



Maryland Judiciary

Mediation and Conflict Resolution Office



Promoting Excellence in Alternative Dispute Resolution

410.260.3540



www.mdcourts.gov/macro



Annapolis, MD

2018



Our Commitment to Accessible, High Quality Alternative Dispute Resolution (ADR) Services

In order to advance the Maryland Judiciary's mission to provide fair, efficient, and effective justice for all, the Maryland Judiciary's Mediation and Conflict Resolution Office (MACRO) promotes the availability, use, and quality of ADR throughout Maryland. We engage the courts, justice partners, practitioners, and the public in the use of ADR services and programs. To that end, in 2018, we:

- Launched the reporting component of the Alternative Dispute Resolution Evaluation Support System (ADRESS) giving court ADR programs the ability to analyze the quality of their ADR services.
- Funded grants to nine circuit courts and 20 community justice partner organizations to support the delivery of high-quality mediation and conflict resolution services across Maryland.
- Advanced practitioner excellence through continuing education offerings, including monthly Mediator Confidential calls, trainings on mental health and mediation, and a half-day ADR Program Managers conference.
- Produced our biennial Maryland Mediators Convention, where mediators and other ADR practitioners gathered for robust learning, conversations about a wide variety of current issues in ADR, and skill-building workshops to improve the quality of services offered.
- Conducted more than 20 presentations and workshops across the state and at national conferences, focusing on topics such as putting research into practice, working with challenging behaviors in mediation, brainstorming, confidentiality, justice, and the quality of court ADR.

It is our pleasure to serve the courts and the ADR community in Maryland. We welcome your thoughts and suggestions. You can reach us via email at: macro@mdcourts.gov or give us a call at 410-260-3540. You can also visit www.mdcourts.gov/macro to access our *Consumer's Guide to ADR Services*, public awareness materials, research findings, and other mediation resources.

We look forward to continuing our partnerships with you.

Sincerely,

The MACRO Team

On the front cover: (top) Participants meet exhibitors at the 2018 Mediators Convention; (bottom left) a mother and her daughters view a display of the annual student Bookmark Art Contest entries at the Judicial College Education and Conference Center in Annapolis; and (bottom right) Toby Treem Guerin, J.D., Managing Director for the Center for Dispute Resolution at the University of Maryland Francis King Carey School of Law (C-DRUM) presents during a training.

