferences. In 1997, the program expanded to include civil mediation. The mediation program is administered by one full-time ADR administrator and one full-time ADR assistant. A full-time settlement conference coordinator and one secretary support settlement conferencing services. A Conflict Resolution Grant from MACRO supports the salary of the ADR assistant. Baltimore County funds the general program expenses, employee benefits, and any remaining salaries.

ADR is part of the standard case management process for civil cases in Baltimore County. Cases in which at least one party on each side has counsel and which do not have a hearing scheduled within 60-90 days are considered appropriate for mediation. The order for mediation, issued by the court approximately 30 days after the filing of an answer, accompanies the scheduling order and contains the name of the mediator as well as civil mediation instructions. Both the ADR administrator and the ADR assistant assign mediators on a rotating basis among the roster of 144 mediators, taking into account the mediator's area of expertise and location of the mediator and the parties. Settlement conference neutrals are randomly assigned to cases. Unlike settlement conferences, which occur at the court and are unspecified in length, mediation sessions are scheduled for two hours and may occur at the office of the mediator or of one of the attorneys. The named parties, their counsel, and anyone who has settlement authority (such as an insurance adjuster) must attend the ADR session.

Pursuant to case management standards, parties ordered to participate in ADR have 15 days to contact the neutral from the date the judge signed the order for mediation and 180 days to complete the mediation process. If a party ordered to participate in ADR fails to appear, and has not formally opted-out of mediation, then the individual is responsible for the full mediation fee for all parties.

Litigants learn about the court's ADR services from the order for mediation, the court's website, or their attorneys. Prior to engaging in the process, all parties receive the court order and civil mediation instructions and are directed to the court's website. The parties are expected to provide a confidential pre-mediation statement to the mediator prior to the ADR session.

Neutral Qualifications and Payment

Six retired judges provide civil settlement conferences at the Baltimore County Circuit Court. No specific qualifications, other than being a retired judge, exist for the settlement conference neutrals. The retired judges receive a per diem rate from the court for their services.

Mediators must satisfy the requirements of Md. Rule 17-205, complete a court application, and be members in good standing of any state's bar. A total of 144 civil mediators have been approved by the administrative judge and are listed on the court-approved roster of

civil mediators. Following approval, the mediator must attend a joint Baltimore County/Baltimore City mediation orientation prior to official listing on the court's roster. Mediators receive \$200 per hour for the two-hour general civil mediations, split among the parties. Mediators who fulfill the additional requirements of Md. Rule 17-205(b) and 17-205(d) to conduct business and technology and medical malpractice mediation receive \$250 per hour split between the parties. Removal of a mediator from the court's roster may occur for failure to maintain the continuing education requirements or for unethical practices. The circuit court general civil mediator roster is full and therefore no longer accepting new court-approved mediators at this time.

Program Evaluation and Quality Control

The Baltimore County ADR program utilizes mediation participant evaluation forms and communication from participants as evaluation measures. Currently no evaluation or quality assurance practices exist for settlement conferences. Mediators are strongly encouraged to become members of the MPME and must complete the continuing education requirements established in Md. Rule 17-205(a)(5).

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediation part of the standard case management process for child access cases and available for child welfare (CINA and TPR) and adult guardianship cases
- Mediations provided by five staff mediators
- Parties pay \$125 per person for child access mediation, all other mediations are free
- Fee waivers available

Settlement Conferences

- Conferences provided by three retired domestic masters
- Available for all types of domestic cases
- Conferences range from 20 minutes to the entire day
- Provided at no charge to the parties

Facilitation

- Available for cases involving financial issues
- Provided by two contract family law attorneys
- Facilitators receive \$50 per hour paid by the court
- Facilitations scheduled for 20-30 minutes each

Program Administration

A total of five full-time mediators, two full-time support staff, and a family law administrator assist in the operation of the Circuit Court for Baltimore County Family Division

ADR services. The program started in 1992 with child access mediation and has continually expanded the types of cases referred to ADR. Funding for staff mediator salaries is provided by the Baltimore County government.

What began as a child access mediation program has grown to provide mediation for cases involving child welfare (CINA and TPR), adult guardianship, and cases identified by the program as involving a higher level of conflict. Currently only child access mediation is part of the standard case management process in Baltimore County. In addition to mediation, the Family Division offers settlement conferences conducted by three retired domestic masters and facilitation of financial issues such as child support, marital property, and alimony.

Cases may be referred to ADR by judges, masters, social workers, the Department of Social Services, or attorneys. Most cases receive an initial referral to a settlement or scheduling conference. If the case is not resolved, the judge may issue an order for mediation at the scheduling conference or on the day of trial. All cases are screened for domestic violence prior to the referral to mediation and again on the day of the mediation. Although the parties receive an order to engage in mediation, participation in the process remains voluntary.

Any case in which a petition for contempt has been filed is appropriate for facilitation, with the exception of cases involving out of state parties who have already engaged in the process multiple times. Similar to mediation, the administrative judge orders cases to facilitation, but parties may request not to participate. If the parties do not opt-out of facilitation and the complaining party fails to appear, the contempt petition is dismissed without prejudice. Should the defendant not appear, then the case is set for trial.

The parties must have a case filed in the court to use the ADR services of the Family Division. All ADR services occur at the courthouse. Regardless of the case type, one of five staff mediators, assigned on a rotating basis, conduct mediations, which may last up to three hours. The order for mediation assigns parties to a mediate during the 9:30am or 1:30pm time slot. With the exception of adult guardianship cases, which allow all interested persons to participate, mediation is limited to the named parties unless everyone agrees otherwise. In addition, the Office of Family Mediation provides a daily on-call mediator in the event that: 1) a judge or master has a case before him or her that day and wants mediation to occur prior to trying the case, or 2) one of the parties at a scheduling conference is from out of state. Mediations that do not occur on the day of trial or hearing typically occur six to eight weeks after the order for mediation to allow parties to complete the Cooperative Co-Parenting class and/or Special Challenges Parenting Workshop prior to attending mediation.

One of three retired domestic masters provides settlement conferences for domestic cases. The neutral typically spends 20-30 minutes meeting with the attorneys, alone or with their clients, before moving on to the next case. Parties are encouraged to continue negotiating after speaking with the neutral. If an agreement is reached, parties may return to the neutral to put their agreement on the record. Facilitations are scheduled for 30-minute blocks on Friday mornings at the courthouse.

Parties learn about the ADR program when filing a case in court, in the order to ADR, and through the court's website. Additional information, including a brochure, is provided to individuals attending parenting classes. A video about mediation is available to participants prior to engaging in a CINA mediation.

Neutral Qualifications and Payment

Baltimore County is the only county to exclusively use a staff-mediator model. Currently the court employs five staff mediators to conduct all of the domestic mediations. Every mediator must submit an application to the Office of Family Mediation. Following an interview process, the director decides whether to hire the mediator. In addition to the requirements of the court rules, mediators maintain membership in the MPME and attend monthly staff meetings. Removal of a staff mediator may occur if a mediator fails to remedy problems following documented verbal and written warnings. All domestic mediators are salaried employees paid directly by Baltimore County. Litigants in child access mediation are charged by \$125 by Baltimore County regardless of the number of mediation sessions needed. Parties may request a waiver of the family services fee from the family law administrator. All other types of mediation are provided at no charge to the parties.

Only retired family law masters, who receive a per diem rate from the court, may conduct settlement conferences. Contract facilitators receive \$50 per hour for up to four hours of facilitation. Both settlement conferences and facilitations are provided to the parties free of charge.

Program Evaluation and Quality Control

The ADR program seeks participant feedback through evaluation forms at the conclusion of a mediation or facilitation. In addition, staff mediators observe each other, must maintain membership in the MPME, and regularly attend workshops and conferences to satisfy continuing education requirements of Md. Rule 17-205(a)(5). Facilitators and mediators may receive ongoing training as available through funding from the Department of Family Administration, Family Services Jurisdictional Grant. No evaluation process or continuing educational requirements exist for settlement conference providers.

Circuit Court- Delinquency

Overview of ADR Processes

Community Conferencing

- Available for youth involved in misdemeanor offenses
- Referrals from the State's Attorney's Office for Baltimore County, Maryland Department of Juvenile Services, Baltimore County Police Department, Baltimore County Public Schools, and the general public
- Conferences conducted by two full-time facilitators, three part-time facilitators, and up to five volunteer facilitators

Program Administration

The Conflict Resolution Center of Baltimore County Community Conferencing Program provides a safe, structured process for people affected by an incident of harm to resolve the situation. The program handles matters involving youth, pre-adjudication, as well as other types of conflicts. The program originated in fiscal year 2006 in the Baltimore County Department of Health. It separated to form a new non-profit organization, the Conflict Resolution Center of Baltimore County, during fiscal year 2010. A program manager and intake staff conduct facilitations and provide administrative support for the program. The Community Conferencing Program operates by combining support from a variety of sources including the Governor's Office of Crime Control and Prevention, MACRO, and the Department of Family Administration, as well as individual donors. The program's information technology services are provided through in-kind services.

The program provides community conferencing services based on referrals from the State's Attorney's Office for Baltimore County, Maryland Department of Juvenile Services, Baltimore County Police Department, Baltimore County Public Schools, and the general public. To date, the State's Attorney's Office and the Baltimore County Public Schools refer the largest number of juveniles to the Community Conferencing Program. Most referrals from state and county agencies include youth in alleged offenses such as assault, theft, burglary, property crimes, trespassing, and other misdemeanor offenses.

Since community conferencing is used as a diversion process, referrals from the State's Attorney's Office usually occur prior to any court appearances. Most conferences are held within 30 days from the date of the referral. If an agreement is reached through conferencing, the State's Attorney's Office does not prosecute the case. As in other jurisdictions with community conferencing programs, referrals from the Department of Juvenile Services are made by intake staff either in concert with placing the youth on informal, pre-court supervision or in an attempt to resolve and close the case. Referrals from the Baltimore County Police Department typically originate from individual patrol officers or from community resource officers.

The Community Conferencing Program does not exclude any case types from conferencing nor does it place any limitations on who may participate as long as the individual expresses willingness to resolve the situation. Referral agencies use discretion in the types of cases they refer. A typical offender referred to the Community Conferencing Program has had between two and five previous offenses.

The program manager or another experienced facilitator matches facilitators with cases based on the abilities of the facilitator and particular needs of the case. Each case is handled by a single facilitator. The facilitator first contacts the referred parties, explains the process, ascertains whether the individuals want to participate in the conference, and identifies all of the individuals necessary in order for there to be a resolution. The facilitator then invites everyone who is identified as having been involved or affected by the incident to the conference and engages in a preparation conversation with them as well. Conferences take place in the neighborhood where the incident took place. Part of the community conferencing process involves the presence of an

observer, who has been trained in the process. A typical conference lasts about 90 minutes, although the length can vary.

If agreement is reached, the facilitator handling the case follows up to make sure the respondent complies with the agreement and inform the referring agency, who subsequently closes the case or takes further action as appropriate. If an agreement cannot be reached, the case is sent back to the referring agency to proceed with the matter.

As a way to educate the public about conferencing, the Community Conferencing Program conducts outreach to schools, parents, and community organizations through its website, distribution of pamphlets, and speaking engagements. The program is included in the student disciplinary code in the Baltimore County Public Schools student handbook.

Neutral Qualifications and Payment

Community conferencing services are provided by two full-time facilitators and three part-time facilitators. These facilitators include the program manager and intake staff, who are employed by the Conflict Resolution Center of Baltimore County. Up to five volunteer facilitators also provide services.

Prior to overseeing conferences, all facilitators complete 22 hours of training and an apprenticeship. The apprenticeship involves the observation of at least three conferences, followed by preparation and facilitation of at least three conferences with staff assistance. Volunteer facilitators receive a stipend per conference according to the following schedule: \$25 if participants on one side of a conflict are enrolled in conferencing; \$50 if all participants are enrolled; \$100 if a conference convenes but is not completed due to one or more missing participants; and \$150 if a conference is completed.

Program Evaluation and Quality Control

At the end of each conference, participants are asked to complete a single question evaluation form. Beyond the initial follow up that ensures compliance with the immediate terms of the agreement, such as restitution, staff facilitators contact conferencing participants six months and one year after the conference to monitor effectiveness of the process and to make sure the conflict remains resolved.

Quality assurance surrounding the process and its implementation is addressed between the facilitator and the observer, who use a standardized checklist to conduct a debriefing session after the conference. In addition, each facilitator's performance is assessed periodically by the program manager, who reviews the checklists with each facilitator to identify where support is needed and where growth is achieved. If it is necessary to remove a facilitator, the program manager and facilitator meet to discuss comments noted on the post-conference checklist.

Orphans' Court

Overview of ADR Processes

Mediation

- Provided by 38 court-affiliated roster mediators
- Mediation available for represented and self-represented litigants
- Mediators receive \$200 per hour for a 2-hour mediation session
- Part of the standard case management process

Program Administration

In 2005, the Orphans' Court for Baltimore County began to offer mediation for represented litigants. In 2009, the program extended the same opportunity to self-represented parties. One of two Orphans' Court mediation programs in the state, the Baltimore County program is administered by one part-time mediation coordinator whose salary is funded by the Baltimore County government.

Mediation is part of the standard case management process in the Orphans' Court. The mediation coordinator reviews the docket. All cases are ordered to attend pre-trial mediation, unless the case involves motions, estates with no funds, incarcerated parties, or solely legal questions. Individuals with representation are assigned to one of the court's 38 mediators. Self-represented litigants are assigned to one of 14 pro se mediators. Participation is mandatory unless the parties submit a formal and timely request for an exemption. If a party fails to appear at an ordered mediation, or provide at least 48-hours notice of a cancellation, the court will require the party to pay the entire cost of the mediation session.

Parties requiring additional time to mediate may request to continue beyond the initial two-hour mediation session. Mediations occur at the office of the mediator or one of the attorneys. The order indicates the assigned mediator and the time frame for the mediation which may vary from 30 days to one year after the date of the mediation order. The mediation coordinator exercises discretion while assigning mediators on a rotating basis, taking into account whether the parties are represented, the location of the mediator in relation to the parties, and the complexity of the legal issues in the case.

The Orphans' Court places no limits on who may participate in the mediation. Parties are expected to prepare a confidential pre-mediation statement summarizing the strengths and weaknesses of their case for the mediator. The court provides the parties with mediation instructions along with the order for mediation. Additional information is accessible through the court's website, brochures, or direct communication with the court.

Neutral Qualifications and Payment

Although not yet required by court rule, mediators for the Baltimore County Orphans' Court must fulfill the qualifications set forth in Md. Rule 17-205. Future rules for Orphans' Court programs will be established in Md. Rule 17, Chapter 500. All mediators on the court's

roster either have experience or specialized training in probate law. Both traditional and mediators for self-represented parties receive \$200 per hour, split among the parties. Failure to pay a mediator results in the court issuing a letter to the parties requesting prompt payment and potentially the eventual payment of the mediator with estate funds. While there is no formal process to remove a mediator from the court's roster, failure to comply with court requirements will limit the future referral of cases to that mediator.

Program Evaluation and Quality Control

An internally-tailored computer program and participant post-mediation surveys are used to evaluate the Orphans' Court ADR services. Court-approved mediators must satisfy the continuing education requirements set forth in Md. Rule 17-205(a)(5).

District Court- Civil

Overview of ADR Processes

Mediation and Settlement Conferences

- Day of trial mediation and settlement conferences available at the Towson and Catonsville courthouses
- ADR provided free of charge
- ADR conducted in Catonsville by seven mediators and one settlement conference attorney; in Towson by 15 mediators and seven settlement conference attorneys

Program Administration

The ADR program in the District Court in Baltimore County is administered by a regional ADR programs director who is also responsible for four other counties. Direct personnel support for all District Court ADR programs is provided by the executive director and deputy director for the District Court ADR Office as well as seven additional staff including an administrative assistant. The program operates with funding from the Maryland Judiciary and volunteer services from ADR practitioners. The process is provided at no charge to the participants.

Parties who appear for general civil cases set on a Tuesday at the Catonsville courthouse and Thursdays and Fridays at the Towson courthouse may receive day of trial ADR. Parties may engage in either mediation or settlement conference services depending upon the expertise of the ADR practitioner on a particular day. The regional ADR programs director routinely reviews and identifies cases that may be appropriate for ADR. On the day of trial, the judge reviews the identified cases and may order or refer a case to ADR. In general, all cases are appropriate for ADR except cases involving domestic violence, concurrent criminal charges, protective orders, peace orders involving assault or a weapon, or lack of capacity.

On a quarterly basis, the director of ADR roster management for the District Court ADR Office schedules ADR practitioners for day of trial mediations and settlement conferences. All

day of trial ADR sessions occur in the attorney-client conference room at the Towson courthouse and in a designated room at the Catonsville courthouse. There is no time limit for mediation or settlement conferences, although the ADR practitioner is mindful of the need to return to court to allow the parties to have their trial, if no agreement is reached through ADR. The judge has discretion to limit the time of the ADR process, or to move a morning-docketed case to the afternoon docket to allow for continuation of the mediation process.

The District Court ADR Office requires the named parties and those who have settlement authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys. Since ADR is offered on the day of trial, the participants often know very little about the process. After the explanation of the process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. The ADR practitioner receives limited case information prior to beginning the process.

The process is offered at no charge to the parties. The public may learn about ADR services through the District Court website, brochures, the District Court self-help center, posters, and information shared by the presiding judge.

Neutral Qualifications and Payment

Seven mediators and one settlement conference attorney at the Catonsville courthouse, and 15 mediators and seven settlement conference attorneys at the Towson courthouse, provide ADR services in the District Court in Baltimore County. All ADR practitioners in Baltimore County must meet the requirements established by the District Court ADR Office as detailed in the overview section of Part Three.

Program Evaluation and Quality Control

The District Court in Baltimore County follows the program evaluation and quality control practices implemented by the District Court ADR Office statewide. These practices are described earlier in the overview section of Part Three.

CALVERT COUNTY

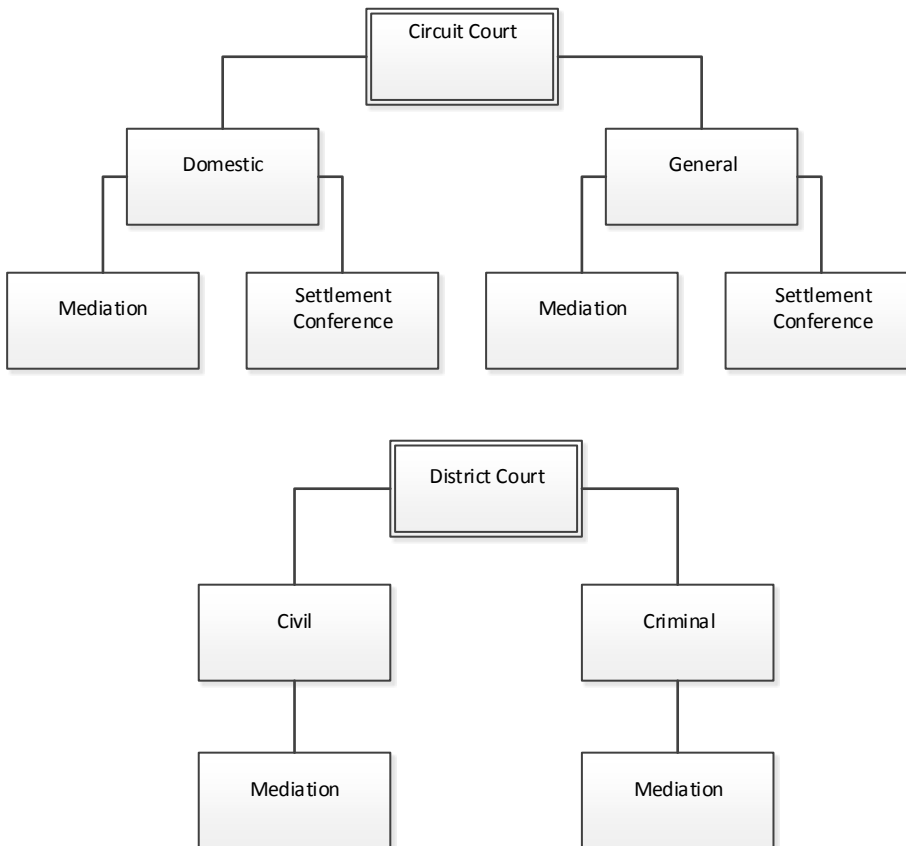
The **Circuit Court for Calvert County** started to offer mediation for domestic cases in 2000. It currently provides mediation for cases involving child access and child welfare (CINA and TPR) matters and settlement conferences for cases involving divorce and marital property issues. All court-approved child access mediators agree to conduct two pro bono mediations annually and provide mediation information at the court's Families in Transition class.

Since 2003, the **District Court in Calvert County** has operated a day of trial general civil and peace order mediation program. Both the District Court in Calvert County and the State's Attorney's Office of Calvert County partnered with the Community Mediation Center of Calvert County to offer pre-trial mediation.

Information about the ADR programs for Calvert County is available at:

- Family Services Program: <http://mdcourts.gov/clerks/calvert/familyservices.html>
- District Court ADR Program: <http://www.courts.state.md.us/district/adr/home.html>

Calvert County ADR Programs



Circuit Court- General Civil

The Circuit Court for Calvert County offers the ADR processes of mediation and settlement conferencing for general civil cases. The court determines whether and when to refer a case to ADR on a case-by-cases basis.

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediation part of the standard case management process for child access and child welfare (CINA and TPR) matters
- Mediations provided by four child access mediators and eight child welfare mediators
- A partnership with the Community Mediation Center of Calvert County provides child welfare mediations
- Fee waivers available

Settlement Conferences

- Conducted by one retired judge
- At least one party must have representation
- Cases involving marital property or divorce issues
- One 90-minute session

Program Administration

The Calvert County Circuit Court ADR program is administered by a full-time family services coordinator whose salary is funded through a Department of Family Administration, Family Services Jurisdictional Grant.

ADR is part of the standard case management process for domestic cases in Calvert County. Upon the filing of an answer in a child access case, the family services coordinator reviews the file to determine whether to refer the case to mediation. Cases involving domestic violence or issues of participant mental capacity are not ordered to mediation. The judge or master also may order litigants to child access mediation at his or her discretion. Cases involving marital property or divorce issues in which at least one party has representation may receive an order to a settlement conference by the judge or master.

CINA and TPR matters may be ordered to mediation at any point. Although most requests for mediation are made by the Department of Social Services, anyone involved in the matter may request mediation. Once referred to mediation, the family services coordinator sends an e-mail to the parties to determine the date of the mediation. The coordinator then contacts the child welfare mediators to determine their availability. Any one of the eight court-approved roster mediators and volunteer mediators from the Community Mediation Center of Calvert County may conduct child welfare mediations, which occur in the jury room of the courthouse.

The process typically involves only the named parties and their counsel. In limited circumstances, a foster parent may be included. Most child welfare cases involve one 2-hour mediation session, although more sessions may occur if needed.

The order to mediation for child access cases occurs within 60 days from the initial case filing. Parties are ordered to two 2-hour mediation sessions with one of the four court-approved roster mediators. Mediations occur in the mediator's office within the county and the parties provide direct compensation to the mediator. Parties approved for fee waivers receive up to two 2-hour mediation sessions from a court-approved mediator at no charge. The Calvert County Family Services ADR Program limits participation in mediation to the named parties, without the involvement of attorneys. On a periodic basis, child access mediators provide the family services coordinator with their availability to conduct mediations. The coordinator matches mediator characteristics with case type and availability when determining mediator assignments. A show cause order may be issued by the court if a party fails to appear for a mandatory mediation.

The 90-minute settlement conferences, conducted by one retired judge, take place at the courthouse on Tuesdays. Conferences are scheduled by the civil assignment clerk. If necessary, the court may refer the parties to a settlement conference at the Prince George's County Circuit Court. Participation in a settlement conference is limited to the parties and any attorneys. The parties provide the judge with a joint statement of marital property in advance.

In addition to the court order, parties may learn about the ADR program through the court website, attorneys, and the Families in Transition class.

Neutral Qualifications and Payment

Mediations are provided by four child access mediators, eight child welfare mediators and volunteer mediators from the Community Mediation Center of Calvert County. All mediators must satisfy the requirements of Md. Rules 9-205 and 17-205, maintain membership in the MPME, and possess liability insurance. Mediators must possess a certain amount of experience prior to acceptance onto the court's roster. The administrative judge decides whether to accept a neutral onto the court's roster. Mediators on the court's roster enter into a memorandum of agreement with the court in which they agree to accept two pro bono mediations per year and conduct presentations during the Families in Transition class. Prior to receiving a mediation referral, the neutral may be required to attend an orientation, training, evaluation, meeting, or other assembly.

The type of case determines the possible duration of the session and any fees:

Table 3.2: Calvert County- Civil Domestic: ADR Process by Cost and Duration

Type of ADR	# of Neutrals	Cost Per Session	Duration of Session
Child Welfare Mediation	8	\$70 per hour paid by the court through the family services grant	one, 2-hour session
Child Access Mediation	4	\$65 per party, per hour	up to two, 2-hour sessions
Settlement Conference	1	No charge	one, 1.5 hour session

The court provides compensation of \$70 per hour regardless of whether a child access mediation is provided by the panel mediator or the community mediation center. Individuals unable to afford the mediator fee may apply to the court for a Family Service Fee Waiver. Funds to support fee waiver requests are provided by the Department of Family, Jurisdictional Grant through the Maryland Administrative Office of the Courts.

Program Evaluation and Quality Control

At the conclusion of the mediation, the mediator completes a status sheet and the participants receive evaluation forms. No evaluation or quality control measures are used for settlement conferences. All mediators must meet the continuing education requirements of Md. Rule 17-205(a)(5) and the MPME.

District Court- Civil

Overview of ADR Processes

Mediation

- Day of trial mediation available on Tuesday mornings and peace order mediation on Monday mornings
- Judge has discretion to refer cases to mediation
- Pre-trial mediation provided by the Community Mediation Center of Calvert County
- Mediations provided by 27 volunteer mediators, all affiliated with the Community Mediation Center of Calvert County
- Mediation free of charge

Program Administration

The ADR Program in the District Court for Calvert County is administered by a regional ADR programs director who is also responsible for three other counties. Additional personnel support for the program is provided by the executive director and deputy director of the District Court ADR Office as well as seven additional staff including an administrative assistant. The program operates with funding from the Maryland Judiciary, volunteer services from ADR practitioners, and a partnership with the Community Mediation Center of Calvert County.

Day of Trial

Parties with general civil cases in the District Court in Calvert County may receive mediation services on Tuesday mornings and peace order mediation on Monday mornings. In general, all cases are appropriate for ADR except cases involving domestic violence, concurrent criminal charges, protective orders, peace orders involving assault or a weapon, or lack of capacity. The judge has the discretion to determine which cases are referred or ordered to mediation. Mediation is part of the court's standard case management process.

On a quarterly basis, the director of ADR roster management for the District Court ADR Office schedules volunteers for day of trial mediations. All day of trial mediations occur in the attorney-client meeting room at the District Court in Calvert County. There is no time limit for mediation, although the mediator is mindful of the need to return to the courtroom to allow the parties to have their trial, if no agreement is reached in mediation. The judge also may limit the time of a mediation session or move a case from the morning to the afternoon docket to allow the mediation process to continue.

The District Court ADR Office requires the named parties and those who have settlement authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys. Since mediation is offered on the day of trial, the participants often know very little about the process. After the explanation of the process by the mediator, the parties may decide to conclude the process or continue with mediation. The mediator receives limited case information prior to beginning the process.

Pre-trial

A volunteer from the Community Mediation Center of Calvert County and the court clerk review the civil docket six weeks prior to the trial date to identify cases for pre-trial mediation. Selected cases are referred to the community mediation center for pre-trial mediation. Pre-trial mediations occur at locations throughout the county convenient to the parties.

A co-mediation model is used for both day of trial and pre-trial mediations. In all instances, mediation is provided at no charge to the parties. The public may learn about ADR services through the District Court website, brochures, the District Court self-help center, posters, and information shared by the presiding judge.

Neutral Qualifications and Payment

Mediations are provided by 27 mediators, all of whom are affiliated with the Community Mediation Center of Calvert County. All mediators in Calvert County must meet the requirements established by the District Court ADR Office as detailed in the overview of Part Three of this report.

Program Evaluation and Quality Control

The District Court in Calvert County follows the program evaluation and quality control practices implemented by the District Court ADR Office statewide. These practices are described earlier in the overview section of Part Three.

District Court- Criminal

Overview of ADR Processes

Mediation

- Mediations provided by the Community Mediation Center of Calvert County
- Voluntary mediations provided at no charge
- Attorney involvement permitted

Program Administration

The Calvert County State's Attorney's Office has partnered with the Community Mediation Center of Calvert County to offer mediation for criminal cases in Calvert County. Mediation is available through the involvement of the State's Attorney's Office mediation coordinator and volunteer community mediators. The Community Mediation Center of Calvert County conducts all intake and mediation services at no cost to the District Court, the State's Attorney's Office, or the participants. No direct funding exists to support the criminal mediation services in Calvert County.

Initially, a State's Attorney's Office staff member reviews cases to determine their suitability for mediation. All cases involving domestic violence, assault, or an incarcerated individual or juvenile are not appropriate for mediation. Referrals to mediation may occur at any point prior to the trial date. After the referral, the mediation coordinator contacts the victim to explain mediation and determine his or her willingness to mediate. If the victim agrees to participate in mediation, the State's Attorney's Office sends a mediation invitation letter to the defendant and defendant's attorney. If both parties agree, the community mediation center receives a copy of the charging documents and party information.

All mediations occur at the courthouse. Mediations are scheduled for one 2-hour session, although more sessions can be scheduled if necessary. Most mediations occur within three weeks from the date of the referral to community mediation and conclude prior to the trial date. All parties must agree on who may attend the mediation. Although attorneys are permitted to participate, they rarely do. In all instances the process is voluntary.

Neutral Qualifications and Payment

The Calvert County State's Attorney's Office does not require any specific training or mediator assignment practices for the Community Mediation Center of Calvert County mediators. The Community Mediation Center of Calvert County maintains responsibility for the

approval of all mediators on its roster as well as the scheduling and assignment of its mediators. Like all other community mediation centers, the Community Mediation Center of Calvert County relies upon volunteer mediators and uses a co-mediation model.

Program Evaluation and Quality Control

The Community Mediation Center of Calvert County employs the same evaluation and quality assurance practices for criminal mediations as it uses for all mediation services. Such practices include participant evaluations, a co-mediation model, mediator self-evaluation and debriefing sessions, and an assessment and certification processes. The Calvert County State's Attorney's Office does not require any specific evaluation or quality control practices.

CAROLINE COUNTY

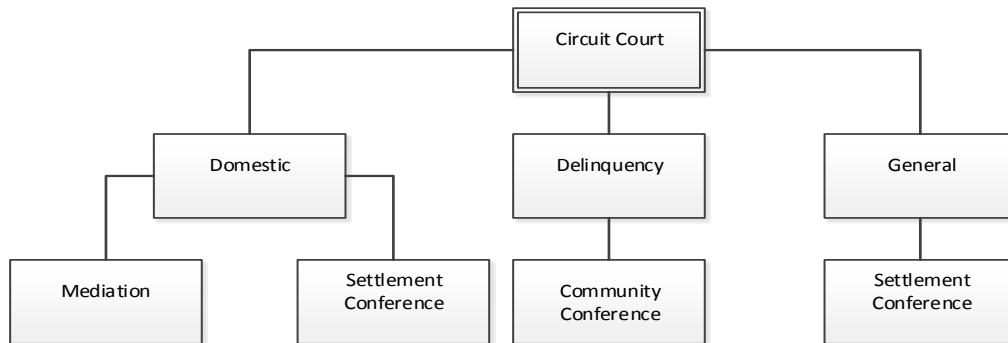
Parties involved in general civil and domestic litigation in the **Circuit Court in Caroline County** may engage in a settlement conference conducted by a retired judge. In 2000, Caroline County began to offer mediation for child access and marital property cases and expanded its services to include child welfare (CINA and TPR) matters in 2013. Mandatory child access mediation is initially available on the day of trial or hearing. Parties unavailable on the day of trial or hearing receive an order for mediation at a later date with either a court-approved roster mediator or community mediation mediator (for self-represented litigants in child access cases). Voluntary mediation for child welfare and marital property cases is provided by a roster of mediators.

The **Department of Juvenile Services** partnered with Mid-Shore Pro Bono, Inc. to provide community conferencing for juvenile cases in five Eastern Shore counties in 2012. Conferencing has commenced in Dorchester County, Talbot County, and Queen Anne's County and will expand to include Caroline and Kent counties in 2013.

Information about the ADR programs for Caroline County is available at:

- Family Services Program-
<http://www.courts.state.md.us/circuit/caroline/family.html>

Caroline County ADR Programs



Circuit Court- General Civil

Overview of ADR Processes

Settlement Conferences

- Conferences provided by one retired judge
- Available for all types of general civil cases
- Conferences occur on two non-consecutive Thursdays per month
- Provided at no charge to the parties

Program Administration

Settlement conferences are part of the standard case management process for general civil cases in Caroline County. During the scheduling conference, the judge and clerk will set the settlement conference for six to eight weeks after the discovery deadline. The conferences, conducted by a retired judge on two non-consecutive Thursdays per month, take place in the jury room at the courthouse. All parties and party representatives must participate in the settlement conference. A total of four to five cases are scheduled during the 10:00am-12:30pm time frame. If no agreement is reached during the settlement conference a trial is set for matter approximately two to three months later. The service is provided at no fee to the parties.

Neutral Qualifications and Payment

The retired judge conducting the settlement conferences receives a per diem rate from the Judiciary for his/her services.

Program Evaluation and Quality Control

The court imposes no continuing education requirements for judges conducting settlement conferences. No evaluation is used for settlement conferences.

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Offered for child access, marital property, and child welfare (CINA and TPR) cases
- Mandatory child access mediation and voluntary marital property and child welfare mediation
- Court approved roster of 14 mediators provide mediation for represented parties at a rate of \$100 per party, per session
- Mid-Shore Community Mediation Center provides day of trial or hearing mediation and mediations for self-represented litigants in child access cases

Settlement Conferences

- Conferences provided by one retired judge
- Available for all types of domestic cases
- Conferences occur on two non-consecutive Thursdays per month
- Provided at no charge to the parties

Program Administration

ADR services in the Caroline County Circuit Court are administered by one full-time family support services coordinator who devotes part of his time toward ADR-related activities.

A Department of Family Administration, Family Services Jurisdictional Grant funds the coordinator's salary and Caroline County government covers expenses associated with any employee benefits. No funding source exists to provide fee waivers. Therefore, self-represented litigants in child access cases in Caroline County receive free mediation services from the Mid-Shore Community Mediation Center. The court received a conflict resolution grant from MACRO to support the development of the child welfare program.

Settlement conferences and mediation are part of the standard case management process for child access and marital property cases in Caroline County. With the exception of cases involving domestic violence or mental illness, the court assumes all cases are appropriate for mediation. During the scheduling conference, the master screens cases and makes a referral to a settlement conference or both settlement conference and mediation. A referral to mediation may also occur after the scheduling conference and must conclude prior to the date set for the settlement conference.

Settlement conferences are set six to eight weeks after the discovery deadline. The conferences, conducted by a retired judge on two non-consecutive Thursdays per month, take place in the jury room at the courthouse. All parties and party representatives must participate in a settlement conference. A total of four to five cases are scheduled during the 10:00am-12:30pm time frame. If no agreement is reached during the settlement conference a trial is set for matter approximately two to three months later. The service is provided at no fee to the parties.

Parties referred to mediation receive basic information about the mediation process at the time of the referral. Participation in mediation for child access cases is mandatory. Mediation for marital property and child welfare cases is voluntary for the litigants.

Caroline County, like Baltimore City, offers litigants in child access cases the opportunity to receive free mediation services on the day of trial. Four volunteer mediators provide the day of trial mediations. If no mediator is available, or the parties cannot mediate on the day of trial, then an order for mediation at a later date is issued.

Fourteen court-approved roster mediators provide mediations for marital property cases and represented parties in child access cases. All mediators, with the exception of the community mediators, use a single mediator model. Self-represented litigants in child access matters receive an order for mediation with Mid-Shore Community Mediation Center. All day of trial and roster-mediator mediations occur at the courthouse or at a nearby community office. Mid-Shore Community Mediation Center conducts mediations at a time and place convenient for the parties at places throughout the county. Regardless of the provider, all mediations involve two 2-hour sessions although many day of trial or hearing mediations conclude in one session.

The child welfare mediation program, administered by the court in partnership with the Caroline County Department of Social Services, began in 2013. To date mediation has been used exclusively for termination of parental rights matters, although the court supports the use of mediation at all stages of the child welfare process. Any person or party representative may request mediation. Typically child's counsel, parents' counsel, and Department of Social Services counsel will file a joint motion to the court requesting mediation and stating the reason

for its benefits in the particular case. The court then rules on the motion. If approved, mediation will be ordered by the court. All counsel work together to coordinate possible dates for the mediation prior to contacting one of the court-approved roster mediators.

Child welfare mediations are initially scheduled for one or two, two-hour mediation sessions. Additional sessions may be scheduled upon agreement of the parties. To promote the neutrality of the process, mediations purposefully take place at a location other than the Department of Social Services. Mediations typically take place in the Orphans' courtroom of the courthouse when the Orphans' Court is not in session. The parents and any counsel participate in the mediation session. When appropriate, pre-adoptive parents may also engage in the process. The child welfare mediation program is still in development. The mediator is paid by the court from the funds provided by the development grant. Set rates for mediator compensation and a full roster of mediators has not been finalized.

In advance of the mediation, the court provides the mediator with background information about the parties. Counsel for the Caroline County Department of Social Services will provide the mediator with basic information regarding the status of the case and the names of the participants. Information about the court's mediation services is available through brochures, videos, the court's website, and at local libraries and other referral agencies.

Neutral Qualifications and Payment

Mediators on the court roster must meet all the requirements set forth in the court rules and receive \$100 per party, per session for two 2-hour mediation sessions. There is no formal process to remove a neutral from the program, although the family support services coordinator will contact the mediator if any concerns are raised by a participant. If a party fails to compensate the mediator for services provided, the court may issue an order requiring payment.

Mediators from the Mid-Shore Community Mediation Center also must meet all of the qualifications of the Maryland Rules as the training requirements for community mediators. Mid-Shore mediators receive no compensation from the parties or the court in return for their mediation services.

The retired judge conducting the settlement conferences receives a per diem rate from the Judiciary for his/her services.

Program Evaluation and Quality Control

The Circuit Court for Caroline County does not utilize any additional evaluation or quality assurance practices for the roster mediators beyond enforcement of the continuing education requirements of Md. Rule 17-205(a)(7). The court imposes no continuing education requirements for judges conducting settlement conferences. No evaluation is used for settlement conferences.

Mediations conducted by the community mediation center use the center's evaluation and quality assurance practices. Although not required by the court, the Mid-Shore Community

Mediation Center utilizes a variety of evaluation and quality control practices for its mediations. At the conclusion of a mediation session, parties complete a participant evaluation form and co-mediators conduct a self-evaluation and debriefing session. In addition, mediators must complete specific continuing education requirements and may participate in an assessment and certification process.

The Caroline County Circuit Court is developing a voluntary child welfare (CINA and TPR) mediation program in cooperation with Talbot County and other Mid-Shore Family Services Programs. Mediators will be required to complete a 20-hour child welfare mediation training in addition to meeting all of the requirements to conduct child access mediations. The court will set rates for mediator compensation.

CARROLL COUNTY

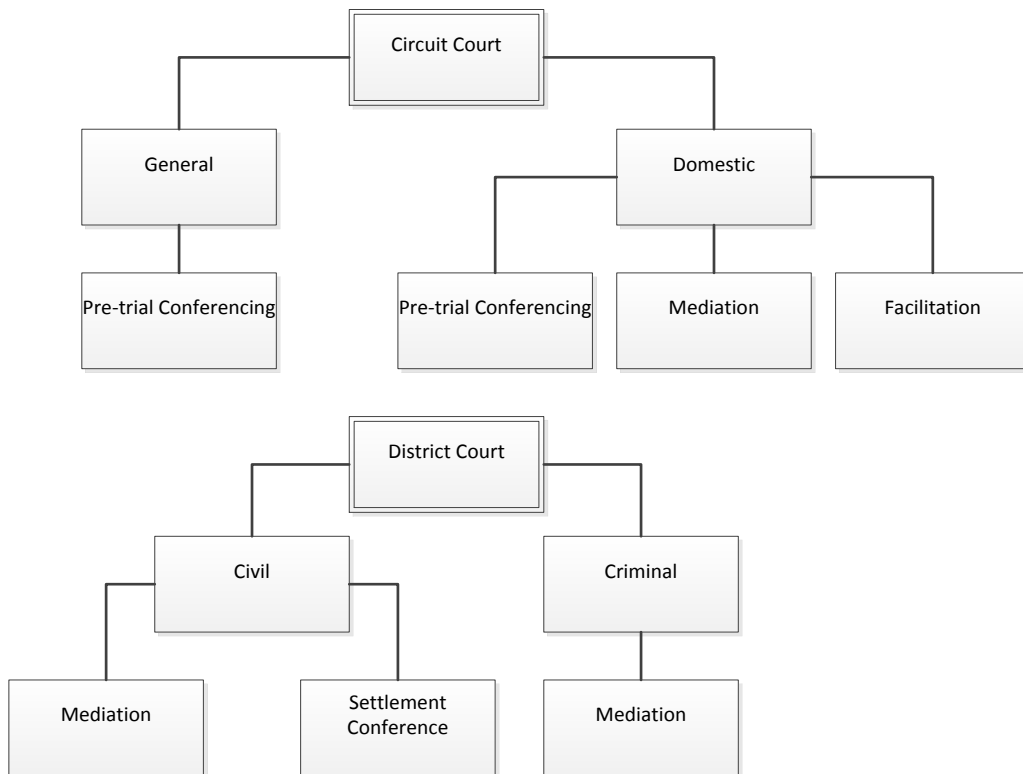
Litigants in the **Circuit Court for Carroll County** can engage in a variety of ADR processes. Starting in 1992, the court began providing mediation for child access cases. The court now offers day of trial or hearing facilitation, mediation and settlement conferencing for child access cases. Mediation and settlement conferencing are also available for cases involving marital property and child welfare issues. A partnership with the Carroll County Community Mediation Center provides free mediation services for parties with limited financial means.

The **District Court in Carroll County** has offered a day of trial mediation and settlement conference ADR program since 2004. Since 2007, the Carroll County State's Attorney's Office has partnered with the Carroll County Community Mediation Program to provide mediation for criminal cases in the District Court for Carroll County.

Information about the ADR programs for Carroll County is available at:

- Family Services Program:
<http://www.courts.state.md.us/clerks/carroll/family.html>
- District Court ADR Program:
<http://www.courts.state.md.us/district/adr/home.html>
- Carroll County State's Attorney's Office Mediation Program:
<http://ccgovernment.carr.org/ccg/stateatt/mediate.htm>

Carroll County ADR Programs



Circuit Court- General Civil

Overview of ADR Processes

Pre-trial Conferences

- Provided by 81 settlement officers
- Pre-trial conferences are free to the parties; settlement officers receive \$80 from the court
- One 3-hour session

Program Administration

The deputy court administrator at the Circuit Court for Carroll County is responsible for administering the court's ADR program. Funding for the deputy court administrator's salary is provided by Carroll County. Pre-trial conferencing, part of the court's standard case management process, is the only ADR process available for civil general cases in Carroll County.

Judges, masters, attorneys, the deputy court administrator, and the mediation coordinator may all refer a case to settlement conferencing. Pre-trial conferences occur one month prior to the date of trial. All conferences take place at the courthouse on Fridays. Each conference may last up to three hours. Parties may continue the conference beyond the three hours by reaching fee agreement with the officer or by the settlement officer agreeing to continue without a further fee. Parties may also elect to split the three-hour limit between two sessions. The appropriateness of participation by someone other than the named parties is determined by the settlement officer.

One of the court's 81 settlement officers conducts pre-trial conferences. Settlement officers are assigned to a case based upon their area of expertise.

Table 3.3: Carroll County- Circuit Court, General Civil: Case Type and Number of Settlement Officers

Area of Expertise	# of settlement officers
Business disputes/contracts	15
Malpractice	7
Motor vehicle negligence	19
Product/general liability negligence	17
Real estate	9
Worker's compensation	9
Zoning	5

Settlement conferences are offered at no charge to the litigants. Participants learn about pre-trial conferences through the court's website, attorneys, and brochures.

Neutral Qualifications and Payment

There is no formal application for settlement officers in Carroll County. To get listed on the court-approved roster of settlement officers, an individual attorney must make a formal request of the administrative judge. The decision whether to accept a settlement officer falls within the judge's discretion. Settlement officers receive \$80 per hour from the county for their services.

Program Evaluation and Quality Control

At the conclusion of a pre-trial conference the settlement officer completes a "Pre-trial Conference Disposition Sheet" and returns it to the court. Settlement officers do not have any continuing education requirements. The deputy court administrator monitors the outcomes of pre-trial conferences as a method of monitoring the program's effectiveness.

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Available for child access, marital property, and child welfare (CINA and TPR) mediations
- Court-approved roster of seven child access mediators and six child welfare mediators
- Mediators receive \$150 per party, per session for child access and marital property mediations
- Free mediation services provided by Carroll County Community Mediation Center

Pre-trial Conferences

- Conducted 37 settlement officers
- Settlement officers receive \$80 per hour for up to three hours
- Free to the parties

Facilitation

- Conducted by two staff and one Carroll County Community Mediation Center volunteers
- Occur on the day of trial
- Free to the parties

Program Administration

The Family Services ADR Program in Carroll County is administered by a full-time family law administrator and a mediation coordinator. The deputy court administrator also assists the program by scheduling settlement conferences. A Department of Family Administration, Family Services Jurisdictional Grant funds the staff salaries. Carroll County government

supports staff benefits. The program also receives free services from the Carroll County Community Mediation Center.

ADR is part of the standard case management process in Carroll County. Most domestic cases are assigned to one of three ADR processes (mediation, pre-trial conference, or facilitation) at the scheduling conference. Judges, masters, attorneys, the family law administrator, and the mediation coordinator may all refer cases to ADR. Litigants in cases involving child access issues may receive a referral to mediation, facilitation, and/or a pre-trial settlement conference. Mediation is also available for cases involving marital property and child welfare (CINA and TPR) matters. Pre-trial conferencing is available for both marital property and child access cases.

A total of seven court-approved roster mediators provide marital property and child access mediations. If one or more parties cannot afford the services of the roster mediator and qualifies for a waiver of mediator fees, the case will be referred to the Carroll County Community Mediation Center for free mediation services. Six mediators are approved by the court to provide co-mediations for child welfare cases. Parties may request a specific mediator or the mediation coordinator will assign mediators taking into account case characteristics and the mediator’s experience and mediation style.

Child access mediations provided by a roster mediator occur at the courthouse or at one of the attorney’s offices. Mediations conducted by the Carroll County Community Mediation Center occur at locations throughout the community convenient to the parties. Most mediations begin within one month of the scheduling conference and may consist of up to four sessions. In most instances only the named parties may participate in the mediation process. Participation of attorneys is only permitted when both sides have counsel. The three-hour child welfare mediation takes place at the courthouse or in the office of the county attorney.

One of the court’s 37 settlement officers may conduct the three-hour pre-trial conference. Parties may continue the conference beyond the three hours by reaching fee agreement with the officer or by the settlement officer agreeing to continue without a further fee. Parties may also elect to split the three-hour limit between two sessions. Settlement officers are assigned to a case based upon their areas of expertise.

Table 3.4: Carroll County- Circuit Court, Domestic: Case Type and Number of Settlement Officers

Area of Expertise	# of Settlement Officers
Domestic	26
Estates, trusts, and wills	7
Termination of parental rights	4

Pre-trial conferences take place at the courthouse on Fridays one month before the trial dates. One volunteer from the Carroll County Community Mediation Center and two staff from the court’s Family Law Administration provide same-day child access facilitations. Facilitations also occur at the courthouse and may take place on any day when a facilitator is present. Most parties either conclude the facilitation the same day or arrange for the conversation to continue at a mediation session on a later date. Pre-trial conferences and facilitations are provided at no charge to the parties.

Litigants learn about the court’s ADR services through the court’s website, brochures, attorneys, and at the scheduling conference. Staff from the Family Law Administration provide information about the program at various speaking engagements and may receive direct inquiries from parties. To increase awareness of the process, the court distributes information about mediation before the mediation. The litigants receive a document that explains the process of domestic mediation and the Family Law Administration’s mediation rescheduling and cancellation policy. Attorneys are sent instructions describing their responsibility to their client in a mediation process.

Neutral Qualifications and Payment

All mediators listed on the Carroll County Circuit Court roster must satisfy the requirements of the court rules and enroll in the MPME. The Family Law Administrator approves new mediators and may remove a neutral pursuant to Md. Rule 17-207(a)(7) for unethical practices or the unauthorized practice of law. There is no formal application for settlement officers in Carroll County. All settlement officers must be attorneys and make a request of the administrative judge to be listed on the court-approved roster of settlement officers. The judge may accept an attorney onto the court’s roster at his or her discretion.

Table 3.5: Carroll County- Circuit Court, Domestic: ADR Process by Cost and Duration

Type of Process	# of Neutrals	Cost Per Session	Duration of Session
Child Welfare Mediation	7	\$100 per hour, paid by the court	one, 3-hour session
Child Access Mediation	7	\$150 per party, per session	two, 2-hour sessions
Marital Property Mediation	7	\$150 per party, per session	two, 2-hour sessions
Carroll County Community Mediation Center		No charge	one, 2-hour session
Pre-trial Conference	37	\$80 per hour, paid by the court	up to one, 3-hour session
Facilitation	2 staff, 1 community mediation volunteer	No charge	1 hour

If the parties fail to pay a mediator, the court compensates the mediator for the cost of the first session. Although rarely necessary, the court may issue a show cause hearing or civil contempt order if a party does not pay the mediation fee.

Program Evaluation and Quality Control

At the conclusion of the mediation, the participants complete a “Confidential Mediation Participant Survey.” The Family Law Administration often reviews the written agreements developed during mediations. In Carroll County the lawyers and participants will provide direct feedback to the mediators. Settlement officers complete a “Pretrial Conference Disposition Sheet.” The deputy court administrator tracks court settlements as a quality control practice. Parties who receive services from the Carroll County Community Mediation Center complete the Center’s participant evaluation form.

All mediators must satisfy the continuing education standards established in Md. Rule 17-205(a)(5) and the annual requirements of the MPME. The family law administrator and mediation coordinator meet with all new mediators and hold quarterly meetings with mediators to discuss program issues and new training methods. There is no continuing education requirement for settlement officers. All facilitators are also mediators and therefore complete the continuing education requirements for mediators.

District Court- Civil

Overview of ADR Processes

Mediation and Settlement Conferences

- Day of trial mediation and settlement conferences
- Parties may elect to participate in ADR following an explanation on the day of trial
- ADR provided by five mediators and four settlement conference attorneys
- ADR available at no charge

Program Administration

The ADR Program in the District Court in Carroll County is administered by a regional ADR programs director who is also responsible for four other counties. Direct personnel support for all District Court ADR Programs is provided by the executive director and deputy director for the District Court ADR Office as well as seven additional staff including an administrative assistant. The program operates with funding from the Maryland Judiciary and volunteer services from ADR practitioners.

Parties with general civil cases in the District Court in Carroll County may receive ADR services on Mondays and on the first Friday morning of the month, as part of the court’s standard case management process. Parties may engage in mediation or a settlement conference depending upon the ADR practitioner volunteer on a particular day. As a method of educating parties about the process, the court plays a video that explains the expectations and guidelines for ADR prior to the start of the docket. At the conclusion of the video the bailiff asks if any parties would like to participate in ADR. If all parties agree, the case will be referred to ADR. In addition, the presiding judge has discretion to refer cases to ADR. In general, all cases are

appropriate for ADR except cases involving domestic violence, concurrent criminal charges, protective orders, peace orders involving assault or a weapon, or lack of capacity.

On a quarterly basis, the director of roster management for the District Court ADR Office schedules volunteer ADR practitioners for day of trial mediations and settlement conferences. All day of trial ADR occurs in the attorney-client rooms or a court conference room in the courthouse. There is no time limit for the ADR process, although the ADR practitioner remains mindful of the parties' need to return to the courtroom to allow the parties to have their trial, if no agreement is reached through ADR. The judge may also limit the time of the session or postpone the case to allow the ADR process to continue.

The District Court ADR Office requires the named parties and those who have settlement authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys. Since ADR is offered on the day of trial, the participants often know very little about the process. After the explanation of the process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. The ADR practitioner receives limited case information prior to beginning the process.

The process is offered at no charge to the parties. The public may learn about ADR services through the District Court website, brochures, the District Court self-help center, posters, and information shared by the presiding judge.

Neutral Qualifications and Payment

ADR services in the District Court in Carroll County are provided by five mediators and four settlement conference attorneys. All ADR practitioners in Carroll County must meet the requirements established by the District Court ADR Office as detailed in the overview of Part Three of this report.

Program Evaluation and Quality Control

The District Court in Carroll County follows the program evaluation and quality control practices implemented by the District Court ADR Program statewide. These practices are described earlier in the overview section of Part Three.

District Court- Criminal

Overview of ADR Processes

Mediation

- Mediations provided by the Carroll County Community Mediation Center
- Mediation part of the standard case management process
- Most cases referred to mediation prior to being assigned to a prosecutor
- Voluntary mediations provided at no charge

Program Administration

The Carroll County State's Attorney's Office began offering mediation for criminal cases in the District Court for Carroll County in 1997. In 2007, the State's Attorney's Office formed a partnership with the Carroll County Community Mediation Center. The community mediation center conducts all intake and mediation services at no cost to the District Court, the State's Attorney's Office, or the participants. No direct funding exists to support the criminal mediation services in Carroll County.

Mediation is part of the standard case management process for criminal cases. Initially a State's Attorney's Office staff member reviews complaints filed through the Commissioner's Office or detailed in a police report. To determine if mediation is appropriate, the program director reviews the defendant's criminal report and excludes cases that involve felony charges, domestic violence, or involvement of a juvenile (except for destruction of property). In addition to the program director, any attorney or the Office of the Public Defender may refer a case to mediation. Typically referrals to mediation occur before the case is assigned to a prosecutor within the State's Attorney's Office.

The State's Attorney's Office sends the parties a letter offering mediation. The Carroll County Community Mediation Center receives the referral information from the State's Attorney's Office and contacts the parties to conduct intake and schedule the mediation. Mediations occur at the District Court or at the Carroll County Community Mediation Center. Mediations are scheduled for one 2-hour session although more sessions may occur if necessary. Most mediations occur within three weeks from the date of the referral to community mediation and must conclude prior to the trial date. The victim and accused must participate in the mediation session. Neither the prosecutors nor any other attorneys may engage in the process. In all instances the process is voluntary.

Participants learn about the mediation program from local defense attorneys, judges, and the State's Attorney's Office website. A brochure about mediation accompanies the mediation invitation letter from the State's Attorney's Office. In addition, the program director remains available to answer questions.

Neutral Qualifications and Payment

The Carroll County State's Attorney's Office does not require any specific training or mediator assignment practices for the Carroll County Community Mediation Center. The Center maintains responsibility for the approval of all mediators on its roster as well as the scheduling and assignment of its mediators. The Center relies upon volunteer mediators and uses a co-mediation model. The Carroll County Community Mediation Center has a formal process for discontinuing the services of a volunteer mediator.

Program Evaluation and Quality Control

At the conclusion of the mediation, participants complete an evaluation. Once the case is closed, the victim receives a post-mediation evaluation form. In addition, the program

coordinator contacts participants four months after the mediation to monitor the status of the agreement. As an additional quality assurance practice, the program coordinator occasionally observes mediations. Similar to other community mediation centers, the Carroll County Community Mediation Center also employs a variety of quality control practices such as co-mediation, mediator self-evaluation and debrief, and assessment and certification processes. All community mediators must maintain membership in the MPME.

CECIL COUNTY

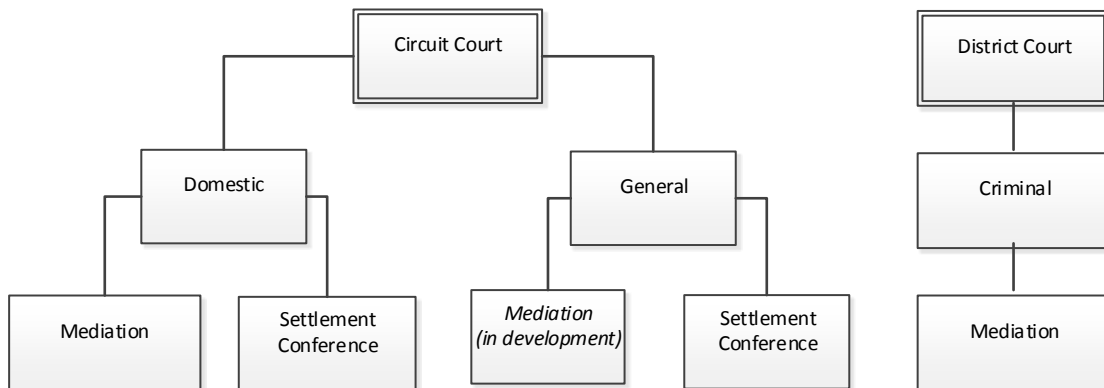
The **Circuit Court for Cecil County** has conducted settlement conferences for civil and domestic cases since 1987. In 1998 the court began to offer mediation for certain types of domestic cases. From 2009-2011, the domestic ADR program included neutral case evaluation. Currently, the program provides mediation for child access, marital property, and child welfare matters and settlement conferences for marital property cases. Cecil County mandates mediation as part of its standard case management process for child access and child support cases.

The **Office of the State's Attorney for Cecil County** began to offer mediation for appropriate District Court level criminal cases through a partnership with Community Mediation Upper Shore in 2005.

Information about the ADR programs for Cecil County is available at:

- Family Services Program: <http://www.courts.state.md.us/clerks/cecil/family.html>
- Office of the State's Attorney Mediation Unit: <http://www.ccgov.org/sao/mediation.html>

Cecil County ADR Programs



Circuit Court- General Civil

Overview of ADR Processes

Mediation

- Considering the development of a general civil mediation program

Settlement Conferences

- Conducted by one retired judge
- One 20-30 minute session on Wednesdays

Program Administration

Civil settlement conferences are part of the standard case management process for general civil cases in Calvert County. Once a complaint and answer is filed, the court routinely sets all general civil cases for a settlement conference within the scheduling order.

The 20-30 minute settlement conferences, conducted by one retired judge, take place in the hearing rooms at the courthouse on Wednesdays at least twice per month. The judge conducts conferences from 10:00am – 4:00pm, although the number of cases on a particular day varies. Participation in a settlement conference is limited to the parties and any attorneys. The parties provide the judge with a pre-trial statement in advance of the settlement conference. Settlement conferences are provided at no charge to the parties.

Neutral Qualifications and Payment

One retired judge provides settlement conferences for non-domestic cases on designated dates. Retired judge receives a per diem from the Judiciary for his services.

Program Evaluation and Quality Control

The court imposes no continuing education requirements for judges conducting settlement conferences, although the judge does attend continuing education trainings. No evaluation is used for settlement conferences.

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediation part of the standard case management process for child access and child support matters and available for child welfare (CINA and TPR) and marital property cases
- Mediations provided by five domestic mediators and one child welfare mediator
- Mediators receive \$100 per hour for a two-hour mediation session
- Fee waivers available

Settlement Conferences

- Available for domestic cases
- Retired judge conducts most of the marital property cases and the master conducts the majority of other domestic cases
- One 20-30 minute session on Monday or Wednesday

Program Administration

The Family Services ADR Program in Cecil County is administered by a full-time family support services director who devotes part of her time to ADR-related activities. Funding for the ADR program, including the provision of fee waivers, is provided through a Department of Family Administration, Family Services Jurisdictional Grant. The Circuit Court for Cecil County uses the ADR process of mediation and settlement conferencing. Although available, the court rarely refers any cases to neutral case evaluation.

Mediation is mandated as part of standard case management for child access and child support cases and is voluntary for marital property and child welfare cases. A master or judge reviews the case and may issue an order for mediation or settlement conferencing at the scheduling conference. An attorney or party may request mediation prior to the scheduling conference. Marital property and child welfare mediations require the agreement of all parties prior to the issuance of an order for mediation. In general, all cases, except those involving domestic violence or a high level of conflict, are appropriate for mediation and settlement conferencing. Unless an attorney requests a particular neutral, the family support services coordinator checks for any conflicts of interest and assigns a mediator to a case. Most mediation sessions have only one mediator, but a co-mediation model has been used in very high conflict situations.

A master conducts the settlement conferences on Mondays and Wednesdays and every other Wednesday a judge is available to provide settlement conference services for domestic cases with property issues. Settlement conferences occur in the hearing rooms at the courthouse at least twice a month. The number of conferences scheduled per day depends upon the master's schedule of other hearings on a particular day. Settlement conferences typically last 20-30 minutes. If a party has retained counsel then the attorney participates in the settlement conference. The parties in marital property matters submit a pre-trial statement to the settlement conference judge. All settlement conferences are conducted at no charge to the parties.

Mediation sessions occur at the courthouse in the mediation conference room or at the mediators' offices. Initially scheduled for one 2-hour session, mediations may continue with the agreement of all participants. The court limits participation in child access mediations to the named parties. Attorneys may participate in marital property mediations. Regardless of the process, the parties must complete the process within 60 days from the date of the order.

In addition to information in the court order for mediation, litigants can learn about the ADR process through the court's website, brochures, and posters. Any party who inquires about mediation prior to the filing of a case will be directed to the court-approved roster of neutrals and the local community mediation center.

Neutral Qualifications and Payment

Mediations are provided by five child access and marital property mediators and one child welfare mediator. All mediators must satisfy the requirements of the court rules prior to final approval by the court's administrative judge. New mediators on the court's roster will

observe experienced mediators prior to conducting a mediation session. A neutral may be removed from the roster pursuant to Md. Rule 17-207(a)(7).

Table 3.6: Cecil County- Circuit Court, Domestic: ADR Process by Cost and Duration

Type of Mediation	# of Neutrals	Cost Per Session	Duration of Session
Child Welfare	1	\$100 (paid by the Cecil County Department of Family Services)	one, 2-hour session
Child Access	5	\$100 per hour, split between the parties	one, 2-hour session
Marital Property	5	\$100 per hour, split between the parties	one, 2-hour session

Individuals who cannot afford the mediator fee may apply to the court for a Family Service Fee Waiver. Funds to support fee waiver requests are provided by the Department of Family Administration, Family Services Jurisdictional Grant. With the exception of child welfare mediations, for which the mediator receives payment from the Cecil County Department of Social Services, parties compensate the mediator directly. Failure to pay the mediator has never been a problem in Cecil County, although if the need arises the mediator may seek court assistance to enforce the payment of an invoice.

Retired judges and masters conducting settlement conferences receive a per diem rate from the Judiciary for their services. Sitting masters receive no additional compensation from the court or the parties for their services.

Program Evaluation and Quality Control

The court occasionally asks parties to complete a post-mediation evaluation form, but the form is rarely returned to the court. The participants may contact the family support services coordinator with any concerns about the ADR process or provider. In such instances, the coordinator will address the issue with the mediator and may observe his or her next mediation.

For quality assurance, the family support services coordinator observes all new mediators. In addition, all mediators must fulfill the continuing education requirements set forth in Md. Rule 17-205(a)(5). Although not required by the court, most mediators maintain membership in the MPME.

The court imposes no continuing education requirements for the judge or master conducting the settlement conferences. No evaluation is used for settlement conferences.

District Court- Criminal

Overview of ADR Processes

Mediation

- Co-mediation provided by 30 mediators and three staff from Community Mediation Upper Shore
- Cases referred to mediation before the preliminary hearing and after the issuance of the summons
- Voluntary mediations provided at no charge

Program Administration

The Cecil County State's Attorney's Office has partnered with Community Mediation Upper Shore to offer mediation for criminal cases in the District Court in Cecil County. Mediation services are administered by a full-time executive director and two part-time intake coordinators at Community Mediation Upper Shore. Staff within the State's Attorney's Office also assist with the program. Community Mediation Upper Shore provides all mediation services at no cost to the District Court, State's Attorney's Office, or the participants. A Conflict Resolution Grant from MACRO to Community Mediation Upper Shore supports the criminal mediation program.

Mediation is integrated into the standard case management process in the District Court in Cecil County. Every two weeks, one of Community Mediation Upper Shore's intake coordinators reviews the case filings at the Cecil County State's Attorney's Office. Appropriate cases for referral to mediation typically include misdemeanors and instances in which the participants have a relationship with each other. All cases are pre-screened by the State's Attorney's Office so that a referral may occur after the issuance of a summons and before a preliminary hearing. Cases involving felonies, crimes of violence, and repeat offenders are not referred to mediation.

If a case is appropriate for mediation, the State's Attorney's Office provides Community Mediation Upper Shore with a referral sheet containing the parties' names and any existing relationships between them (e.g., siblings). The community mediation center subsequently sends a letter to the parties on behalf of the State's Attorney's Office offering voluntary mediation for the dispute. If all parties agree, the mediation will be scheduled at a time and place convenient to the parties at various locations throughout the county, including the Cecil County Family Court conference room. Cases involving peace orders or protective orders always occur at the courthouse. Initially scheduled for one 2-hour mediation session within one month from the date of referral, multiple mediation sessions can be scheduled if necessary. All parties must agree on who can attend the mediation, but generally attorneys do not participate.

The participants learn about the court's mediation services through the letter sent by Community Mediation Upper Shore, brochures, the judge or State's Attorney, or the court's website. In all instances the process is voluntary and free.

Neutral Qualifications and Payment

Thirty volunteer mediators and three staff from the community mediation center conduct co-mediations. All mediators must complete 45 hours of basic mediation training, observe two mediations, and maintain membership in the MPME. The Cecil County State's Attorney's Office does not impose any specific neutral qualifications or practices. Community Mediation Upper Shore assigns mediators to cases based upon availability and by matching the mediator's strengths with the case type.

Community Mediation Upper Shore oversees the approval and removal of all mediators on its roster. Community Mediation Upper Shore may remove a volunteer if the mediator, after extensive work with staff and a mediator mentor, does not meet the quality standards of the Center. The mediator is then removed from the mediator roster and placed on a more general volunteer roster where he or she may be contacted for non-mediation work. In the rare instance in which a volunteer cannot meet the Center's standards for any type of volunteer activity, the Center will remove the volunteer from all rosters.

Program Evaluation and Quality Control

The Cecil County State's Attorney's Office does not require any specific evaluation or quality control practices. Community Mediation Upper Shore employs the same evaluation and quality assurance practices for criminal mediations as it uses for all mediation services. At the conclusion of the mediation, the participants complete an evaluation and demographics form. Community mediation centers employ a variety of quality assurance practices ranging from mediations between staff and volunteer mediators, to enrollment in the MPME, to post-mediation feedback among co-mediators. In addition, a mediation manual describing volunteer expectations is being developed by the Community Mediation Upper Shore's board.

CHARLES COUNTY

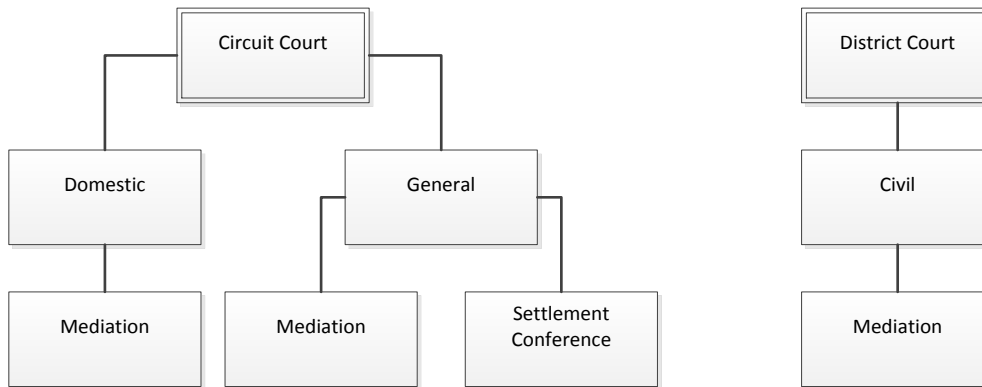
In 1999, the **Charles County Circuit Court** provided two types of ADR programs, custody and visitation mediation for family cases and neutral case-evaluation for non-domestic civil cases. A pilot settlement conference program, started in 2007, automatically refers every motor tort and personal injury case for which the trial is expected to last less than three days to a settlement conference. A settlement conference or mediation may be ordered in other types of civil general cases as well. Charles County mandates mediation as part of its standard case management process for child access and child welfare cases. Mediation is available and sometimes ordered for marital property cases.

The **District Court in Charles County** has operated a voluntary day of trial civil mediation program since 2003.

Information about the ADR programs for Charles County is available at:

- Family Services Program:
<http://mdcourts.gov/clerks/charles/familyservices.html#adr>
- District Court ADR Program:
<http://www.courts.state.md.us/district/adr/home.html>

Charles County ADR Programs



Circuit Court- General Civil

Overview of ADR Processes

Mediation

- Available for civil cases in which parties have an on-going affiliation
- Court-approved roster of 11 mediators
- Mediation ordered for one 2-hour session
- Receive \$200 per hour divided equally between the parties

Settlement Conferences

- Offered for most civil actions
- All motor tort and personal injury cases with trials expected to last less than three days are automatically referred to a settlement conference as part of standard case management process
- Court-approved roster of settlement conference neutrals (currently 30), who must be members in good standing of the Maryland bar and have five years active law practice experience
- Receive \$200 per hour divided equally between the parties

Program Administration

The Charles County Circuit Court ADR program is administered by one full-time ADR coordinator whose salary is funded by the Maryland Judiciary. A judge and an assignment clerk also assist with the overall operation of the ADR program.

Motor tort and personal injury cases are automatically referred to settlement conferences as part of standard case management. The court's assignment clerk evaluates and refers other potential cases that may be appropriate for ADR to the ADR coordinator. The ADR coordinator then has the primary responsibility of referring a case for a mandatory settlement conference or mediation and assigning a court neutral to the case. Mediators are assigned to cases by rotating among the roster and matching the mediator's area of expertise with the particular case. A party, within 30 days after entry of the order, may "Request to Substitute ADR Practitioner" substantially in the form set forth in Md. Rule 17-202(g). Individuals who contact the court for mediation prior to filing a case are provided the court-approved list of mediators to contact directly.

Any order mandating a settlement conference or mediation is mailed with appropriate attachments to all attorneys who represent any party or interested party, self-represented litigants, and the neutral when the case is referred. Whether settlement conference or mediation, the ADR process must occur within Charles County unless the parties mutually agree otherwise. With few exceptions, the Maryland Workers' Compensation Commission is not ordered to participate in ADR; otherwise, all named parties must engage in any ADR process ordered by the court. One or more parties may object to ADR as described in Md. Rule 17-202(f).

The parties or counsel for the parties are ordered to contact the ADR practitioner to schedule the first ADR session within 15 days from the date the judge signed the ADR order. If a party ordered to participate in ADR fails to schedule or attend the ADR session, the judge has discretion to handle the situation on a case-by-case basis. Some judges do not allow the case to proceed to trial until the parties participate in ADR while others allow the case to proceed without consequence. Pursuant to case management standards, all ADR processes must be completed 60 days before trial.

Litigants learn about ADR services as described in the court order or upon recommendation of their attorneys. Prior to engaging in the process, parties receive the court order, a fact sheet describing the process and a confidential participant statement. Parties are

expected to complete the confidential participant statement to the facilitator or mediator 15 days prior to the first scheduled ADR session.

Neutral Qualifications and Payment

All of the court's 30 settlement conference facilitators must be members in good standing of the Maryland bar and have at least five years of experience in the active practice of law as a judge, attorney, law professor, federal or Maryland administrative law judge, or have equivalent or specialized knowledge and experience in dealing with the issues in dispute pursuant to Md. Rule 17-206. Settlement conference facilitators must complete a court application and have no continuing education requirements. The ADR coordinator reviews and presents the completed settlement conference facilitator applications and supporting documents to the court's ADR committee which meets on a bi-annual basis. If a majority of the ADR committee approves, the application is forwarded to the court's administrative judge for final approval.

Mediators must satisfy the requirements of the court rules. The ADR coordinator reviews and presents the completed mediator applications and supporting documents to the court's ADR committee, which meets on a bi-annual basis. If a majority of the ADR committee approves, the application is forwarded to the court's administrative judge for final approval.

A neutral may be removed from the court roster through an informal process pursuant to Md. Rule 17-207(a)(7) or upon request by the neutral. The court's informal neutral removal process involves the receipt of a written complaint by a party, which may then be sent to the ADR committee for appropriate action. Although this process exists, it has never been used.

Settlement conference facilitators receive \$200 per hour, divided equally among the parties, for the first two hours of their services. Mediation is ordered for one 2-hour session and mediators receive \$200 per hour, divided equally among the parties. Additional sessions or longer sessions sometimes occur for both processes. In all instances, the parties split the fees and pay the neutral directly. If a party does not pay, the neutral must pursue payment him or herself. If a party requests a fee waiver, a judge may provide the ADR process.

Program Evaluation and Quality Control

The Charles County ADR program utilizes several different evaluation methods. Participants in mediations and settlement conferences receive an evaluation form to complete at the conclusion of the process. In addition, the mediator and settlement conference facilitator complete a status sheet which is returned to the court. The court also maintains a "Policies and Procedures Manual" which provides structure and guidance for the ADR program for civil general matters in Charles County.

All neutrals must fulfill the continuing education requirements established in Md. Rule 17-205. The ADR Program strives to provide two annual trainings for its neutrals as part of continuing education and quality assurance of the services. The training is funded through Charles County, contingent on available funds, or a specific grant.

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediation part of the standard case management process for child access and child welfare (CINA and TPR) matters and available for marital property cases
- Mediations provided by 20 child access mediators, nine child welfare mediators, and six marital property mediators
- Mediators receive \$150 per hour for marital property mediations, \$100 per hour for child access mediation, and \$300 for CINA mediation

Program Administration

The Family Services ADR Program in Charles County is administered by a full-time family services director and domestic case manager. The court case manager and clerk also assist with the operation of the ADR program. Funding for the family ADR program, including the provision of fee waivers, is provided through a Department of Family Administration, Family Services Jurisdictional Grant.

Mediation is mandated as part of standard case management for child access and child welfare cases and may also be ordered for marital property cases as appropriate. As a general rule, the court only refers contested cases to ADR. Usually the court does not refer cases involving domestic violence to mediation. Marital property cases may be referred even if there is a history of domestic violence but extra precautions are used such as separate meetings with the parties or participation over the phone. A master reviews the case file for every new filing or modification and has the discretion to issue an order for mediation. Orders typically occur within two weeks of the new filing or modification.

The mediation process must be completed within 45 days from the date of the order. Appropriate cases are given the opportunity to engage in both mediation and a settlement conference. In child welfare cases, mediation may be ordered at any stage from adjudication (for CINA) to termination of parental rights. If a party is ordered to mediation and fails to appear, the judge or master has the discretion to postpone a court date until the completion of the mediation process.

The domestic case manager assigns mediators by following a rotational assignment among the roster of mediators. Mediators who have licensed clinical professional counselor credentials are often used for cases identified as high conflict by the court and/or which have repeat participants. Child welfare cases use a co-mediator model. All other processes use a single ADR practitioner.

With the exception of child welfare cases, which take place at the courthouse, most domestic mediations occur in mediators' offices. The courthouse is available for cases involving high conflict or parties who have a history of domestic violence. In all instances, named parties

must participate in the mediation session. For child access and marital property mediations, the parties may allow non-parties to participate only if everyone agrees. Individuals who contact the court for mediation prior to filing a case are provided the court-approved list of mediators to contact directly.

Neutral Qualifications and Payment

Mediations are provided by 20 child access mediators, nine child welfare mediators, and six marital property mediators. All mediators must satisfy the requirements of the court rules and meet with a court master prior to final approval by the court’s administrative judge. A mediator may be removed from the court roster by the administrative judge pursuant to Md. Rule 17-207(a)(7).

Table 3.7: Charles County- Circuit Court, Domestic: ADR Process by Cost and Duration

Type of Mediation	# of Neutrals	Cost Per Session	Duration of Session
Child Welfare	9	\$300 split among the two mediators and paid by the court	one, 2-hour session
Child Access	20	\$100 per party, per session	up to two, 2-hour sessions
Marital Property	6	\$150 per party, per session	up to four, 2-hour sessions

Individuals unable to afford the mediator fee may apply to the court for a Family Service Fee Waiver. Funds to support fee waiver requests are provided by the Department of Family Administration, Family Services Jurisdictional Grant through the Maryland Administrative Office of the Courts. In addition, court-approved roster mediators agree to provide up to three pro bono or reduced-fee mediations annually.

Program Evaluation and Quality Control

At the conclusion of the mediation, the mediator completes a “Family Mediator’s Status Sheet” and the participants complete a “Mediation Participation Evaluation Form,” both of which are provided to the court. The participants may contact the family services director, the ADR coordinator, or the case manager with any concerns about the mediator or the process.

For quality assurance, Charles County provides trainings annually to its mediators. Funding for the trainings has been provided by the county, MACRO, and the Family Support Service Jurisdictional Grant.

District Court- Civil

Overview of ADR Processes

Mediation

- Day of trial mediation available on Wednesdays and peace order mediation on Tuesday mornings
- Judge refers or orders cases to mediation
- Mediation provided by three mediators, one of whom is affiliated with a community mediation center from Prince George's County
- Mediation free of charge

Program Administration

The District Court in Charles County ADR Program is administered by a regional ADR programs director who is also responsible for three other counties. Additional personnel support for the program is provided by the executive director and deputy director for the District Court ADR Office as well as seven additional staff including an administrative assistant. The program operates with funding from the Maryland Judiciary and volunteer services from ADR practitioners.

Litigants in the District Court in Charles County may receive mediation services for general civil cases on Wednesdays and peace order matters on Tuesday mornings. In general, all cases are appropriate for ADR except cases involving domestic violence, concurrent criminal charges, protective orders, peace orders involving assault or a weapon, or lack of capacity. The judge has the discretion to determine which cases are referred or ordered to mediation. ADR is part of the court's standard case management process. Pre-trial mediation is currently not available in Charles County, but the District Court ADR Office is exploring the possibility of instituting such a program in the future.

On a quarterly basis, the director of ADR roster management for the District Court ADR Office schedules volunteer ADR practitioners for day of trial mediations and settlement conferences. All day of trial mediations occur in the mediation room of the courthouse. There is no time limit for mediation, although the mediator is mindful of the need to return to the courtroom to allow the parties to have their trial, if no agreement is reached in mediation.

The judge has discretion to limit the time of the ADR process, or to move a case from the morning docket to the afternoon to allow the mediation process to continue. The District Court ADR Office requires the named parties and those who have settlement authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys. Since ADR is offered on the day of trial, the participants often know very little about the process. After the explanation of the process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. The ADR practitioner receives limited case information prior to beginning the process.

The process is offered at no charge to the parties. The public may learn about ADR services through the District Court website, brochures, the District Court self-help center, posters, and information shared by the presiding judge.

Neutral Qualifications and Payment

Mediations are provided by three mediators, one of whom is affiliated with a community mediation center from Prince George's County. All ADR practitioners in Charles County must meet the requirements established by the District Court ADR Office as detailed in the overview of Part Three of this report.

Program Evaluation and Quality Control

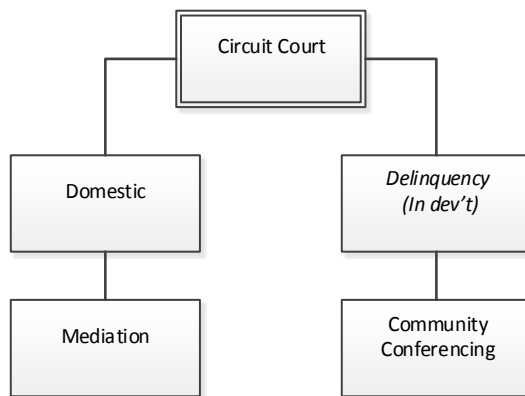
The District Court in Charles County follows the program evaluation and quality control practices implemented by the District Court ADR Office statewide. These practices are described earlier in the overview section of Part Three.

DORCHESTER COUNTY

The **Dorchester County Circuit Court** has provided the ADR process of mediation for child access, divorce, and marital property cases since 1998 through its Family Support Services office. Voluntary mediation is part of the standard case management process and mediations are provided by both court-approved roster mediators and through a partnership with the Mid-Shore Community Mediation Center.

Information about the ADR program in Dorchester County is available at:
<http://mdcourts.gov/circuit/dorchester/familyservices.html>

Dorchester County ADR Programs



Circuit Court- Civil Domestic

Overview of ADR Process

Mediation

- Offered for child access, divorce, and marital property cases
- Voluntary process that requires agreement by all parties before an order is issued
- Court-approved roster of 19 mediators
- Mediator receives \$130 per hour, split among the parties for two 2-hour mediation sessions
- No fee waivers available; free child access mediation available through Mid-Shore Community Mediation Center

Program Administration

The Dorchester County Circuit Court domestic ADR program is administered by one full-time family support services coordinator. A domestic relations and juvenile master and an administrative assistant/paralegal also assist with the overall operation of the program. Funding for the family support services coordinator is provided through the Department of Family

Administration, Family Services Jurisdictional Grant through the Administrative Office of the Courts. The program also benefits from free services provided by the Mid-Shore Community Mediation Center.

Mediation is voluntary in Dorchester County. At the time of the scheduling conference, the master offers litigants in child access, divorce, and marital property cases the opportunity to engage in mediation. The master issues an order for mediation after all parties have voluntarily agreed to mediate. Parties are ordered to two 2-hour mediation sessions with one of the court's 19 mediators. According to case management standards, mediations must conclude within 60 days from the date of the order. Dorchester County limits participation to the named parties. Attorneys may participate in the mediation only with the consent of all parties.

The family support services coordinator assigns mediators to a case by matching the case characteristics to a particular mediator's strengths and weaknesses. In lieu of providing fee waivers, the court refers qualifying parties to the Mid-Shore Community Mediation Center for free mediation services. Fee for service mediations take place at the mediator's office or the courthouse and community mediations occur at a location convenient to all parties.

Parties learn about the ADR services in Dorchester County during the scheduling conference and can obtain additional information by visiting the court's website. Dorchester County is one of the few counties that permit out of state parties to participate in mediation by phone.

Neutral Qualifications and Payment

All court roster and community mediators must fulfill the requirements set forth in Md. Rule 17-205. The judge's clerk reviews all mediator applications for compliance prior to acceptance by the administrative judge onto the court roster.

Currently, 19 domestic mediators provide solo mediation and receive \$130 per hour, split among the parties for their services. The court expects the mediator to obtain payment prior to commencing the mediation. The community mediation center provides its services at no cost to the parties or the court.

Program Evaluation and Quality Control

Mediators are expected to provide the court with a case disposition form at the conclusion of the mediation. The family support services coordinator routinely reviews the disposition forms and occasionally receives comments or concerns from mediation participants. The Dorchester County Circuit Court has no additional continuing education requirements or formal mediator removal practices beyond the standards established in the court rules.

The Mid-Shore Community Mediation Center maintains its own practices for quality assurance, evaluation, and continuing education in addition to those imposed by the court.

FREDERICK COUNTY

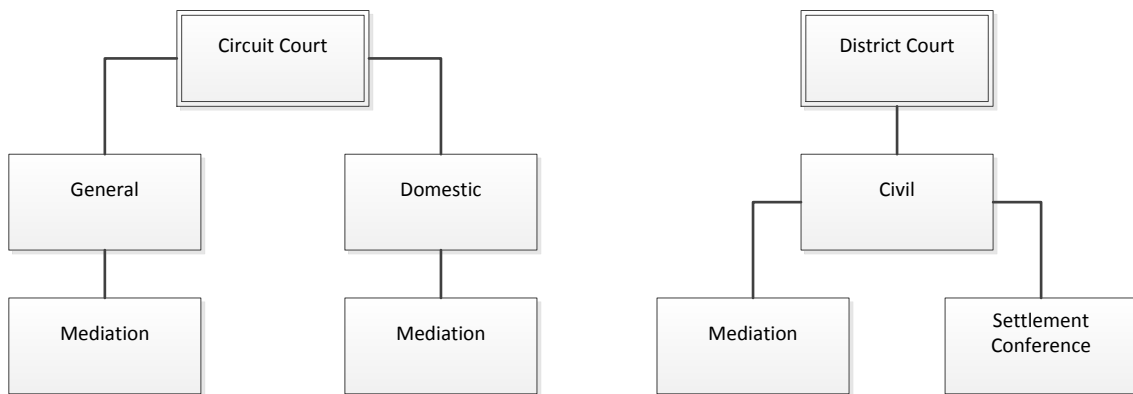
Starting in 2000 with general civil and child access mediation, the **Circuit Court for Frederick County** has expanded its ADR program to provide mediation in marital property (since 2003) and child welfare (since 2005) cases as well. Mediation is incorporated into the court's standard case management system. The court maintains a roster of mediators to provide civil mediations and an in-house mediator who provides mediations to persons who qualify for a fee waiver.