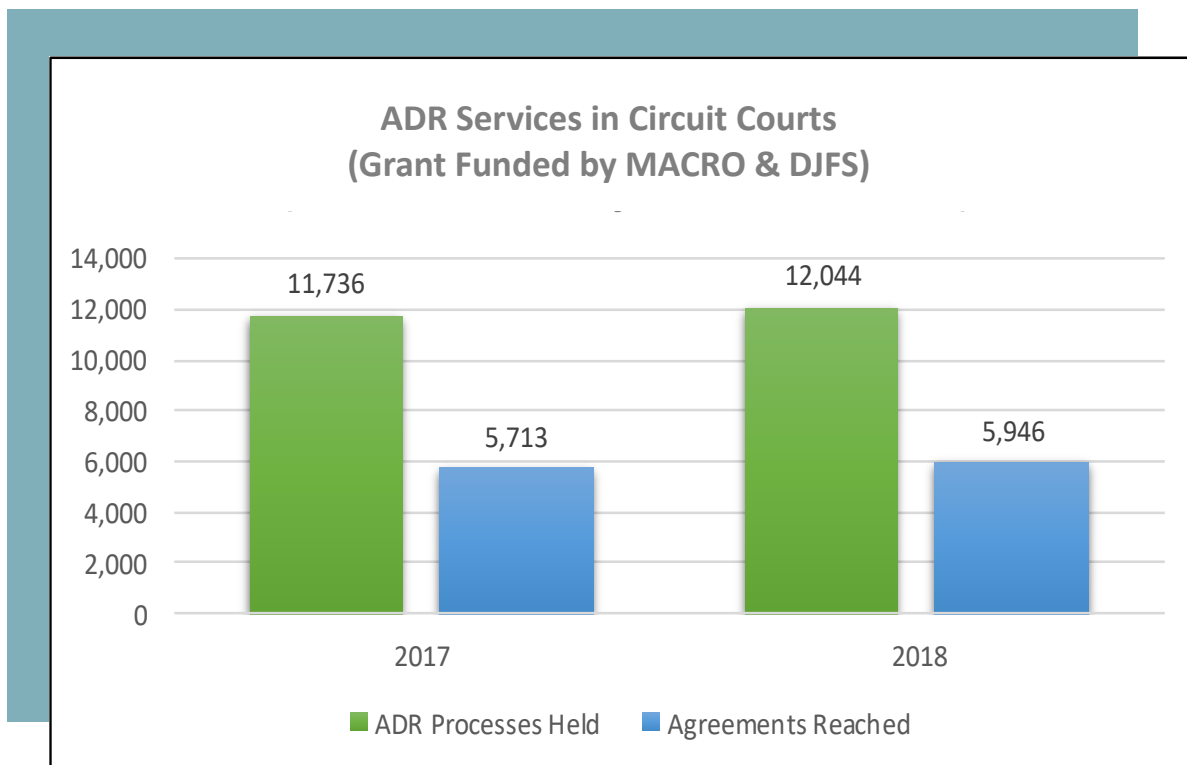
Our Service to the Courts

Supporting ADR Services in Courts

One of the significant ways we assist the courts is by providing grant funds to support new and existing circuit court ADR programs. In 2018, we supported ADR programs in nine circuit courts, including the Circuit Court for Baltimore City civil and juvenile divisions, and the circuit courts for Anne Arundel, Baltimore, Cecil, Carroll, Frederick, Prince George's, and Talbot counties. Combined, the circuit court grantees referred 6,214 cases to ADR. Of those cases, 2,923 ADR processes were held and of those, 1,519 reached a full or partial agreement.

This is only a small portion of ADR occurring in Maryland's circuit courts. All circuit courts in Maryland use ADR in contested parenting plan cases, and a growing number are using ADR for civil, non-domestic cases. These services are currently captured through grant reports to MACRO and the Department of Juvenile and Family Services (DJFS). The data reported to both offices show an impressive amount of ADR services being provided in the courts statewide. (See table below.)

Even this, however, is not all the ADR that is happening in the circuit courts. MACRO developed a plan to collect data on all ADR services offered in the circuit courts. Using data from multiple sources, including surveys from the courts, grant reports, Maryland Electronic Courts (MDEC) data, and other data that is reported to the Administrative Office of the Courts (AOC), MACRO will be able to build a complete picture of ADR services in Maryland's 24 circuit courts in 2019.



ADR Services Outside the Courts

In addition to supporting ADR services in Maryland circuit courts, MACRO helps the courts and the people of Maryland by supporting community partners that receive referrals from the courts and other sources to help resolve certain disputes before they ever reach the courthouse. These partners include 14 community mediation centers and five community conferencing programs.