Since 2003, the **District Court in Frederick County** has operated a day of trial ADR program.

Information about the ADR programs for Frederick County is available at:

- Family Services Program: <http://courts.state.md.us/family/frederick.html>
- District Court ADR Program: <http://www.courts.state.md.us/district/adr/home.html>

Frederick County ADR Programs



Circuit Court- General Civil

Overview of ADR Processes

Mediation

- Available for general civil and complex civil cases
- Court-approved roster of mediators (currently 107)
- Mediation may be ordered for one 2-hour session
- Mediators receive \$200 per hour for general civil cases and \$250 per hour for complex civil cases, both of which are split among the parties

Program Administration

The Frederick County Circuit Court ADR program is administered by one part-time ADR coordinator whose salary is paid through a combination of funds from the Frederick County Government and the Department of Family Administration, Family Services Jurisdictional Grant. The ADR coordinator devotes all of her time to ADR-related responsibilities.

As part of the standard case management process, most cases are ordered to mediation in Frederick County. After a review of the file, the ADR coordinator generates the scheduling and mediation order. All of the parties and the mediator receive the order for mediation requiring one 2-hour mediation (with the option of scheduling a second session) to conclude 30 days prior to the pre-trial conference. Mediations occur in the mediator's office. The civil mediation program requires parties, attorneys, and anyone who has settlement authority to participate in the mediation.

Mediator assignment is made on a rotating basis, taking into account the type of case and the location of the parties and attorneys. Prior to the mediation all participants receive mediation instructions. The parties complete a confidential pre-mediation ADR statement and provide it to the mediator seven days prior to the mediation.

Neutral Qualifications and Payment

To mediate for the Frederick County civil ADR program, an individual must be an attorney and meet the requirements set forth in Md. Rule 17-205. Failure to maintain the continuing education requirements will result in a mediator's removal from the court's roster.

Mediators are paid \$200 per hour, split among the parties for general civil cases and \$250 per hour, split among the parties for complex civil cases that are specifically assigned to a judge.

Program Evaluation and Quality Control

The Frederick County ADR program does not use any specific evaluation or quality assurance practices. The parties or their attorneys may contact the ADR coordinator with any mediation-related problems. All mediators must fulfill the continuing education requirements as established in Md. Rule 17-205(a)(5). At the conclusion of the ADR process the ADR practitioners completes a settlement data sheet.

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediation part of the standard case management process for child access, child welfare (CINA and TPR), and marital property cases

- Mediations provided by 43 child access/marital property mediators, six child welfare mediators, and one in-house mediator
- A solo mediation model used for child access and marital property cases; co-mediation used for child welfare cases
- Mediators in child access and marital property cases receive \$200 per hour for two 2-hour sessions
- Mediators in child welfare cases receive \$50 per hour for up to three hours plus one hour of preparation time
- In-house mediator receives an hourly rate paid by the court and the parties pay the court a reduced mediation fee based upon financial ability

Program Administration

The Frederick County Family Services ADR Program is administered by a full-time family services director and a part-time ADR coordinator. One full-time permanency planning liaison divides her time between Montgomery and Frederick counties, and a part-time in-house mediator also assists with the operation of the ADR program. A combination of funds from the Frederick County Government and the Department of Family Administration, Family Services Jurisdictional Grant, and two grants from the MACRO supports the Family Services ADR Program. The permanency planning liaison's salary is shared by both Frederick and Montgomery counties.

Mediation is incorporated into the court's standard case management for child access, child welfare, and marital property cases. The ADR coordinator initially reviews all domestic cases that are at issue to determine the necessity of a parenting education class prior to mediation. If required, the parenting education class must conclude before the mediation date. The master reviews cases and assesses whether the parties should be ordered to mediation. In practice all cases-with the exception of those involving domestic violence, allegations of abuse, individuals with mental health or serious substance abuse, and cases in which a settlement is imminent-are appropriate for mediation. Under case management standards, most child access and marital property cases receive a referral to mediation two months after the filing of an answer and must conclude no later than two weeks before the settlement conference.

Any individual involved in a child welfare matter may request mediation. The permanency planning liaison, in partnership with the judge or master, also may identify cases appropriate for mediation. The final decision on any mediation referral, which may occur at any stage in the case, is made by the judge or master. Once referred, the scheduling of the mediation occurs immediately at the courthouse and typically occurs within 45 days from the referral date. The 3-hour child welfare mediations take place at the courthouse.

The ADR coordinator and permanency planning liaison assign mediators on a rotating basis taking into account the type of case and location of the parties and mediators. Parties who cannot afford the mediator fee receive mediation services from the court's in-house mediator. Mediations provided by the in-house mediator and all child welfare mediations take place in the courthouse. All other mediations occur in the mediators' offices. Parties receiving services from the in-house mediator are ordered to one 2-hour mediation sessions. All orders involving roster

mediators provide for two 2-hour sessions. In both instances the parties may engage in an additional session if needed. The court permits the parties and their attorneys to participate in all mediations regardless of the type of case.

If none of the six child welfare mediators are available, the permanency planning liaison may assign the case to one of Montgomery County’s 25 child welfare mediators or the in-house mediator. The court reserves five slots for mediations with the in-house mediator so that parties with limited financial means may receive mediation services.

In addition to the court order for ADR and accompanying mediation instructions, parties in marital property mediations receive a property checklist and participants in CINA mediations receive a parent’s guide and brochure. The court provides the mediator with a copy of the court order to ADR. Litigants learn about the ADR program from the court’s website, their counsel, or during their initial conference with the judge or master

Neutral Qualifications and Payment

All mediators must satisfy the requirements of the court rules prior to final approval by the court’s administrative judge. Other than the requirements of Md. Rule 17-207(a)(7), no formal process exists to remove a neutral from the court roster.

Table 3.8: Frederick County- Circuit Court, Civil Domestic: ADR Process by Cost and Duration

Type of Mediation	# of Neutrals	Cost Per Session	Duration of Session
Child Welfare	6	\$50 per hour, paid by the court	up to three hours plus one hour of mediator preparation
Child Access	43	\$200 per hour split by the parties	two, 2-hour sessions (option of 3 rd session)
Marital Property	43	\$200 per hour split by the parties	two, 2-hour sessions (option of 3 rd session)
In-house	1	Parties pay the court a reduced fee based upon ability to pay (mediator paid set rate by the court).	one, 2-hour session (additional sessions as needed)

Individuals who cannot afford the roster-mediator fee will receive a reduced rate mediation provided by the in-house mediator. Upon approval of a request for a fee waiver, parties may receive mediation services, where their fees may be as low as \$0. Any fees generated by the court from in-house mediation services are used to offset other program costs such as the child welfare mediators.

Program Evaluation and Quality Control

The court uses participant exit surveys in mediations conducted by court-paid neutrals, such as the in-house mediator and the child welfare mediators. No evaluation is completed by the mediator or the participants in other domestic mediation settings. At the conclusion of the ADR process the ADR practitioner completes a settlement data sheet.

No continuing education requirements exist beyond those established in the court rules.

District Court- Civil

Overview of ADR Processes

Mediation and Settlement Conferences

- Day of trial mediation and settlement conference services
- ADR provided by five mediators and nine settlement conference attorneys
- ADR available free of charge

Program Administration

The ADR Program in the District Court for Frederick County is administered by a regional ADR programs director who is also responsible for four other counties. Direct personnel support for all District Court ADR Office is provided by the executive director and deputy director for the District Court ADR Office as well as seven additional staff including an administrative assistant. The program operates with funding from the Maryland Judiciary and volunteer services from ADR practitioners.

Parties with general civil cases in the District Court in Frederick County may receive ADR services at the courthouse on Mondays and Fridays. Parties may engage in either mediation or a settlement conference depending upon the type of ADR practitioner present in court on a particular day. The judge may exercise discretion when ordering or referring cases to ADR. In general, all cases are appropriate for ADR except cases involving domestic violence, concurrent criminal charges, protective orders, peace orders involving assault or a weapon, or lack of capacity. In the past, peace order mediation was also available in the District Court in Frederick County but the program is inactive at this time.

On a quarterly basis, the director of ADR roster management for the District Court ADR Office schedules volunteer ADR practitioners for day of trial mediations and settlement conferences. All day of trial ADR occurs in the attorney-client conference room of the District Court in Frederick County. There is no time limit for the ADR process, although the ADR practitioner remains mindful of the parties' need to return to the courtroom to allow the parties to have their trial, if no agreement is reached through ADR. The judge also may limit the time of the ADR process or postpone the case to allow the ADR process to continue.

The District Court ADR Office requires the named parties and those who have settlement authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys. Since ADR is offered on the day of trial, the participants often know very little about the process. After the explanation of the process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. The ADR practitioner receives limited case information prior to beginning the process.

The process is offered at no charge to the parties. The public may learn about ADR services through the District Court website, brochures, the District Court self-help center, posters, and information shared by the presiding judge.

Neutral Qualifications and Payment

ADR is provided by five mediators and nine settlement conference attorneys. All ADR practitioners in Frederick County must meet the requirements established by the District Court ADR Office as detailed in the overview of Part Three of this report. The District Court in Frederick County is the only jurisdiction that also requires all ADR practitioners to be attorneys.

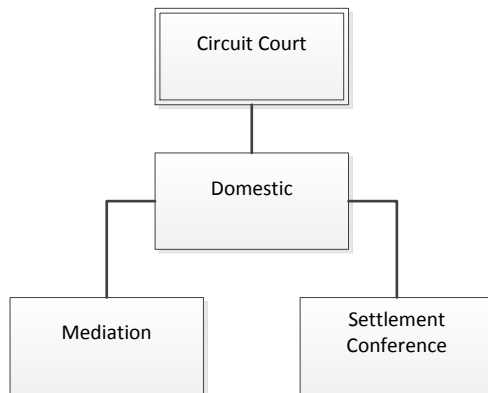
Program Evaluation and Quality Control

The District Court in Frederick County follows the program evaluation and quality control practices implemented by the District Court ADR Office statewide. These practices are described earlier in the overview section of Part Three.

GARRETT COUNTY

ADR services in the **Circuit Court in Garrett County** started in 2000. Litigants in child access and marital property cases may engage in mediation as part of the court's standard case management process. Parties who do not reach an agreement in mediation or do not participate in mediation may engage in a settlement conference. There are currently no other ADR services available through the trial courts in Garrett County.

Garrett County ADR Programs



Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Offered for child access and marital property cases
- Only cases in which both sides are represented receive referrals to mediation
- Court-approved roster of mediators (currently seven child access and five marital property)
- Mediators receive \$125 per hour for two 2-hour sessions
- No fee waivers available

Settlement Conferences

- Offered for child access and marital property cases
- One sitting master conducts the one hour settlement conference
- Free process

Program Administration

The ADR services in Garrett County Circuit Court are administered by one full-time family services coordinator who devotes part of his time toward ADR-related activities and whose salary is funded by a Department of Family Administration, Family Services

Jurisdictional Grant. The program funding does not support fee waivers, therefore individuals who lack the ability to pay for a mediator may not receive mediation services. As a result, the program has noted a decrease in the total number of mediations since the prior fiscal year.

Judges and masters use their discretion to refer cases to settlement conferences. Mediation referrals may also involve input from the family services coordinator, the judge, and the master. The ultimate decision is based upon a combination of factors including the case history and characteristics of the parties.

In Garrett County the majority of marital property cases are referred to a settlement conference rather than mediation. A referral to a settlement conference can occur at any time during the life of the case. Settlement conferences occur in the master's hearing room in the courthouse. The master determines who, beyond attorneys, participates in the one-hour settlement conference.

Cases with self-represented litigants or involving domestic violence, child abuse or sexual offenses are not referred to mediation. Mediation is the only ADR process that is part of the court's standard case management process. Mediation referrals occur when an answer is filed. Pursuant to case management standards, mediations must conclude within 30 days from the date of the order for mediation. Mediators in Garrett County use a solo mediation model. When assigning mediators, the family services coordinator considers the characteristics of the dispute and the mediators while also monitoring allocation of cases among the roster. Mediations take place in the mediator's office. The neutral determines who, other than the named parties and attorneys, may participate in the process.

Information about the court's ADR services is available through advertisements in the clerk's office, from attorneys, and on the court's website. In addition, participants receive a letter from the court containing information about the mediation process before the mediation session.

Neutral Qualifications and Payment

Mediators on the court roster will be approved and removed from the court-approved roster pursuant to the court rules. Mediators in Garrett County receive \$125 per hour, split between the parties for two 2-hour mediation sessions. Mediators may request that the parties provide him or her with confidential pre-mediation information. The court allows a one time "no show" policy for mediations. If a party fails to appear at a mediation session for a second time, the judge may order the offending party to compensate the mediator for his or her time.

Program Evaluation and Quality Control

The court does not use any formal evaluation system for ADR services. The family service coordinator monitors the agreement rate of mediators as a method of evaluation and will explore any concerns raised by participants. Mediators must fulfill the continuing education requirements set forth in Md. Rule 17-205(a)(5).

HARFORD COUNTY

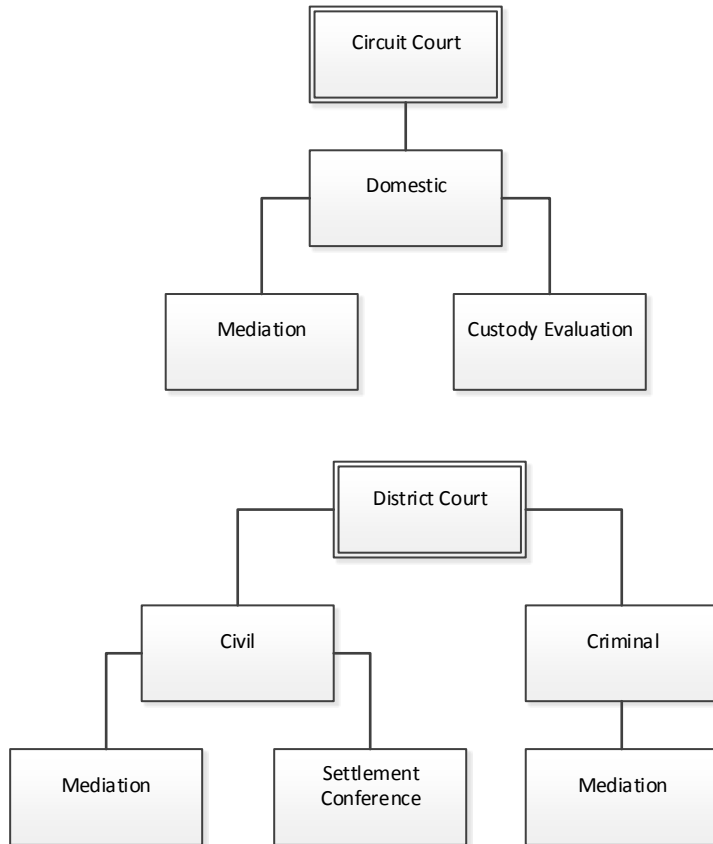
The **Circuit Court for Harford County** has provided ADR services through its Family Services Division since 1985. The majority of domestic ADR services in Harford County are provided by staff and ADR specialists who have both mediation and mental health backgrounds. ADR is available for child access, marital property, and child welfare (TPR) cases.

Since at least 2004, the **District Court in Harford County** has operated a voluntary day of trial ADR program. Since 1995, a partnership between the Harford County Community Mediation Program and the State's Attorney's Office for Harford County has provided mediation services for criminal cases.

Information about the ADR programs for Harford County is available at:

- Family Services Program: <http://www.courts.state.md.us/family/harford.html>
- Harford County State's Attorney's Mediation Program: <http://www.harfordcountymd.gov/StatesAttorney/index.cfm?ID=761>
- District Court ADR Program: <http://www.courts.state.md.us/district/adr/home.html>

Harford County ADR Programs



Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediation part of the standard case management process for child access and child welfare (TPR) cases
- Mediations provided by roster mediators (23 child access) and ADR specialists (one staff and five contractual)
- Roster mediators receive \$100-\$150 per hour for two 2-hour sessions; fees for ADR specialists determined by income and other participant factors

Custody Evaluation

- Evaluations provided by ADR specialists (one staff and five contractual) or private service providers depending on ability of participant to pay for services
- Fees for evaluation determined by income and other participant factors
- Evaluations involve four 2-hour sessions over 12 weeks

Program Administration

The Harford County Circuit Court Office of Family Court Services ADR Program is staffed by three full-time employees including a program director, an office manager, and one ADR specialist. An additional five contractual ADR specialists provide ADR services on a part-time basis. A combination of state, local, and federal sources fund the ADR services including: the Maryland Administrative Office of the Courts, the Harford County government, the Federal Access and Visitation Program (provided through the State of Maryland Department of Human Resources), and the Office of Child Support Enforcement Incentive Funds. Harford County government provides free space for the program and receives revenues generated from reduced fee-for-service mediations. The program also benefits from monthly pro bono services provided by two family law attorneys.

Referrals to ADR are part of the court's standard case management process. Litigants in child access cases may receive a mandatory order to attend either a mediation or a custody evaluation as determined by the court. Attorneys or parties also may request a specific process. Custody evaluation is a non-confidential process provided by the court designed to determine the needs of a child and the parents' strengths and challenges. The information gathering and final report is conducted by an evaluator. The process allows the parents to exercise the option to be the first users of the information developed from the evaluation to design their own parenting plan. The end result of the custody evaluation is either a report to the court or a parenting plan that is submitted by consent of the parties.

Voluntary mediation is available only when participants in a child support case request mediation to address child access issues. Cases involving issues of domestic violence may only receive an order for a custody evaluation, not mediation. The order to attend ADR also requires parties to attend an orientation session conducted by the Office of Family Court, at which time the process is explained.

Parties that meet the financial eligibility standard locally established for free or sliding fee service will be referred to the Office of Family Court Services. Once referred, the matter is assigned to an ADR specialist. Assignments are based upon the availability of the ADR specialist to take the case, with consideration given to factors such as gender of the parties and the neutral and type of case. The family law case coordinator assigns a case to the next available service provider, unless the court, the attorneys, or the parties request a specific neutral. All other parties are referred to one of 23 private providers on the court's roster.

All ADR services conducted by an ADR specialist take place at the Office of Family Court Services located across the street from the courthouse. ADR services may occur in a

conference room at the courthouse if a parent is incarcerated or when a safety concern exists. Custody evaluations consist of four 2-hour sessions which include interviews of the parents, children, stepparents, and significant others involved in any child care, as well as a limited number of additional contacts. The evaluation process is typically concluded within 12 weeks from the date of the referral.

Mandatory orders to mediation for child access cases require two 2-hour mediation sessions within a four-week time frame. If mediation does not result in a resolution of the dispute, the court may order a custody evaluation. Matters pending before the Office of Child Support Enforcement that involve both child access and child support issues qualify for two 2-hour mediation sessions through the Office of Family Court Services. The provision of voluntary mediation is available through the Office of Family Court Parent Access Program, funded through a special Federal Access and Visitation Grant implemented through the Maryland State Department of Human Resources.

All child welfare mediations use a co-mediator model comprised of the director and one other specially-trained staff mediator. Child welfare mediations are scheduled for one 3-hour session during the morning of the first and third Friday of every month. The mediations involve all people who have decision making authority and occur in the conference room at the Office of Family Court services.

Once a month, the director and two volunteer family law attorneys are present at the courthouse to provide information about the court's ADR services and to distribute brochures to self-represented litigants. At that time, parties may choose to work with staff and volunteers to resolve their issues while at the courthouse. Otherwise, interested parties may be referred to mediation or evaluation at a later date.

In all instances, parties complete a parent information form and provide it to the court prior to engaging in any ADR process. The neutral receives a copy of the current court order regarding child access status with each referral. Information about the variety of ADR services is available through the court's website and program brochures. Parties may receive additional information at Office of Family Court Services orientation sessions. Parties present at the monthly docket for self-represented parties receive an explanation about mediation while at court. Additionally, the Office of Family Court Services provides a speaker's bureau resource to agencies.

Neutral Qualifications and Payment

All ADR specialists through the Office of Family Court Services have both a mental health and mediation background. In addition to meeting the requirements of the court rules, all neutrals are licensed mental health professionals with a minimum of a master's degree and two years of clinical experience working with children and families. The director of the Office of Family Court Services determines who to accept as an ADR specialist.

The director and the one staff ADR specialist are salaried employees and therefore do not receive any additional compensation for the provision of ADR services. The five part-time

contract ADR specialists receive a set rate for their services and agree to provide services at reduced rates for all litigants who qualify. The private roster mediators receive fees ranging from \$100-\$150 per hour for their services.

Program Evaluation and Quality Control

The Office of Family Court Services does not employ any formal evaluation measures. Neutrals may terminate their services in writing to the court and litigants. Participants who have any complaints about neutrals may file a grievance report with the director. The director reviews grievances with the neutral and provides a written outcome report to both the complainant and the neutral. The director may recommend the removal of a neutral, if warranted.

All mediators must meet the Md. Rule 17-205(a)(5) requirement for annual continued education. In addition, the Office of Family Court Services provides annual mandatory trainings on a substantive issue of family law in the spring and on the topic of case management in the fall. The program conducted an internal survey of ADR providers in the past, but did not involve ADR consumers.

District Court- Civil

Overview of ADR Processes

Mediation and Settlement Conferences

- Day of trial mediation and settlement conference services
- Pre-trial mediation through a partnership with the Harford County Community Mediation Program
- Regional ADR programs director reviews the docket and identifies cases for ADR
- ADR free of charge

Program Administration

The ADR Program in the District Court for Harford County is administered by a regional ADR programs director who is also responsible for District Court ADR program in Baltimore City. Direct personnel support for all District Court ADR programs is provided by the executive director and deputy director the District Court ADR Office as well as seven additional staff including an administrative assistant. The program operates with funding from the Maryland Judiciary, volunteer services from ADR practitioners, and a partnership with the Harford County Community Mediation Program.

Day of Trial

Parties in general civil cases in the District Court in Harford County may receive either mediation or settlement conference services depending upon the type of ADR practitioner present in court on a particular day. For day of trial ADR, which occurs on Friday mornings, the regional ADR programs director screens the docket on Thursday and identifies cases for ADR. The regional ADR programs director then sends an e-mail to the presiding judges whose clerks

place an “ADR sticker” on the case file. The bailiff makes an announcement about the availability of ADR in the courtroom. The judge also has discretion to refer or order a case from the bench. In general, all cases are appropriate for ADR except cases involving domestic violence, concurrent criminal charges, protective orders, peace orders involving assault or a weapon, or a participant with limited mental capacity.

On a quarterly basis, the director of ADR roster management for the District Court ADR Office schedules volunteer ADR practitioners for day of trial mediations and settlement conferences. All day of trial ADR occurs in the courthouse and must conclude on the same day or receive a postponement to allow completion of mediation. The District Court ADR Office requires the named parties and those who have settlement authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys. Since ADR is offered on the day of trial, the participants often know very little about the process. After the explanation of the process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. The ADR practitioner receives limited case information prior to beginning the process.

The process is offered at no charge to the parties. The public may learn about ADR services through the District Court website, brochures, the District Court self-help center, posters, and information shared by the presiding judge.

Pre-trial

The regional ADR programs director reviews the docket six weeks prior to the trial date and refers cases to the Harford County Community Mediation Program for pre-trial mediation. The community mediation center provides intake, scheduling, and mediation services. All mediations must conclude by the trial date. Pre-trial mediations take place at one of Harford County Community Mediation Program’s partner locations throughout Harford County. The community mediation center uses a co-mediation model.

Neutral Qualifications and Payment

Mediations are provided by nine mediators and three settlement conference attorneys and one District Court ADR Office staff member. All ADR practitioners in Harford County must meet the requirements established by the District Court ADR Office as detailed in the overview of Part Three of this report.

Program Evaluation and Quality Control

The District Court in Harford County follows the program evaluation and quality control practices implemented by the District Court ADR Office statewide. These practices are described earlier in the overview section of Part Three.

District Court- Criminal

Overview of ADR Processes

Mediation

- Mediations provided by the Harford County Community Mediation Program
- Voluntary mediations provided at no charge

Program Administration

The Harford County State's Attorney's Office has partnered with the Harford County Community Mediation Program to offer mediation for criminal cases in the District Court in Harford County. Appropriate cases for mediation depend upon a variety of circumstances, but generally include misdemeanors where the parties have some type of relationship with each other. Crimes with domestic violence, serious injuries, threats of injures, felonies, or cases with any safety concerns are not appropriate for mediation. Cases that do not rise to the level of prosecution (*nolle prosequi*) may also be referred to mediation to address any ongoing conflict.

Paralegals at the Harford County State's Attorney's Office screen and identify cases for mediation. The assistant state's attorneys conduct a second review and decide whether a referral to mediation is appropriate. No specific funding exists to support criminal mediation services. The State's Attorney's Office allocates staff resources and free services from the Harford County Community Mediation Program to operate the mediation program.

Following review of the case, the State's Attorney's Office sends a letter to the complainant indicating that the matter has been referred to the Harford County Community Mediation Program for voluntary mediation. The State's Attorney's Office provides a copy of the letter and the application of charges to the community mediation center. The Harford County Community Mediation Program contacts the parties to schedule and conduct the mediation. Mediations are scheduled at a time and place convenient to the parties at locations throughout the county. The two-hour mediation session usually occurs within one month from the date of referral. More sessions can be scheduled if necessary. Attorneys are permitted to attend, but not actively participate, in the mediation session. In all instances participation in mediation is voluntary.

Parties may learn about the mediation services through the Harford County State's Attorney's Office website, program brochures, and defense attorneys or staff within the State's Attorney's Office.

Neutral Qualifications and Payment

All of the community mediation center's mediators are qualified to conduct criminal mediations. All volunteer mediators must complete 45 hours of basic mediation training, observe two mediations, and maintain membership in the MPME. The Harford County State's Attorney's

Office does not impose any eligibility criteria or practice restrictions on neutrals. The Harford County Community Mediation Program maintains the responsibility for the approval and removal of all volunteer mediators on its roster. The community mediation center relies uses a co-mediation model. Mediators are assigned to cases based upon the mediator's availability and by matching the mediator's strengths with the case type.

Program Evaluation and Quality Control

The Harford County Community Mediation Program employs the same evaluation and quality assurance practices for criminal mediations as it uses for all mediation services. Such practices include participant evaluations, co-mediation, mediator self-evaluation and debrief, and assessment and certification processes. The Harford County State's Attorney's Office does not require any specific evaluation or quality control practices.

HOWARD COUNTY

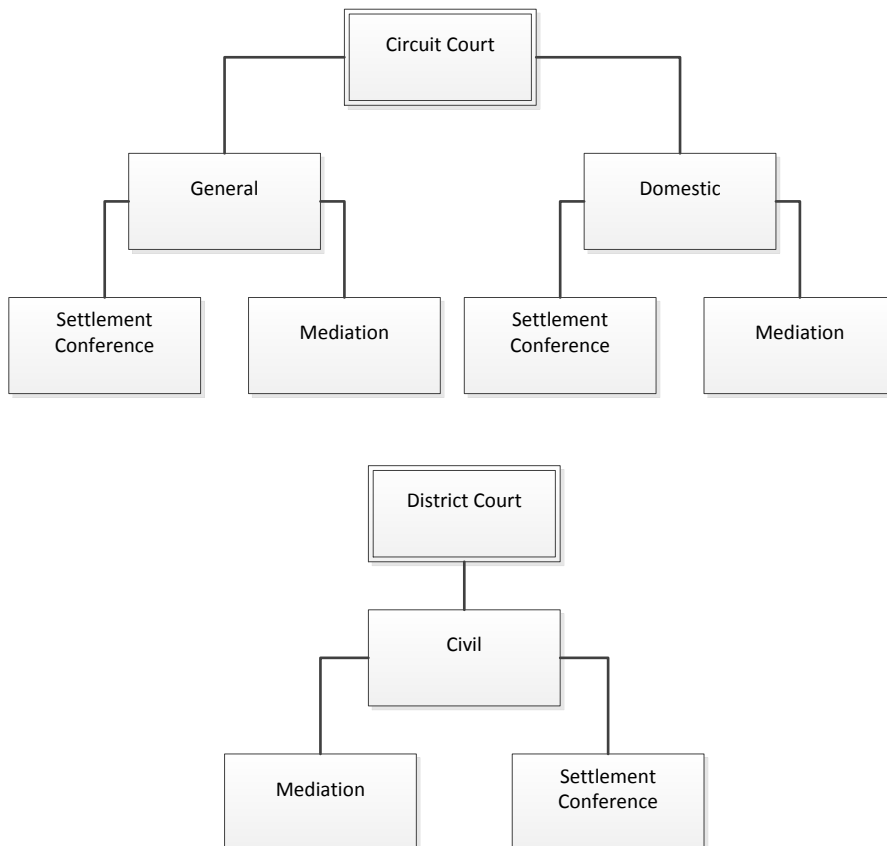
In 1998, the **Circuit Court for Howard County** began offering mediation and settlement conferences for general civil litigation. A similar program started a year later for domestic cases. ADR is part of the court's standard case management process. The court maintains a roster of mediators to provide civil mediations. Retired judges conduct settlement conferences.

The **District Court in Howard County** has offered a day of trial mediation and settlement conference ADR program since 1998.

Information about the ADR programs for Howard County is available at:

- Family Services Program: <http://mdcourts.gov/circuit/howard/family.html>
- District Court ADR Program: <http://www.courts.state.md.us/district/adr/home.html>

Howard County ADR Programs



Circuit Court- General Civil

Overview of ADR Processes

Mediation

- Provided by 115 roster mediators
- Receive \$200 per hour split among the parties
- Available for Track 2 (expedited), Track 3 (standard), Track 4 (extended), and Track 5 (complex) cases

Settlement Conferences

- Provided by nine retired judges
- Only available for Track 2 (expedited) and Track 5 (complex) cases

Program Administration

The Howard County Circuit Court ADR program is administered by one full-time ADR coordinator whose salary is funded by the county government. The differentiated case management system⁴⁹ in Howard County assigns every case to one of five tracks, Track 1-5. An order for mediation may be issued for expedited, standard, extended, and complex cases. Track 2 (expedited) and Track 5 (complex) cases that do not mediate or reach an agreement in mediation may be ordered to a mandatory settlement conference. The ADR coordinator refers cases to ADR.

Litigants are ordered to one 2-hour mediation with one of the 144 court-approved roster mediators. Mediations occur at the mediator's office or one of the attorneys' offices. The ADR coordinator assigns mediators from the roster on a rotating basis. Prior to the mediation, the mediator receives a copy of the order for mediation and the case history from the court. The mediator may also request a pre-mediation statement from the litigants.

Settlement conferences are scheduled in one-hour intervals at the Howard County Circuit Court, although the duration of the conference depends on the judge conducting the conference. Typically six settlement conferences are scheduled throughout the day. All attorneys, parties, and other persons who have authority to settle the case must attend mediations and settlement conferences. Litigants learn about ADR services as described at the scheduling conference, through the court's website, and in the order for mediation.

Neutral Qualifications and Payment

Nine retired judges provide settlement conferences for non-domestic cases on designated dates. Retired judges receive a per diem from the Judiciary for their services. Mediators must satisfy the requirements of the court rules. Mediators receive \$200 per hour, split among the

⁴⁹ Circuit Court for Howard County, Civil general Differentiated Case Management Plan, (2013)
<http://mdcourts.gov/circuit/howard/cnddcplan.html>

parties for one 2-hour mediation. The ADR coordinator personally contacts any parties who fail to pay the mediator.

Program Evaluation and Quality Control

At the conclusion of a mediation, the participants complete an ADR Provider Evaluation and send it to the ADR coordinator. Mediators are encouraged to join the MPME as a quality assurance practice. All mediators must complete the continuing education requirements in Md. Rule 17-205(a)(5) to remain on the court roster. No evaluation is used for settlement conferences.

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Provided by 36 roster mediators
- Receive \$200 per hour split between the parties
- Available for child access, marital property, divorce, and child welfare (TPR only) cases
- Ordered to two 2-hour sessions
- Fee waivers available

Settlement Conferences

- Provided by nine retired judges
- Mandatory for all domestic cases except uncontested cases and cases only involving issues of child support or termination of parental rights

Program Administration

A full-time family law coordinator administers the domestic ADR program in Howard County through the Family Law Office. The Calendar Management Office screens the cases for instances of domestic violence.

ADR is part of the standard case management process in Howard County. All ADR processes that have been ordered by the court are mandatory, although the court does not monitor whether parties engage in ADR. All cases are initially screened for domestic violence. When no domestic violence exists, the master talks to the parties about mediation at the scheduling conference. If both parties agree to participate in mediation, then an order for mediation, along with any parenting classes required for the case, is generated. The court will not order incarcerated individuals or out of state parties to mediate. The court automatically refers termination of parental rights cases to mediation with a master. With the exception of uncontested cases or cases that only involve child support issues, most cases are ordered to a settlement conference.

The master or ADR coordinator designates a mediator or the parties may select their own mediator. When assigning a mediator, the master and the ADR coordinator consider the subject matter of the case and aim to match the location of the parties and the mediator as well as the characteristics of the mediator and the parties. Prior to the mediation, the mediator receives a copy of the order for mediation. The mediator may request a pre-mediation statement from the parties. With the exception of settlement conferences and child welfare mediations, which occur at the courthouse, all mediations take place at the mediators’ offices.

Whenever possible, a co-mediation model is used for the three-hour child welfare mediations. All interested parties, including foster parents and attorneys, may participate in child welfare mediations. The parties in all other domestic cases are ordered to attend two 2-hour mediation sessions. Settlement conferences take place two to three times per week and are set for one-hour time blocks (9:00am, 10:00am, 1:00pm and 2:00pm). The judge may extend the duration of the settlement conference if the parties are making progress toward settlement. Participation in mediation and settlement conferences is limited to the named parties and attorneys. According to case management standards, settlement conferences and mediations occur within 60 days from the date of the scheduling conference.

Litigants learn about ADR services at the scheduling conference, through the court’s website, and in the order for mediation. Individuals who inquire about mediation prior to filing a case will be directed to the list of court-approved mediators.

Neutral Qualifications and Payment

The family law coordinator reviews all mediator applications and ensures compliance with Md. Rules 9-205 and 17-205. The court-approved roster currently has 36 mediators.

Table 3.9: Howard County-Circuit Court, Civil Domestic: ADR Process by Cost and Duration

Type of ADR	# of Neutrals	Cost Per Session	Duration of Session
Child Welfare Mediation	6	\$100 per hour, paid by the court	one, 3-hour session
Child Access Mediation	43	\$200 per hour, split among the parties	two, 2-hour sessions
Marital Property Mediation	43	\$200 per hour, split among the parties	two, 2-hour sessions
Settlement Conference	1	No charge to the parties (judge paid a per diem)	one, 1-hour session

Individuals who are unable to afford the mediator fee may apply to the court for a Family Service Fee Waiver. Funds to support fee waiver requests are provided by the Department of Family Administration, Family Services Jurisdictional Grant. Mediators will be asked to conduct pro bono mediations if fee waivers are no longer available.

Program Evaluation and Quality Control

At the conclusion of a mediation, the participants receive an ADR Provider Evaluation and mediators complete an ADR Data Sheet, both of which are sent to the ADR coordinator. Mediators are encouraged to join the MPME as a quality assurance practice. All mediators must complete the continuing education requirements in Md. Rule 17-205(a)(5) to remain on the court roster. Similar to other counties, Howard County does not use any evaluation for settlement conferences.

District Court- Civil

Overview of ADR Processes

Mediation and Settlement Conferences

- Day of trial mediation and settlement conferences
- The judge refers or orders cases to ADR
- ADR conducted by six mediators and 12 settlement conference attorneys
- ADR part of standard case management process
- ADR provided free of charge

Program Administration

The District Court in Howard County ADR program is administered by a regional ADR programs director who is also responsible for five other counties. Direct personnel support for all District Court ADR programs is provided by the executive director and deputy director for the District Court ADR Office as well as seven additional staff including an administrative assistant. The program operates with funding from the Maryland Judiciary and volunteer services from ADR practitioners.

Parties in general civil cases in the District Court in Howard County may receive either mediation or settlement conference services during Monday morning and afternoon docket as part of the court's standard case management process. Whether the parties engage in mediation or a settlement conference depends upon the ADR practitioner on a particular day. Prior to the start of the docket, the clerk plays a video that explains the expectations and guidelines for ADR to the individuals assembled in the courtroom. Upon taking the bench, the judge may refer or order cases to ADR. In general, all cases are appropriate for ADR except cases involving domestic violence, concurrent criminal charges, protective orders, peace orders involving assault or a weapon, or a participant with limited mental capacity. ADR is provided at no charge to the parties.

On a quarterly basis, the director of ADR roster management for the District Court ADR Office schedules volunteer ADR practitioners for day of trial mediations and settlement conferences. All day of trial ADR occurs in the mediation rooms at the District Court in Howard County. There is no time limit for the ADR process, although the ADR practitioner remains mindful of the parties' need to return to the courtroom for trial if no agreement is reached

through ADR. The judge also may limit the duration of the ADR process or postpone the case to allow the ADR process to continue. The District Court ADR Office requires the named parties and those who have settlement authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys. Since ADR is offered on the day of trial, the participants often know very little about the process. After the explanation of the process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. The ADR practitioner receives limited case information prior to beginning the process.

The process is offered at no charge to the parties. The public may learn about ADR services through the District Court website, brochures, the District Court self-help center, posters, and information shared by the presiding judge.

Neutral Qualifications and Payment

ADR services at the District Court in Howard County are provided by six mediators and 12 settlement conference attorneys. All ADR practitioners in Howard County must meet the requirements established by the District Court ADR Office as detailed in the overview of Part Three of this report.

Program Evaluation and Quality Control

The District Court in Howard County follows the program evaluation and quality control practices implemented by the District Court ADR Office statewide. These practices are described earlier in the overview section of Part Three.

KENT COUNTY

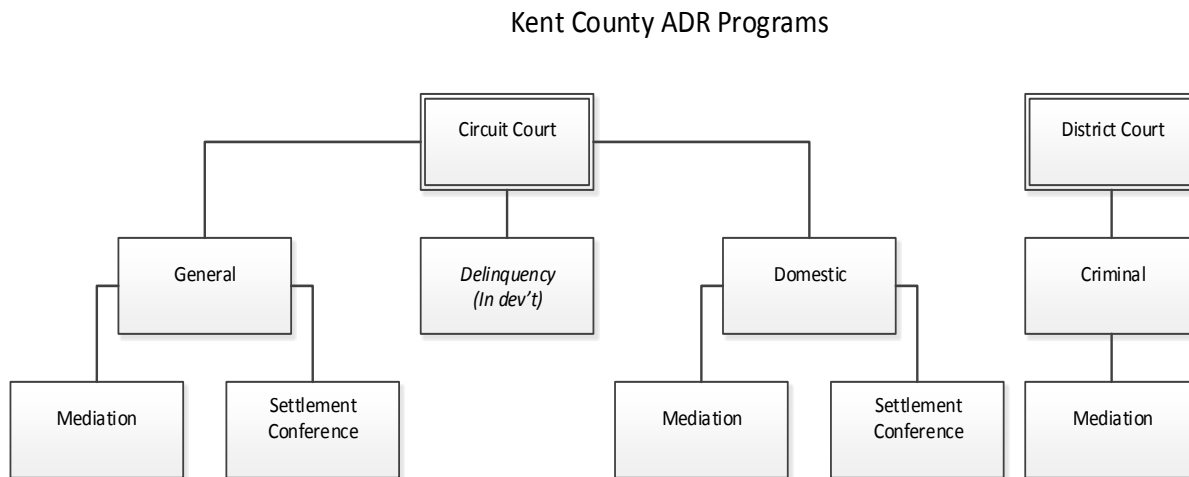
The **Circuit Court for Kent County** has offered mediation for child access cases since 2005. Mediations expanded to include marital property cases in 2007. Today, most domestic cases are ordered to either mediation or a settlement conference. Twice a month, income-qualifying, self-represented parties may receive free day of trial mediation for child access issues. In collaboration with three other Mid-Shore counties, the Family Services Division plans to incorporate child welfare (CINA and TPR) mediation in 2013.

Through a partnership between local **Departments of Juvenile Services** and Mid-Shore Pro Bono, Inc., a non-profit legal services provider, juveniles in five Mid-Shore Counties may engage in the restorative practice of community conferencing as a diversionary alternative to court. Conferencing began in Do rchester County, Talbot County, and Queen Anne’s County in 2012. Mid-Shore Pro Bono, Inc. anticipates expanding to Caroline and Kent counties in 2013.

The **Office of the State’s Attorney for Kent County** began offering mediation for appropriate district court level criminal cases through a partnership with Community Mediation Upper Shore in 2009.

Information about the ADR programs for Kent County is available at:

- Family Services Program: <http://mdcourts.gov/circuit/kent/family.html>



Circuit Court- General Civil

Overview of ADR Processes

Mediation

- Available for general civil cases
- Mediation may be ordered for one or two 2-hour sessions

- Mediators receive \$200 per hour for general civil cases and \$250 per hour for complex civil cases, both of which are split among the parties
- Free mediation services for income-qualifying litigants through Community Mediation Upper Shore

Settlement Conferences

- Conducted by a judge
- Available for represented and self-represented litigants
- Free service

Program Administration

Litigants in the Circuit Court for Kent County may engage in voluntary mediation and/or mandatory settlement conferences for most civil cases. Instead of a dedicated ADR staff person, the Circuit Court for Kent County uses collateral duty employees. Currently the judge's secretary administers the mediation program and the assignment clerk oversees the scheduling of settlement conferences. Both individuals are full-time, salaried employees who devote a portion of their time to the ADR program.

Litigants in general civil cases may voluntarily elect to participate in mediation. During the scheduling conference, the judge asks the parties whether they are interested in engaging in mediation. The parties mutually select a mediator from the court's roster or the court assigns a mediator from the court-approved roster of mediators. Individuals who qualify for a fee waiver are referred to free mediation services through Community Mediation Upper Shore. The court then generates an order for mediation indicating the mediation provider. The order requires parties to engage in one or two 2-hour mediation sessions, although parties may request additional time, if necessary. Mediations typically conclude within 60 days from the date of the mediation order.

All mediations occur at a mutually agreeable time and place. Prior to the mediation, the parties and the mediator determine the need for a confidential pre-mediation statement. Upon conclusion of the mediation, the mediator reports the outcome to the court. Both parties and their attorneys participate in the mediation session.

Settlement conferences occur two Tuesday mornings per month. The conferences, conducted by a judge, take place at the courthouse three months after the scheduling conference. In Kent County, settlement conferences are available for self-represented and represented parties. A range of three to five cases are scheduled each day.

Neutral Qualifications and Payment

To mediate for the Kent County civil ADR program, an individual must be an attorney and meet the requirements set forth in the Maryland Rules. Mediators are paid \$200 per hour, split among the parties or \$400 per mediation session.

Program Evaluation and Quality Control

The Kent County ADR program does not utilize any specific evaluation or quality assurance practices. The parties or their attorneys may contact the ADR coordinator with any mediation-related concerns. All mediators must fulfill the continuing education requirements as established in Md. Rule 17-205(a)(5).

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediation used for child access and marital property cases
- Partnership with Community Mediation Upper Shore to provide mediation services to unrepresented individuals who cannot otherwise pay for mediation
- Mediators receive \$200 per hour for a two-hour mediation
- Current roster of seven child access mediators and five marital property mediators
- Day of trial or hearing mediation for child access/visitation issues provided by three mediators from Community Mediation Upper Shore

Settlement Conferences

- Available for child access and marital property cases
- Conducted by a judge
- Free service

Program Administration

The Family Services ADR Program in Kent County is administered by a full-time family support services director who devotes part of her time to ADR-related activities. Funding for the ADR program, including the provision of fee waivers, is provided through a Department of Family Administration, Family Services Jurisdictional Grant.

ADR is part of standard case management for domestic cases in Kent County. Prior to the scheduling conference, the family support services coordinator reviews cases for ADR. Generally an order for mediation is automatically generated unless domestic violence, mental health, or substance abuse issues exist. The master issues the order for two 2-hour mediation sessions with one of the court-approved roster mediators. Parties who meet the court requirements for waiver of mediation fees receive a referral to mediation through Community Mediation Upper Shore.

The domestic relations master assigns mediators from the roster on a rotating basis, taking into consideration the mediator's expertise and the characteristics of the case. Mediations conducted by roster mediators occur at either the courthouse or the mediator's office. Mediations scheduled through Community Mediation Upper Shore occur at a location convenient to the parties such as businesses, non-profits, and government organizations. The court limits

participation in mediation to the named parties, although children may attend on an “as needed” basis. The court’s case management standards require mediations to conclude two months after the date of the mediation referral.

The court works with three volunteers from Community Mediation Upper Shore to provide one- to two-hour day of trial or hearing facilitation on the third and fourth Wednesdays of each month. Parties at court for a child support determination and who also have related child visitation issues, or parties who have never participated in pre-court mediation, may engage in day of trial or hearing facilitation. The facilitations may last one to two hours, or before the docket is recessed for the day. Parties may schedule one additional two-hour facilitation session.

Settlement conferences occur two Tuesday mornings per month. The conferences, conducted by a judge, take place at the courthouse three months after the scheduling conference. Three to five cases are scheduled each day. Only the named parties and their attorneys may participate in the settlement conference.

In addition to the court order, the litigants learn about the ADR processes through the court’s website, brochures, posters throughout the courthouse, and information in local papers. Any party who contacts the court prior to the filing of a case will be directed to the local community mediation center for mediation services.

Neutral Qualifications and Payment

All mediators must satisfy the requirements of Md. Rules 9-205 and 17-205 prior to final approval by the court’s administrative judge. A neutral may be removed from the court’s roster pursuant to Md. Rule 17-2079a)(7).

Table 3.10: Kent County- Circuit Court, Civil Domestic: ADR Process by Cost and Duration

Type of Process	# of Neutrals	Cost Per Session	Duration of Session
Child Access Mediation	7	\$200 per hour, split between the parties	two, 2-hour session
Marital Property Mediation	5	\$200 per hour, split between the parties	two, 2-hour session
Day of trial or hearing Facilitation	3	None	one, 1-2 hour session (option of an additional 2-hour session)
Settlement Conference	1	None	Varies

Individuals unable to afford the mediator fee may apply to the court for a fee waiver. Funds to support fee waiver requests are provided by the Department of Family Administration, Family Services Jurisdictional Grant. Settlement conference judges receive a per diem rate from the court for their services.

Program Evaluation and Quality Control

The Circuit Court for Kent County does not use any formal evaluation measures. The participants may contact the family support services coordinator with any concerns about the ADR process or provider. All mediators must meet the continuing education requirements as established in Md. Rule 17-205(a)(5).

District Court- Criminal

Overview of ADR Processes

Mediation

- Mediation part of the standard case management process
- Co-mediation provided by Community Mediation Upper Shore
- Cases referred to mediation before the preliminary hearing and after the issuance of the summons
- Voluntary mediations provided at no charge

Program Administration

The Kent County State's Attorney's Office has partnered with Community Mediation Upper Shore to offer mediation for criminal cases in the District Court in Cecil County. Mediation is available through the involvement of a full-time executive director and two part-time intake coordinators at Community Mediation Upper Shore. Individuals within the State's Attorney's Office assist by screening cases for mediation. Community Mediation Upper Shore provides all mediation services at no cost to the District Court, State's Attorney's Office, or participants. The partnership is supported by a Conflict Resolution Grant from MACRO to Community Mediation Upper Shore.

Mediation is integrated into the standard case management process. Once a month, a Community Mediation Upper Shore intake coordinator reviews the case filings at the Kent County State's Attorney's Office. Referrals to mediation typically include misdemeanors and instances in which the participants have a pre-existing relationship. All cases are pre-screened by the State's Attorney's Office so that referrals occur after the issuance of a summons and before a preliminary hearing. Cases involving felonies, crimes of violence, or repeat offenders are not referred to mediation.

The State's Attorney's Office provides a referral with the party names and any existing relationships between the parties (e.g., siblings) to the Community Mediation Upper Shore. Subsequently, the community mediation center sends a letter to the parties on behalf of the Cecil County State's Attorney's Office offering voluntary mediation for the dispute. If all parties agree, the mediation will be scheduled at a time and place convenient to the parties at various locations throughout the county including the Cecil County Family Court conference room. Cases involving peace orders or protective orders always occur at the courthouse. The two-hour mediation session typically occurs within one month from the date of referral, although multiple

mediation sessions may occur if necessary. All parties must agree on who may attend the mediation, but generally attorneys do not participate.

The participants learn about mediation services through the letter sent by Community Mediation Upper Shore, brochures, the judge, or the State's Attorney's Office. In all instances the process is voluntary.

Neutral Qualifications and Payment

Thirty volunteer mediators and three staff from the community mediation center may conduct mediations. All mediators must complete 45 hours of basic mediation training, observe two mediations, and maintain membership in the MPME. The Kent County State's Attorney's Office does not impose any specific qualifications or practices on its neutrals. Community Mediation Upper Shore assigns mediators to cases based upon the mediator's availability and by matching the mediator's strengths with the case type.

Community Mediation Upper Shore oversees the approval and removal of all mediators on its roster. Community Mediation Upper Shore may remove a volunteer only if a mediator, after extensive work with staff and a mediator mentor, fails to meet the center's quality standards. In such instances, the mediator is removed from the mediator roster and placed on a more general volunteer roster. The volunteer will then be contacted for alternative roles more suited to his or her strengths. If the volunteer cannot meet the standards of the community mediation center for any type of volunteer activity, then he or she will be counseled and removed from all rosters.

Program Evaluation and Quality Control

Although not required by the court, the Mid-Shore Community Mediation Center uses a variety of evaluation and quality control practices for its mediations. At the conclusion of the mediation, the participants complete an evaluation and demographics sheet. As quality assurance measures, staff mediators sometimes mediate with volunteer mediators, all mediators must enroll in the MPME, and co-mediators give post-mediation feedback to each other. In addition, a mediation manual describing volunteer expectations is being developed by the Community Mediation Upper Shore's board.

MONTGOMERY COUNTY

A variety of ADR processes exist for litigants in the **Circuit Court for Montgomery County**. Parties with domestic cases may engage in mediation or facilitation, depending upon the type of case. A voluntary mediation program started in 1997 for general civil cases. Starting in 2013, the civil general mediation program will begin to transition from a voluntary opt-in process to an automatically-ordered process for most general civil and marital property cases. Funding for the domestic ADR program in Montgomery County changed significantly in 2012. As a result of the program modification, the court, rather than the parties, directly compensates the mediator for child access and child custody mediations.

Juveniles in Montgomery County may engage in community conferencing and mediation as a diversion from the traditional juvenile justice system. Starting in 2003, the Conflict Resolution Center of Montgomery County began receiving referrals from Montgomery County Public Schools and the **Department of Juvenile Services** of juveniles charged with misdemeanor level crimes. This complements the pre-existing mediation services provided through the State's Attorney's Office in Montgomery County.

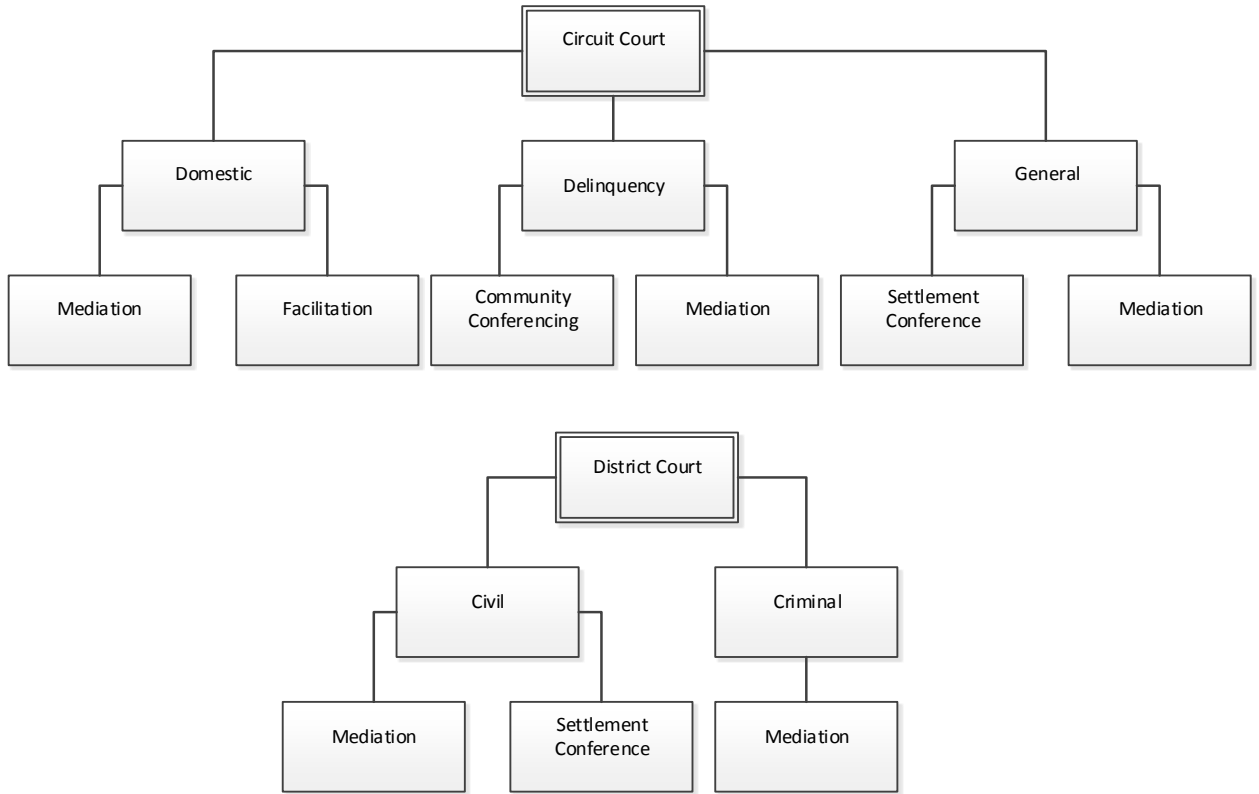
The **District Court in Montgomery County** ADR program offers day of trial mediation for general civil and peace order cases. Parties may also receive a day of trial settlement conference. Pre-trial mediation services are available through a collaboration with the Conflict Resolution Center for Montgomery County. The court initiated ADR services in 2002.

In 1989, the **Montgomery County State's Attorney's Office** Mediation Service established a mediation program for juvenile and criminal cases in the circuit and District Courts in Montgomery County. As part of the standard case management process in the State's Attorney's Office for Montgomery County, criminal cases involving adult offenders may be referred to the mediation service from the citizen complaint bureau and screening unit within the State's Attorney's Office as well as individual attorneys, police officers, and parties.

Information about the ADR programs for Montgomery County is available at:

- Circuit Court Alternative Dispute Resolution:
<http://www6.montgomerycountymd.gov/cigtmpl.asp?url=/content/circuitcourt/attorneys/adr.asp>
- State's Attorney's Office Mediation Program:
<http://www.montgomerycountymd.gov/sao/other/Mediation.html>
- District Court ADR Program:
<http://www.courts.state.md.us/district/adr/home.html>

Montgomery County ADR Programs



Circuit Court- General Civil

Overview of ADR Processes

Mediation

- Provided by over 500 mediators
- Mediators receive \$200 per hour for general civil cases and \$250 per hour for complex cases
- Referral to mediation for most cases with an opt-out option

Settlement Conferences

- Provided by a group of retired judges (currently six to seven)
- Mandatory order issued along with scheduling order in track three cases (routine civil cases with an estimated two to three day trial)
- All persons with decision making authority must be present; upon motion, parties or representatives who have settlement authority may participate in the settlement conference by telephone

Program Administration

The Montgomery County Circuit Court employs an ADR coordinator who manages the court's mediation program. The ADR coordinator is assisted by an administrative assistant, the court's information technology department, and court researchers, all of whom play an integral role in the management of the court's program. The differentiated case management coordinator, with support from staff in the Assignment Office, administers the civil settlement conference program. All staff supporting the services of the ADR program are salaried Montgomery County employees.

The Circuit Court in Montgomery County aims to make ADR available at every hearing opportunity, with the goal of promoting early resolution of cases. ADR is integrated into the differentiated case management process for civil cases in Montgomery County.⁵⁰ Traditionally, the decision to engage in mediation was a voluntary, opt-in decision made by the parties at the scheduling hearing. Starting in 2013 the court is moving to an opt-out mediation referral process. The judge, at the time of the scheduling hearing, will inform parties that their case is being sent to mediation. The parties have the ability to opt-out of the process at the time of the scheduling hearing. The parties may work together to select a mutually-agreeable mediator from the court-approved roster or identify a non-roster mediator. Should the parties require more time to select a mediator, the court will issue an order for mediation and indicate a deadline for mediator selection.

The court will appoint a mediator if the parties so request or if the parties are unable to identify a mediator within the set deadline. In such instances, the ADR coordinator will identify a mediator based upon all of the information available at the time of the referral. Such factors include, without limitation, the mediator's skills and training, location of the mediator and the parties, personality of the mediator, parties, and attorney, complexity of the case, and the availability of the mediator.

Mediations take place at the mediator's office or the law library within the courthouse. Parties are ordered to attend one three-hour mediation session conducted by one of the 500 court-approved mediators, or a mediator of their choice. The court requires individuals with settlement authority to attend the mediation session. The parties are expected to provide the mediator with a one-page pre-mediation statement. The parties compensate the mediator directly for his or her services. Under the court's revised civil differentiated case management plan, the time for discovery and ADR was extended to allow ADR to occur at any time in the case that the parties believe to be the most productive. Litigants may request an extension of the deadline to conduct mediation. In all instances, the deadline to complete ADR is 10 days before the pre-trial hearing.

Track three cases (routine civil cases that require a formal discovery schedule and an estimated two to three day trial) are automatically set for two additional hearings. This occurs irrespective of whether the parties have already engaged in mediation. Settlement conferences and pre-trial hearings are scheduled on the same day, approximately nine months after the initial

⁵⁰ Circuit Court for Montgomery County, Maryland, Civil Differentiated Case Management Plan (July 2010), http://www6.montgomerycountymd.gov/Content/CircuitCourt/Court/CivilDepartment/PDF/Civil_Differentiated_Case_Management_Plan.pdf

case filing. Depending on the number of cases still pending on a settlement conference docket, one to two judges from a group of six to seven retired judges conduct settlement conferences on Thursday afternoons in Montgomery County. The conferences take place at the courthouse in either a hearing room, conference room, or the law library, depending upon availability. The court requires all persons with decision making authority, all named parties, and any attorneys to be present at the settlement conference.

Initially, up to 36 cases may be set for a settlement conference on the weekly Thursday afternoon docket. The differentiated case management coordinator and assignment office staff conducts routine case status checks beginning at least two weeks before the settlement conference. The court staff contact counsel for the parties to determine the status of the case and decide whether the case is in a proper posture for a productive settlement conference. If not, the court will decide whether a short postponement may be necessary to complete discovery, dispose of motion, or address other procedural issues. Due to pre-event resolution or other disposition, a settlement conference judge typically hears an average of three to five cases on a particular docket. The court will schedule a second judge to conduct settlement conferences on days that have a higher volume of cases. Litigants may put their agreement on the record at the conclusion of the settlement conference. If no agreement is reached, the parties proceed to a pre-trial hearing before the administrative judge on the same afternoon. In some instances, parties who have not yet attended mediation may request an order to ADR at the pre-trial hearing.

Litigants learn about ADR services through the court's website, court orders, judges, and attorneys.

Neutral Qualifications and Payment

The Montgomery County Circuit Court maintains a roster of 500 mediators who meet the requirements of Md. Rule 17-205. One hundred of the roster-mediators conduct marital property mediations and also meet the requirements of Md. Rule 9-205. All mediators receive \$200 per hour, split among the parties, for one three-hour mediation session. A rate of \$250 per hour, split among the parties, is established by the court for cases involving medical malpractice and business and technology issues. In the event that parties fail to compensate the mediator, the court may issue a show cause order.

All retired judges conducting settlement conferences have completed a 40 hour mediation training and are active mediators. The retired judges are scheduled via the court's recall process and may participate in other matters as needed on the same day. The judges receive the standard per diem rate from the court for their services; there is no charge to the parties.

Program Evaluation and Quality Control

At the conclusion of the ADR process, the neutral completes a case disposition information form and provides it to the court. Informally, the ADR coordinator receives feedback from parties and attorneys regarding the mediator and mediation process. All mediators must meet the continuing education requirements set forth in Md. Rule 17-205(a)(5). No continuing education requirements exist for settlement conference judges.

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediation available for child custody, child access and marital property cases
- Child custody and child access mediations provided by 21 mediators who receive \$200 for one three-hour session, paid by the court
- Child welfare mediations provided by 25 mediators who receive \$200 for three-hour session, paid by the court
- Marital property mediations provided by over 100 mediators who receive \$200 per hour for one three-hour session, paid by the parties

Facilitation

- Provided for divorce, child custody and child access cases
- Conducted by 30 court-approved roster facilitators, paid \$75 per case by the court
- Scheduled for one hour

Program Administration

Litigants in domestic cases in the Montgomery County Circuit Court may engage in the processes of mediation and facilitation. A part of the standard case management process, the domestic ADR program is administered by a family division coordinator and an ADR coordinator. A permanency planning liaison divides her time between Montgomery and Frederick counties' permanency planning mediation. In Montgomery County, the marital property mediation program is administered along with the circuit court's general civil mediation program. The court master administers the marital property mediation program, as part of civil ADR program administrative duties. The remainder of the program is supported through direct fees paid by the parties to the mediators. A combination of funding from the Department of Family Administration, Family Services Jurisdictional Grant, the Family Law Fund, and the Circuit Court for Montgomery County support the domestic ADR program. During 2012, funding for the child custody and child access mediation program in Montgomery County was significantly reduced, resulting in a change from a staff-mediator model to a roster-mediator model. The court will examine its future funding and the success of the current model prior to making any future adjustments.

Child Access and Child Custody Mediation

The master, at the time of the scheduling hearing refers litigants in child custody or child access cases to mediation. After referral by a master at the scheduling hearing, litigants in child custody and child access cases engage in an intake interview with specific staff from the Family Division to identify issues that might exempt a case from mediation. If the case is appropriate for mediation, a mediator is assigned to the case and notified of the date, time, and location for the mediation. If not appropriate for mediation, the mediation date contained in the referral order is removed and a letter indicating the cancellation is sent to parties and counsel, if any.

Cases are scheduled for a single 3-hour session. Participation in the child custody or child access mediation program is limited to cases where both parties are self-represented or cases where both parties have legal counsel. For the latter type of case, counsel must attend the mediation. Immediately following the mediation, parties appear in front of a master and place the results of the mediation on the record. Any pre-scheduled dates on the court docket are removed. The mediations take place at the courthouse and the mediators receive \$200.00, paid by the court for each mediation session. A court-approved roster of 21 mediators provide child custody and child access mediations.

In addition to mediation, the master, at his or her discretion, may refer a divorce or child access case to facilitation at the time of the scheduling hearing. The goal of the facilitation is to settle the issues at the earliest stage of the proceedings. Thirty court-approved attorney-facilitators volunteer their services for the court. The one-hour facilitation occurs at the courthouse in the library or conference room on the day of the scheduling hearing. The parties and their attorneys may participate in the process. The court directly compensates the facilitators at a rate of \$75.00 per case.

Marital Property Mediation and Settlement Conferences

Parties with marital property cases set may voluntarily agree to mediation and receive an order for mediation. Mediations take place at the mediator's office or the law library within the courthouse. Parties are ordered to attend one three-hour mediation session conducted by one of the over 100 court-approved mediators, or a mediator of their choice. The court requires individuals with settlement authority to attend the mediation session. The parties are expected to provide the mediator with a one-page pre-mediation statement. The parties compensate the mediator directly \$200 per hour, split among the parties. Under the court's revised civil differentiated case management plan, the time for discovery and ADR was extended to allow ADR to occur at any time in the case that the parties believe to be the most productive. Litigants may request an extension of the deadline to conduct mediation. In all instances, the deadline to complete ADR is 10 days before the pre-trial hearing.

Parties with marital property cases may also engage in a settlement conference with a retired judge. The process for scheduling and conducting the settlement conference is administered through the differentiated case management coordinator and assignment office staff.

Child Dependency Mediation

The court may review and refer a child in need of assistance matter to mediation during the pre-trial phase of the litigation. In such instances, the judge hearing the case issues the order for mediation. Cases involving active domestic violence issues or that have pending criminal charges arising from the petition allegation are not appropriate for child welfare mediation. Approximately 25 mediators are available to conduct child welfare mediation sessions. The single, three-hour mediation session takes place at the courthouse library or conference rooms. In advance of the mediation, the court provides the mediator with a copy of the petition and a case information sheet. The mediators receive \$200 per mediation, paid by the court.

For child dependency matters, the 3-hour mediation session occurs on the day of pre-trial, approximately 2 weeks from shelter for cases involving children and 4-6 weeks from the preliminary inquiry for cases involving non-sheltered children. The mediation results are immediately reported on the record to the pre-trial judge. Mediation for permanency planning matters is conducted on a post-adjudicatory basis. The process is voluntary and all parties must consent to mediation. Termination of parental rights mediations are typically conducted within weeks of the scheduling hearing for longer than a single 3-hour mediation session. A mediation status hearing takes place on the same day as the mediation and results are reported immediately to the judge before whom the hearing is set.

Neutral Qualifications and Payment

All mediators must meet the requirements set forth in Md. Rules 9-205 and 17-205. Facilitators must be attorneys in good standing with at least 10 years of family law practice experience. The masters determine whether to accept a facilitator onto the roster.

Table 3.11: Montgomery County-Circuit Court, Civil Domestic: ADR Process by Cost and Duration

Type of ADR	# of Neutrals	Cost Per Session	Duration of Session
Child Welfare Mediation	25	\$200 paid by the court	one, 3-hour session
Child Access Mediation	21	\$200 paid by the court	one, 3-hour session
Facilitation	30	\$75 per case paid by the court	one, 1-hour session
Marital Property Mediation	100+	\$200 per hour, split among the parties	one, 3-hour session

Program Evaluation and Quality Control

At the conclusion of marital property mediations, the participants complete a post-mediation exit survey. No evaluation is used for facilitations. Parties involved in child access, child custody, and child welfare mediations may also contact the family division coordinator or the case manager with any ADR-related problems. Once notified, the family division coordinator talks to the parties and mediators. If necessary the mediator may be removed from the roster if the problem persists. All mediators must complete the continuing education requirements of Md. Rules 9-205 and 17-205.

Circuit Court- Delinquency

Overview of ADR Processes

Community Conferencing

- Available for youth involved in conflicts or incidents of delinquency
- Conference facilitated by one of nine staff members or one of the 10-15 volunteer facilitators

Program Administration

Community conferencing is one of the set of services offered by the Conflict Resolution Center of Montgomery County's Youth Restorative Justice Initiative, which also provides mediation and dialogue circles for youth in schools and in the community. The program provides community conferencing circles for youth referred primarily by the Montgomery County Public Schools, with a small number of referrals originating from the Department of Juvenile Services or directly from family members. The Conflict Resolution Center of Montgomery County first offered conferencing in 2003. Support for the community conferencing program within the Conflict Resolution Center of Montgomery County has varied over the years. Currently, funds from the Governor's Office of Crime Control and Prevention support the program. The program also benefits from close cooperation with the Department of Family Administration.

Less than 10% of all conferencing referrals originate from the Department of Juvenile Services. Although the program does not receive direct referrals from the Montgomery County Police Department, parents whose children have been charged by police officers may make referrals. As with other conferencing programs in the state, referrals from the Department of Juvenile Services originate at the intake stage. The Department of Juvenile Services staff use their discretion to review and refer a juvenile to conferencing. Referred cases typically involve second degree assault, bullying, or harassment, especially where the people involved are close to each other on a regular basis (such as riding the same bus or attending the same school) or otherwise engaged in long-term, recurrent conflicts.

Two staff oversee the Conflict Resolution of Montgomery County's Youth Restorative Justice Initiative. The conference session is typically completed in less than two hours. Conferences occur at community-based locations convenient to the participants, usually a community center or school. Two staff facilitate the majority of conferences. In most cases the facilitator handles the participant recruitment, scheduling, conference session, and follow-up. The facilitator's pre-conference role requires talking with those involved in the precipitating event to gather information. Participation by both victims and complainants is a necessary aspect of the conferencing process. Due to the required conference preparation, it may take between three days to two weeks to set up the conference from the date of referral. Participation in the process is voluntary.

An outreach committee oversees the consumer awareness activities for the Conflict Resolution Center in Montgomery County. Staff of the Youth Restorative Justice Initiative conduct outreach and public education about conferencing and dialogue circles at schools and community centers. Articles to local newspapers and targeted Spanish-language initiatives also occur in the county.

Neutral Qualifications and Payment

Two professional staff employed by the Conflict Resolution Center for Montgomery County and a varying number of volunteer staff and interns facilitate the conferences and dialogue circles. All facilitators must complete a minimum of 20 hours of core training in community conferencing, observe at least two conferences, and co-facilitate at least one session

with observation. Trainings and observations can be done with the Conflict Resolution Center for Montgomery County or with the community conferencing programs in Baltimore City or Baltimore County. Volunteers receive no financial compensation for their efforts.

Program Evaluation and Quality Control

Facilitators are encouraged to take part in refresher trainings and observations offered by the Center as well as through outside organizations. No formal assessment is used with volunteer facilitators, although the director may conduct observations and maintains close communication with facilitators. Staff at the Conflict Resolution Center for Montgomery County participate in agency-wide personnel evaluations.

The Center documents conference activities so that information on referrals and sessions held is aggregated and reported to funding agencies. After the conference, the facilitator contacts the participants to determine compliance with the agreement. Depending upon the terms of the agreement, the follow up by the facilitator may occur within two weeks or a few months after the conference.

District Court- Civil

Overview of ADR Processes

Mediation and Settlement Conferences

- Day of trial mediation and settlement conferences in Rockville and Silver Spring courthouses
- Pre-trial mediations conducted by the Conflict Resolution Center of Montgomery County
- ADR provided free of charge
- ADR conducted by 36 mediators and 11 settlement conference attorneys

Program Administration

The ADR Program in the District Court in Montgomery County provides day of trial and pre-trial ADR services for both Rockville and Silver Spring District Court locations. The program is administered by a regional ADR programs director who is also responsible for one other county. Direct personnel support for all District Court ADR programs is provided by the executive director and deputy director for the District Court ADR Office as well as seven additional staff including an administrative assistant. The program operates with funding from the Maryland Judiciary and volunteer services from ADR practitioners and a partnership with the Conflict Resolution Center of Montgomery County.

Parties with civil cases in the District Court in Montgomery County may receive a day of trial mediation or settlement conference for general civil and peace order cases and pre-trial mediation services as part of the standard case management process. In general, all cases are appropriate for ADR except cases involving domestic violence, concurrent criminal charges,

protective orders, peace orders involving assault or a weapon, or a participant with limited mental capacity. ADR services are available at both the Rockville and Silver Spring courthouses.

Table 3.12: Montgomery County- District Court, Civil: Weekly Schedule of ADR Processes

Location	Monday	Tuesday	Wednesday	Thursday	Friday
Rockville	--	--	am docket	small claims am docket	--
Silver Spring	--	peace orders (beginning 2013)	am docket	--	small claims am docket

Day of Trial

General civil cases may be ordered or referred to ADR on the day of trial by the presiding judge. Alternatively, the District Court regional ADR programs director reviews the peace order docket on Mondays and identifies cases that may be appropriate for mediation on the day of trial.

On a quarterly basis, the director of ADR roster management for the District Court ADR Office schedules volunteer ADR practitioners for day of trial mediations and settlement conferences. Most mediations conducted by the community mediation center use a co-mediation model; most other ADR practitioners use a single ADR practitioner model. Day of trial mediations and settlement conferences occur in the courthouse. The ADR session may last for up to two hours, although the ADR practitioner is mindful of the parties’ need to return to the courtroom or to postpone the case if no agreement is reached. The judge has discretion to limit the time of the ADR process, allow an ADR session to continue past lunch and into the afternoon docket, or to postpone a docketed case to allow the process to continue.

The District Court ADR Office requires the named parties and those who have settlement authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys. Since ADR is offered on the day of trial, the participants often know very little about the process. After the explanation of the process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. The ADR practitioner receives limited case information prior to beginning the process.

The process is offered at no charge to the parties. The public may learn about ADR services through the District Court website, brochures, the District Court self-help center, posters, and information shared by the presiding judge.

Pre-trial

The regional ADR programs director reviews the docket six weeks prior to the trial date and will refer small claims cases involving self-represented individuals to the Conflict Resolution Center of Montgomery County to conduct intake, schedule, and mediate. Pre-trial mediations are scheduled by the Conflict Resolution Center of Montgomery County and occur at a time and place convenient for the parties at locations throughout the county. To effectively manage the docket, pre-trial cases must conclude prior to the trial date.

Neutral Qualifications and Payment

Forty-seven ADR practitioners (36 mediators, 13 of whom can conduct peace order mediations and 11 settlement conference attorneys) provide day of trial ADR services in Montgomery County. All ADR practitioners in Montgomery County must meet the requirements established by the District Court ADR Office as detailed in the overview of Part Three of this report.

Program Evaluation and Quality Control

The District Court in Montgomery County follows the program evaluation and quality control practices implemented by the District Court ADR Office statewide. These practices are described above in the introductory section of Part Three of this report.

Circuit and District Court- Criminal

Overview of ADR Processes

Mediation

- Provided through the Office of the State's Attorney for Montgomery County
- Mediation for adult and juvenile criminal cases
- Voluntary mediation provided at no charge
- Two staff mediators and 14 volunteers conduct mediations

Program Administration

The Montgomery County State's Attorney's Office Mediation Service, established 1989, provides mediations for juvenile and criminal cases in the circuit and District Courts in Montgomery County. The State's Attorney's Office supports the salaries of the full-time mediation coordinator and part-time mediation services provider responsible for administering the program. The program also benefits from case screeners within the State's Attorney's Office and free mediation services provided by volunteer mediators and the Conflict Resolution Center of Montgomery County.

Mediation is integrated into the standard case management process in the State's Attorney's Office for Montgomery County. Criminal cases involving adult offenders may be referred to the mediation service from the citizen complaint bureau and screening unit within the State's Attorney's Office as well as individual attorneys, police officers, and parties. After charges are filed, the mediation service staff meets with a citizen complaint representative to determine if a case is eligible for mediation or prosecution. On a second review of the case, the mediation service staff speaks with the victim to determine his or her interest in mediation. The mediation coordinator works with the Department of Juvenile Services supervisor to review each juvenile case and recommend mediation where appropriate. The majority of cases referred to mediation involve parties with a pre-existing relationship or cases identified as weak candidates for prosecution. Cases involving domestic violence, physical abuse, weapons, or a defendant

with an extensive criminal record are not referred to mediation. In most instances, referrals to voluntary mediation occur prior to assignment of the case to a state's attorney. Parties involved in a civil case with no associated criminal charges are referred to the Conflict Resolution Center of Montgomery County for free mediation services.

Mediations occur at the Office of the State's Attorney. Juvenile mediations may also occur at the youth's school. Mediations are scheduled for as much time as necessary to resolve the conflict, but usually require only a one-hour session. Mediation must conclude prior to the trial date. The mediation services program limits participation in juvenile cases to the youth involved. Attorneys are only permitted to engage in adult criminal mediations under "unusual circumstances" and even then, only if both parties agree. The parties receive a letter and brochure from mediation services prior to the mediation. The public may learn about the mediation program for criminal cases from the website, brochures, police officers and the county 311 number.

Neutral Qualifications and Payment

A total of 14 volunteer mediators, eight of whom also conduct juvenile offender mediations, and two staff conduct all of the mediations. A partnership with the Conflict Resolution Center of Montgomery County provides for additional mediators for adult criminal mediations. All mediators must complete 40 hours of basic mediation training and interview with the mediation services staff. Prior to conducting solo mediations, new mediators observe one to two mediations and either mediate with the mediation services staff or are observed by a staff member. The mediation coordinator and mediation services staff person make the final decision to accept a mediator onto the roster. Mediators who conduct juvenile mediations must also pass a background check and complete additional juvenile-specific training.

Mediators are assigned by matching the characteristics of the case with the experience of the mediator. When possible, the program attempts to provide a mediator who can speak the same language as the parties. Staff mediators conduct mediations as part of their job duties. The roster of volunteer mediators receives no compensation for their services, but the State's Attorney's Office will reimburse parking fees incurred by a volunteer mediator while conducting a mediation. There is no formal process to remove a mediator. At any time, the program may elect not to refer cases to a particular mediator.

Program Evaluation and Quality Control

To evaluate the program, the State's Attorney's Office Mediation Service tracks the source of mediation referrals, outcome date, and mediation provider. The program does not employ any mediator or participant post-mediation evaluation forms. As a quality control measure, one staff person remains available during all mediations. Staff will contact mediators after the process to discuss any issues or concerns.

PRINCE GEORGE'S COUNTY

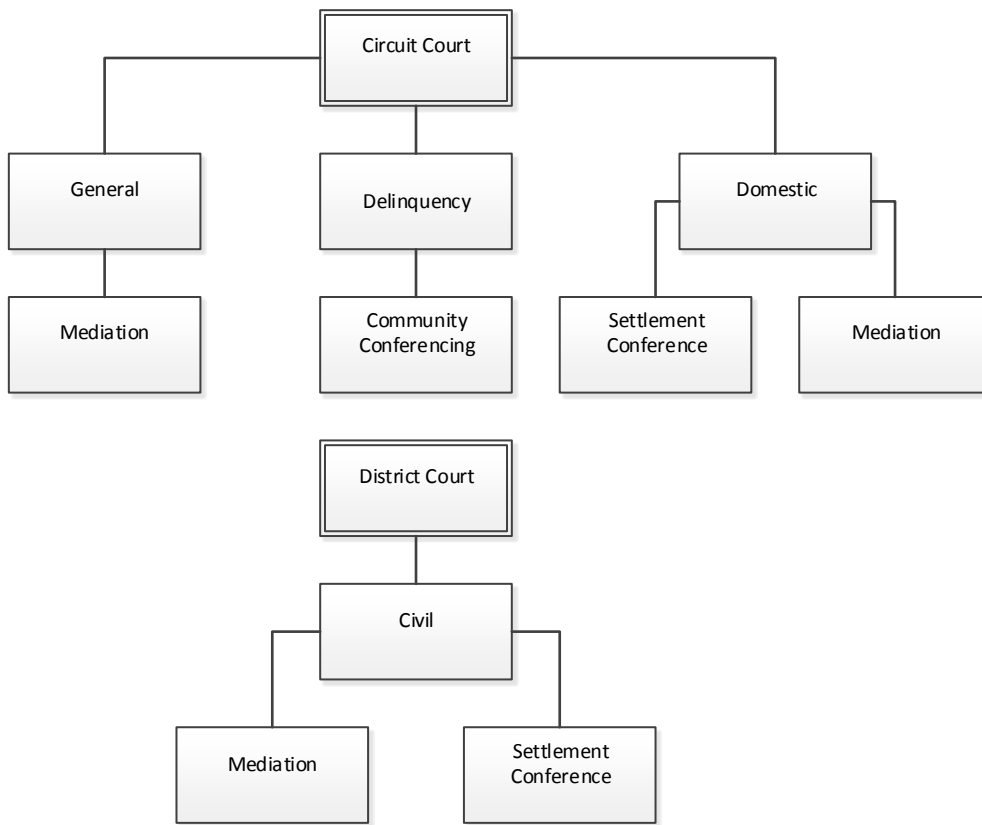
Since 1982, parties with child access matters in the **Prince George's County Circuit Court** have received mediation services. Mediation is also available for child welfare and marital property cases. Mediation/settlement conferences for and general civil mediation has been provided by a panel of retired judges since July 2004. Prince George's County provides domestic mediation services through a combination of staff, contract, and community mediators.

The **District Court in Prince George's County** has offered a day of trial mediation and settlement conference ADR program since approximately 2003.

Information about the ADR programs for Prince George's County is available at:

- Family Services Alternative Dispute Resolution Division:
http://www.co.pg.md.us/Government/JudicialBranch/Circuit/alternative_dispute.asp
- District Court ADR Program:
<http://www.courts.state.md.us/district/adr/home.html>

Prince George's County ADR Programs



Circuit Court- General Civil

Overview of ADR Processes

Mediation/Settlement Conference

- Conducted by seven retired judges
- Process for mediation and settlement conference is the same.

Program Administration

Litigants in civil cases in the Circuit Court for Prince George's County may receive mediation/settlement conferences for any type of civil law action or civil equity. Conducted by one of seven retired judges, the process for mediation and settlement conferences is the same. The provision of ADR services is possible through the work of a variety of court staff. Specifically the administrative assistant to the ADR unit/retired judges handles the daily operations of the ADR unit and the paralegal for the ADR unit/retired judges conducts case research and prepares the case summary for the judges. Support is also provided by the civil paralegal and the office of calendar management. Funding for program staff is provided by Prince George's County.

Mediation is part of the standard case management process in Prince George's County. With the exception of complex litigation cases, which receive an order for mediation with the scheduling order, all other cases may be referred to mediation during the pre-trial conference. At the pre-trial conference, parties and the judge discuss the case and the option of mediation. The judge may use input from the parties to determine whether mediation would be beneficial, however the judge maintains discretion about whether to order a case to mediation. All cases are generally viewed as appropriate for mediation with the exception of certain medical malpractice cases in which the doctor's insurance company does not consent to mediation.

Once the judge issues an order for mediation, participation in the process is mandatory. Only the named parties, attorneys, and insurance companies may participate in the process. Mediations/settlement conferences occur in the county administrative building or the Circuit Court for Prince George's County. Mediations are scheduled at 9:00am, 10:30am, and 1:30pm. No time limit is placed on the ADR process. If a party fails to appear for a scheduled mediation, the judge may issue an order for failure to appear. The judge may reschedule the case and/or issue a show cause order. Mediation/settlement conference is provided at no cost to the parties.

Prior to the ADR process, all parties receive a court notice from the ADR administrative assistant or the Office of Calendar Management. The retired judge receives a confidential mediation statement from the litigants prior to the ADR process. In addition, the ADR paralegal prepares a one-page case summary including party names and any pending motions before the mediation session.

Neutral Qualifications and Payment

Seven retired judges, who meet the qualifications of Md. Rule 17-206, conduct mediation/settlement conference services in the Circuit Court for Prince George's County. The retired judges serve the Prince George's County Circuit Court civil mediation program upon request from the court's administrative judge. Other than the requirements of Md. Rule 17-207(a)(7), no formal process exists to remove a neutral from the court roster. The retired judges receive a per diem rate from the State of Maryland for their services.

Program Evaluation and Quality Control

The civil ADR program for the Circuit Court in Prince George's County employs no formal evaluation measures or quality assurance practices.

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediation available for child access, marital property, and child welfare (CINA and TPR) cases
- Mediations provided by a combination of staff, nine contract mediators, and community mediation volunteers
- Contract mediators receive \$100 per party, per session for child access cases and \$100 per party, per hour for marital property cases
- Parties qualifying for a fee waiver receive a referral to Community Mediation Prince George's

Settlement Conferences

- Marital property settlement conference scheduled for cases involving a hearing over five hours or if child access is among the disputed issues in the case
- Conducted by six retired judges

Program Administration

ADR is part of the standard case management process for domestic cases in Prince George's County. The Family Services ADR Unit in Prince George's County is administered by five full time staff members and one part time staff member. The associate director for family support services oversees the mediator, domestic violence clinician, and the administrative assistant for mediation and the administrative assistant to the associate director. Both the staff mediator and the domestic violence clinician conduct mediations. The ADR unit is funded by the Department of Family Administration, Family Services Jurisdictional Grant. The ADR unit receives free services from volunteer mediators from the Community Mediation Prince George's.

All cases are initially screened for their appropriateness for mediation. In general, all cases are appropriate for ADR except cases involving impaired decision making ability by one or more party, criminal charges pending between the parties, active child protective services investigation, or a recent finding of abuse or neglect by one party involving a child in the case. Family Support Services clinical staff screen cases and refer cases to mediation at the time of the scheduling conference. Cases may receive a referral to ADR at any point throughout the judicial process. The parties complete an intake form which screens for issues which may exclude a case from mediation. If the intake form identifies any issues, the parties are interviewed in person by a member of the Family Support Services clinical staff. Cases may be re-screened, if necessary, prior to assignment to a mediator.