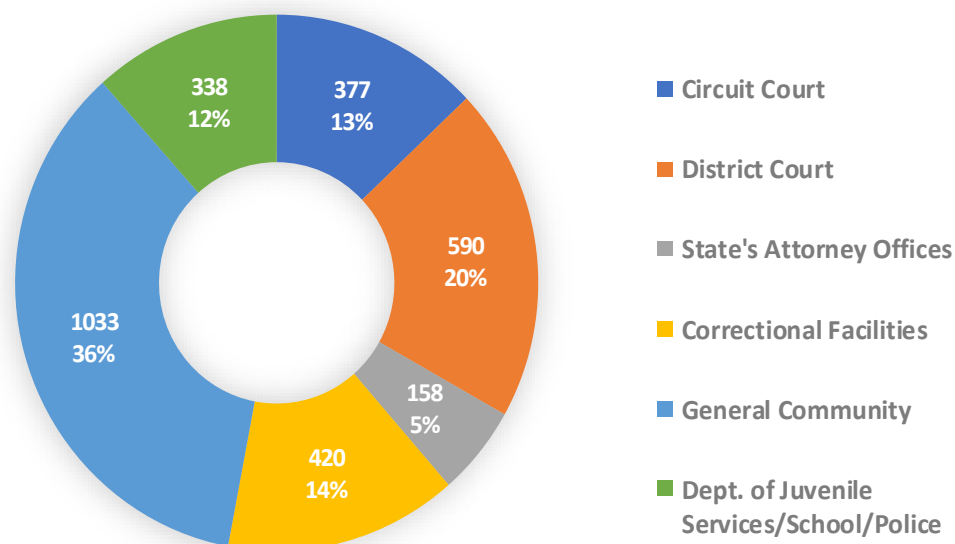
- Community mediation centers received 7,506 referrals for mediation services; conducted intakes with 12,604 individuals; and mediated 2,578 cases, of which 967 were court referred. Of those cases, 1,695 reached a full or partial agreement.
- Community conferencing programs received 1,101 incident referrals and held 338 conferences with 2,043 participants. Of the conferences held, 328 resulted in a written agreement.

As well as providing services, these partners also educate and inform the public about conflict

“Mediation, as an alternative, gives the parties the opportunity to discuss their issues, clear up misunderstandings, and find areas of agreement in a way that would never be possible in a courtroom.”

*—Hon. Brett R. Wilson,
Associate Judge of the Circuit Court for
Washington County*

**Cases With ADR Provided by Community Partners
in FY2018 by Referral Source**



resolution techniques, help communities have conversations on difficult topics, facilitate dialogue between police and youth, and conduct outreach to raise awareness of the benefits of using ADR.

Improving Quality and Efficiency in Court ADR

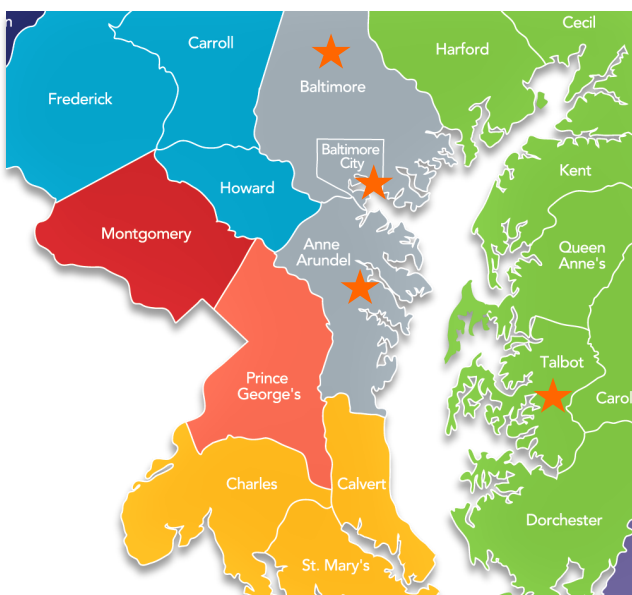
Providing continuing education opportunities to Maryland mediators and others within our field is an essential, ongoing need. In 2018, MACRO continued its role as a mediation and ADR training partner with those in and outside the Judiciary. Staff worked with courts on the Eastern Shore, in Annapolis, and Baltimore City and County to conduct presentations and workshops on confidentiality, mediator skills based on ADR research, and ethics. Staff also designed and presented educational programs to Maryland and national audiences regarding the court ADR research commissioned by the Maryland Judiciary.

MACRO and other Judiciary ADR staff conducted a 40-hour Basic Mediation Training for Judges and Magistrates. Jonathan Rosenthal and Alan Wiener led the training, supported by additional staff from MACRO and the District Court ADR

Office participating as mediation coaches and training assistants. The training was attended by 16 judges and one magistrate. “I approached the week thinking I could mediate in my sleep and didn't need a silly 40-hour course,” one judge said after the training. “I quickly... realized that judicial strong-arm tactics were anathema to successful mediation and became a convert. I found the philosophy sound, the tactics challenging, and the results rewarding. I'm most appreciative of [the trainers'] outstanding scholarship and communicative skills.”