Cases are also set for a subsequent settlement conference in contested custody or visitation matters where an attorney has entered an appearance on the record and the case is set for a bench trial of five or more hours. Mediation in dependency cases may be requested by any party with decision-making authority and will be ordered by a judge. Mediation may be initiated at any time, including pre-adjudication, but is generally referred after adjudication.

The court generates an order for mediation for all court referrals. Once ordered by the court, custody mediation is mandatory. Mediation for property and child dependency cases are not mandatory. If a party fails to schedule mediation or fails to appear for a scheduled session, the court is notified on the mediator's disposition form and the non-compliant party is assessed a fee of \$50.

The ADR unit assigns mediators to a case on a blind rotational basis according to the type of mediation required. Nine contract mediators, one staff mediator, and volunteer community mediators conduct child access mediations. The court refers the majority of child access cases to a contract mediator for two, 2-hour mediation sessions. The mediations occur in the mediator's office or a public library. Staff mediators provide services in the Family Support Services Office at the courthouse. Parties who qualify for a financial hardship fee waiver may receive free child access mediation services through Community Mediation Prince George's. Participation in child access mediation is limited to the parents. The court prohibits attorneys and children from participating.

One of the court's nine contract mediators conduct marital property mediations. The parties and their attorneys are ordered to one 3-hour mediation session. The mediations occur at the mediator's office and the mediator receives \$100 per party, per hour for the mediation session.

Due to the number of parties involved in child welfare matters, mediations take place in a large conference room at the courthouse. Unlike child access and marital property mediations, which use only one mediator, child welfare mediations use a co-mediation model. Child welfare mediations are conducted by one staff mediator and one of three contract mediators. A child welfare mediation may conclude anywhere from one week to 60 days following the court referral. The court requires the presence of all attorneys at the mediation.

Settlement conferences for marital property cases occur at the courthouse twice a week. A panel of six retired judges is regularly called upon to conduct settlement conferences for marital property cases in Prince George’s County. Conferences are scheduled at four 90-minute blocks of time throughout the day. Conferences are provided at no charge to the parties.

The public learns about ADR through the program’s brochures and the court’s website. A Spanish liaison is available to inform the Spanish-speaking public about child access and property mediations. In addition to the order for mediation, participants receive an information packet from the court describing the mediation process. Participants are provided with a copy of their mediation and information about mediation including a brief overview of the process, cost involved, and the name and contact information of the mediator assigned to their case. In child access cases the parties are also provided information regarding mandatory parenting education classes. Mediators conducting marital property mediations receive discovery from the parties two weeks prior to the mediation session. The settlement conference judge receives a one-page summary of the case from the court and confidential pre-mediation statements from the litigants.

Neutral Qualifications and Payment

In addition to the mediator requirements established in the court rules for training and observations, individuals who provide domestic mediations in the Prince George’s County Circuit Court must also maintain malpractice insurance and possess at least three to five years of relevant mediation experience. Child access and marital property mediators must also maintain an office in Prince George’s County. All mediators must be members of the Maryland Program for Mediator Excellence. Acceptance of a mediator onto the court’s roster is determined by the presiding Administrative and Family Division Coordination Judges after review of the mediator’s qualifications and application.

Table 3.13: Prince George’s-Circuit Court, Civil Domestic: ADR Process by Cost and Duration

Type of ADR	# of Neutrals	Cost Per Session	Duration of Session
Child Welfare Mediation	3	\$100 per hour paid by the court	one, 3-hour session
Child Access- contract mediator	9	\$100 per party per session	two, 2-hour sessions
Child Access- community mediation	Varies	No charge	two, 2-hour sessions
Marital Property Mediation	9	\$100 per party per hour	one, 3-hour session
Settlement Conference	6	No charge	90 minute session, no time limit

If payment is not made within 90 days of a mediation order for child access mediation with a contract mediator, the court forwards the account to a collection agency. If parties fail to pay the mediator for a marital property mediation, then the mediator may file a motion requesting the court to order payment.

Program Evaluation and Quality Control

Mediators complete a case disposition form and distribute exit surveys at the conclusion of the mediation process as a means to evaluate the program. The associate director of Family Support Services, as designated by the director of the Family Division, along with an in-house mediator, review agreements reached in mediation to assess compliance with procedural protocols. Additionally, the staff mediator observes child access and child welfare mediators once a year. All mediators must meet the continuing education requirements of Md. Rule 17-205(a)(5). In addition, all mediators must maintain membership in the MPME.

Pursuant to court policy, the judge responds to any complaint regarding the conduct or professionalism of a mediator, save retired judges. After a complaint is filed, the court sends a letter to the mediator detailing the allegations. The mediator is afforded an opportunity to respond to the allegations. Following receipt of the response, the coordinating judge of the Family Division reviews both the complaint and response and determines the next appropriate action. The court has discretion whether to renew a mediator's contract.

Circuit Court- Delinquency

Overview of ADR Processes

Community Conferencing

- Cases referred by the Department of Juvenile Services
- Conferences provided by two staff members
- Voluntary process provided at no charge to the participants

Program Administration

The Prince George's County Community Conferencing Program, currently housed at The Key Bridge Foundation for Mediation, has collaborated with the Department of Juvenile Services, the State's Attorney, the court, and Prince George's County Public School System to provide community conferencing for delinquency matters involving youth in Prince George's County. The program is currently administered by a full-time coordinator and a full-time facilitator and receives financial support from the Department of Family Administration, Family Services Division and the Governor's Office of Crime Control and Prevention.

The majority of cases referred come from intake officers at the Department of Juvenile Services, who review juvenile cases to determine whether the case qualifies for a referral to community conferencing. The types of cases that are typically referred involve a juvenile offender accused of misdemeanor offenses such as theft, assault, vandalism, shoplifting, trespassing, or burglary. Cases without a clear victim, such as truancy and drug offenses, are currently being accepted for a community conference. For a conference to occur, the juvenile(s) must acknowledge some involvement in the incident and be willing to try to resolve the conflict through a community conference.

The Department of Juvenile Services sends a letter to notify the parties that the matter was referred to the Community Conferencing Program. The facilitator assigned to the matter phones the participants to explain the process and confirm their willingness to participate. The Community Conferencing Program sends a letter describing the process and inviting people to attend to any participant who cannot be reached by phone.

Community conferences typically occur within one month from the date of the referral from the Department of Juvenile Services. Community conferences take place at locations throughout the community that are convenient for everyone such as schools or libraries. Participants are asked to set aside two hours for the conference but there is no time limit for the session, and it is most often less than two hours. Individuals who want to intimidate a participant are not allowed to participate in the community conference. Anyone else who has been affected by the conflict is allowed to attend the conference. In all instances, the process is voluntary and offered at no charge to the participants. If the juvenile chooses not to participate or the parties do not reach an agreement, then the case is returned to the referring source to be processed through normal channels.

The coordinator and facilitator conduct facilitations, as well as trained volunteer facilitators. Individuals learn about the program through the Key Bridge Foundation's website, the Prince George's County Public School Office of Constituent Services website, brochures, and presentations.

Neutral Qualifications and Payment

Community conference facilitators must complete a 3-day training from the Community Conferencing Center of Baltimore City. All facilitators must be approved by the community conferencing coordinator and have demonstrated skills. Prior to conducting a conference, facilitators attend an orientation offered by the community conferencing coordinator and engage in an apprenticeship process. The apprenticeship includes observing two or more conferences conducted by an experienced facilitator, including listening in on preparation conversations. Experienced facilitators mentor and shadow new facilitators' first and second cases, providing feedback and guidance throughout the process. Volunteer facilitators receive a stipend of \$150 for facilitating a conference and a scaled rate based upon pre-conference work.

Program Evaluation and Quality Control

At the conclusion of the community conference, the participants complete an evaluation form. Nearly every conference has a trained observer present, as a quality control practice. The coordinator tracks recidivism rates of conference participants as a method of monitoring the program's effectiveness. In addition, agreements from conferences are tracked through successful compliance before sending a final disposition, proclaiming resolution, to the referral agency.

District Court- Civil

Overview of ADR Processes

Mediation and Settlement Conferences

- Day of trial mediation and settlement conferences
- ADR provided by 28 mediators (mostly from Community Mediation Prince George's) and 45 settlement conference attorneys
- ADR part of standard case management process
- ADR provided free of charge

Program Administration

The ADR Program in the District Court for Prince George's County is administered by a regional ADR programs director who is also responsible for one other county. Direct personnel support for all District Court ADR programs is provided by the executive director and deputy director for the District Court ADR Office as well as seven additional staff including an administrative assistant. The program operates with funding from the Maryland Judiciary and volunteer services from ADR practitioners.

Parties with general civil cases in the District Court in Prince George's County may receive ADR services every day during the morning docket and every Tuesday and Wednesday afternoon with the exception of the first Wednesday afternoon of the month. In general, all cases are appropriate for ADR except cases involving domestic violence, concurrent criminal charges, protective orders, peace orders involving assault or a weapon, or a participant with limited mental capacity. Parties may engage in mediation or a settlement conference depending upon the ADR volunteer on a particular day. The judge has the discretion to determine which cases are referred or ordered to ADR. In all instances, ADR is provided free of charge.

On a quarterly basis, the director of ADR roster management for the District Court ADR Office schedules volunteer ADR practitioners for day of trial mediations and settlement conferences. All day of trial ADR occurs in the attorney-client conference rooms at the District Court in Prince George's County. There is no time limit for the ADR process, although the ADR practitioner remains mindful of the parties' need to return to the courtroom to have their trial if no agreement is reached through ADR. The judge also has the discretion to limit the time of the ADR process, or to move a morning docketed case to the afternoon to allow the ADR process to continue.

The District Court ADR Office requires the named parties and those who have settlement authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys. Since ADR is offered on the day of trial, the participants often know very little about the process. After the explanation of the process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. The ADR practitioner receives limited case information prior to beginning the process.

The process is offered at no charge to the parties. The public may learn about ADR services through the District Court website, brochures, the District Court self-help center, posters, and information shared by the presiding judge.

Neutral Qualifications and Payment

ADR services at the District Court in Prince George's County are provided by 28 mediators, mostly from Community Mediation Prince George's, and 45 settlement conference attorneys. Mediators from the community mediation program use a co-mediator model. All ADR practitioners in Prince George's County must meet the requirements established by the District Court ADR Office as detailed in the overview of Part Three of this report.

Program Evaluation and Quality Control

The District Court in Prince George's County follows the program evaluation and quality control practices implemented by the District Court ADR Office statewide. These practices are described above in the overview section of Part Three of this report.

QUEEN ANNE’S COUNTY

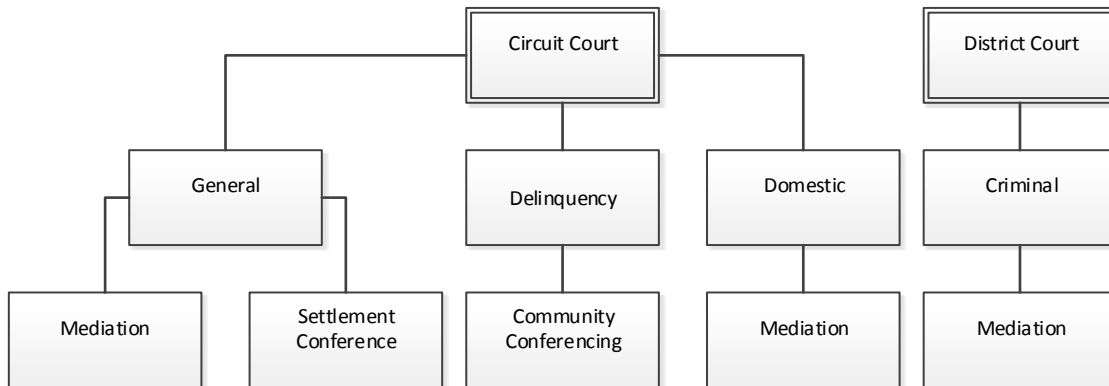
The **Circuit Court for Queen Anne’s County** provides mediation for most domestic and general civil cases. Starting in 1997, mediation for child access cases began. In 2009, the program expanded to offer mediation for marital property as well as mediation for general civil cases. Most recently, the Department of Juvenile Services and Mid-Shore Pro Bono, Inc., a non-profit legal services provider, partnered to provide community conferencing for cases involving juveniles.

Through a collaboration between **Office of the State’s Attorney for Queen Anne’s County** and Community Mediation Upper Shore, individuals involved in criminal misdemeanors have engaged in voluntary mediation since 2008.

Information about the ADR programs for Queen Anne’s County is available at:

- Circuit Court ADR Program: <http://mdcourts.gov/clerks/queenannes/adr.html>
- Family Services Program: [http://mdcourts.gov/clerks/queenannes/famservices.html#Custody/Visitation Mediation](http://mdcourts.gov/clerks/queenannes/famservices.html#Custody/VisitationMediation)

Queen Anne’s County ADR Programs



Circuit Court- General Civil

Overview of ADR Processes

Mediation

- Available for all civil cases
- Court-approved roster of mediators (currently 36)
- Ordered for one 2-hour session
- Mediators receive \$200 per hour, split among the parties

Settlement Conferences

- Provided by two settlement conference attorneys
- Ordered for one 2-hour session
- Process rarely used

Program Administration

The Circuit Court for Queen Anne’s County ADR Program is administered by an ADR coordinator who devotes part of her time to ADR-related matters. The program also receives support from the Clerk’s Office. Queen Anne’s County funds the ADR coordinator’s salary.

Most cases are ordered to mediation in Queen Anne’s County as part of the standard case management process. Unless an issue of domestic violence is identified, the judge or master refers most cases to mediation at the scheduling conference. The ADR coordinator prepares the order for mediation for the judge’s signature. Once signed, the clerk’s office processes the order, distributing the order, the partial case history, and “Report of the Mediator” form to the appropriate persons.

The master or judge appoints a mediator from a list of approximately 36 court-approved mediators, taking into account the case and mediator characteristics and location of the parties. In addition to assigning the mediator, the order to mediation also sets a deadline for the two-hour mediation session. The deadline for completion of the mediation is based upon the amount of necessary discovery. All parties and counsel must participate in the mediation, unless counsel is otherwise excused by the mediator.

The outcome of the mediation session determines subsequent actions relating to the case. If the report indicates that the case was settled, dismissed, or stayed prior to mediation, or if the case was settled at mediation, an order will be prepared for the judge’s signature vacating the settlement conference and/or other court events. The judge may issue a show-cause order to parties who fail to attend a mediation session or to mediators who do not return the report to the court.

Although rare, the court may also order parties to a non-judicial settlement conference with one of the county’s two settlement conference attorneys. The two-hour settlement conference involves the parties and attorneys. Mediations and settlement conferences may occur at the neutral’s office or at another mutually agreeable location.

Neutral Qualifications and Payment

To mediate for the Queen Anne’s County civil ADR program, an individual must meet the requirements set forth in Md. Rule 17-205. The administrative judge makes the final decision whether to accept a neutral. The court maintains a list of 36 court-approved roster mediators and two settlement conference attorneys. Both mediators and settlement conference attorneys receive \$200 per hour, split among the parties. The judge may issue a show cause order to any party who fails to compensate the mediator.

Program Evaluation and Quality Control

The Queen Anne's County civil ADR program does not utilize any specific evaluation or quality assurance practices beyond the continuing education requirements established in Md. Rule 17-205(a)(5). The ADR coordinator may bring any mediation-related problems to the administrative judge to be addressed as necessary. Mediators who fail to meet the continuing education requirements will not be assigned to conduct mediations.

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediation mandated for child access and marital property cases
- Mediation voluntary for child welfare (CINA) cases
- Mediations provided by 26 child access mediators, 24 marital property mediators and one contract mediator
- Roster mediators receive \$200 per hour per party for a 2-hour mediation
- Courthouse mediations provided by courthouse mediator. The parties pay \$125 per hour, split among the parties and the court pays the mediator \$200 per hour.
- Fee waivers available
- Free mediations available twice a month for child access cases provided on the day of trial by Community Mediation Upper Shore

Program Administration

The Family Services ADR Program in Queen Anne's County is administered by a full-time ADR coordinator who devotes part of her time to ADR-related activities. One judge and master also assist by providing referrals to the program. Funding for the ADR program, including the provision of free mediation, is provided through a Department of Family Administration, Family Services Jurisdictional Grant. Prior to 2012, the Department of Social Services funded the position of the courthouse mediator.

Mediation is mandated as part of standard case management for child access and marital property cases and voluntary for CINA cases. Child welfare (CINA) are not routinely referred to mediation. A master or judge reviews cases and may issue an order for mediation at the scheduling conference. In practice, all appropriate child access and marital property cases are referred to mediation. With the exception of cases involving domestic violence or a protective order, all cases are appropriate for mediation. If viewed as beneficial, the court may order parties to attend a parenting class prior to engaging in mediation. Only one CINA mediation has occurred since the program began.

Parties may be ordered to "courthouse" or "non-courthouse" mediation. Starting in May 2013, the court partnered with Community Mediation Upper Shore to provide co-mediation for child access cases on the day of court. Parties may receive free day-of-trial mediation twice a

month on days specified by the court. A contract mediator conducts all courthouse mediations ordered at the discretion of the court. Initially referred for one two-hour session, the court may order up to two additional hours for courthouse mediation. At the time of the mediation, the courthouse mediator collects the \$125 per hour mediation fee. The payment in the form of a money order is split among the parties and paid directly to the court. The mediator submits the payments to the family support services coordinator who delivers them to the court administrator for deposit with the county finance officer on a monthly basis.

Mediations provided by a court-approved roster mediator occur at the mediator or attorney's office. The court order requires the parties to attend one 2-hour mediation session. Although not prohibited, attorneys are discouraged from engaging in the mediation process.

In addition to the order to mediate, the parties may learn about the ADR process through the court's website and brochures. Parties in marital property cases must provide the mediator with financial information prior to the mediation.

Neutral Qualifications and Payment

Mediations are provided by 26 child access and 24 marital property mediators and one contract "courthouse" mediator. All mediators must satisfy the requirements in Md. Rules 9-205 and 17-205 prior to final approval by the court's administrative judge. The fee for the participants ordered to "courthouse" mediation is \$125 per hour (\$62.50 per party, per hour). The courthouse mediator invoices the family services department at the rate of \$200 per hour.

Roster mediators receive \$200 per hour, per party paid by the litigants. Only if a fee waiver is filed and granted may the roster mediator invoice family services to receive the mediation fee from the court.

Program Evaluation and Quality Control

The Queen Anne's County ADR program does not use any additional evaluation or quality assurance practices beyond the requirements established in Md. Rule 17-205(a)(5). The ADR coordinator brings any mediation-related problems to the attention of the administrative judge to be addressed as necessary. Mediators who have not met the continuing education requirements do not receive mediation assignments.

Circuit Court- Delinquency

Overview of ADR Processes

Community Conferencing

- Cases referred by the Department of Juvenile Services
- Provided by one staff-facilitator
- Voluntary and free process

Program Administration

In September 2012, Mid-Shore Pro Bono, Inc., a non-profit legal services provider, began to offer community conferencing for juvenile cases in Queen Anne's County. The program is part of a partnership with the Department of Juvenile Services aimed at providing an ADR process for select juvenile cases. The program is administered by one part-time project coordinator who is also responsible for similar programs in Kent, Talbot, Caroline, and Dorchester counties. Funding from the Community Conferencing Center of Baltimore City and the Maryland Legal Services Corporation supports the program.

Case workers within the Department of Juvenile Services review cases. Cases involving ongoing conflicts and misdemeanors such as bullying, fighting, theft, vandalism, and gossip may receive a referral to community conferencing. Referrals are made to Mid-Shore Pro Bono, Inc. approximately one month after the Department of Juvenile Services receives a report of the incident.

Community conferences typically occur within two weeks from the date of the referral from the Department of Juvenile Services. No limits are placed on who may participate in the conference. As a precondition for a conference, the respondents must "acknowledge involvement in the incident." One staff facilitator provides the community conferences in Queen Anne's County. Community conferences take place at a location convenient to all participants. Most conferences last 45 minutes, although there is no time limit on the process. In all instances, participation in the conference is voluntary. Individuals learn about the program through brochures, press releases, and mailings from the Department of Juvenile Services.

Neutral Qualifications and Payment

Community conference facilitators receive training from the Community Conferencing Center of Baltimore City. Conferences are provided at no cost to the participants. Currently, the facilitator is a part-time salaried employee of Mid-Shore Pro Bono, Inc. As the demand for conferences increases, the program aims to train additional volunteer facilitators.

Program Evaluation and Quality Control

At the conclusion of the community conference, the participants complete evaluation forms. An observer is present whenever possible to provide feedback to the facilitator at the conclusion of the conference. As a quality assurance practice, facilitators observe other community conferences and attend regular refresher trainings.

District Court- Criminal

Overview of ADR Processes

Mediation

- Mediation part of the standard case management process
- Co-mediation provided by Community Mediation Upper Shore
- Cases referred to mediation before the preliminary hearing and after the issuance of the summons
- Voluntary mediations provided at no charge

Program Administration

The Queen Anne's County State's Attorney's Office has partnered with Community Mediation Upper Shore to offer mediation for criminal cases in the District Court in Queen Anne's County since 2008. Mediation is available through the involvement of a full-time executive director and two part-time intake coordinators at Community Mediation Upper Shore. Individuals within the State's Attorney's Office assist by approving cases for mediation. All intake and mediation services are provided by Community Mediation Upper Shore at no cost to the District Court or the participants. The partnership is supported by a Conflict Resolution Grant to Community Mediation Upper Shore from MACRO.

Mediation is integrated into the standard case management process for criminal cases in the District Court in Queen Anne's County. Initially the Queen Anne's County State's Attorney's Office pre-screens cases for mediation. On a monthly basis, the Community Mediation Upper Shore intake coordinator conducts a second review of the identified cases. Subsequently, the intake coordinator sends letters to the parties on behalf of the State's Attorney's Office notifying them of the referral to mediation. In general, misdemeanors and parties with pre-existing relationships are appropriate for mediation. Cases involving felonies, crimes with violence, or repeat offenders are not appropriate for mediation. The referral to mediation typically occurs before the preliminary hearing and after the issuance of a summons.

Community Mediation Upper Shore contacts the parties to schedule and conduct the mediation. The community mediation center matches mediators with cases by taking into account the mediator's availability and as well as matching the mediator's strengths with the case type. A co-mediation process is used. Mediations occur at a time and place convenient to the parties at locations throughout the county. In addition, the Queen Anne's County State's Attorney's Office also provides office space for mediations. Cases involving peace orders or protective orders always occur at the courthouse. The two-hour mediation session typically occurs within one month from the date of the mediation referral. More sessions can be scheduled if necessary. Everyone must agree on who can attend the mediation, but generally attorneys do not participate.

Litigants learn about the mediation services through the letter sent by Community Mediation Upper Shore, brochures, the judge or state's attorney, or the court's website. In all instances, the process is voluntary and free of charge.

Neutral Qualifications and Payment

Thirty volunteer mediators and three staff from Community Mediation Upper Shore provide mediation services. All mediators have completed 45 hours of basic mediation training, observed two mediations, and maintain membership in the MPME. The Queen Anne's County State's Attorney's Office does not impose any additional qualifications or practices on its neutrals. Community Mediation Upper Shore maintains the responsibility for the approval and removal of all mediators on its roster.

Community Mediation Upper Shore may remove a volunteer only if a mediator, after extensive work with staff and a mediator mentor, fails to meet the center's quality standards. In such instances, the mediator is removed from the mediator roster and placed on a more general volunteer roster. The volunteer will then be contacted for alternative roles more suited to his or her strengths. If the volunteer cannot meet the standards of the community mediation center for any type of volunteer activity, then he or she will be counseled and removed from all rosters.

Program Evaluation and Quality Control

The Queen Anne's County State's Attorney's Office does not require any specific evaluation or quality control practices. Community Mediation Upper Shore employs the same evaluation and quality assurance practices for criminal mediations as it uses for all mediation services. At the conclusion of the mediation, the participants complete evaluation forms and demographics sheets. As quality assurance measures, staff mediators sometimes mediate with volunteer mediators, all mediators must enroll in the MPME, and co-mediators give post-mediation feedback to each other. In addition, a mediation manual describing volunteer expectations is being developed by the Community Mediation Upper Shore's board.

ST. MARY'S COUNTY

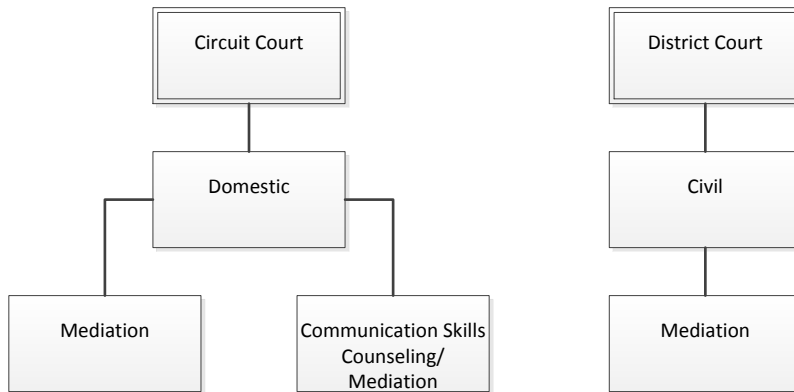
The **Circuit Court for St. Mary's County** began offering mediation for child access cases in 1998 and expanded its ADR services to include mediation for child welfare cases in 2002. In addition to mediation, parties in need of combined communications skills, counseling, and mediation services may receive consolidated services provided by a contract neutral.

Starting in 2002, litigants in general civil cases in the **District Court in St. Mary's County** began to receive day of trial and pre-trial mediation through a partnership with the St. Mary's County Community Mediation Center.

Information about the ADR programs for St. Mary's County is available at:

- Family Services Program:
<http://mdcourts.gov/clerks/stmarys/familyservices.html>
- District Court ADR Program:
<http://www.courts.state.md.us/district/adr/home.html>

St. Mary's County ADR Programs



Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediation for child access and child welfare (CINA and TPR) cases
- Communication skills counseling-mediation program provides a combination of mediation and communications skills services
- Mediations provided by two child access mediators, six child welfare mediators and one communication counselor-mediator
- Mediators receive \$100 per party per session for two 2-hour sessions
- Free mediations available through a partnership with St. Mary's Community Mediation Center

Program Administration

The Family Services ADR Program in St. Mary's County is administered by a full-time ADR coordinator whose salary is funded by a Department of Family Administration, Family Services Jurisdictional Grant.

Mediation is part of standard case management for cases involving child access and child welfare (CINA and TPR) issues. In addition to traditional mediation, the Family Services Program also offers a communication skills counseling-mediation program. The process offers a combination of mediation and communication skills support in instances in which the court determines the parties could benefit from both services. Communication skills counseling-mediation services initially focuses on counseling services and may evolve into mediation, if necessary. Although there is no limit on the number of sessions, most parties engage in two to three 90-minute sessions. Individuals without a case before the court may still receive a referral to communication skills counseling-mediation services.

All child access cases receive an initial screening for any instances of domestic violence. During the scheduling conference, the judge or master will meet with the parties to discuss mediation. After determining their willingness to participate and the appropriateness of the case for mediation, the judge may issue an order for mediation. Referrals to mediation for CINA cases occur during the post-adjudication phase of the matter. Referrals to mediation for TPR cases take place during the permanency planning phase. All referrals are made at the discretion of the master. In the rare instance in which a party fails to appear for a mediation, the court does not impose any formal consequences. Most mediations conclude within four to six weeks after the date of the order for mediation.

A partnership with the St. Mary's County Community Mediation Center provides for child welfare mediations and free child access mediation services. Roster mediators conduct child access mediation for cases that involve an out-of-state party, or which otherwise need to occur by phone. All other child access cases receive a referral to the St. Mary's County Community Mediation Center or communication skills counseling-mediation program. The court limits participation in the mediation to the named parties. Mediations conducted by a roster mediator occur at the mediator's office. Mediations provided by the St. Mary's County Community Mediation Center occur at convenient times and locations throughout the county.

The communication skills counselor-mediator is on contract with the court to provide nine hours of services weekly at the courthouse. Parties ordered to the communication skills counselor-mediator pay the neutral directly on an hourly basis. All services provided by the communication skills counseling-mediation program take place at the courthouse during regular business hours. Regardless of the mediation provider, any mediation involving an incarcerated parent is held at the courthouse.

The family services coordinator schedules child welfare mediations and refers the cases to the St. Mary's Community Mediation Center for co-mediation. The two-hour mediation session typically occurs at the community mediation center or at the courthouse if one of the

parties is at a detention center. Both attorneys and named parties may engage in child welfare mediations.

In addition to the court order, litigants learn about the county’s ADR processes through the court’s website, the clerk’s office, and a mediation information sheet describing the process. Parties engaging in child welfare mediation also receive an informational brochure.

Neutral Qualifications and Payment

All mediators must satisfy the requirements in the court rules prior to final approval by the court’s administrative judge. There is no written process to remove a neutral from the court’s roster. If a problem arises, the coordinator will meet with the mediator to discuss the situation and may remove a mediator pursuant to Md. Rule 17-207(a)(7).

Table 3.14: St. Mary’s County-Circuit Court, Civil Domestic: ADR Process by Cost and Duration

Type of Mediation	# of Neutrals	Cost Per Session	Duration of Session
Child Welfare Mediation	6	Free to parties; community mediation receives \$80 per session and an additional \$80 for writing the agreement	one, 2-hour session
Child Access- Roster Mediator	2	\$100 per party, per session	two, 2-hour sessions
Child Access- community mediation	Maintained by community mediation center	Free to parties	one, 2-hour session
Communication Skills Counseling-Mediation	1	\$60 per session hour, divided equally among the parties	two-three, 1.5-hour sessions

Program Evaluation and Quality Control

The court uses separate participant evaluation forms for child welfare mediation and for communication skills counseling-mediation services. The St. Mary’s County Community Mediation Center uses its own post-mediation evaluation forms. No evaluation is used for child access mediations conducted by roster mediators. All mediators, including the community mediators and the contract counselor-mediator, must complete the continuing education requirements established in Md. Rule 17-205(a)(5).

District Court- Civil

Overview of ADR Processes

Mediation

- Day of trial mediation available on Monday mornings and second and fourth Tuesday morning of every month; peace order mediation every Tuesday and Thursday
- Day of trial and pre-trial mediations conducted by 17 volunteer mediators from the St. Mary's County Community Mediation Center
- Mediation free of charge

Program Administration

The ADR Program in the District Court in St. Mary's County is administered by a regional ADR programs director who is also responsible for three other counties. Additional personnel support for the program is provided by the executive director and deputy director as well as seven additional staff including an administrative assistant. The program operates with funding from the Maryland Judiciary, volunteer services from ADR practitioners, and a partnership with the St. Mary's County Community Mediation Center.

Day of Trial

Parties in general civil cases in the District Court in St. Mary's County may receive mediation services during the morning docket on Mondays and the second and fourth Tuesday of every month. Peace order mediations are available on Tuesday mornings, provided a volunteer mediator is available. The judge has the discretion to determine which cases are referred or ordered to mediation on the day of trial. In general, all cases are appropriate for ADR except cases involving domestic violence, concurrent criminal charges, protective orders, peace orders involving assault or a weapon, or a participant with limited mental capacity. In all instances, the process is provided at no charge to the parties.

On a quarterly basis, the director of ADR roster management for the District Court ADR Office schedules volunteers for day of trial mediations. All day of trial mediations occur in the attorney-client conference room of the District Court in St. Mary's County. After the explanation of the process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. There is no time limit for mediation, although the mediator is mindful of the need to return to the courtroom to allow the parties to have their trial, if no agreement is reached in mediation. The judge also may limit the time of a mediation session or move a morning docketed case to the afternoon to allow the mediation process to continue.

The District Court ADR Office requires the named parties and those who have settlement authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys. Since ADR is offered on the day of trial, the participants often know very little about the process. After the explanation of the

process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. The ADR practitioner receives limited case information prior to beginning the process.

The process is offered at no charge to the parties. The public may learn about ADR services through the District Court website, brochures, the District Court self-help center, posters, and information shared by the presiding judge.

Pre-trial

A St. Mary's County Community Mediation Center volunteer and the court clerk review the civil docket six weeks prior to the trial date. Selected cases are referred to the community mediation center for pre-trial mediation. Pre-trial mediations occur at locations throughout the county convenient to the parties. The District Court ADR Office requires the named parties and those who have authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys.

A co-mediation model is used for both day of trial and pre-trial mediation sessions.

Neutral Qualifications and Payment

Mediations are provided by 27 mediators, all of whom are affiliated with the St. Mary's Community Mediation Center. All mediators in St. Mary's County must meet the requirements established by the District Court ADR Office as detailed in the overview of Part Three of this report.

Program Evaluation and Quality Control

The District Court in St. Mary's County follows the program evaluation and quality control practices implemented by the District Court ADR Office statewide. These practices are described above in the overview section of Part Three.

SOMERSET COUNTY

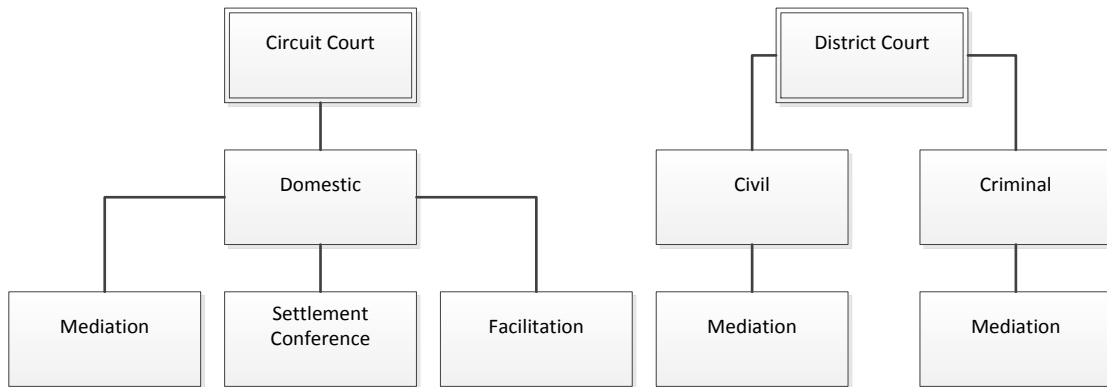
The Circuit Court for Somerset County began to offer mediation for certain types of domestic cases in 1999 and expanded to add the process of facilitation in 2004. Currently, the program offers settlement conferences, mediation, and facilitation for cases involving child access, child support, marital property, alimony, and child welfare (CINA) issues.

Both the Office of the State’s Attorney for Somerset County and the District Court in Somerset County have partnered with Community Mediation Initiative at the Bosserman Center for Conflict Resolution to offer mediation for District Court level criminal and civil cases since 2012.

Information about the ADR programs for Somerset County is available at:

- Family Services Program:
<http://www.mdcourts.gov/circuit/somerset/familyservices.html>
- District Court ADR Program:
<http://www.courts.state.md.us/district/adr/home.html>
- Office of the State’s Attorney Mediation Unit:
<http://www.ccgov.org/sao/mediation.html>

Somerset County ADR Programs



Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediations provided by nine court-approved roster mediators and one staff mediator
- Mediators receive \$100 per session per party for two 2-hour sessions
- Fee waivers available

Settlement Conferences

- Conducted by a judge or master for domestic relations
- One hour session on the first Wednesday of every month

Facilitation

- Facilitations provided by nine court-approved roster mediators and one staff mediator
- One 30-45 minute session
- Provided at no cost to the parties
- Facilitator receives \$100 per hour, paid by the court

Program Administration

The Family Services ADR Program in Somerset County is administered by a full-time family services coordinator who is a trained mediator and devotes part of her time to ADR-related activities. Funding for the coordinator and mediation fee waivers is provided through the Department of Family Administration, Family Services Jurisdictional Grant.

ADR is part of standard case management for cases involving child access, child support, marital property, alimony, and child welfare (CINA) issues. A master or judge reviews the case and may issue a referral to mandatory mediation, facilitation or a settlement conference at the scheduling conference. Cases with few legal issues in dispute or which only require clarification of issues typically receive a referral to voluntary facilitation. Cases involving domestic violence, incarcerated individuals, sexual abuse, or other safety concerns, or when the parties are not geographically near Somerset County are not referred to ADR. Only one CINA mediation session took place in 2012. The court considers discovery deadlines and other related services, such as parenting classes, when determining the deadline for mediation completion.

A sitting domestic relations judge or master conducts settlement conferences. The one-hour settlement conference takes place at the courthouse 30 days before trial. All conferences occur during a three hour block of time on the first Wednesday of every month. The court may schedule three to 11 cases per day, although due to early resolution or other disposition only four to five conferences occur. Facilitations also occur at the courthouse. One of the court's nine facilitators conducts the 30-45 minute facilitation at no cost to the parties.

Parties are ordered to two 2-hour mediation sessions with one of the nine court-approved mediators. Following an initial review for conflicts of interest, the court assigns a mediator to a case by matching the case and party characteristics with the qualities of the neutral. During the scheduling conference, the parties determine who will participate in the mediation, but usually attorneys are not present. The mediation takes place at the mediator's office and the parties compensate the mediator directly. In Somerset County, a staff person is typically available to provide mediations and facilitations if necessary.

Litigants learn about the ADR services in Somerset County through the Self Help Family Law Clinic, the court's website, and flyers in the clerk's office. The court provides the mediator with a case history and party information before the mediation session. The parties provide the mediator with financial and property statements before a marital property mediation. Upon

arrival at the courthouse, facilitators receive a copy of the court docket and a brief case description.

Neutral Qualifications and Payment

Through a memorandum of understanding, the Somerset County domestic ADR program works with 10 individuals to provide mediation and facilitation services. Nine individuals are listed on a court-approved roster and one is a staff member. All mediators must satisfy the requirements of Md. Rules 9-205 and 17-205 prior to final approval by the court’s administrative judge. Facilitators must complete 40 hours of basic mediation training and an additional 20 hours of training for each additional case type such as child access, marital property, alimony, or child welfare. A neutral may be removed from the court roster pursuant to Md. Rule 17-207(a)(7).

Table 3.15: Somerset County-Circuit Court, Civil Domestic: ADR Process by Cost and Duration

Type of Process	# of Neutrals	Cost Per Session	Duration of Session
Other Domestic Mediation	10	\$100 per party, per session	two, 2-hour session
Facilitation	10	\$100 per hour (paid by the court)	one, 30-45 minute session
Settlement Conference	2	No fee	one, 1-hour session

Individuals who cannot afford the mediator fee may apply to the court for a fee waiver. Funds to support fee waiver requests are provided by the Department of Family Administration, Family Services Jurisdictional Grant. With the exception of child welfare mediations, for which the mediator receives payment from the court, parties compensate the mediator directly. In the event that a party fails to pay the mediation, the court may issue a show cause order for civil contempt. As current court employees, settlement conference judges and masters receive no additional compensation from the court or the parties for their services.

Program Evaluation and Quality Control

At the conclusion of the mediation, participants complete a “Mediation Quality Assurance Form” (participant evaluation) and mediators complete a report to the court. The court uses information from the forms to determine future case referrals. In addition, all mediators must fulfill the continuing education requirements set forth in Md. Rule 17-205(a)(5). The court conducts no evaluation of settlement conferences nor requires continuing education for settlement conference officers and facilitators.

District Court- Civil

Overview of ADR Processes

Mediation and Settlement Conferences

- Day of trial mediation available on fourth Monday afternoon docket of every month
- Mediations conducted by five volunteer mediators from the Community Mediation Initiative at the Bosserman Center for Conflict Resolution
- Three attorneys conduct either mediation or settlement conferences

- ADR free of charge

Program Administration

The ADR Program in the District Court in Somerset County is administered by the deputy director of ADR programs who is also responsible for overseeing the implementation of ADR programs on the District Court level throughout the Eastern Shore as well as supervising the District Court's statewide ADR program.⁵¹ Additional personnel support for the program is provided by seven additional staff including an administrative assistant. The program operates with funding from the Maryland Judiciary, volunteer services from ADR practitioners, and a partnership with the Community Mediation Initiative at the Bosserman Center for Conflict Resolution. The clerk's office staff of the District Court in Somerset County provides assistance for the program.

ADR is part of the court's standard case management process. Parties with general civil cases in the District Court in Somerset County may receive mediation services on the fourth Monday of every month during the afternoon docket. The clerk's office reviews the docket and identifies cases for mediation. The judge has the discretion to determine which cases are referred or ordered to mediation on the day of trial. In general, all cases are appropriate for ADR except cases involving domestic violence, concurrent criminal charges, protective orders, peace orders involving assault or a weapon, or a participant with limited mental capacity.

On a quarterly basis, the director of ADR roster management for the District Court ADR Office schedules volunteer ADR practitioners for day of trial mediations and settlement conferences. Day of trial mediation is provided by five Community Mediation Initiative volunteer mediators who are on a court-approved roster. All community mediators use a co-mediation process. In addition, three attorneys provide either mediation or settlement conference services. These attorneys use a solo mediation model.

Mediations take place in a conference room in the adjoining multi-service center or a meeting room in the courthouse. After the explanation of the process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. There is no time limit for mediation, although the mediator will provide the judge with an update on the status of the mediation after two hours. The judge may limit the time of the ADR process, or move a case from the morning to the afternoon docket to allow the mediation process to continue.

The District Court ADR Office requires the named parties and those who have settlement authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys. Since ADR is offered on the day of trial, the participants often know very little about the process. After the explanation of the process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. The ADR practitioner receives limited case information prior to beginning the process.

⁵¹ A regional ADR programs director typically oversees the implementation of individual county programs. Due to budget restrictions, this responsibility is currently handled by the deputy director.

The process is offered at no charge to the parties. The public may learn about ADR services through the District Court website, brochures, the District Court self-help center, posters, and information shared by the presiding judge.

Neutral Qualifications and Payment

Mediations are provided by five mediators, all of whom are affiliated with the Community Mediation Initiative. Three attorneys also provide day of trial mediation or settlement conference services. An additional five mediators will be added to the roster upon completion of the District Court ADR program's apprenticeship process. All mediators in Somerset County must meet the requirements established by the District Court ADR Office as detailed in the overview of Part Three of this report.

Program Evaluation and Quality Control

The District Court in Somerset County follows the program evaluation and quality control practices implemented by the District Court ADR Office statewide. These practices are described above in the overview section of Part Three.