Seventeen judges and magistrates gather to share final reflections at the conclusion of a 40-hour basic mediation training. During the weeklong class, participants learned about conflict theory, conflict management, and the skills and techniques mediators routinely use.



The stars indicate where the MACRO staff presented continuing education workshops for the courts.

Revised Standards of Conduct for Mediators

The draft revised *Standards of Conduct for Mediators* advanced closer to adoption in 2018. In May, the Judiciary's ADR Committee approved the draft and presented it to the Judicial Council, which referred the draft to the Rules Committee for review.

Statewide Roster Application Process

Based on practitioner feedback and to create better efficiency, MACRO was tasked by the Judicial Council ADR Committee to develop a plan to have a single statewide application process for mediators seeking to be added to circuit court rosters. In this plan, practitioners will submit one application form to MACRO and select the courts for which they would like to provide services. MACRO would conduct an initial review of the applications and then forward them to the courts identified on the form. Administrative judges would make the final decisions about adding individual mediators to their rosters. MACRO presented the idea to various stakeholder groups, all of whom found it to be a good approach to streamlining court ADR roster management.



Efforts to consolidate the state's mediation application process for circuit courts began with the Judicial Council ADR Committee taking up the issue.

Collaborative Initiatives



Family Law – In collaboration with AOC's Department of Juvenile and Family Services (DJFS), MACRO elicited feedback from the mediation community on new draft parenting plan rules and forms. That feedback has prompted consideration of some adjustments to the procedures and forms.



Guardianship Mediation – MACRO is supporting the effort to build capacity in circuit courts to refer appropriate guardianship cases to mediation. The first steps included developing a checklist for a successful program, researching guardianship mediation training programs, and designing a stakeholder training program.



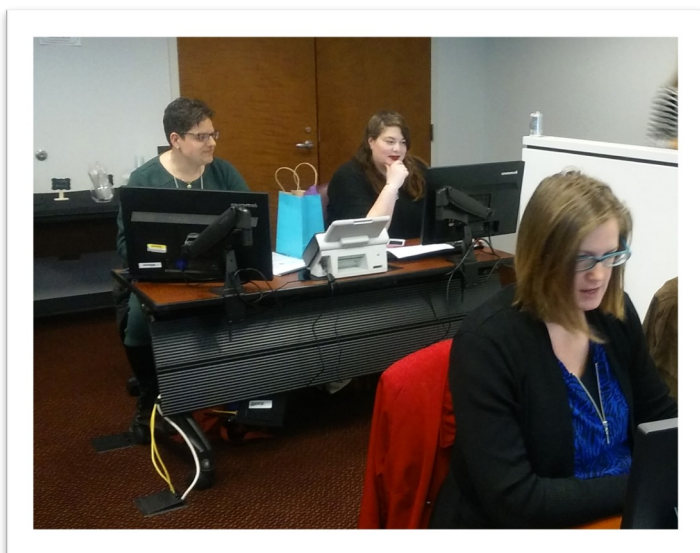
Criminal Mediation – MACRO continued to partner with Community Mediation Baltimore to support a criminal pre-trial mediation program in the Circuit Court for Baltimore City. Working with the court, the Office of State's Attorneys, the Public Defender's Office, and the community mediation program, the goal is to offer appropriate cases mediation between the time a jury trial is requested in the District Court and the case is scheduled on the jury trial docket in the circuit court, a window of about 3 weeks.

ADRESS – A Fully Functional Evaluation Tool

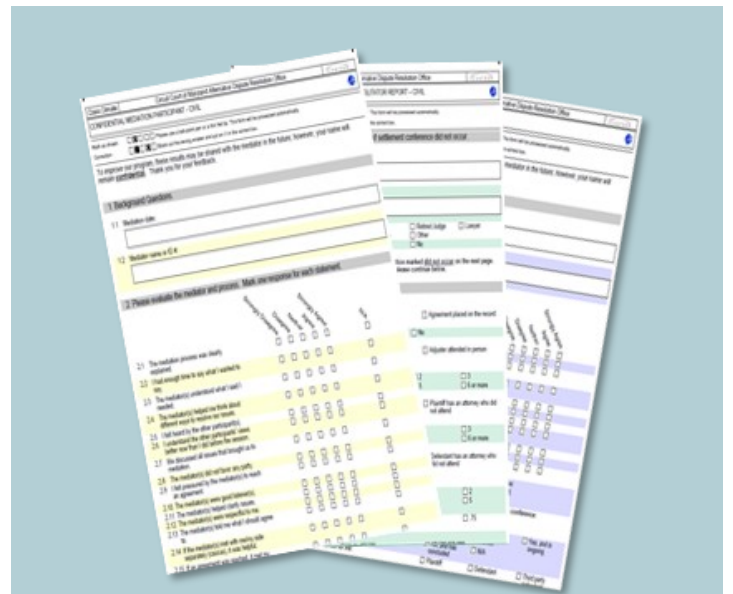
MACRO has been building and piloting the Alternative Dispute Resolution Evaluation Support System, known as ADRESS, to help courts evaluate and assess the quality of their ADR programs. As a web-based data collection and reporting tool, ADRESS allows courts quickly and efficiently to process and analyze survey responses provided by practitioners, litigants, and attorneys, and combine that data with court docket information.

We moved beyond the pilot phase in October of 2018, and ADRESS became a fully functional evaluation system. Court ADR program managers can use these reports to assess the effects of ADR processes on litigant satisfaction, practitioner performance, court caseloads, and case timelines. Using this cycle of continuous feedback, courts can improve the efficiency, effectiveness, and quality of their ADR programs.

We anticipate the continued expansion of ADRESS to other courts in 2019, thereby providing a substantial tool for assuring quality ADR programs in our courts.



Beta-testers take ADRESS for a spin during the pilot phase.



“The ADRESS reports were an invaluable tool to show ADR practitioners their data in real-time. Private ADR practitioners rarely have an opportunity for feedback and growth based solely on their mediation. We are helping our service providers become more reflective practitioners – improving the quality of service we provide to the public.”

*—Maureen Denihan, Director,
District Court of Maryland ADR Office*

Advancing Practitioner Excellence

Program Managers Examined Change in the Workplace

The Maryland Program for Mediator Excellence (MPME) ADR Program Managers group was formed with a mission to support ADR programs and staff in courts, communities, government agencies, and the private sector, as well as to promote the use of high-quality ADR processes and procedures.



ADR program managers learn from experts about incorporating and leading change.

In February 2018, 61 ADR program managers attended a half-day conference at the Judicial College Education and Conference Center. Organized by the MPME, the conference included sessions on *Demystifying the Concept of Change*, *Embracing Change – Lessons Learned by Experience*, and *What the ADR Research Tells Us*.

“[I] took notes to use as [an] exercise for my mediators!”

— ADR Program Managers
Conference Participant

Dan Berstein Offered Insights on Mental Health and Mediation

Quality assurance for ADR practitioners includes providing opportunities to explore hot topics and cutting-edge ideas in our field, and MACRO works to provide programming that can help mediators build greater understanding around these topics. In response to requests from participants at previous events, MACRO worked with noted expert Dan Berstein to offer two educational opportunities for mediators to learn about mental health and mediation.

The first opportunity was an online training titled *Addressing Challenging Behaviors in Mediation*. It included a mix of a pre-recorded video, written responses by participants, and a live online interactive session, all designed to help mediators plan for and respond to challenging behaviors during a mediation session.

The second opportunity was *An Evening With Dan Berstein*. Dan discussed how mediators can become more accessible to parties with diverse mental health needs, as well as addressing critical ethical issues for mediators acting with impartiality in their mediation practice.

Together, these events helped mediators understand two important lessons: (1) any question or accommodation a mediator might consider when engaging with parties with mental health needs would also benefit all participants in a mediation; and (2) being impartial as mediators means planning how to respond to different types of behavior in a mediation session, as opposed to thinking of ways to respond to types of people.