District Court- Criminal

Overview of ADR Processes

Mediation

- Co-mediation conducted by Community Mediation Initiative at the Bosserman Center for Conflict Resolution
- Cases referred to mediation before the preliminary hearing and after the issuance of the summons
- Voluntary mediations provided at no charge

Program Administration

The Somerset County State's Attorney's Office has partnered with Community Mediation Initiative at the Bosserman Center for Conflict Resolution (Community Mediation Initiative) to offer mediation for criminal cases in the District Court in Somerset County. Mediation services are administered by a victim witness coordinator who spends part of her time on ADR-related responsibilities. Five assistant state's attorneys also assist the program by referring cases to mediation. No specific funding supports the mediation program. All mediation services are provided by Community Mediation Initiative at no cost to the State's Attorney's Office, the District Court, or the participants.

The victim witness coordinator routinely reviews cases filed with the county commissioner to identify those that are appropriate for a referral to mediation. Cases involving domestic violence, protective orders, felonies, or police involvement are generally not appropriate for mediation. Most mediation referrals involve civilian misdemeanor complaints

among parties who have a pre-existing relationship. Individual prosecutors also review complaints and may refer matters to mediation. Once identified as appropriate for mediation, the victim witness coordinator sends a letter to the parties notifying about the referral. At the same time, Community Mediation Initiative is notified of the referral.

Community Mediation Initiative contacts the parties to conduct intake and schedule the mediation. Mediations occur at a time and place convenient for the parties at locations throughout the county. The two-hour mediation session usually occurs within 45-60 days following the referral from the State's Attorney's Office. Prosecutors do not participate in the mediation session. Community Mediation Initiative uses a co-mediation model for all mediations. Mediators are selected for mediations based upon the mediator's availability and by matching the mediator's strengths with the case type.

Participants learn about the court's mediation services through the letter sent by the State's Attorney's Office. Community Mediation Initiative will receive a statement of charges from the State's Attorney's Office prior to the mediation.

Neutral Qualifications and Payment

All community mediators must complete 45 hours of basic mediation training, observe two mediations, and maintain membership in the MPME. The Somerset County State's Attorney's Office does not impose any specific neutral qualifications or practices. The community mediation center requires volunteer mediators conducting criminal mediations to meet a higher standard of mediation practice. Mediators must also complete an advanced training specific to State's Attorney's Office mediations. The Community Mediation Initiative maintains responsibility for the approval and removal of all mediators on its roster.

Program Evaluation and Quality Control

Although not required by the court, the Community Mediation Initiative utilizes a variety of evaluation and quality control practices for its mediations. At the conclusion of a mediation session parties complete participant evaluation forms and a demographics sheets. The two mediators conduct a self-evaluation and debriefing session after every mediation. In addition, mediators must complete continuing education requirements and may participate in an assessment and certification process. Mediators must also join the MPME.

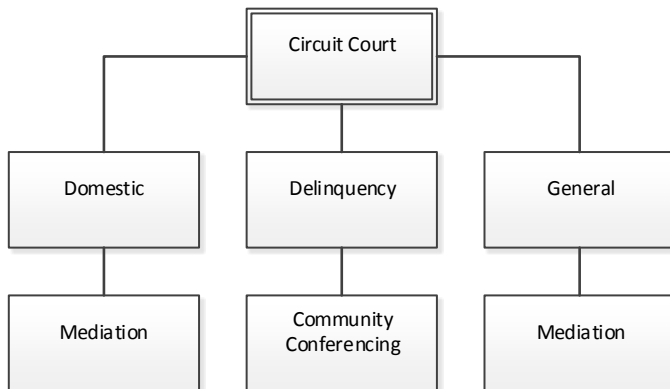
TALBOT COUNTY

The **Circuit Court for Talbot County** provides mediation for most domestic and other civil cases. Mediation of child access cases began in 1997. The mediation program expanded to include general civil cases and cases involving marital property in 2009. In 2012 the court received a grant from the Foster Care Improvement Project to provide a child welfare mediation training for Eastern Shore mediators. The Family Services Division plans on initiating mediation of child welfare matters (CINA and TPR) in 2013. Most recently, the Department of Juvenile Services and Mid-Shore Pro Bono, Inc., a non-profit legal services provider, partnered to provide community conferencing for cases involving juveniles.

Information about the ADR programs for Talbot County is available at:

- Family Services Program: <http://www.courts.state.md.us/clerks/talbot/family.html>

Talbot County ADR Programs



Circuit Court- General Civil

Overview of ADR Processes

Mediation

- Available for all civil cases
- Court-approved roster of 37 mediators
- Ordered for two, 2-hour sessions
- Mediators receive \$200 per hour, split among the parties
- Partnership with Mid-Shore Community Mediation Center to provide free mediation services

Program Administration

The Circuit Court for Talbot County began ordering all civil cases to mediation in 2013. The county administrative judge and a part-time ADR coordinator, funded through a one year Conflict Resolution Grant from MACRO, administer the program.

Mediation is part of the standard case management practice in Talbot County. All contested civil, non-domestic cases, with the exception of foreclosure and medical malpractice, are ordered to mediation when an answer has been filed in the case or when the Court determines that mediation is appropriate during the course of the litigation. Parties who wish to opt-out of the mediation process will need to receive a formal exemption from the judge pursuant to Md. Rule 17-202(f). The ADR coordinator prepares the order for mediation for the judge's signature.

The court assigns a one of the 37 court-approved roster mediators to the case. The parties may choose a different mediator by agreement. If one or more party is not represented by counsel, the case is sent to Mid-Shore Community Mediation. Litigants are ordered to two, two-hour mediation sessions which must be completed within 75 days of the mediation order, unless the court grants additional time. The order to mediation allows for some discovery prior to the mediation; although the court anticipates that many cases will mediate prior to the discovery deadline. At this time, the court does not place any limits on who can participate in a mediation session. Litigants may continue the mediation beyond the two hours or engage in additional sessions if necessary.

Mediations may take occur at the mediators' offices or at the Future for Families Center in Easton.⁵² Mediations conducted by the community mediation center may also occur at other locations convenient to the parties throughout the Mid-Shore area. The assignment of a roster mediator to a case is based upon the case type and the background of the mediator. Individuals unable to pay the mediator fees, or if one or more parties is not represented by counsel, will be referred to the Mid-Shore Community Mediation Center for free mediation services.

Neutral Qualifications and Payment

Talbot County Circuit Court's roster of court-approved mediators is comprised of attorneys who have met the requirements of the court rules. Some roster mediators use a solo mediation model and others use a co-mediation model. All mediations conducted by the Mid-Shore Community Mediation Center use two mediators. The roster mediators receive \$200 per hour, split between the parties, regardless of whether the mediation is conducted by one or two mediators. The Mid-Shore Community Mediation Center provides its services at no charge to the parties. As of May 1, 2014 Talbot County will be the only circuit court ADR program to require all mediators on its roster to obtain certification through a performance-based assessment program.

⁵² The Future for Families Center, located in Easton, is jointly leased with Caroline County.

Program Evaluation and Quality Control

The Talbot County civil ADR program utilizes several evaluation and quality assurance practices. At the conclusion of a mediation, the mediator provides a post-mediation report to the court. All mediators must meet the continuing education requirements of Md. Rule 17-205(a)(5). In the future anyone providing mediation for the court will also be a certified mediator. To support the certification requirement, the court sponsored an advanced mediation training in January 2013. The training, funded by a Conflict Resolution Grant from MACRO, focused on the skills necessary to obtain mediator certification through performance-based assessment.

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediation ordered for child access and marital property cases
- Mediations for child welfare (CINA and TPR) cases began in 2013
- Mediators receive \$100 per session, per party for two 2-hour mediation sessions
- Mediations provided by 17 child access mediators, 11 marital property mediators
- Eight volunteer mediators from Mid-Shore Community Mediation Center provide free child access mediations

Program Administration

The Family Services ADR Program in Talbot County is administered by a full-time family support services coordinator who devotes part of her time to ADR-related activities. The court's master also assists with the program. Funding for the ADR program including the coordinator's salary is provided through a Department of Family Administration, Family Services Jurisdictional Grant.

Mediation is mandated as part of standard case management in Talbot County. In general, all child access and marital property cases receive an order for mediation at scheduling conference, except cases involving domestic violence, protective orders or associated criminal charges involving violent acts, or parties with significant mental health issues. The parties may object in writing to participation in mediation pursuant to Md. Rule 17-202(f). Child welfare (CINA and TPR) cases may receive a referral to mediation by the judge or master pre-adjudication, post-adjudication, or upon the filing of a petition for termination of parental rights. The Department of Social Services and local family service agencies may also request mediation services.

With the exception of child welfare cases, parties are ordered to two 2-hour mediation sessions. Most mediation sessions occur within 45 days from the order for mediation. The court requires the named parties to participate in the mediation. The individual mediator determines the appropriateness of the involvement by the parties' attorneys. Participation of other non-parties, such as significant others, may only occur with the consent of both parties. The court

maintains a roster of 17 court-approved child access mediators and 11 court-approved marital property mediators. The family support services coordinator assigns mediators by rotating through the court roster of mediators, taking into account the type of case and party characteristics as well as the skills and personality of the mediator. An additional eight volunteer mediators from the Mid-Shore Community Mediation Center provide mediation for parties in child access and marital property matters who cannot afford the mediator fee. As a result of the partnership, the Family Services Program no longer provides fee waivers for mediations.

The court received a grant from the Foster Care Improvement Project to provide a child welfare mediation training for Eastern Shore mediators. Following the training the court will determine details such as the number of child welfare mediators on its roster, payment of the mediators, and duration of the mediation.

The type of mediation provider determines the location of the mediation. Mediations provided by the roster mediators occur at the mediator's office or the conference room in the Futures for Families office located near the courthouse in Easton. Mediations conducted by the Mid-Shore Community Mediation Center may occur at locations convenient to the parties throughout the Mid-Shore area. Child welfare mediations will likely occur at the Department of Social Services or at the Futures for Families building.

In addition to information in the mediation order, litigants learn about the mediation program through the court's website, co-parenting classes, and the family law clinics throughout the county. The Mid-Shore Community Mediation Center provides the parties with an information packet prior to the mediation session. Individual roster mediators may require parties to provide specific information before the mediation session.

Neutral Qualifications and Payment

Mediators in Talbot County must meet the requirement of the court rules and, with the exception of individuals from the Mid-Shore Community Mediation Center, all court-approved roster domestic mediators must be either attorneys or retired judges. The family support services coordinator reviews all applications and forwards them to the administrative judge with a recommendation to approve or deny the application. The administrative judge renders the final determination to accept a mediator onto the court's roster. No formal process exists for the removal of a mediator. The court may, however, stop assigning cases to a mediator due to complaints or concerns regarding quality of services.

Mediators receive \$100 per session, per person for two 2-hour mediation sessions. The court encourages mediators to obtain payment prior to commencing the mediation session. The Mid-Shore Community Mediation Center provides free child access mediations to parties with limited financial means. The court is determining the rate of pay for child welfare mediators. Child welfare mediations will use a co-mediation model and the court will directly compensate the mediators.

Program Evaluation and Quality Control

The Talbot County ADR program requires mediators to complete the continuing education requirements established in Md. Rule 17-205(a)(5). As of May 1, 2014 Talbot County will be the only circuit court ADR program to require all mediators on its roster to obtain certification through a performance-based assessment program. In the past the family support services coordinator sent the litigants a post-mediation survey. Due to a low response rate, the practice was discontinued. Currently, the participants may directly contact the coordinator with any concerns. In addition, the coordinator reviews all agreements that are reached during mediation as a quality assurance practice.

Circuit Court- Delinquency

Overview of ADR Processes

Community Conferencing

- Cases referred by the Department of Juvenile Services
- Provided by one staff-facilitator
- Voluntary and free process

Program Administration

In September 2012, Mid-Shore Pro Bono, Inc. started to offer community conferencing for juvenile delinquency cases in Talbot County. Along with four other counties in the Mid-Shore, the program is part of a partnership with the Department of Juvenile Services aimed at providing an ADR process for select juvenile cases. The program is administered by one part-time project coordinator who is also responsible for similar programs in Dorchester, Queen Anne's, Caroline, and Kent counties. Mid-Shore Pro Bono anticipates expanding to Caroline and Kent counties. The program receives funding from the Community Conferencing Center of Baltimore and the Maryland Legal Services Corporation.

Case workers within the Department of Juvenile Services review cases. Cases that involve ongoing conflicts and misdemeanors such as bullying, fighting, theft, vandalism, and gossip may receive a referral to community conferencing. Referrals are made to Mid-Shore Pro Bono, Inc. approximately one month after the Department of Juvenile Services receives a report of the incident.

Most conferences occur within two weeks from the date of the referral from the Department of Juvenile Services. No limits are placed on who may participate in the conference. As a precondition for a conference, the respondents must "acknowledge involvement in the incident." One staff-facilitator provides the community conferences in Talbot County. Community conferences take place in a location convenient to all participants such as schools, community centers, and libraries. Most conferences last around 45 minutes, although there is no time limit on the process. In all instances participation in the conference is voluntary. Individuals

learn about the program through brochures, press releases, and the Department of Juvenile Services mailings.

Neutral Qualifications and Payment

Community conference facilitators receive training from the Community Conferencing Center of Baltimore City. Conferences are provided at no cost to the participants. The facilitator is a part-time salaried employee of Mid-Shore Pro Bono, Inc. As the demand for conferences increases, the program aims to train additional volunteer facilitators.

Program Evaluation and Quality Control

At the conclusion of the community conference, the participants complete an evaluation form. Whenever possible an observer is present to provide feedback to the facilitator at the conclusion of the conference. As a quality assurance practice, facilitators observe other community conferences and attend regular refresher trainings.

WASHINGTON COUNTY

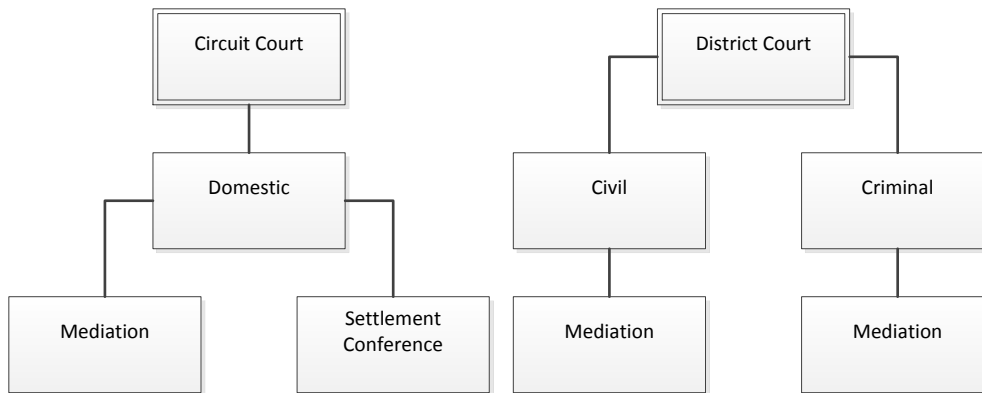
The **Circuit Court for Washington County** began to offer mediation for certain types of domestic cases in 1998. The program expanded in 2010 to include settlement conferences. ADR, now part of the court's standard case management process, is available for child access and marital property cases. A partnership with the Washington County Community Mediation Center provides free mediation services to certain individuals.

Since 2007, the **Washington County State's Attorney's Office** has partnered with the Washington County Community Mediation Center to offer mediation for criminal cases in the District Court in Washington County. The District Court ADR Office initiated a civil ADR program in the **District Court in Washington County** in June 2013.

Information about the ADR programs for Washington County is available at:

- Family Services Program:
<http://www.courts.state.md.us/clerks/washington/familyservices.html>
- District Court ADR Program:
<http://www.courts.state.md.us/district/adr/home.html>

Washington County ADR Programs



Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Part of the standard case management process for child access and marital property cases
- Mediations provided by 36 mediators
- Mediators receive \$200 per hour for two 2-hour sessions

- Free child access mediation provided by Washington County Community Mediation Center for individuals who cannot afford mediator fees

Settlement Conference

- Part of the standard case management process for child access and marital property cases
- Cases close to settlement are referred to a settlement conference
- Settlement conferences provided by one Family Law Master
- Provided at no charge

Program Administration

The Family Services ADR Program in Washington County is administered by a full-time family support services coordinator who devotes part of her time to ADR-related activities. Assistance is also provided by the judges and master. The program operates with funding from the Department of Family Administration, Family Services Jurisdictional Grant and from the free services provided by the Washington County Community Mediation Center.

ADR is part of standard case management for child access and marital property cases in Washington County. After an answer is filed, the family support services coordinator reviews the case file. Cases that seem close to settlement, as determined by the coordinator, are ordered to a one-hour settlement conference before the family law master. Unless a case involves domestic violence or was already ordered to a settlement conference, a judge will issue an order for mediation. The order includes an assignment of one of the 36 court-approved roster mediators or the Washington County Community Mediation Center. Mediations typically occur within one year of the case filing, but must conclude before any pendent lite hearings or merits trials.

Unrepresented parties in child access cases receive a referral to the Washington County Community Mediation Center. The court assigns mediators from its roster on a rotational basis. The mediations occur at the mediator's office. Mediations conducted by the community mediation center take place at a time and location convenient to parties throughout Washington County such as businesses, non-profits, and government agencies. In either instance, the order to mediation requires parties to participate in two 2-hour sessions. The court limits participation in the mediation to the named parties and their counsel. Although the parties receive an order for mediation, no penalties are imposed if parties that fail to appear for a scheduled mediation.

Litigants learn about mediation through the court's website and from their attorneys. Self-represented individuals receive a mediation brochure from the court. At the conclusion of the mediation, the mediator completes and returns a status report to the court.

Neutral Qualifications and Payment

Washington County Circuit Court maintains a roster of 64 mediators, 36 of whom can conduct child access mediations. The coordinator will periodically review the roster and contact inactive mediators to determine their interest in remaining on the court's roster. Roster mediators receive \$200 per hour split between the parties for two 2-hour mediation sessions. The

Washington County Community Mediation Center provides its services at no cost to the parties and no additional expense to the court. Other than the requirements of Md. Rule 17-207(a)(7), no formal process exists to remove a neutral from the court roster.

Program Evaluation and Quality Control

Mediators must fulfill the continuing education requirements established in Md. Rule 17-205(a)(5). The court reviews all mediation agreements as a quality assurance practice. The court generally views settlement of a case as an indicator of a successful mediation. Parties and attorneys with concerns may contact the coordinator.

Although not required by the court, the Washington County Community Mediation Center uses a variety of evaluation and quality control practices for its mediations. At the conclusion of a mediation session, parties complete a participant evaluation form and co-mediators conduct a self-evaluation and debriefing session. In addition, mediators must complete specific annual continuing education requirements and may participate in an assessment and certification process.

District Court- Civil

Overview of ADR Processes

Mediation

- Day of trial mediation services
- Mediation conducted by 13 mediators
- Mediation provided free of charge

Program Administration

The ADR Program in the District Court in Washington County is administered by a regional ADR programs director who is also responsible for four other counties. Direct personnel support for all District Court ADR programs is provided by the executive director and deputy director for the District Court ADR Office as well as seven additional staff including an administrative assistant. The program operates with funding from the Maryland Judiciary and volunteer services from ADR practitioners. Thirteen volunteer mediators affiliated with the Washington County Community Mediation Center provide all day of trial mediation services. The community mediators use a co-mediation model for the day of trial mediations.

Parties with general civil cases in the District Court in Washington County may receive mediation services, as part of the court's case management process, during the morning docket on the second and fourth Friday of the month. One court staff person has been trained by the District Court ADR Office to review and identify cases as appropriate for mediation. In addition the regional ADR programs director may also pre-screen and identify cases for mediation. The judge may exercise discretion and refer or order a case to mediation from the bench and a party or attorney may request mediation. In general, all cases are appropriate for ADR except cases

involving domestic violence, concurrent criminal charges, protective orders, peace orders involving assault or a weapon, or a participant with limited mental capacity.

On a quarterly basis, the director of ADR roster management for the District Court ADR Office schedules volunteer mediators for day of trial mediation. All day of trial mediation occurs in the attorney-client conference room of the District Court in Washington County. The District Court ADR Office requires the named parties and those who have settlement authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys. There is no time limit for the mediation process, although the mediator remains mindful of the parties' need to return to the courtroom to allow the parties to have their trial, if no agreement is reached through mediation. The judge also has the discretion to limit the time of the ADR process, or to move a case on the morning to the afternoon docket to allow the mediation process to continue.

Since mediation is offered on the day of trial, the participants often know very little about the process. After the explanation of the process by the mediator, the parties may decide to conclude the process or continue with ADR. The mediator receives limited case information prior to beginning the process.

The process is offered at no charge to the parties. The public may learn about ADR services through the District Court website, brochures, the District Court self-help center, posters, and information shared by the presiding judge.

Neutral Qualifications and Payment

Mediations are provided by 13 mediators, all of whom are affiliated with the Washington County Community Mediation Center. All mediators in Washington County must meet the requirements established by the District Court ADR Office as detailed in the overview of Part Three of this report.

Program Evaluation and Quality Control

The District Court in Washington County follows the program evaluation and quality control practices implemented by the District Court ADR Office statewide. These practices are described above in the overview section of Part Three.

District Court- Criminal

Overview of ADR Processes

Mediation

- Part of the standard case management process
- Mediations provided by the Washington County Community Mediation Center
- Voluntary mediations provided at no charge
- No attorney participation

Program Administration

The Washington County State's Attorney's Office has formed a partnership with the Washington County Community Mediation Center to offer mediation for criminal cases in the District Court in Washington County. Mediation is available through the involvement of the director of alternative sanctions in the State's Attorney's Office, who is responsible for referring cases to mediation. A case worker and four to six prosecutors assist by reviewing and referring cases to mediation. All intake and mediation services are provided by the Washington County Community Mediation Center at no cost to the District Court, the State's Attorney's Office, or the participants. Funding for the partnership is supported by a Conflict Resolution Grant to the Washington County Board of Commissions from MACRO. Funding for the salary of the director of alternative sanctions is provided by Washington County.

Mediation is integrated into the standard case management process in the State's Attorney's Office in Washington County. Within a week of filing, cases are initially reviewed by the State's Attorney's Office prosecutors. The director of alternative sanctions conducts a secondary review of the case. Cases deemed as appropriate for mediation depend on the circumstance, but generally include misdemeanors and parties with a pre-existing relationship with each other. Representative cases include, for example, failure to comply with a peace order, stalking, harassment, and telephone misuse. Crimes involving domestic violence, serious injuries, threats of injures, felonies, or cases involving safety concerns are not appropriate for mediation. Most referrals are made at the initial screening level within a week after the filing of initial charges. While screening is done by a prosecutor, the referral occurs prior to assignment of the case to a specific prosecutor.

The State's Attorney's Office in Washington County sends mediation referrals to the Washington County Community Mediation Center. Upon receipt of the referral, the community mediation center reviews the case, contacts the parties, and schedules and conducts the mediation. All mediations occur at a time and place convenient for the parties at locations throughout the county. Mediations are scheduled for one 2-hour session although more sessions may occur if necessary. Everyone must agree on who can attend the mediation, but generally attorneys do not participate. In all instances the process is voluntary and free.

Neutral Qualifications and Payment

The Washington County State's Attorney's Office does not require any specific training or mediator assignment practices. All mediators have completed 45 hours of basic mediation training, observed two mediations, and maintain membership in the MPME. The Washington County State's Attorney's Office does not impose any specific neutral qualifications or practices. The community mediation center maintains the responsibility for the approval and removal of all mediators on its roster.

Program Evaluation and Quality Control

The Washington County State's Attorney's Office does not require any specific evaluation or quality control practices. The Washington County Community Mediation Center

employs the same evaluation and quality assurance practices for criminal mediations as it uses for all mediation services. At the conclusion of the mediation, the participants complete an evaluation and demographics sheet. As quality assurance measures, all mediators must enroll in the MPME and co-mediators give each other post-mediation feedback.

WICOMICO COUNTY

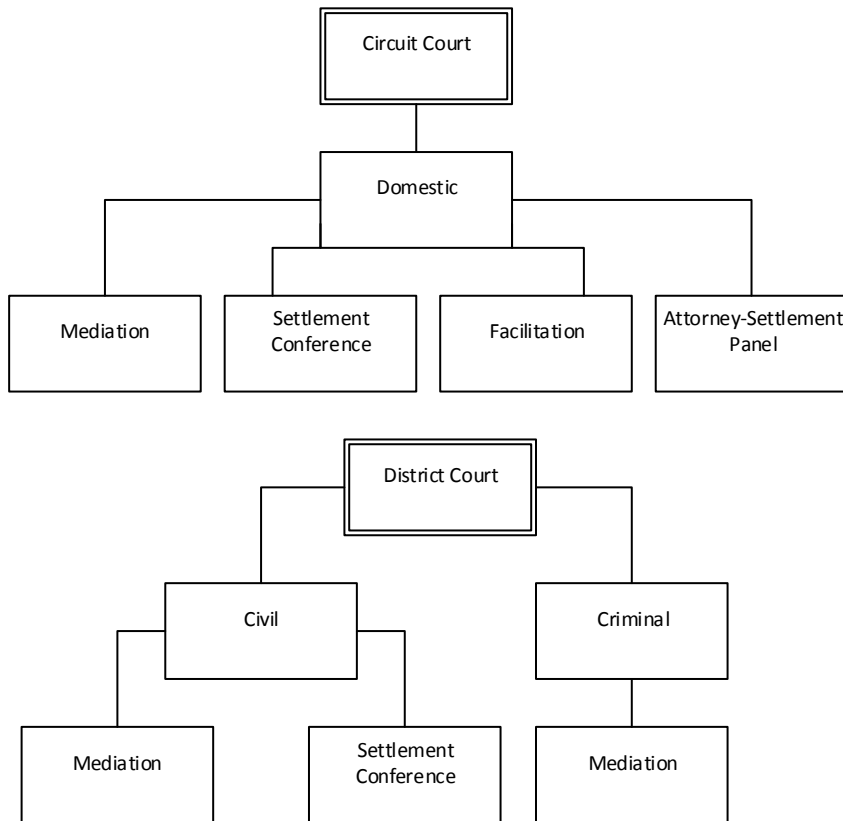
The **Circuit Court for Wicomico County** offers a variety of ADR processes for litigants in domestic matters. Starting with mediation around 2000, the program promotes the resolution of cases through mediation, settlement conferencing, attorney-settlement panels, and facilitation. In 2009, the Wicomico County Family Services expanded its mediation program to include child welfare cases (CINA and TPR).

Civil litigants in the **District Court in Wicomico County** have been able to engage in ADR since 2002. In 2012, through a partnership with the Community Mediation Initiative at the Bosserman Center for Conflict Resolution, parties may also participate in pre-trial mediation. A collaboration between the **Office of the State's Attorney for Wicomico County** and the Community Mediation Initiative has provided for free mediation of criminal cases since 2009.

Information about the ADR programs for Wicomico County is available at:

- Family Services Program: <http://mdcourts.gov/family/wicomico.html>
- District Court ADR Program:
<http://www.courts.state.md.us/district/adr/home.html>
- Office of the State's Attorney Mediation Program:
http://www.wicomicocounty.org/statesattorney/law_firm_010.htm

Wicomico County ADR Programs



Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediation provided for child access and child welfare (CINA and TPR) cases
- Mediations provided by four child access and three child welfare mediators
- Mediators receive \$100 per hour for a two-hour child welfare mediation and \$75 per party, per session for two 2-hour child access mediations
- Fee waivers available

Facilitation

- Available for marital property, custody, and child support cases
- Provided by two contract facilitators
- Facilitators receive \$100 per hour, paid by the court

Attorney Settlement Panel

- Available for marital property and child access cases
- Both sides must have attorney representation

- Conducted by seven volunteer family law attorneys

Settlement Conferences

- Available for marital property and child access cases if case set for at least one full day of trial
- Both sides must have attorney representation
- Conducted by a judge or master

Program Administration

The Family Services ADR Program in Wicomico County provides a variety of ADR processes for domestic cases. The program is administered by a family support services coordinator, a family services administrative assistant, and a juvenile assignment commissioner. Funding for the ADR program, including the provision of fee waivers, is provided through a Department of Family Administration, Family Services Jurisdictional Grant.

Four different processes are available for domestic cases in the Wicomico County Circuit Court. The Family Services Program reviews all contested domestic cases in which an answer has been filed. If the case does not have any domestic violence issues, it will receive a referral to an ADR process. Prior to the scheduling conference, a child access case may receive an order for mediation and co-parenting workshop. Both represented and self-represented litigants may be ordered to engage in mediation. At the time of the scheduling conference, represented litigants in cases involving marital property or child access issues may receive a referral to ADR provided by the attorney-settlement panel or a settlement conference. More complicated cases involving multi-day trials are more likely to be referred to a settlement conference conducted by one of the court masters. The order usually sets the ADR process to occur after discovery and at least 30 days before trial. Cases involving self-represented litigants may receive a referral for facilitation prior to the scheduling conference. Anyone involved in a child welfare case may request a referral to mediation at any time.

Parties in mediation are ordered to two 2-hour mediation sessions for child access issues and one 2-hour mediation for child welfare matters. All mediators are assigned to cases on a rotational basis after a check for any conflicts of interest between the mediator and the parties. With the exception of child access mediations which occur at the mediator's office, all other ADR processes take place at the courthouse. Facilitations take place in the courthouse jury room on the second scheduling conference date of the month. Facilitations are scheduled for a three-hour block of time in the morning. The court's two contract facilitators alternate on a monthly basis. The court tries to limit the involvement of attorneys in child access mediation and facilitation sessions. Visiting masters conduct settlement conferences on Fridays one to two times per month. Typically two conferences are scheduled per day and last one to two hours each.

In addition to the information in the court order to participate in ADR, the parties can learn about ADR processes through the court's website and attorneys. An individual contacting the Family Service Program prior to filing a case will be referred to the court's roster of mediators and the local community mediation center. Litigants are expected to provide a joint

property statement and completed settlement form to the neutral in advance of an attorney-settlement panel ADR session or a settlement conference. Child welfare mediators receive a position statement from the parties before the mediation.

Neutral Qualifications and Payment

ADR services in Wicomico County are provided by a combination of court-approved roster mediators, contract facilitators, and volunteer attorneys. Four child access mediators and three child welfare mediators conduct all court-referred mediations. All mediators must satisfy the requirements of the court rules prior to approval by the administrative judge.

Two family law attorneys have a memorandum of understanding with the Circuit Court of Wicomico County to provide facilitation services. In addition to bar membership, facilitators must also complete 40 hours of basic mediation training, 20 hours of child access mediation training, and 20 hours of marital property mediation training. Neutrals on the attorney-settlement panel are all volunteers and must meet the same requirements as facilitators. Any ADR practitioner may be removed from the court roster by the administrative judge pursuant to Md. Rule 17-207(a)(7).

Table 3.16: Wicomico County-Circuit Court, Civil Domestic: ADR Process by Cost and Duration

Type of Process	# of Neutrals	Cost Per Session	Duration of Session
Child Welfare Mediation	3	\$100 per hour paid by the court	one, 2-hour session
Child Access Mediation	4	\$75 per party, per session	two, 2-hour session
Facilitation	2	\$100 per hour, paid by the court	up to 3 hours
Attorney-settlement Panel	7	\$0	
Settlement Conference	4	\$0	1-2 hours

Individuals who cannot afford the mediator fee may apply to the court for a Family Service Fee Waiver. Funds to support fee waiver requests are provided by the Department of Family Administration, Family Services Jurisdictional Grant. Settlement conference masters receive no additional compensation from the court or the parties for their services.

Program Evaluation and Quality Control

The court employs evaluation and quality control practices for mediation but no other ADR processes. Parties engaging in mediation complete a “Confidential Mediation Participant Survey” at the conclusion of the process. In addition, to the continuing education requirements of Md. Rule 17-205(a)(5), mediators must also maintain membership in the MPME.

Upon receipt of a complaint regarding a neutral, the family support services coordinator will speak with the neutral. The issues may be put in writing and a performance contract may be developed. If the program’s concerns are not addressed, the issue is raised to the administrative judge and the neutral may be removed from the court roster pursuant to the court rules.

District Court- Civil

Overview of ADR Processes

Mediation and Settlement Conferences

- Day of trial ADR available on first Friday of every month
- Mediations conducted by five volunteer mediators affiliated with the Community Mediation Initiative at the Bosserman Center for Conflict Resolution
- Three attorneys conduct either mediation or settlement conferences
- Pre-trial mediation available through a partnership with the Community Mediation Initiative
- ADR provided free of charge

Program Administration

The ADR Program in the District Court for Wicomico County is administered by the deputy director who is also responsible for overseeing the implementation of ADR programs on the District Court level throughout the Eastern Shore, as well as supervising the District Court's statewide ADR program.⁵³ Additional personnel support for the program is provided by the seven additional staff including an administrative assistant. The program operates with funding from the Maryland Judiciary, volunteer services from ADR practitioners, and a partnership with the Community Mediation Initiative at the Bosserman Center for Conflict Resolution. The court staff of the District Court in Wicomico County also provides assistance for the program.

Day of Trial

ADR is part of the court's standard case management process in Wicomico County. Parties with general civil cases in the District Court in Wicomico County may engage in mediation or settlement conferences on the first Friday of every month. The clerk's office reviews the docket and identifies cases for ADR. Typically contested cases involving two self-represented litigants are pre-selected. The judge also has the discretion to determine which cases, including those involving attorneys, receive a referral or order to ADR on the day of trial. In general, all cases are appropriate for ADR except cases involving domestic violence, concurrent criminal charges, protective orders, peace orders involving assault or a weapon, or a participant with limited mental capacity. Whether the parties engage in mediation or a settlement conference is determined by the volunteer ADR practitioner available on the day of trial.

On a quarterly basis, the director of ADR roster management for the District Court ADR programs schedules volunteer ADR practitioners for day of trial mediations and settlement conferences. Day of trial ADR is provided by eight volunteer mediators, five of whom are affiliated with the Community Mediation Initiative. All community mediation volunteers use a co-mediation process. Three settlement conference attorneys also conduct either mediation or settlement conferences. These ADR practitioners use a solo mediation model.

⁵³ A regional ADR programs director typically oversees the implementation of individual county programs. Due to budget restrictions, this responsibility is currently handled by the deputy director.

All day of trial mediations and settlement conferences take place in the attorney-client meeting room or in other the conference rooms of other agencies at the District Court in Wicomico County. After the explanation of the process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. There is no time limit for the ADR process, although the ADR practitioner remains mindful of the parties' need to return to the courtroom to have their trial if no agreement is reached through mediation. The judge has the discretion to limit the time of the ADR process, or to move a case from the morning to the afternoon to allow the mediation process to continue.

The District Court ADR Office requires the named parties and those who have settlement authority in a particular case to be present for the ADR process to occur. Additional people may participate with permission from the litigants and their attorneys. Since ADR is offered on the day of trial, the participants often know very little about the process. After the explanation of the process by the ADR practitioner, the parties may decide to conclude the process or continue with ADR. The ADR practitioner receives limited case information prior to beginning the process.

The process is offered at no charge to the parties. The public may learn about ADR services through the District Court website, brochures, the District Court self-help center, posters, and information shared by the presiding judge.

Pre-trial

Litigants also may receive a letter from the District Court inviting them to engage in pre-trial mediation conducted by the Community Mediation Initiative. Court staff at the District Court in Wicomico County identifies cases for pre-trial mediation six weeks prior to the trial date. Staff from the Community Mediation Initiative contacts the parties or their attorneys to explain mediation and, if both parties agree, schedule the mediation. Pre-trial mediations occur at a time and place convenient to the parties throughout the county. Mediations are initially scheduled for a two-hour mediation session. Regardless of whether the parties reach a resolution, the case must conclude at least one week before the trial date.

Neutral Qualifications and Payment

Three settlement conference attorneys and eight mediators serve as the ADR practitioners for the District Court in Wicomico County. All ADR practitioners in Wicomico County must meet the requirements established by the District Court ADR Office as detailed in the overview of Part Three of this report.

Program Evaluation and Quality Control

The District Court in Wicomico County follows the program evaluation and quality control practices implemented by the District Court ADR Office statewide. These practices are described above in the overview section of Part Three.

District Court- Criminal

Overview of ADR Processes

Mediation

- Co-mediation conducted by the Community Mediation Initiative
- Cases referred to mediation before the preliminary hearing and after the issuance of the summons
- Voluntary mediations provided at no charge

Program Administration

The State's Attorney's Office for Wicomico County has partnered with the Community Mediation Initiative at the Bosserman Center for Conflict Resolution to offer mediation for criminal cases in the District Court in Wicomico County. Mediation services are administered by a victim witness coordinator who spends part of her time on ADR-related responsibilities. The assistant state's attorneys also assist the program by referring cases to mediation. No specific funding supports the mediation program. All mediation services are provided by the Community Mediation Initiative at no cost to the State's Attorney's Office, the District Court, or the participants.

The victim witness coordinator routinely reviews cases filed with the county commissioner to identify those that are appropriate for a referral to mediation. Cases involving domestic violence, protective orders, felonies, or police involvement are not appropriate for mediation. Most mediation referrals involve civilian misdemeanor complaints that include a relationship between the parties. Prosecutors also review complaints and may refer a matter to mediation. Once identified as appropriate for mediation, the victim witness coordinator sends a letter to the parties notifying them of the referral. At the same time, the Community Mediation Initiative is notified of the referral.

The Community Mediation Initiative contacts the parties to conduct intake, schedule and conduct the mediation. Mediations occur at a time and place convenient for the parties at locations throughout the county. The two-hour mediation session usually occurs within 45-60 days following the State's Attorney's Office referral. Prosecutors from the State's Attorney's Office do not participate in the mediation session. The Community Mediation Initiative uses a co-mediation model for all mediations. Mediators are selected for a mediation based upon the mediator's availability and by matching the mediator's strengths with the case type.

The participants learn about the court's mediation services through the letter sent by the State's Attorney's Office. The Community Mediation Initiative receives a statement of charges from the State's Attorney's Office prior to the mediation.

Neutral Qualifications and Payment

Volunteer mediators from the Community Mediation Initiative must complete 45 hours of basic mediation training, observe two mediations, and maintain membership in the MPME.

The Wicomico County State's Attorney's Office does not impose any additional neutral qualifications or practices. The community mediation center requires volunteer mediators conducting criminal mediations to complete an advanced training specific to State's Attorney's Office mediations. The Community Mediation Initiative maintains responsibility for the approval and removal of all mediators on its roster.

Program Evaluation and Quality Control

The Wicomico County State's Attorney's Office does not require any particular evaluation or quality control practices. The Community Mediation Initiative employs the same evaluation and quality assurance practices for criminal mediations as it uses for all mediation services. At the conclusion of the mediation, the participants complete evaluation and demographics forms. As quality assurance measures, staff mediators sometimes mediate with volunteer mediators, all mediators must enroll in the MPME, and co-mediators give post-mediation feedback to each other.

WORCESTER COUNTY

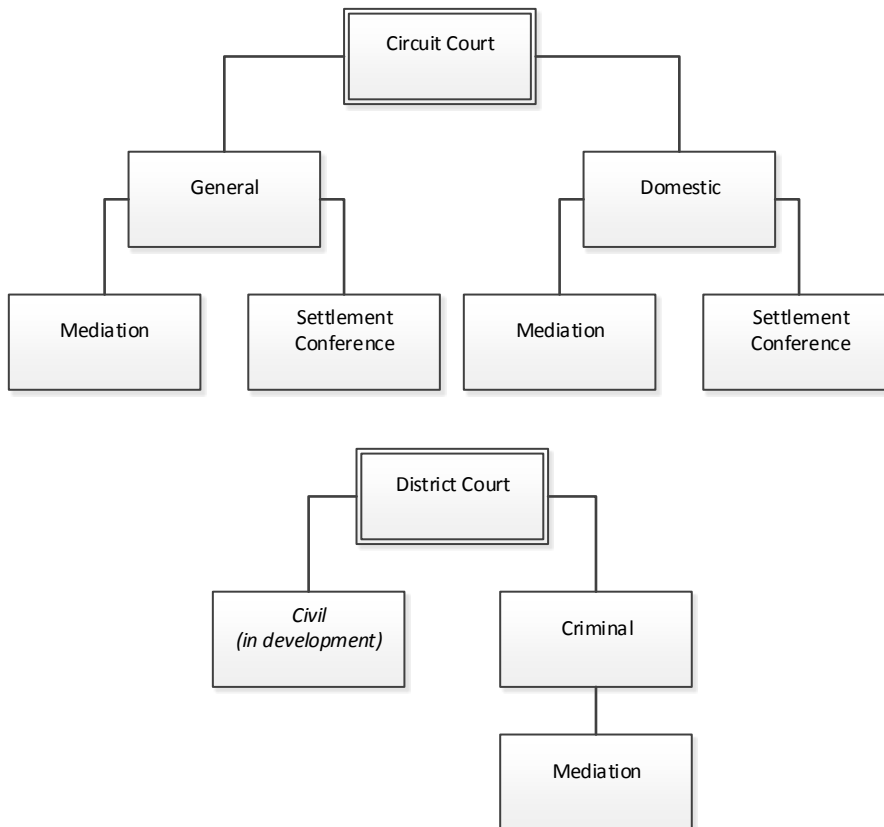
Litigants in domestic and general civil cases in the **Circuit Court for Worcester County** may engage in mediation and/or settlement conferencing. The court maintains a panel of volunteer attorney-settlement officers who provide free settlement conferences at court for domestic and general civil cases. Private mediators also provide domestic and general mediation for represented litigants. Self-represented parties may receive free mediation services from one of the court's pro se mediators who agree to conduct mediations at a reduced rate. The majority of the court's ADR services began in the late 1990's. The court expanded its ADR offerings to include child welfare (TPR) mediation in 2010.

A collaboration between the **Office of the State's Attorney for Worcester County** and the Community Mediation Initiative at the Bosserman Center for Conflict Resolution has provided free mediation of District Court level criminal misdemeanors since 2012.

Information about the ADR programs for Worcester County is available at:

- Family Services Program: <http://mdcourts.gov/circuit/worcester/family.html>

Worcester County ADR Programs



Circuit Court- General Civil

Overview of ADR Processes

Mediation

- Mediation provided for most civil cases
- Mediators receive \$100 per named party, per session for one 1-2-hour mediation session
- Mediations occur at the courthouse
- Only represented parties receive an order for mediation

Settlement Conferences

- Available for cases that do not settle in mediation
- Provided by the nine members of the court's volunteer attorney-settlement panel

Program Administration

The ADR Program in Worcester County provides the ADR processes of mediation and settlement conferences for most circuit court civil cases. The program is administered by a family division coordinator and an assignment clerk. Both individuals are full-time employees who devote part of their time to ADR-related work. The general civil ADR program in Worcester is self-sufficient in that the fees it collects for civil mediations are used to pay the mediators.

When an answer is filed, the assignment office sets the case on the appropriate track according to the court's differentiated case management plan. Prior to the date of the scheduling conference, the coordinator reviews the case to determine whether to refer the case to mediation. The parties receive a notice of civil assignment with information about mediation, dates for the settlement conference and trial. A separate order for mediation is generated by the court within one week of the civil assignment. In Worcester County, only represented parties receive orders for mediation. The order for mediation sets the date for mediation after discovery, approximately 60-90 days from the date of the referral.

Mediations occur in the conference room of the Bar Library on the fourth Wednesday and Thursday of each month. The mediations are set for one 2-hour session with a court-approved, non-domestic, civil mediator. One month prior to the date of a mediation, the ADR coordinator sends the docket calendar to the mediators. After checking for any conflicts of interest, the court assigns a mediator based upon availability.

Settlement conferences are conducted by the court's volunteer attorney-settlement panel. According to case management standards, the settlement conference typically occurs 45-60 days after the mediation. The one-hour settlement conferences take place in the conference room of the Bar Library at the Worcester County Circuit Court. Settlement conferences occur on the third Tuesday, Wednesday, and Thursday of each month. Participation in settlement conferences is limited to the named parties and any attorneys. The court's panel of settlement conference

attorneys conduct general civil settlement conferences on a voluntary basis. A trial, should a case not settle, is scheduled 30-45 days following the settlement conference.

Along with the order for mediation, the parties receive a letter explaining mediation from the court. Litigants may also learn about the ADR program at the scheduling conference, through the court’s website, and from local attorneys.

Neutral Qualifications and Payment

ADR services in Worcester County are provided court-approved mediators and volunteer settlement conference attorneys. The mediator receives a fee of \$100 per party for one 2-hour mediation session. All mediators are attorneys and meet the requirements established in Md. Rule 17-205 prior to approval by the administrative judge. Volunteer settlement conference attorneys are all experienced attorneys. Other than the requirements of Md. Rule 17-207(a)(7), no formal process exists to remove a neutral from the court roster.

Table 3.17: Worcester County-Circuit Court, General Civil: ADR Process by Cost and Duration

Type of Process	# of Neutrals	Cost Per Session	Duration of Session
General Civil Mediation	9	\$100 per party, per session	one, 2-hour session
Settlement Conference	9	\$0	1 hour

Program Evaluation and Quality Control

The court employs evaluation and quality control practices for mediation. At the conclusion of the mediation, the parties receive a “Mediation Program Evaluation” and the mediator completes a “Mediator Report to the Court” form. The Worcester County ADR program employs no additional program evaluation or quality control practices beyond the requirements of Md. Rule 17-205(a)(5).

Circuit Court- Civil Domestic

Overview of ADR Processes

Mediation

- Mediation provided for child access, marital property and child welfare (TPR) cases
- Mediators receive \$100 per person, per session for up to two 2-hour mediation session
- Fee waivers available and free mediations available for self-represented individuals
- Mediators conducting mediations for self-represented parties receive \$85 per hour from the court

Settlement Conferences

- Available for child access and marital property cases
- Provided by members of the court’s volunteer attorney settlement panel

Program Administration

The Family Services Program in Worcester County provides the ADR processes of mediation and attorney settlement conferences. The program is administered by a family division coordinator and an assignment clerk. Both individuals are full-time employees who devote part of their time to ADR-related work. Funding for the ADR program, including the family services coordinator's salary and the provision of mediation for self-represented parties and fee waivers, is provided through a Department of Family Administration, Family Services Jurisdictional Grant. Conflict Resolution Grant through MACRO supports the child welfare mediation program in Worcester County.

The court sets a date for a scheduling conference and sends the case to the family services coordinator after an answer is filed in a case. The coordinator determines whether mediation is appropriate and prepares a case information sheet and an order requiring the parties to attend a co-parenting seminar and mediation. The judge then issues the mandatory order for mediation. Unless a contested child access or custody case involves a protective order, domestic violence, or an ex parte issue, or the parties otherwise have challenges traveling to the courthouse, a case is considered appropriate for mediation. Contested cases involving custody or marital property issues are set in for a settlement conference approximately 15-30 days prior to the trial date.

Represented litigants in child access or marital property cases are ordered to mediation with one of the court-approved private mediators within 60 days from the court order. Self-represented individuals receive free mediation services from a panel of mediators on the volunteer-attorney settlement panel. These mediations occur in the conference room of the bar library in the courthouse on the second Wednesday of each month, three times a day at 9:00 am, 11:00 am, and 1:00 pm. Mediations provided by private practitioners occur at the mediator's office. In both instances, the order for mediation requires two 2-hour mediation sessions.

Anyone involved in a matter may request a mediation or the judge may order mediation for a termination of parental rights case. A referral or request for mediation commonly occurs when the Department of Social Services files a petition to change a parenting plan to adoption or when a petition to terminate parental rights is issued. Two to three mediators conduct mediations for referred termination of parental rights cases in Worcester County. A termination of parental rights mediation involves an initial two-hour mediation, with the option to schedule a second session.

Settlement conferences are scheduled for a one-hour session at the courthouse on the first Tuesday and Wednesday of each month. The court limits participation in settlement conferences to the named parties and their counsel. The court's panel of volunteer settlement conference attorneys, currently 13, conducts all of the domestic settlement conferences.

Accompanying the order for mediation, the parties receive an order to attend a co-parenting seminar, if appropriate, and a letter explaining mediation. Litigants may also learn about the ADR program at the scheduling conference, from the self-represented assistance clinic, and from co-parenting brochures. Information is also available on the court's website and through local attorneys.

Neutral Qualifications and Payment

ADR services in Worcester County are provided by a group of court-approved mediators and volunteer settlement conference attorneys. The parties directly compensate private domestic mediators \$100 per session, per party for two 2-hour mediation sessions. Parties unable to pay the mediator are directed to contact the family services coordinator to request a fee waiver from the court. Mediators providing domestic mediations for self-represented litigants receive \$85 per hour paid directly by the court. All mediators meet the requirements established in the court rules prior to approval by the administrative judge. Volunteer settlement conference attorneys are all experienced family law attorneys. Other than the requirements of Md. Rule 17-207(a)(7), no formal process exists to remove a neutral from the court roster.

Table 3.18: Worcester County-Circuit Court, Civil Domestic: ADR Process by Cost and Duration

Type of Process	# of Neutrals	Cost Per Session	Duration of Session
Child Welfare Mediation	2-3	\$100 per hour paid by the court	one, 2-hour session
Domestic Mediation	10	\$100 per party, per session	two, 2-hour sessions
Self-Represented Domestic Mediation	9	\$85 per hour, paid by the court	two, 2-hour sessions
Settlement Conference	13	\$0	one, 1-hour session

Program Evaluation and Quality Control

The court employs evaluation and quality control practices for the ADR process of mediation. At the conclusion of the mediation, the parties receive a “Mediation Program Evaluation” and the mediator completes a “Mediator Report to the Court”, both of which are returned to the court. The Worcester County ADR program employs no additional program evaluation or quality control practices beyond the continuing education requirements of Md. Rule 17-205(a)(5).

District Court- Criminal

Overview of ADR Processes

Mediation

- Co-mediation provided by the Community Mediation Initiative at the Bosserman Center for Conflict Resolution
- Cases referred to mediation prior to setting a trial date
- Voluntary mediations provided at no charge

Program Administration

The State’s Attorney’s Office for Worcester County has partnered with the Community Mediation Initiative at the Bosserman Center for Conflict Resolution (Community Mediation Initiative) to offer mediation for criminal cases in the District Court in Worcester County. Within the State’s Attorney’s Office, a deputy state’s attorney, two prosecutors, and five legal assistants

review cases and generate referrals for mediation. Neither the State's Attorney's Office for Worcester County nor the Community Mediation Initiative receive dedicated financial support for the mediation services. All mediation services are provided by the Community Mediation Initiative at no cost to the State's Attorney's Office, the District Court, or the participants. In an effort to broaden awareness of the mediation program, the State's Attorney's Office conducts outreach to the Worcester County Bar Association.

Mediation is part of the standard case management process for criminal cases at the State's Attorney's Office in Worcester County. Complaints filed with the County Commissioner or by the police are assigned to one of three prosecutors. The prosecutors review the complaint and may refer misdemeanors to mediation prior to setting a trial date. Any misdemeanor involving assault or sexual misconduct is not get referred to mediation. Once referred to mediation, the State's Attorney's Office sends a letter to the parties notifying them of the referral. The State's Attorney's Office will discuss voluntary mediation with the parties and determine their willingness to participate in the process. The State's Attorney's Office then notifies the Community Mediation Initiative of the referral to mediation.

Upon notice of the referral to mediation, the Community Mediation Initiative contacts the parties to conduct intake and schedule the mediation. Mediations occur at a time and place convenient for the parties at locations throughout the county. The two-hour mediation session usually occurs within 45-60 days following the State's Attorney's Office referral. Prosecutors from the State's Attorney's Office do not participate in the mediation session. The Community Mediation Initiative uses a co-mediation model for all mediations. The Community Mediation Initiative matches mediators with a case based upon the characteristics of the mediator and case type with the mediator's availability. In all instances participation in mediation is voluntary and free of charge for the parties.

Neutral Qualifications and Payment

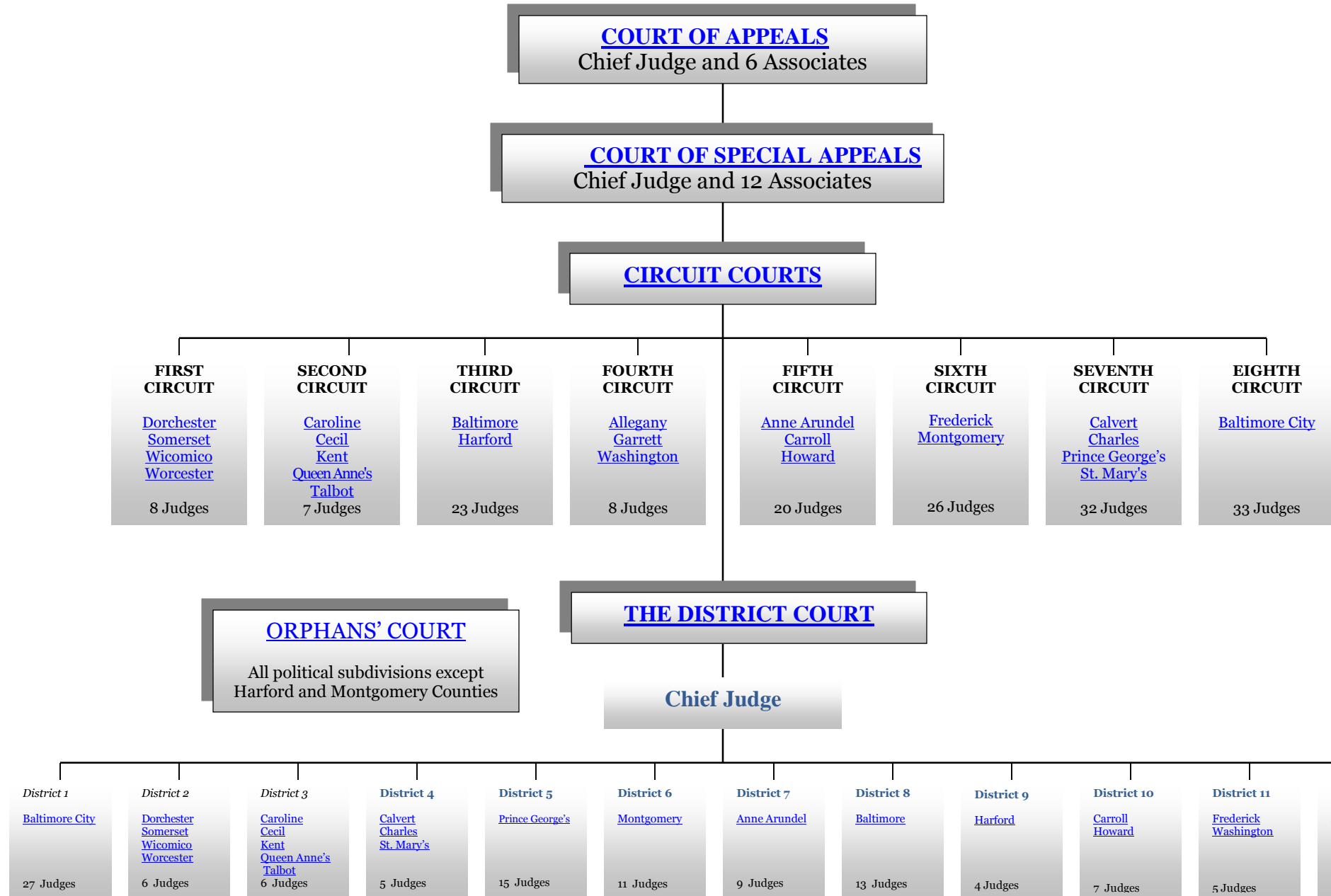
All volunteer mediators from the Community Mediation Initiative must complete 45 hours of basic mediation training, observe two mediations, and maintain membership in the MPME. The Worcester County State's Attorney's Office does not impose any specific neutral qualifications or practices. The community mediation center requires volunteer mediators conducting criminal mediations to complete an advanced training specific to State's Attorney's Office mediations. The Community Mediation Initiative maintains responsibility for the approval and removal of all mediators on its roster.

Program Evaluation and Quality Control

The Worcester County State's Attorney's Office does not require any specific evaluation or quality control practices for criminal mediations. The Community Mediation Initiative employs the same evaluation and quality assurance practices for criminal mediations as it uses for all mediation services. At the conclusion of the mediation, the participants complete an evaluation and demographics sheet. As quality assurance measures, staff mediators sometimes mediate with volunteer mediators, all mediators must enroll in the MPME, and co-mediators engage in post-mediation feedback with each other.

Appendices

Appendix A: Chart of Maryland Judicial System Fiscal Year 2012



Appendix B: ADR Landscape Semi-Structured Interview

2012 C-DRUM ADR Landscape Structured Interview

Introduction: <i>The Maryland Judiciary is involved in an exciting project involving a comprehensive analysis of the use of alternative dispute resolution (ADR) practices throughout the Maryland court systems. As part of the groundbreaking research, through our interview, our goal is to understand the role of ADR and ADR programs in Maryland, and their role in promoting access to justice by creating an ADR Landscape, which will describe the various ADR practices by jurisdiction throughout the state. Although the questions are presented in a chronological order, please expect that, during the interview process, some of the questions will either be adjusted or omitted depending on their relevance to your program.</i>			
Program Information: The purpose of this section is to acquire general information about the ADR program.			
1.) What types of ADR services do you oversee? -- How would you describe the difference between the processes?			
2.) How long has the process been available?			
3.) How many staff people (not including neutrals) work with the ADR Program? --- full time, part time, etc. --- what are their titles --- what are their roles	Total Number		Titles and Roles
	Full-Time	Part-Time	
Mediators/ ADR Practitioners: The purpose of this section is to acquire information about the involvement of neutrals in your ADR program.			
4.) How many neutrals provide ADR Services?	Number	Neutrals that provide ADR Services	
5.) How are the neutrals affiliated with the court? Staff, roster, volunteer, etc.			

ADR Landscape
Appendix B: ADR Landscape Semi-Structured Interview

6.) What are the requirements to be a mediator with this program? --- Application --- Training --- Orientation --- How/who makes decisions on whether to accept a neutral		
7.) What type of ongoing requirements does the court require of its neutrals? --- Training --- Observation --- MPME		
8.) How are neutrals assigned to a case? Do you use a solo or co model?		
9.) How are neutrals removed?		
10.) What compensation, if any, is provided to the neutral? --- Who pays? --- What happens if payment is not made?		
Referrals: The purpose of this section is to acquire information about the referral process in your ADR program.		
11.) How do cases get to the ADR process? <i>AKA referral process</i> --- Is the referral to ADR part of the standard case management process in this jurisdiction? --- Do you have any specific guidelines/expectations? Basically, what screening is done?	Is the referral to ADR part of the standard <u>case management process</u> in this jurisdiction? YES NO	Any guidelines or expectations?
12.) Who has the primary position of referring cases to ADR?		
13.) Is the process voluntary or mandatory? Ordered? What happens if ordered and does not appear?		
14.) When in the life of a case is the referral made to ADR?		
15.) What types of cases are not appropriate for ADR?		

ADR Landscape
Appendix B: ADR Landscape Semi-Structured Interview

Logistics: The purpose of this section is to acquire information about ADR logistics in your program.		
16.) Where does the ADR process take place?		
17.) How much time is allotted for the ADR process? --- Each session --- From referral to closing	Each Session	From Referral to closing
18.) What limitations, if any, exist regarding who can participate in the process?		
Evaluation/Quality Assurance: The purpose of this section is to acquire information as to how mediators are evaluated in your ADR program.		
19.) What type of evaluation measures do you have in place?		
20.) What types of quality assurance practices do you have in place?		
21.) Could you provide us with a copy of the form used for evaluation?		
Funding: The purpose of this section is to acquire information regarding funding.		
22.) What direct (dollar) funding sources support this program? --- Staff --- Neutrals --- Program materials --- Hard or soft money		
23.) What indirect (in-kind services) funding sources support this program?		
Consumer Awareness: The purpose of this section is to acquire information about how consumers are made aware of your ADR program		
24.) How does the public/user find out about this program?		
25.)(a.)What information do the participants have to provide to the neutrals before the ADR process? (b.) What information is provided to the participants before the ADR process?		

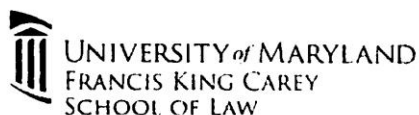
ADR Landscape
Appendix B: ADR Landscape Semi-Structured Interview

Numbers:

26.) If you have them, please provide numbers for the following categories based upon a one year cycle (either annual or fiscal year) and an average month.

	<u>Year</u>	<u>Month</u>
26.)(a.) of the cases eligible for the process, what percentage are referred?		
26.)(b.) of the cases referred to the process, what percentage engage in the process?		
26.)(c.) Persons involved by process		

Appendix C: Correspondence with Interviewees



Center for Dispute Resolution (C-DRUM)

500 West Baltimore Street
Baltimore, MD 21201
410 706 3295

June 6, 2012

Dear ADR Coordinator or Designee:

As you may be aware, the Maryland Judiciary is involved in an exciting project involving a comprehensive analysis of the use of alternative dispute resolution (ADR) practices throughout the Maryland court system. This groundbreaking research project addresses three goals: (1) a comprehensive cost-benefit analysis of ADR; (2) an assessment of the efficiency and effectiveness of various ADR approaches and systems; and (3) an understanding of the role of ADR and ADR programs and their role in promoting access to justice. The cost-benefit and efficiency and effectiveness portions of the study address select case types in certain jurisdictions. The third goal of the study, termed the ADR Landscape, will look at ADR throughout Maryland.

Maryland has been pursuing change in its approach to conflict through the incorporation of ADR in the courts for the past twelve years, and while the case for ADR is strong, a more comprehensive approach is needed to assess the impact of the Judiciary's investment in ADR. By examining the approaches and systems that have been developed, the Maryland Judiciary will be able to refine its practice and pursue the highest benefits for the court system and the citizens of Maryland.

I am contacting you, as an individual with knowledge and/or involvement with the ADR program in your jurisdiction, regarding the ADR Landscape. The ADR Landscape will be a document describing the various ADR practices by jurisdiction throughout the state. Whereas the other portions of the project only explore specific counties and selected case types, the ADR Landscape is designed to provide a picture of the rich ADR practices taking place throughout the state. The Center for Dispute Resolution at the Francis King Carey School of Law (C-DRUM) is the lead institution for the ADR Landscape. Our goal is to visit each of the coordinators of ADR programs or the court's designee throughout the state over the next few months and conduct a 45-60 minute interview to gather fact-based information about your ADR programs.

Someone from C-DRUM will contact you within the next few weeks to answer any questions that you may have and to set up a time for the interview. If you would like to contact me directly, either because you believe you received this letter in error or you have any questions, I can be reached directly at 410-706-6228 or tguerin@law.umaryland.edu. Once the meeting is confirmed, you will receive many of the interview questions in advance of our interview. The purpose is to reduce the interruption to your daily activities and allow you to gather any necessary information in advance of the meeting.



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 STATE COURT ADMINISTRATOR
 (410) 260-1295 Fax: (410) 974-2066
frank.broccolina@mdcourts.gov

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**ADMINISTRATIVE OFFICE OF THE COURTS
 MARYLAND JUDICIAL CENTER
 580 TAYLOR AVENUE
 ANNAPOLIS, MARYLAND 21401**

December 22, 2011

To: Circuit and County Administrative Judges
 Honorable Ben C. Clyburn

From: Frank Broccolina

Subject: Alternative Dispute Resolution and
 Juvenile Justice Case Management Research
 Studies

As you may be aware, the Court Research and Development Department of the Administrative Office of the Courts has been working with our university research partners for the last year to develop methodologies for two comprehensive studies, one involving the effectiveness of alternative dispute resolution programs and the other the policies and processes around the management of juvenile justice cases. The planning phase for the Alternative Dispute Resolution Cost Benefit/Effectiveness Analysis, which is supported in part by a grant from the State Justice Institute, included a panel discussion comprising national ADR experts, as well as the development of survey and interview instruments. The Advisory Committee for the Juvenile Justice Case Management and Disposition Study, which has been involved in planning phase for that study, includes representatives from the Juvenile Law Subcommittee of the Family Law Committee. The study designs for both projects have been determined and the researchers are ready to move to the data collection phase which will involve participation from the courts.

With respect to the alternative dispute resolution study, researchers from the Center for Dispute Resolution at the University of Maryland School of Law and Salisbury University's Center for Conflict Resolution will survey all ADR coordinators, observe court-referred and court-mandated ADR sessions, and in certain jurisdictions (see attached list) interview participants and stakeholders.

The data collection phase of the juvenile justice case management study will include interviews of juvenile judges and masters in the following jurisdictions: Allegany, Anne Arundel, Cecil, Charles, Harford, Montgomery, St. Mary's, Washington, and Wicomico Counties and Baltimore City. We are very

cognizant of and sensitive to your schedules and, as such, staff from the Court Research and Development Department will coordinate all data collections visits with whomever you designate as the contact person in your respective court. We want to ensure that the process is as unobtrusive as possible. Administrative judges in the study jurisdictions also may also be asked to sign letters to be sent to local bar associations to solicit their cooperation with the study. Your assistance in orchestrating these logistical planning activities within your jurisdiction is imperative to the success of the study and is greatly appreciated.

Interviews with judges and masters for the juvenile justice case management study are scheduled to begin in mid-January. The Court Research and Development Department will contact the participating judges and masters by phone or e-mail to arrange a convenient time for which to conduct the interviews.

Please share this information with judges, masters and staff in your court as appropriate.

Thank you in advance for your assistance with these two very worthwhile projects.

Please contact Diane Pawlowicz, Executive Director of Court Research and Development at 410-260-1725, or Jamie Walter, Senior Researcher, at 410-260-3513 if you have any questions.

cc: Hon. Robert M. Bell
Hon. Ben C. Clyburn
Faye Matthews
Clerks of Court
Circuit Court Administrators
Diane Pawlowicz
Rachel Wohl
Connie Kratovil-Lavelle
Linda Koban

TTY Users: 1-800-735-2258 www.mdcourts.gov



Attachment Anticipated Sites for ADR Study

Civil Non-Family (Circuit Court)

Kent County (non ADR control group)

Queen Anne's County

Howard County

Montgomery County or Baltimore County

Family – Custody and Visitation Cases

Anne Arundel County

Charles County

Baltimore County or Montgomery County

District Court Day-of-Trial cases

Baltimore City (ADR cases and non-ADR as control)

Wicomico County

Calvert County

Montgomery County

District Court – Criminal Cases

Frederick County (control group)

Washington County

Baltimore City

Montgomery County

Community Conferencing

Baltimore City (referral and outcome)

Baltimore County (referral and outcome)

Montgomery County (referral)

ADR Study – Anticipated Sites (Sites may change based on additional information gathered in introductory meetings.)

Questions: Dr. Jamie Walter 410-260-3513

Sample Confirmation Letter

Dear (Program Coordinator's Name),

This is to confirm our interview [date, time, location]. If there is any specific information regarding parking or access to the building, please let us know, so that we can make the necessary arrangements.

We value your time and anticipate the interview to last between 45-60 minutes. Furthermore, to minimize interruption to your daily activities and ensure that you have had the prior opportunity to peruse the questions and prepare, the ADR Landscape interview questions have been added to this e-mail as an attachment.

If you have any questions or need to change the appointment, please contact Toby directly 410-706-6228(w), 410-707-2240(c), or tguerin@law.umaryland.edu.

We look forward to speaking with you in the near future, and, once again, thank you for your time and willingness to participate in the ADR Landscape interview.

Very truly yours,
Toby Treem Guerin
Jacob Stone
Center for Dispute Resolution
University of Maryland Francis King Carey School of Law

Sample Thank-You Letter

Center for Dispute Resolution (C-DRUM)
500 West Baltimore Street
Baltimore, MD 21201

Date:
«AddressBlock»:

«GreetingLine»

Thank you for taking the time to provide information about your ADR program for the ADR Landscape portion of the comprehensive analysis of the use of ADR in the Maryland court system. We appreciate your hospitality and willingness to share information about your program.

The information acquired from your interview, and interviews with all of the court-affiliated ADR programs throughout the state, will create a rich picture of the Maryland Judiciary's involvement in the field of ADR. With the information acquired from this research project, Maryland Judiciary will be able to refine its practice and pursue the highest benefits for the court system and the citizens of Maryland.

Please note that the ADR Landscape is one aspect of the overall research project which also aims to explore the cost-benefit of ADR and an assessment of the efficiency and effectiveness of various ADR approaches and systems. The project is ongoing and updates on the research can be found on the research webpage at www.marylandadrresearch.org.

We may be in touch as the project continues with additional questions and progress reports. If you would like to make any adjustments to your interview responses, feel free to contact me directly at 410-706-6228 or tguerin@law.umaryland.edu. Thank you again for all that you do to provide quality services to the citizens of Maryland and access to justice in the Maryland courts.

Very truly yours,
Toby Treem Guerin

Toby Treem Guerin
Managing Director
Center for Dispute Resolution
University of Maryland Carey School of Law

/s/Diane S. Pawlowicz

Diane Pawlowicz
Executive Director
Court Operations
Administrative Office of the Courts

E-mail for Program Coordinators Soliciting Feedback

Thank you for your time assisting us with the ADR Landscape research. Over the past several months, we have gathered a great amount of information about the ADR services offered across Maryland. As we promised each of you, we are sending you a copy of the report written on your program before it is finalized, for you to review. The report is attached to this e-mail for you to edit, specifically for accuracy and completeness of information. When editing, please use track changes or some way of identifying your edits. You may also hand write your edits and fax them to us at 410-706-4270 or scan and e-mail them to us. If you plan on faxing your edits, please e-mail us to let us know to expect the fax.

We have also included some additional questions at the top of the report for you to answer to ensure we have accurate and complete information. We will incorporate your changes and question answers into the report.

Please review the report and e-mail it back within **two weeks**. If you need additional time, please let us know. My e-mail address is jstone@law.umaryland.edu. Feel free to contact me or Toby Guerin with any questions. I can be reached at 410-706-7365 and Toby can be reached at 410-706-6228. Thank you for your time and assistance with this project.

Jacob Stone
Toby Guerin
Center for Dispute Resolution
University of Maryland Francis King Carey School of Law

Appendix D: List of Programs Interviewed

Allegany County

- Circuit Court for Allegany County, General Civil
- Circuit Court for Allegany County Family Support Services

Anne Arundel County

- Circuit Court for Anne Arundel County, General Civil
- Circuit Court for Anne Arundel County Alternative Dispute Resolution Program, Family
- Anne Arundel County Partnership for Children, Youth, and Families Community Conferencing Program
- District Court in Anne Arundel County
- Anne Arundel County Office of the State's Attorney Mediation Center

Baltimore City

- Circuit Court for Baltimore City, General Civil
- Circuit Court for Baltimore City Family Division
- Community Conferencing Center of Baltimore City
- Orphans' Court for Baltimore City
- District Court in Baltimore City
- Community Mediation, Criminal

Baltimore County

- Circuit Court for Baltimore County, General Civil
- Circuit Court for Baltimore County, The Office of Family Mediation
- The Conflict Resolution Center of Baltimore County, Community Conferencing Program
- Orphans' Court for Baltimore County
- District Court in Baltimore County

Calvert County

- Circuit Court for Calvert County Family Services
- District Court in Calvert County
- Community Mediation Center of Calvert County, Criminal

Caroline County

- Circuit Court for Caroline County Family Services Program
- Caroline County Department of Social Services*

Carroll County

- Circuit Court for Carroll County, General Civil

- Circuit Court for Carroll County Family Law Administration
- District Court in Carroll County
- The State's Attorney's Office for Carroll County and Carroll County Community Mediation Center, Criminal

Cecil County

- Circuit Court for Cecil County Family Services Program
- Community Mediation Upper Shore, Criminal

Charles County

- Circuit Court for Charles County, General Civil
- Circuit Court for Charles County Family Services Program
- District Court in Charles County

Court of Special Appeals

- Court of Special Appeals, Office of ADR Programs

Dorchester County

- Circuit Court for Dorchester County Family Support Services

Frederick County

- Circuit Court for Frederick County, General Civil
- Circuit Court for Frederick County Family Services Program and Permanency Planning Program
- District Court in Frederick County

Garrett County

- Circuit Court for Garrett County Family Services Program

Harford County

- Circuit Court for Harford County Family Services Program
- District Court in Harford County
- Harford County State's Attorney's Office

Howard County

- Circuit Court for Howard County, General Civil
- Circuit Court for Howard County Family Law Office
- District Court in Howard County

Kent County

- Circuit Court for Kent County, General Civil*
- Circuit Court for Kent County Family Services Division
- Community Mediation Upper Shore, Criminal

Montgomery County

- Circuit Court for Montgomery County, General Civil
- Circuit Court for Montgomery County Family Division Services and Child Dependency Program
- Conflict Resolution Center of Montgomery County's Youth Restorative Justice Initiative
- District Court in Montgomery County
- Montgomery County State's Attorney's Office Mediation Service

Prince George's County

- Circuit Court for Prince George's County, General Civil
- Circuit Court for Prince George's County Family Support Services
- Prince George's County Community Conferencing Program at Identity, Incorporated*
- District Court in Prince George's County

Queen Anne's County

- Circuit Court for Queen Anne's County, General Civil
- Circuit Court for Queen Anne's County Family Services Program
- Mid-Shore Pro Bono, Community Conferencing
- District Court in Queen Anne's County

St. Mary's County

- Circuit Court for St. Mary's County Family Support Services
- District Court in St. Mary's County

Somerset County

- Circuit Court for Somerset County Family Services Program
- District Court in Somerset County
- Somerset County State's Attorney's Office

Talbot County

- Circuit Court for Talbot County, General Civil
- Circuit Court for Talbot County Family Services Program
- Mid-Shore Pro Bono, Community Conferencing

Washington County

- Circuit Court for Washington County Family Services Program
- District Court in Washington County*
- Washington County State's Attorney's Office

Wicomico County

- Circuit Court for Wicomico County Family Services Program
- District Court in Wicomico County
- Community Mediation Initiative at the Bosserman Center for Conflict Resolution, Criminal*

Worcester County

- Circuit Court for Worcester County, General Civil
- Circuit Court for Worcester County Family Services Program
- State's Attorney for Worcester County

*Interview conducted over the phone

Appendix E: ADR Programs in Maryland: Circuit Court, Civil Domestic

Circuit Courts – Program Administration (2013)

Domestic	Coordinator	Program Funding Source(s)				ADR Processes Available						Part of Case Management	Education and Outreach	
		# of staff	County	DFA	MAC RO	Other Grant	Mediation- child access	Mediation- marital property	Mediation-child welfare	Settlement Conferencing	Facilitation		Other	Yes/No
Allegany	1	--	X	--	--	X	X	CINA	n/a	n/a	n/a	Y	X	N
Anne Arundel	2	X	X	X	--	X	X	CINA/TPR	X	X	n/a	Y	X	N
Baltimore City	2-FT, 1-PT	--	X	--	--	X	n/a	CINA/TPR	X	n/a	n/a	Y	X	Y
Baltimore	3	X	X	--	--	X	n/a	CINA/TPR	X	X	adult guardianship	Y	X	Y
Calvert	1	--	X	--	--	X	n/a	CINA/TPR	X	n/a	n/a	Y	X	N
Caroline	1	X	X	X	--	X	X	CINA/TPR	X	n/a	n/a	Y	X	Y
Carroll	2	X	X	--	--	X	X	CINA/TPR	X	X	n/a	Y	X	Y
Cecil	1	--	X	--	--	X	X	CINA/TPR	X	n/a	n/a	Y	X	Y
Charles	2	--	X	X	--	X	X	CINA/TPR	n/a	n/a	n/a	Y	X	N
Dorchester	1	--	X	--	--	X	X	n/a	n/a	n/a	n/a	Y	X	N
Frederick	3-PT	X	X	X	--	X	X	CINA/TPR	n/a	n/a	n/a	Y	X	N
Garrett	1	--	X	--	--	X	X	n/a	X	n/a	n/a	mediation only	X	N
Harford	3	X	X	--	X	X	n/a	TPR	n/a	n/a	n/a	Y	X	Y
Howard	1	--	X	--	--	X	X	TPR	X	n/a	n/a	Y	X	N
Kent	1	--	X	--	--	X	X	CINA/TPR	X	n/a	n/a	Y	X	Y
Montgomery	2	X	X	--	--	X	X	CINA/TPR	X (marital property only)	X	n/a	Y	X	Y
Prince George's	2-FT, 5-PT	X	X	--	--	X	X	CINA/TPR	X	n/a	n/a	Y	X	Y
Queen Anne's	1	--	X	--	--	X	X	CINA (rarely used)	n/a	n/a	n/a	Y	X	Y
St. Mary's	1	--	X	--	--	X	n/a	CINA/TPR	n/a	n/a	communication-counseling/mediation	Y	X	N
Somerset	1	--	X	--	--	X	X	CINA (rarely used)	X	X	n/a	Y	X	N
Talbot	1	--	X	--	--	X	X	CINA/TPR	n/a	n/a	n/a	Y	X	N
Washington	1	--	X	--	--	X	X	n/a	X	n/a	n/a	Y	X	Y
Wicomico	3	--	X	--	--	X	n/a	CINA/TPR	X	X	attorney settlement panel	Y	X	N
Worcester	2	X	X	X	----	X	X	TPR	X	n/a	n/a	Y	X	Y

Circuit Courts – Case Referral (2013)

Domestic	Primary Referral Source			Excluded Case Types			Mandatory/Voluntary				
	Judge/ Master	Program Coordinator/ Staff	Other	Cases with self- repre- sented litigants	Incarcerated Individuals	Domestic Violence	Mediation- Child Access	Mediation- Marital Property	Mediation- child welfare	Settlement Conference	Facilitation
Allegany	--	X	--	X	X	X	M	M	V	n/a	n/a
Anne Arundel	X	X	--	--	--	X	M	V	M	M	V
Baltimore City	--	X	--	--	X	X	V	n/a	V	V	n/a
Baltimore	X	--	X	--	--	X	V	n/a	V	M	M
Calvert	X	--	--	--	--	X	M	V	V	n/a	n/a
Caroline	X	--	--	--	--	X	M	V	V	M	n/a
Carroll	X	X	X	--	--	X	M	M	M	M	n/a
Cecil	X	--	X	--	--	X	M	V	V	M	n/a
Charles	X	--	--	--	--	X	M	M	M	n/a	n/a
Dorchester	X	--	--	--	--	X	V	V	n/a	n/a	n/a
Frederick	X	--	--	--	--	X	M	M	M	n/a	n/a
Garrett	X	--	--	X	--	X	M	M	n/a	M	n/a
Harford	X	--	--	--	--	X	M	n/a	M	n/a	n/a
Howard	X	X	--	--	X	X	M	M	M	M	n/a
Kent	X	--	--	--	--	X	M	M	n/a	M	n/a
Montgomery	X	--	--	--	--	X	M	V	M	M	V
Prince George's	X	X	--	--	--	X	M	V	V	M	n/a
Queen Anne's	X	--	--	--	--	X	M	M	M	n/a	n/a
St. Mary's	X	--	--	--	--	X	M	n/a	M	n/a	n/a
Somerset	X	--	--	--	X	X	M	M	M	M	M
Talbot	X	X	--	--	--	X	M	M	M	n/a	n/a
Washington	X	X	--	--	--	X	M	M	n/a	M	n/a
Wicomico	--	X	--	--	--	X	M	n/a	M	M	M
Worcester	--	X	--	--	X	X	M	n/a	M	M	n/a

Circuit Courts – Mediator Qualifications and Logistics (2013)

Domestic	# of Mediators					Requirements to be a Mediator (beyond court rules)						Consideration in Mediator Assignment					Co-mediation	
	Roster - child access	Roster-marital property	Roster-child welfare	Staff	Contract	Performance-based Certification	Attorney	Office in the County	Pro Bono	Liability Insurance	MPME	Rotational	Location	Mediator Characteristics	Case type	Party Select	Availability/pre-set schedule	Yes/No
Allegany	23	5	4	n/a	n/a	--	--	--	--	--	--	X	--	--	--	X	X	N
Anne Arundel	51	51	51	n/a	n/a	--	X	X	X	--	X	--	--	--	--	--	--	CM* only
Baltimore City	24	n/a	10	1	n/a	--	--	--	--	X	--	X	--	X	X	--	X	Y
Baltimore	n/a	n/a	n/a	5	n/a	--	--	--	--	--	X	X	--	--	--	--	--	N
Calvert	4	n/a	8	n/a	n/a	--	--	--	X	X	X	--	--	X	X	--	X	N
Caroline	14	14	<i>in dev't</i>	n/a	n/a	--	--	--	--	--	--	X	--	--	--	--	--	CM* only
Carroll	7	7	6	2	n/a	--	--	--	--	--	X	--	--	X	X	X	--	CM* only
Cecil	5	5	1	n/a	n/a	--	--	--	--	--	--	X	--	--	--	X	--	N
Charles	20	6	9	n/a	n/a	--	--	--	X	--	--	X	--	X	X	--	--	child welfare only
Dorchester	19	19	n/a	n/a	n/a	--	--	--	--	--	--	--	--	X	X	--	--	CM* only
Frederick	43	43	6	n/a	1	--	--	--	--	--	--	X	X	X	X	--	--	N
Garrett	7	5	n/a	n/a	n/a	--	--	--	--	--	--	X	--	X	X	--	--	N
Harford	23	n/a	n/a	1	5	--	--	--	X	--	--	X	--	--	--	X	--	N
Howard	36	36	master	n/a	n/a	--	--	--	X	--	encouraged	--	X	X	X	X	--	N
Kent	7	5	n/a	n/a	n/a	--	--	--	--	--	--	X	--	X	X	--	--	CM* only
Montgomery	21	100	25	n/a	n/a	--	--	--	--	--	--	X	--	--	--	--	X	N
Prince George's	n/a	n/a	n/a	2	9	--	--	X	--	X	X	X	--	--	X	--	--	CM* and child welfare only
Queen Anne's	26	24	n/a	n/a	1	--	--	--	--	--	--	--	--	X	X	--	--	N
St. Mary's	2	n/a	6	n/a	1	--	--	--	--	--	--	--	X	--	X	--	--	CM* only
Somerset	9	9	9	1	n/a	--	--	--	--	--	--	--	--	X	X	--	--	N
Talbot	17	11	8	n/a	n/a	X	X	--	--	--	--	X	--	X	X	--	--	CM* only
Washington	36	36	n/a	n/a	n/a	--	--	--	--	--	--	X	--	--	--	--	--	CM* only
Wicomico	4	n/a	3	n/a	2	--	--	--	--	--	X	X	--	X	X	--	--	N
Worcester	9	n/a	2-3	n/a	n/a	--	X	--	--	--	--	--	--	--	--	--	X	N

*CM= community mediation

Circuit Courts – Mediation- Child Access (2013)

Domestic	Pre-Mediation		Attorney Involvement			Fees		Fee Payment				Duration	Location		
	Confidential Statements Required before mediation	Information sent to participants	Required	Permitted	Discouraged/ Prohibited	Cost as Described by Court	Total paid to mediator per 2 party case	Split among Parties	Fee Waiver Avail	Neutral Paid by Court	Community Mediation (in lieu of fee waiver)		Mediator's Office	Court-House	Other
Allegany	N	N	--	X	--	\$400 total (\$100 per party per session)	\$400	X	X	--	X	2, 2hr	X	--	--
Anne Arundel	N	N	--	--	X	\$200/session	\$400	X	--	--	X	2, 2hr	X	--	--
Baltimore City	N	N	--	--	X	\$75/hr	\$300	X	X	--	UB Clinic	2, 2hr	X	X	X
Baltimore	N	N	--	--	X	\$125 per person	\$250	--	X	--	--	1, 3hr	--	X	--
Calvert	N	N	--	--	X	\$65 per party/hr	\$520	--	X	--	--	2, 2hr	X	--	--
Caroline	N	N	--	X	--	\$200/session	\$400	X	--	--	X	2, 2hr	X	X (day of trial)	--
Carroll	N	N	--	--	X	\$150 per party/per session	\$600	--	--	--	X	2, 2hr	X	X	--
Cecil	N	Y	--	--	X	\$100/hr	\$200	X	X	--	--	1, 2hr	X	X	--
Charles	N	N	--	X		\$200/session	\$400	X	X	--	--	2, 2hr	X	X	--
Dorchester	N	N	--		X	\$130/hr	\$520	X	--	--	X	2, 2hr	X	--	--
Frederick	N	Y	--	X	--	\$200/hr	\$800	X	X	X	--	2, 2hr	X	court neutral	--
Garrett	per mediator request	Y	--	X	--	\$125/hr	\$500	X	--	--	--	2, 2hr	X	--	--
Harford	N	Y	--	X	--	\$100-\$150/hr	\$400-\$600	X	X	X	--	2, 2hr	X	X	X
Howard	N	N	--	X	--	\$200/hr	\$800	X	X	--	--	2, 2hr	X	--	--
Kent	N	N	--	--	X	\$200/hr	\$800	X	--	--	X	2, 2hr	X	X	--
Montgomery	N	N	--	if both rep.		\$200/session	\$200	--	--	X	--	1, 3hr		X	--
Prince George's	N	Y	--	--	X	\$100/per party per session	\$400	--	--	--	X	2, 2hr	X	X	--
Queen Anne's	N	N	--	--	X	courthouse-\$125/hr split by parties, non-courthouse-\$200/hr by court	\$250	X	X	X	X (day of trial)	1, 2hr	X	X	--
St. Mary's	N	Y	--	--	X	\$200/session	\$400	X	--	--	X	2, 2hr	X	X	--
Somerset	N	N	--	X	--	\$200/session	\$400	X	--	X	--	2, 2hr	X	--	--