MPME Programs

The MPME continues to assist Maryland mediators, from all venues and all mediation frameworks, in delivering high quality mediation services by providing member mediators with support for continual growth and skill improvement.

Through the MPME website, members and the public can find current listings for professional development, ADR job postings, a searchable directory of practicing mediators, and information about local conferences and events. Members can also maintain their record of continuing education activities within their account, which they may also use to create a full transcript report of their recorded annual activities.

Popular *Mediator Confidential* Draws 330 Participants

Mediator Confidential is a lunchtime teleconference forum of the MPME that provides mediators an opportunity to anonymously discuss their mediation cases, pose questions, find answers, and offer feedback to peers. In 2018, callers participated in these open and candid conversations, sharing the realistic challenges and scenarios that mediators encounter. A few of the hot topics examined on the calls were:

- the importance of diversity in the field of mediation;
- mediation confidentiality;
- how to respond when you think a co-mediator has done something unethical; and
- dealing with conflicts of interest.

MPME
membership
grew from
1,578 to 1,738.
in 2018.



MPME provides many opportunities for private practitioners and volunteer mediators to gain new knowledge and accrue continuing education credits. At left, Carl Schneider and Audrey Yowell lead a session at the 2018 Mediators Convention. At right, Dan Berstein speaks during *An Evening With Dan Berstein*.

Outreach and Public Engagement



Each class of fellows includes leaders from the legislative, judicial, and executive branches of state and local government, as well as leaders of faith-based, business, education, and the nonprofit sectors. In an interactive two-day program, the fellows engage in dialogue and critically explore a variety of public policy issues facing Maryland. The fellows learn from each other and nationally recognized experts in the fields of negotiation, collaborative governance, and consensus-building.

Fellows Focus on Changing Conflict Culture

The Maryland Public Policy Conflict Resolution Fellows Program, first established in 2007, is an innovative initiative that brings together a diverse group of influential Maryland leaders to expand their skills in negotiation, conflict resolution, and consensus-building. 2018 saw a multi-session Fellows Breakfast series produced around the theme of *Three Steps to Changing Conflict Culture*. The series included guest speakers Erricka Bridgeford, co-leader of Baltimore Ceasefire and Director of Training for Community Mediation Maryland, who discussed why ignoring conflict can make things worse. Reverend Tony Lee, Senior Pastor of Community of Hope AME Church, and Henry P. Stawinski, Chief of Police, Prince George's County, spoke about the value and necessity of creating connections and building relationships.



Henry P. Stawinski, Chief of Police, Prince George's County, and Reverend Tony Lee, Senior Pastor of Community of Hope AME Church, share with fellows how their relationship benefits their many constituencies.



MACRO Welcomes Delegations from France and Pakistan

MACRO has hosted delegations from around the world to provide understanding of the role of ADR in our judicial system. Many of these visitors are championing ADR efforts in their own countries. Regardless of where they come from, they want to expand their knowledge of practices that can improve their programs back home.

In the spring, a five-member Pakistani delegation made a stop at MACRO. The group was in the U.S. to learn about conflict resolution, community engagement, and police/community dialogs. We shared some of our tools and methods of teaching conflict management skills to prevent violent extremism.

In the fall, the Department of State introduced us to a French delegation that was hoping to gain an understanding of institutions that enable youth to engage with civil society. We offered information on the various projects MACRO supports and described how they benefit numerous ADR programs, educational efforts, and services in courts, schools, community mediation centers, state's attorneys offices, juvenile justice programs, and government agencies across the state.



“Yearly, hundreds of foreign professionals sponsored by the U.S.

Department of State come to America to meet with their counterparts and learn about best practices in their field. Many of the visitors become or already are influential leaders in their field of expertise in their own country.

Thank you for putting Maryland on the map and for being a priceless professional partner.”

— Leslie Morales, Manager,
Professional Exchanges
World Trade Center Institute



Judiciary staff members Jonathan Rosenthal (third from left), Alecia Parker (second from right), and Sarah Kaplan (far right), as well as Jen Williams (second from left) from Mid Shore Community Mediation Center meet with members of the French delegation.

Maryland Mediators Convene to Network and Learn

The biennial Maryland Mediators Convention provided an opportunity for a diverse group of mediators and other ADR professionals to come together for skill building, professional development, networking, and conversation about relevant topics in our field. ADR practitioners attending the convention also had a chance to learn about businesses and organizations that could help enhance their work.

In 2018, the convention grew to more than 300 attendees, 189 of whom were MPME members. Participants could choose from among 21 educational sessions presented by 37 speakers, as well as peruse two floors of bustling exhibits – all in one extraordinary day.

If you missed it, it looked a bit like this...



Expert presenters share their knowledge in a variety of formats with many opportunities to engage.



“Reasonable cost.
Excellent plenary speaker!
Opportunities to interact
with people in the field.”
— *Convention Attendee*

Hundreds of mediators and others with an interest in ADR come together for listening, learning, and giving.

Educational Presentations and Opportunities for Outreach

During the year, MACRO staff was invited by ADR professional organizations, courts, and our community partners to present on topics such as ethics, putting research to work, changing the way we think about conflict, and overall skill-building for mediators. Staff presented more than 20 educational programs and exhibited at six conferences, conventions, and workshops.

- **MPME ADR Program Managers Conference**
- **Supreme Court of Ohio Dispute Resolution Conference**
- **American Bar Association Conference on Dispute Resolution**
- **Maryland Association of Judges of the Orphan's Court**
- **Talbot County Circuit Court and Mediators from other Eastern Shore Courts**
- **Baltimore City Juvenile Division**
- **Association of Family and Conciliation Courts Conference**
- **Maryland Municipal League Conference**



The Hon. Melvin J. Jews and Latasha Nichols speak on creating and launching a new grant-funded program in Dorchester County's District Regional Veterans Court during the Judiciary's Annual Grants Conference.

- **Center for ADR Conference**
- **Maryland Judiciary Self-Help Center Provider Conference**
- **Association for Conflict Resolution**
- **Hosted Delegations from Pakistan and France**
- **Mediation and Conflict Resolution Center of Howard County**
- **Judiciary Grants Conference**
- **Maryland State Bar Association ADR Section Spring Workshop**
- **Maryland Mediators Convention**



Heather Fogg, Quality Assistance Director, greets attendees at the MACRO exhibit table.

13th Annual Conflict Resolution Day Bookmark Art Contest



Artful Messages of Peace from Maryland Youth

The crux of our outreach to young students is our annual Conflict Resolution Day Bookmark Art Contest. Started in 2005, the contest is an opportunity for children in grades K to 8 to tell their peaceful conflict resolution stories through their original art. The contest coincides with Conflict Resolution Day each year and is meant to inspire young people to think about ways to bring about peaceful conflict resolution. Entries have highlighted solutions such as working together as a team, respecting differences, talking things out, and building bridges.

Each year, the contest winners are invited to visit the Judicial College Education and Conference Center to view their work on display, as well as to receive their awards personally from Chief Judge Mary Ellen Barbera, a long-time supporter of the event.

You can follow one class as they prepared for the contest at: <https://mdcourts.gov/macro/eventsconflictresolutionday>.



2018 Bookmark Art Contest original artwork is showcased as the artists, their families, and Chief Judge Mary Ellen Barbera are all smiles during a special reception for winners of the contest.

MACRO could not do what it does without the unwavering support of Chief Judge Mary Ellen Barbera, Court of Appeals of Maryland; Chair of the Judicial Council ADR Committee Judge Mimi Cooper; State Court Administrator Pamela Harris; and Assistant Administrator for Programs Lou Gieszl. So many others provide support to MACRO projects, and while space does not afford us the ability to thank each one, we are nonetheless immensely grateful for that support and partnership.



MACRO

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RESOLUTION OFFICE

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