Appendix E: ADR Programs in Maryland: Circuit Court, Civil Domestic

Domestic	Pre-Mediation		Attorney Involvement			Fees		Fee Payment				Duration	Location		
	Confidential Statements Required before mediation	Information sent to participants	Required	Permitted	Discouraged/Prohibited	Cost as Described by Court	Total paid to mediator per 2 party case	Split among Parties	Fee Waiver Avail	Neutral Paid by Court	Community Mediation (in lieu of fee waiver)		Mediator's Office	Court-House	Other
Talbot	N	N	--	X	--	\$200/session	\$400	X	--	--	X	2, 2hr	X	--	X
Washington	N	self-represented only	--	X	--	\$200/hr	\$800	X	--	--	X	2, 2hr	X	--	--
Wicomico	N	N	--	--	X	\$75 per party/per session	\$300	--	X	--	--	2, 2hr	X	--	--
Worcester	N	Y	--	X	--	\$200/session	\$400	X	--	--	X	2, 2hr	X	X	--

Circuit Courts – Mediation- Marital Property (2013)

Domestic	Pre-Mediation		Attorney Involvement			Fees		Fee Payment				Co-mediation	Duration	Location	
	Confidential Statements Required before mediation	Information sent to participants	Required	Permitted	Discouraged/Prohibited	Cost as Described by Court	Total paid to mediator per 2 party case	Split among Parties	Fee Waiver Avail	Neutral Paid by Court	Community Mediation (in lieu of fee waiver)	Yes/No		Mediator's Office	Court-house
Allegany	N	N	--	X	--	\$400 total (\$100 per party per session)	\$400	X	X	--	--	N	2, 2hr	X	--
Anne Arundel	Y	N	--	X	--	\$200/session	\$400	X	--	--	--	N	2, 2hr	X	--
Baltimore City	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Baltimore	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Calvert	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Caroline	N	N	--	X	--	\$200/session	\$400	X	--	--	--	N	2, 2hr	X	
Carroll	N	N	--		X	\$150 per party/per session	\$600	--	--	--	--	N	2, 2hr	X	X
Cecil	N	N	--	X	--	\$100/hr	\$200	X	--	--	--	N	1, 2hr	X	X
Charles	N	N	--	X	--	\$300/session	\$1200	X	--	--	--	N	4, 2hr	X	--
Dorchester	N	N	--	X	--	\$65/hr per party	\$520	--	--	--	--	N	2, 2hr	X	--
Frederick	N	Y	--	X	--	\$200/hr	\$800	X	--	--	--	N	2, 2hr	X	--
Garrett	per mediator request	Y	--	X	--	\$125/hr	\$500	X	--	--	--	N	2, 2hr	X	--
Harford	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Howard	N	N		X	--	\$200/hr	\$800	X	--	--	--	N	2, 2hr	X	--
Kent	N	N		X	--	\$200/hr	\$800	X	--	--	--	N	2, 2hr	X	X
Montgomery	Y	N		X	--	\$200/hr	\$600	X	--	--	--	N	1, 3hr	X	X
Prince George's	Y	Y	X	--	--	\$200/hr	\$600	X	--	--	--	N	1, 3hr	X	--
Queen Anne's	Y	N	--	--	X	courthouse \$125/hr split by parties, non-courthouse (\$200/hr by court)	\$250	X	X	X	--	N	1, 2hr	X	X
St. Mary's	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Somerset	Y	N	--	X	--	\$200/session	\$400	X	X	--	--	N	2, 2hr	X	

Appendix E: ADR Programs in Maryland: Circuit Court, Civil Domestic

Domestic	Pre-Mediation		Attorney Involvement			Fees		Fee Payment				Co-mediation	Duration	Location	
	Confidential Statements Required before mediation	Information sent to participants	Required	Permitted	Discouraged/Prohibited	Cost as Described by Court	Total paid to mediator per 2 party case	Split among Parties	Fee Waiver Available	Neutral Paid by Court	Community Mediation (in lieu of fee waiver)	Yes/No		Mediator's Office	Court-house
Talbot	per mediator request	N	--	X	--	\$200/hr	\$800	X	--	--	X	N	2, 2 hr	X	--
Washington	N	N	--	X	--	\$200/hr	\$800	X	--	--	--	N	2, 2hr	X	--
Wicomico	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Worcester	N	N	--	X	--	\$200/session	\$400	X	--	X	--	N	2, 2hr	X	X

Circuit Courts – Mediation- Child Welfare (2013)

Domestic	Pre-Mediation		Attorney Involvement			Fee		Mediator Paid by Court	Co-mediation	Duration	Location		
	Confidential Statements Required before mediation	Information sent to participants	Required	Permitted	Discouraged/Prohibited	Per hour	Total paid to mediator per 2 party case	Yes/No	Yes/No		Mediator/Attorney Office	Court-house	Other
Allegany	N	N	--	X	--	\$100	\$400	Y	N	4hr	X	X	--
Anne Arundel	N	N	--	X	--	\$0	\$0	pro bono	N	2hr	--	X	--
Baltimore City	N	N	--	X	--	\$75	\$375	Y	N	5hr	--	X	nearby building
Baltimore	N	N	--	--	--	\$0	n/a	staff	N	3hr	--	X	--
Calvert	N	N	--	X	--	\$70	\$140	Y	N	2hr	--	--	--
Caroline	N	N	--	X	--	<i>in dev't</i>	<i>in dev't</i>	Y	N	2hr	--	X	--
Carroll	N	N	--	X	--	\$100	\$300	Y	Y	3hr		X	--
Cecil	N	N	--	X	--	\$50	\$100	pd. by county	N	2hr	X	X	--
Charles	N	N	--	X	--	\$150 (split among the 2 mediators)	\$300 (\$150 per mediator)	Y	Y	2hr	--	X	--
Dorchester	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Frederick	N	Y	--	X	--	\$50	\$200	Y	N	3hr + 1hr preparation	--	X	--
Garrett	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Harford	N	Y	--	X	--	\$0	n/a	staff/contract	Y	3hr	--	--	nearby building
Howard	N	N	--	X	--	\$100	\$300	Y	Y	3hr	--	X	--
Kent (<i>in dev't</i>)	--	--	--	--	--			--	--	--	--		--
Montgomery	N	N	--	X	--	\$67	\$200	Y	N	3hr	--	X	--
Prince George's	N	Y	--	X	--	\$100	\$300	Y	N	3hr	--	X	--
Queen Anne's	--	--	--	--	--	rarely used	rarely used	--	--	--	--	--	--
St. Mary's	N	Y	--	X	--	\$40/hr + \$80 to write agreement	\$160	Y	N	2hr	--	X	
Somerset	N	N	--	X	--	rarely used	rarely used	Y	N	--	--	--	--
Talbot (<i>in dev't</i>)	--	--	--	X	--	--	--	Y	Y	--	--	--	--
Washington	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Wicomico	Y	N	--	X	--	\$100	\$200	Y	N	2hr	--	X	--
Worcester	N	N	--	X	--	\$100	\$200	Y	N	2hr	--	X	--

Circuit Courts – OTHER ADR (2013)

Domestic	Settlement Conference		Duration of Settlement Conference	Fee for Settlement Conference	# of Facilitators	Requirements for Facilitators		Fees for Facilitator	Fee Payment		Duration of Facilitation
	Active/Retired Judge or Master	Attorney				Attorney	Other		Split among Parties	Neutral Paid by Court	
Allegany	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Anne Arundel	31	--	30-60 min	\$0	45	Y	--	\$0	n/a	n/a	1 day
Baltimore City	--	30	1hr	\$0	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Baltimore	3	--	20 min – 1 day	\$0	2	Y	family law experience	\$50/hr	N	Y	20-30 min
Calvert	1	--	90 min	\$0	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Caroline	1	--	varies	\$0	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Carroll	--	37	3hr	\$80 (paid by court)	2 staff, 1 CM volunteer	N	--	\$0	n/a	n/a	1hr
Cecil	2	--	20 – 30 min	\$0	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Charles	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dorchester	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Frederick	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Garrett	1	--	1hr	\$0	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Harford	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Howard	9	--	1hr	\$0	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Kent	1	--	varies	\$0	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Montgomery	6-7 (marital property only)	--	varies	\$0	30	Y	10-yrs family law experience	\$0	n/a	\$75/case	1hr
Prince George's	7	--	90 min	\$0	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Queen Anne's	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
St. Mary's	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Somerset	1	--	1hr	\$0	9 + 1 staff	N	mediation training	\$100/hr	N	Y	30-45 min
Talbot	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Washington	1	--	1hr	\$0	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Wicomico	4	--	1-2hr	\$0	2	Y	mediation training	\$100/hr	N	Y	up to 3hrs
Worcester	--	13	1hr	\$0	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Circuit Courts – Program Evaluation and Quality Control

Domestic	Mediation		Mediator Cont. Ed. (beyond Title 17)	Settlement Conference		Settlement Conference Cont. Ed.	Other ADR Process	
	Participant Evaluation	Mediator Report		Participant Evaluation	Settlement Conference Report/Data Sheet		Participant Evaluation	ADR Practitioner Report
Allegany	Y	N	--	n/a	n/a	n/a	n/a	n/a
Anne Arundel	Y	Y	MPME	N	Y	--	Y	N
Baltimore City	Y	Y	--	N	N	--	n/a	n/a
Baltimore	Y	N	MPME, observations	N	N	--	Y	N
Calvert	Y	Y	MPME	N	N	--	Y	Y
Caroline	N	N	--	N	N	--	n/a	n/a
Carroll	Y	N	MPME	N	Y	--	N	N
Cecil	Y (rarely used)	N	coordinator observes new mediators	N	N	--	n/a	n/a
Charles	Y	Y	court provided training	n/a	n/a	n/a	n/a	n/a
Dorchester	N	Y	--	n/a	n/a	n/a	n/a	n/a
Frederick	only for the court-paid mediators	Y	--	n/a	n/a	n/a	n/a	n/a
Garrett	N	N	--	N	N	--	n/a	n/a
Harford	N	N	court provided training	n/a	n/a	n/a	N	N
Howard	Y	N	MPME encouraged	N	N	--	n/a	n/a
Kent	N	N	--	n/a	n/a	n/a	N	N
Montgomery	N	Y	--	N	Y	--	n/a	n/a
Prince George's	Y (marital property only)	Y	MPME, staff observes mediators	N	N	--	n/a	n/a
Queen Anne's	N	N	--	n/a	n/a	n/a	n/a	n/a
St. Mary's	only for the court-paid mediator	N	--	n/a	n/a	n/a	n/a	n/a
Somerset	Y	Y	--	N	N	--	N	N
Talbot	N	N	--	n/a	n/a	n/a	n/a	n/a
Washington	N	N	--	N	N	--	n/a	n/a
Wicomico	Y	N	MPME	n/a	n/a	n/a	n/a	n/a
Worcester	Y	Y	--	N	N	--	n/a	n/a

Appendix F: ADR Programs in Maryland: Circuit Courts, General Civil

Circuit Courts – Program Administration (2013)

Civil General	Coordinator	Program Funding Source			ADR Processes Available			Part of Case Management	Education and Outreach		Formal Neutral Removal Process	Primary Referral Source		
	# of staff	County	MACRO	Other Grant	Mediation	Settlement Conf.	Other	Yes/No	Website	Brochure	Yes/No	Judge	Program Coordinator/Court Staff	Other
Allegany	1	--	X	--	X	n/a	n/a	Y	N	N	N	--	X	--
Anne Arundel	1	X	X	--	X	X	fore-closure ADR	Y	Y	N	N	--	X	--
Baltimore City	2	--	X	--	X	X	n/a	Y	Y	Y	N	--	X	--
Baltimore	2	X	X	--	X	X	n/a	Y	Y	N	N	--	X	--
Calvert	1	X	--	--	X	X	n/a	--	--	--	--	--	--	--
Caroline	1	--	--	--	n/a	X	n/a	Y	N	N	N	X	--	--
Carroll	1	X	--	--	n/a	pre-trial conference	n/a	Y	Y	Y	N	X	X	--
Cecil	1	--	--	--	n/a	X	n/a	Y	N	N	N	--	X	--
Charles	1	--	X	--	X	X	n/a	Y	N	N	Y	--	X	--
Dorchester	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Frederick	1-PT	X	--	--	X	n/a	n/a	Y	N	N	N	--	X	--
Garrett	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Harford	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Howard	1	X	--	--	X	X	n/a	Y	N	N	N	--	X	--
Kent	2-PT	X	--	--	X	X	n/a	N	N	N	N	X	--	self
Montgomery	1	X	--	--	X	X	n/a	Y	Y	N	N	X	--	--
Prince George's	2	X	--	--	X	X	n/a	Y	N	N	N	X	--	--
Queen Anne's	1	X	--	--	X	X	n/a	Y	Y	N	N	X	--	--
St. Mary's	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Somerset	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Talbot	1	--	X	--	X	n/a	n/a	Y	N	N	N	X	X	--
Washington	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Wicomico	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Worcester	2	X	--	--	X	X	n/a	Y	Y	Y	N	--	X	--

Circuit Courts – Mediator Qualifications and Logistics (2013)

Civil General	# of Mediators	Requirements to be a Mediator (beyond court rules)					Co-mediation Yes/No	Consideration in Mediator Assignment						Excluded Case Types (other than domestic violence)		
		Performance-based certification	Attorney	Office in the County	Pro Bono	MPME		Rotational	Location	Mediator Characteristics	Case type	Party Select	Availability /pre-set schedule	Cases with Self-Represented Litigants	Incarcerated Individuals	Other
Allegany	30 (use 10)	--	X	--	--	--	N	--	--	X	X	--	--	X	X	CSX Transportation
Anne Arundel	20	--	X	X	X	X	--	--	--	X	X	--	--	--	--	--
Baltimore City	110	--	--	--	--	--	N	X	--	X	X	--	--	--	--	--
Baltimore	144	--	X	--	X	encouraged	N	X	--	X	X	--	--	if both sides self-represented	--	scheduling hearing > 90 days
Calvert	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Caroline	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Carroll	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Cecil	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Charles	11	--	--	--	--	--	N	X	--	X	X	X	--	--	--	--
Dorchester	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Frederick	107	--	X	--	--	--	N	X	X	--	X	--	--	--	--	--
Garrett	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Harford	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Howard	115	--	--	--	--	encouraged	N	X	--	--	--	--	--	--	--	--
Kent	unknown	--	X	--	--	--	N	--	--	--	--	X	--	--	--	--
Montgomery	500+	--	--	--	--	--	--	X	X	X	X	X	X	--	--	threat of violence
Prince George's	7	--	retired judge	--	--	--	N	--	--	--	--	--	X	--	--	--
Queen Anne's	36	--	--	--	--	--	N	--	X	X	X	--	--	--	--	--
St. Mary's	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Somerset	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Talbot	37	X	X	--	--	--	some	--	--	X	X	--	--	--	--	--
Washington	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Wicomico	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Worcester	9	--	X	--	--	--	N	--	--	--	--	--	X	X	--	--

Circuit Courts – MEDIATION (2013)

Civil General	Participation in Mediation	Pre-Mediation		Attorney Involvement			Fees by Case Type			Fee Payment			Duration	Location		
		Mandatory(M) / Voluntary(V)	Pre-mediation Statements	Information sent to participants	Required	Permitted	Discouraged/Prohibited	Civil General	Fee per party (2 parties)	Complex Civil	Split among Parties	Fee Waiver Avail		Neutral Paid by Court	Media-tor's Office	Court-house
Allegany	M	Y	Y	X	--	--	\$150/hr	\$150	\$250/hr	Y	N	N	2hr	X	--	--
Anne Arundel	M	Y	N	--	X	--	\$200/hr	\$200	\$250/hr	Y	Y	N	2hr	X	--	--
Baltimore City	M	Y	Y	--	X	--	\$200/hr	\$200	\$250/hr	Y	N	N	2hr	X	X	attorney's office
Baltimore	M	Y	Y	X	--	--	\$200/hr	\$200	\$250/hr	Y	N	N	2hr	X	--	--
Calvert	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Caroline	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Carroll	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Cecil	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Charles	M	Y	Y	X	--	--	\$200/hr	\$200	\$250/hr	Y	N	N	2hr	X	--	--
Dorchester	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Frederick	M	Y	Y	X	--	--	\$200/hr	\$200	\$250/hr	Y	N	N	2hr	X	--	--
Garrett	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Harford	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Howard	M	N	N	X	--	--	\$200/hr	\$200	\$250/hr	Y	N	N	2hr	X	--	--
Kent	V	per mediation or request	N	X	--	--	\$200/hr	\$100-\$200	\$250/hr	Y	community mediation (in lieu of fee waiver)	N	1-2, 2hr	X	--	--
Montgomery	M	Y	N	--	X	--	\$200/hr	\$200	\$250/hr	Y	N	N	2hr	X	X	--
Prince George's	M	Y	N	X	--	--	\$0	\$0	\$0	n/a	n/a	Y	varies	--	X	county administrative building
Queen Anne's	M	N	N	X	--	--	\$200/hr	\$200	\$250/hr	Y	N	N	2hr	X	--	--
St. Mary's	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Somerset	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Talbot	M	N	N	--	X	--	\$200/hr	\$200	\$250/hr	Y	community mediation (in lieu of fee waiver)	N	2, 2hr	X	--	Future for Families Center

Appendix F: ADR Programs in Maryland: Circuit Courts, General Civil

Civil General	Participation in Mediation	Pre-Mediation		Attorney Involvement			Fees by Case Type			Fee Payment			Duration	Location		
		Mandatory(M) / Voluntary(V)	Pre-mediation Statements	Information sent to participants	Required	Permitted	Discouraged/Prohibited	Civil General	Fee per party (2 parties)	Complex Civil	Split among Parties	Fee Waiver Avail		Neutral Paid by Court	Mediator's Office	Court-house
Washington	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Wicomico	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Worcester	M	N	Y	--	X	--	\$100/part y	\$100	\$250/hr	N	N	N	2hr	--	X	--

Circuit Courts – OTHER ADR

Civil General	# of Settlement Conference Neutrals		Requirements to Facilitate Settlement Conferences	Duration of Settlement Conference	Fees for Settlement Conference	Other ADR Process
	Acting/Retired Judge or Master	Attorney	Subject Experience		None	
Allegany	n/a	n/a	n/a	n/a	n/a	n/a
Anne Arundel	31	n/a	--	1hr	--	foreclosure ADR
Baltimore City	a few	40	--	30 min	--	n/a
Baltimore	6	n/a	--	no set time	--	n/a
Calvert	--	--	--	--	--	n/a
Caroline	1	n/a	--	varies	--	n/a
Carroll	n/a	81	X	3hr	--	n/a
Cecil	1	n/a	--	20-30 min	--	n/a
Charles	n/a	30	5-yr	2hr	\$200/hr	n/a
Dorchester	n/a	n/a	n/a	n/a	n/a	n/a
Frederick	n/a	n/a	n/a	n/a	n/a	n/a
Garrett	n/a	n/a	n/a	n/a	n/a	n/a
Harford	n/a	n/a	n/a	n/a	n/a	n/a
Howard	9	n/a	--	1hr	--	n/a
Kent	1	n/a	--	1-2hr	--	n/a
Montgomery	6-7	n/a	mediation training	varies	--	n/a
Prince George's	7	n/a	n/a	varies	--	n/a
Queen Anne's	n/a	2	--	2hr	\$200/hr	n/a
St. Mary's	n/a	n/a	n/a	n/a	n/a	n/a
Somerset	n/a	n/a	n/a	n/a	n/a	n/a
Talbot	n/a	n/a	n/a	n/a	n/a	n/a
Washington	n/a	n/a	n/a	n/a	n/a	n/a
Wicomico	n/a	n/a	n/a	n/a	n/a	n/a
Worcester	n/a	9	--	1hr	--	n/a

Circuit Courts – Program Evaluation and Quality Control (2013)

Civil General	Mediation		Mediator Cont. Ed. (beyond Title 17)	Settlement Conference		Settlement Conference Cont. Ed.	Other ADR Process		Other ADR Process Cont. Ed.
	Participant Evaluation	Mediator Report		Participant Evaluation	Facilitator Report/Data Sheet		Participant Evaluation	ADR Practitioner Report	
Allegany	N	Y	--	n/a	n/a	--	n/a	n/a	n/a
Anne Arundel	Y	Y	MPME	N	Y	--	Y	N	--
Baltimore City	Y	Y	--	Y	N	--	n/a	n/a	n/a
Baltimore	Y	Y	--	N	N	--	n/a	n/a	n/a
Calvert	--	--	--	--	--	--	n/a	n/a	n/a
Caroline	n/a	n/a	n/a	N	N	--	n/a	n/a	n/a
Carroll	n/a	n/a	n/a	N	Y	--	n/a	n/a	n/a
Cecil	n/a	n/a	n/a	N	N	--	n/a	n/a	n/a
Charles	Y	Y	--	Y	Y	--	n/a	n/a	n/a
Dorchester	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Frederick	N	Y	--	n/a	n/a	--	n/a	n/a	n/a
Garrett	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Harford	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Howard	Y	N	--	N	N	--	n/a	n/a	n/a
Kent	N	N	--	N	N	--	n/a	n/a	n/a
Montgomery	N	Y	--	N	Y	--	n/a	n/a	n/a
Prince George's	N	N	--	N	N	--	n/a	n/a	n/a
Queen Anne's	N	Y	--	N	N	--	n/a	n/a	n/a
St. Mary's	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Somerset	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Talbot	N	Y	performance-based certification	n/a	n/a	--	n/a	n/a	n/a
Washington	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Wicomico	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Worcester	Y	Y	--	N	N	--	n/a	n/a	n/a

Appendix G: ADR Programs in Maryland: Circuit Courts, Delinquency

Circuit Courts – Juvenile Delinquency Program Administration (2013)

Community Conferencing	Year Program Started	# of Staff	Funding Sources					Referral Sources						
			County	Dept. Family Administration	MACRO	Governor's Office of Crime Control and Prevention	Other	Police Dept.	Court Staff/Judge	Dept. of Juvenile Services	State's Attorney's Office	Public Defender	Schools	
Allegany	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Anne Arundel	2011	1	--	--	--	X	--	X	--	--	--	--	--	--
Baltimore City	1996	9	--	X	X	X	--	X	X	X	X	X	X	X
Baltimore	2006	2	--	X	X	X	--	X	--	X	X	--	X	X
Calvert	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Caroline	<i>(in dev't)</i>	.2	--	--	--	--	--	--	--	--	--	--	--	--
Carroll	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Cecil	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Charles	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dorchester	2012	.2	--	X	--	--	--	--	--	--	--	--	--	--
Frederick	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Garrett	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Harford	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Howard	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Kent	<i>(in dev't)</i>	.2	--	--	--	--	--	--	--	--	--	--	--	--
Montgomery	2003	2	--	X	--	X	--	X	--	X	--	--	--	--
Prince George's	2012	2	--	X	--	--	--	X	--	X	X	--	--	--
Queen Anne's	2012	.2	----	--	--	--	--	X	--	X	--	--	--	--
St. Mary's	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Somerset	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Talbot	2012	.2	--	--	--	--	--	X	--	X	--	--	--	--
Washington	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Wicomico	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Worcester	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Circuit Courts Juvenile Delinquency –Facilitator Qualifications and Logistics (2013)

Community Conferencing	# of Facilitators		Requirements to be a Facilitator			Facilitator Payment	Duration	Location
	Staff	Roster	Training	Experience	Orientation			
Allegany	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Anne Arundel	1	4	X	X	X	\$150	1-1.5hrs	neighborhood where the incident occurred
Baltimore City	9	10-15	X	--	--	stipend	1-2hrs	community locations
Baltimore	5	5	X	--	--	stipend- \$25-\$150	1.5hrs	neighborhood where the incident occurred
Calvert	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Caroline (<i>in dev't</i>)	1	--	--	--	--	--	--	--
Carroll	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Cecil	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Charles	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dorchester (<i>in dev't</i>)	1	--	--	--	--	--	--	--
Frederick	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Garrett	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Harford	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Howard	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Kent (<i>in dev't</i>)	1	--	--	--	--	--	--	--
Montgomery	2	varies	X	--	X	\$0	2hrs	community locations
Prince George's	2	0	X	--	X	volunteer stipend-\$150	2hrs	community locations
Queen Anne's	1	0	X	--	--	n/a	45 min	community locations
St. Mary's	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Somerset	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Talbot	1	0	X	--	--	n/a	45 min	community locations
Washington	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Wicomico	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Worcester	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Circuit Courts Juvenile Delinquency – Program Evaluation and Quality Control (2013)

Community Conferencing	Evaluation			Quality Control			
	Participant Evaluation	Facilitator Report	Monitor Post-Conference Compliance	Observation	Apprenticeship	Debriefing	Continuing Education
Allegany	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Anne Arundel	Y	N	Y	Y	N	N	Y
Baltimore City	Y	N	Y	Y	Y	Y	Y
Baltimore	Y	N	Y	Y	Y	Y	Y
Calvert	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Caroline (<i>in dev't</i>)	--	--	--	--	--	--	--
Carroll	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Cecil	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Charles	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dorchester (<i>in dev't</i>)	--	--	--	--	--	--	--
Frederick	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Garrett	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Harford	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Howard	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Kent (<i>in dev't</i>)	--	--	--	--	--	--	--
Montgomery	Y	N	Y	Y	Y	Y	Y
Prince George's	Y	N	Y	Y	Y	Y	Y
Queen Anne's	Y	N	Y	Y	N	Y	Y
St. Mary's	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Somerset	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Talbot	Y	N	Y	Y	N	Y	Y
Washington	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Wicomico	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Worcester	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Appendix H: ADR Programs in Maryland: District Court

District Courts – Civil – Program Administration

Civil	Coordinator	Category of Cases			Referral Source				Docket	
	% of FTE by location	Day of Trial	Pre-Trial	Peace order (PO)	Judge	ADR Programs Director/pre-identified	Courtroom Clerk	Party request	AM	PM
Allegany	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Anne Arundel (Glen Burnie)	.20	X	X	X	X	--	X	X	2 nd Tue of month, every Tue (PO)	Tue
Anne Arundel (Annapolis)	.20	X	X	X	X	--	X	X	Thu (2 nd of month)	Thu
Baltimore City	.5	X	X	<i>in dev't</i>	X	--	X	X	--	Mon-Fri
Baltimore (Catonsville)	.2	X	n/a	n/a	X	X	--	X	Tue	Tue
Baltimore (Towson)	.2	X	n/a	n/a	X	X	--	X	Thu, Fri	Thu, Fri
Calvert	.20	X	X	X	X	--	--		Mon (PO), Tue	
Caroline	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Carroll	.17	X	n/a	n/a	X	--	--	X	Mon	Mon, Fri (1 st of month)
Cecil	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Charles	.20	X	n/a	X	X	--	--	X	Tue (PO), Wed	Wed
Dorchester	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Frederick	.17	X	n/a	n/a	X	--	--	X	Mon, Fri	Mon, Fri
Garrett	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Harford	.5	X	X	n/a	X	X	--	X	Fri	
Howard	.17	X	n/a	n/a	X	--	--	X	Mon	Mon
Kent	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Montgomery (Rockville)	.33	X	X	X	X	X	--	X	Tue (PO), Wed, Thu (small claim)	--
Montgomery (Silver Spring)	.33	X	X	X	X	X	--	X	Wed, Fri (small claim)	--
Prince George's	.33	X	n/a	n/a	X	--	--	X	Mon – Fri	Tue, Wed (except 1 st Wed of month)
Queen Anne's	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
St. Mary's	.20	X	X	X	X	--	--	X	Mon & Tue (landlord/tenant and PO only)	--
Somerset	*	X	n/a	n/a	X	--	X	X	--	Mon (4 th of month)
Talbot	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

ADR Landscape
Appendix H: ADR Programs in Maryland: District Court

Civil	Coordinator	Category of Cases			Referral Source				Docket	
		% of FTE by location	Day of Trial	Pre-Trial	Peace order (PO)	Judge	ADR Programs Director/pre-identified	Courtroom Clerk	Party request	AM
Washington	.17	X	n/a	n/a	X	X	--	X	Fri (2 nd and 4 th of month)	--
Wicomico	*	X	X	n/a	X	--	X	X	Fri (1 st of month)	--
Worcester	*	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

- Responsibilities added to the deputy director of the District Court ADR Office due to the lack of funding for an additional regional programs director position.

District Courts – Civil - ADR Practitioners (2013)

Civil	Day of Trial ADR Providers*		ADR Partners	Co-Mediation	
	# of mediators	# of settlement conference attorneys	Organization	Day of trial (community mediation and Mediation Clinic)	Pre-trial
Allegany	n/a	n/a	n/a	n/a	n/a
Anne Arundel (Glen Burnie)	21	7	Anne Arundel Conflict Resolution Center	n/a	X
Anne Arundel (Annapolis)	21	7	Anne Arundel Conflict Resolution Center	n/a	X
Baltimore City	20, + clinic students	12	UM Carey School of Law Mediation Clinic, Community Mediation of Baltimore City	X	X
Baltimore (Catonsville)	7	1	n/a	n/a	n/a
Baltimore (Towson)	15	7	n/a	n/a	n/a
Calvert	27	n/a	Community Mediation Center of Calvert County	X	X
Caroline	n/a	n/a	n/a	n/a	n/a
Carroll	5	4	n/a	n/a	n/a
Cecil	n/a	n/a	n/a	n/a	n/a
Charles	3	n/a	n/a	n/a	n/a
Dorchester	n/a	n/a	n/a	n/a	n/a
Frederick	5	9	n/a	n/a	n/a
Garrett	n/a	n/a	n/a	n/a	n/a
Harford	9	3	Harford County Community Mediation Program	n/a	X
Howard	6	12	n/a	n/a	n/a
Kent	n/a	n/a	n/a	n/a	n/a
Montgomery (Rockville)	36	11	Conflict Resolution Center of Montgomery County	n/a	X
Montgomery (Silver Spring)	36	11	Conflict Resolution Center of Montgomery County	n/a	X
Prince George's	28	45	Community Mediation Prince George's	X	n/a
Queen Anne's	n/a	n/a	n/a	n/a	n/a
St. Mary's	17	n/a	St. Mary's County Community Mediation Center	X	X
Somerset	5	3 (mediation or settlement conference)	Community Mediation Initiative at the Bosserman Center for Conflict Resolution	X	X
Talbot	n/a	n/a	n/a	n/a	n/a
Washington	13	n/a	Washington County Community Mediation Center	X	n/a
Wicomico	5	3 (mediation or settlement conference)	Community Mediation Initiative at the Bosserman Center for Conflict Resolution	X	X
Worcester	n/a	n/a	n/a	n/a	n/a

* RPD= regional programs director and all other staff provide services from time to time.

District Courts – Civil - Program Evaluation and Quality Control (2013)

Civil	Mediation and Settlement Conference Evaluation			Cont. Ed. (beyond Title 17)		Other Practices		
	Party Evaluation	Attorney Evaluation	ADR Practitioner Report	Mediation	Settlement Conference	Observation	Apprenticeship	Orientation
Allegany	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Anne Arundel	Y	Y	Y	MPME	N	Y	Y	Y
Baltimore City	Y	Y	Y	MPME	N	Y	Y	Y
Baltimore	Y	Y	Y	MPME	N	Y	Y	Y
Calvert	Y	Y	Y	MPME	N	Y	Y	Y
Caroline	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Carroll	Y	Y	Y	MPME	N	Y	Y	Y
Cecil	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Charles	Y	Y	Y	MPME	N	Y	Y	Y
Dorchester	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Frederick	Y	Y	Y	MPME	N	Y	Y	Y
Garrett	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Harford	Y	Y	Y	MPME	N	Y	Y	Y
Howard	Y	Y	Y	MPME	N	Y	Y	Y
Kent	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Montgomery	Y	Y	Y	MPME	N	Y	Y	Y
Prince George's	Y	Y	Y	MPME	N	Y	Y	Y
Queen Anne's	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
St. Mary's	Y	Y	Y	MPME	N	Y	Y	Y
Somerset	Y	Y	Y	MPME	N	Y	Y	Y
Talbot	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Washington	Y	Y	Y	MPME	N	Y	Y	Y
Wicomico	Y	Y	Y	MPNE	N	Y	Y	Y
Worcester	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

State's Attorney's Office – Criminal Case Characteristics (2013)

Criminal	Funding		Referral Sources				Point of Referral		Included Case Types			Excluded Case Types		
	MACRO	SAO	State's Attorney	SAO Staff	Defense Attorney	Other	Before assignment to a State's Attorney	Before preliminary hearing	Misdemeanors	Legal insufficiencies	Ongoing relationship	Juvenile	Violent or felony criminal history	Domestic violence
Allegany	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Anne Arundel	--	X	X	X	X	judge	X	--	X	X	X	X	X	sometimes
Baltimore City	--	X	X	X	--	judge	--	X	X	--	--	--	--	X
Baltimore	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Calvert	--	--	X	X	--	--	X	X	X	--	--	X	X	X
Caroline	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Carroll	--	--	X	X	X	--	X	--	X	--	--	X	X	X
Cecil	X	--	--	--	--	CM intake	--	X	X	--	X	X	X	X
Charles	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dorchester	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Frederick	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Garrett	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Harford	--	--	--	X	--	--	--	--	X	X	X	X	X	X
Howard	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Kent	X	--	--	X	--	CM intake	--	X	X	X	--	--	X	X
Montgomery	X	--	--	X	--	--	X	--	X	X	X	--	X	X
Prince George's	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Queen Anne's	X	--	--	X	--	--	--	X	X	--	X	X	X	X
St. Mary's	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Somerset	--	--	X	X	--	--	----	X	X	--	X	X	X	X
Talbot	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Washington	X	X	X	X	--	--	X	--	X	--	X	X	X	X
Wicomico	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Worcester	--	--	X	X	--	--	X	--	X	--	--	X	X	X

SAO= State's Attorney's Office
CM= community mediation

State's Attorney's Office – Criminal-Mediation Providers (2013)

Criminal	# of Mediators	Mediation Partner Provider	Co-mediation	Duration	Location		
	In-house/Staff				SAO	Court-house	Locations throughout the county
Allegany	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Anne Arundel	2	n/a	N	2-hour	X	X	--
Baltimore City	n/a	Community Mediation of Baltimore City	Y	2-hour*	--	--	X
Baltimore	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Calvert	n/a	Community Mediation Center of Calvert County	Y	2-hour*	--	X	--
Caroline	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Carroll	n/a	Carroll County Community Mediation Center	Y	2-hour*	--	X	X
Cecil	n/a	Community Mediation Upper Shore	Y	2-hour*	--	X	X
Charles	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Dorchester	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Frederick	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Garrett	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Harford	n/a	Harford County Community Mediation Program	Y	2-hour*	--	--	X
Howard	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Kent	n/a	Community Mediation Upper Shore	Y	2-hour*		X	X
Montgomery	2	Conflict Resolution Center of Montgomery County + 14 volunteer mediators	only community mediators	1-hour	X	--	--
Prince George's	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Queen Anne's	n/a	Community Mediation Upper Shore	Y	2-hour*	X	X	X
St. Mary's	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Somerset	n/a	Community Mediation Initiative at the Bosserman Center for Conflict Resolution	Y	2-hour*	--	--	X
Talbot	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Washington	n/a	Washington County Community Mediation Center	Y	2-hour*	--	--	X
Wicomico	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Worcester	n/a	Community Mediation Initiative at the Bosserman Center for Conflict Resolution	Y	2-hour*	--	--	X

*All community mediation centers conduct an initial mediation 2-hour mediation session. Participants may engage in additional mediation session.

Appendix I: Montgomery County Circuit Court ADR Analysis, December 20, 2012

Table 1 - Family ADR Data (based on data received December 4, 2012) Eligibility Criteria: Property merits hearing more than 3 hours scheduled		
	FY2010 Filings*	FY11 Filings**
Number of Family Cases Eligible for ADR***	257	304
Of Eligible Family Cases, the Number (Percent) Referred or Ordered ¹ to ADR	176 (68.5%)	211 (69.4%)
Of Eligible Family Cases Referred or Ordered, the Number (Percent) that Engaged in the Process ²	91 (51.7%)	124 (58.8%)

¹ Cases referred or ordered to ADR is determined by the presence of a docket entry code indicating that the Judge referred the case to ADR or by an Order for ADR being entered in the case.

² Engagement in the ADR Process is determined by the filing of an ADR memo with the court that indicates the outcome of the ADR (i.e., not settled, partially settled, or full settlement) or an indication that the ADR appointment was held based on scheduling information in the court's data management system.

* Among FY2010 family filings representing the family case ADR population, 99.9% have closed (i.e., case status changed to close) as of December 4, 2012.

** Among FY2011 family filings representing the family case ADR population, 99.4% have closed (i.e., case status changed to close) as of December 4, 2012.

Other Notes

- The figures presented in Table 1 only reflect the number of cases with those court-ordered mediations that are processed and tracked by the court's ADR coordinator. There are other court-ordered mediations, such as custody/access mediations, that are not processed by the ADR coordinator and therefore are not included in this data. Accordingly, such cases that only had custody/access mediations are not reflected in this data. There are also private mediations, which are not tracked by the court and are not reflected in this data.

Table 2 - Civil ADR Data (based on data received December 4, 2012) Civil Case ADR Population: Assigned to Track 2 through Track 8		
	FY2010 Filings*	FY11 Filings**
Number of Civil Cases Eligible for ADR (i.e., assigned to Track 2 through Track 8)	2,911	2,609
Of Eligible Civil Cases, the Number (Percent) Referred or Ordered to ADR ¹	524 (18.0%)	587 (22.5%)
Of Eligible Civil Cases Referred or Ordered, the Number (Percent) that Engaged in the Process ²	298 (56.9%)	284 (48.4%)

¹ Cases referred or ordered to ADR is determined by the presence of a docket entry code indicating that the Judge referred the case to ADR or by an Order for ADR being entered in the case. Note that a Notice, ADR – Medical Malpractice (docket code 1564) is not counted as an ADR referral or order.

² Engagement in the ADR Process is determined by the filing of an ADR memo with the court that indicates the outcome of the ADR (i.e., not settled, partially settled, or full settlement) or an indication that the ADR appointment was held based on information in the scheduling portion of the court's data management system.

Note: Please note that certain Track 2 civil cases may not be appropriate for ADR given the nature of some case sub-types; however, they have been included in the eligible population because technically these tracked cases are eligible for ADR. A sub-analysis was performed below excluding Track 2 civil cases for comparison purposes. Ideally, we would like to perform the ADR analysis at the case sub-type level. Also, sealed cases are not included in the data.

*Among FY2010 civil filings representing the civil case ADR population, 98.9% have closed (i.e., case status changed to close) as of December 4, 2012.

** Among FY2011 civil filings representing the civil case ADR population, 96.0% have closed (i.e., case status changed to close) as of November 20, 2012.

Sub-Analysis

- For FY2010: If we exclude from Table 2 DCM Track 2 cases, the number of civil cases eligible for ADR (i.e., assigned to Track 3 through 8) is reduced to 1,268. Of those 1,268 cases eligible for ADR, 31.4% are referred to ADR (N = 398). Among the 398 cases eligible and referred to ADR, 58.0% (N = 231) engaged in the ADR process.
 - It is important to note that by excluding 1,643 cases currently assigned (as of December 4, 2012) to DCM Track 2, we are not counting 126 (7.7%) of these cases referred to court ordered ADR. Further, we are not counting the 67 DCM Track 2 cases that were referred to ADR and engaged in the process (53.2%).
- For FY2011: If we exclude from Table 2 DCM Track 2 cases, the number of civil cases eligible for ADR (i.e., assigned to Track 3 through 8) is reduced to 1,120. Of those 1,120 cases eligible for ADR, 41.3% are referred to ADR (N = 463). Among the 463 cases eligible and referred to ADR, 46.7% (N = 216) engaged in the process.
 - It is important to note that by excluding 1,489 cases currently assigned (as of December 4, 2012) to DCM Track 2, we are not counting 124 (8.3%) of these cases referred to court

ADR Landscape
Appendix I: Montgomery County Circuit Court ADR Analysis,

ordered ADR. Further, we are not counting the 68 DCM Track 2 cases that were referred to ADR and engaged in the process (54.8%).

Other Notes

- The total number of original civil filings in FY2010 is 11,780.
- The civil case ADR population is based on current (as of December 4, 2012) DCM Track designation, which are characterized as follows (N = 2,911):

Track 2: Expedited – ½ day to 1 day trial estimate. This track (primarily) includes the following types of cases: workers' compensation and civil jury demands from the District Court.

Track 3: Routine – 2 to 3 day trial estimate. This track includes the following types of cases: auto negligence-personal injury and property damage, negligence-personal injury, property damage, and slip and fall, breach of agreement, breach of contract, negligent entrustment, violation of rights, defamation of character-negligence, wrongful discharge, etc.

Track 4: Complex – 4 or more days trial estimate. This track includes the following types of cases: medical malpractice, legal malpractice, abuse cases, fraud cases, defamation of character, etc.

Track 5: B&T Expedited – business and technology immediate service.

Track 6: B&T Standard – business and technology standard.

Track 7: ASTAR Expedited - Advanced Science and Technology Adjudication Resource.

Track 8: ASTAR Standard - Advanced Science and Technology Adjudication Resource.

There may be additional characteristics associated with the civil cases that make them more or less likely to have an ADR referral (e.g., certain charges). To the extent that we've over-estimated the number of civil case eligible for ADR, the ADR referral and held percentages may be under-estimated.

- The figures presented in Table 2 only reflect those mediations that are part of the court-ordered ADR program that are tracked by the court's ADR coordinator. There are other mediations that the court orders, which may not be reflected in this data. For instance, beginning in April 2011, Montgomery County Circuit Court began holding civil settlement conferences (presided over by a retired judge) in all Track 3 civil cases. These settlement conferences are not reflected in this data. There are also private mediations, which are not tracked by the court and are not reflected in this data.