

Transformative Mediation, *cont. from 1*

But in supporting participants as they reach clarity, discover options, and hear themselves and others in a way that opens to new information and understanding, we assist as they recover the capacity to make informed decisions in their own best interest. They can then respond to others in a way that might have seemed impossible a few minutes before. The quality of their interaction is transformed, from one that is more negative, destructive, demonizing and alienating to one that is more positive, constructive, humanizing and connecting. They are able, once again, to choose whatever solutions are best for them to move forward.

While our mediator focus is upon the quality of the participants' interaction, rather than specific agreement, we find that our participants are more likely to reach an agreement in mediation than not. Two Community



Mediation Centers (CMC) in Maryland practice transformative mediation exclusively: Calvert County Community Mediation Center and the St. Mary's County Community Mediation Center. Our Centers' agreement rates for Day of Trial cases are higher than the statewide average, and our satisfaction rates, as determined by comments on participant evaluation sheets, are also high. Out of 157 participants surveyed in 2011, the average satisfaction rate was 4.5 on a scale of 1 to 5, with 5 being the highest score (strongly agree). This also includes participants that did not come to an agreement, but felt they came to a better understanding of their own perspective as well as the other participant's point of view.

But does transformative mediation take too long? That simply hasn't been our experience. Our Day of Trial cases average one hour.

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Practice Tip: The Key to Completing the ADR Practitioner Activity Report (Green Sheet)

By Maureen Denihan

If you've spent any amount of time around the nine of us here in the District Court ADR Office, you know how much we value the information our ADR practitioners provide on the "green sheet" (also known as the Practitioner Activity Report form). You might have even received an e-mail or a call from one of us after your scheduled Day of Trial ADR experience to inquire about some information not completed on your recent green sheet. And, in an effort to answer your questions for how to best handle and complete "green sheets," and to help explain why that piece of paper is so important, we've drafted this *Practice Tip* just for you!

First and foremost, above anything else, the green sheet is a receipt. Think of it as a "proof of purchase" regarding when, where and for how long you appeared at court. Because our four Regional ADR Programs Directors can't be in all 38 Day of Trial civil dockets each week, at a minimum the green sheet lets us know that you appeared and tells us what happened.

We reconcile every single green sheet that comes into our office against the quarterly ADR volunteer schedule, and we account for each date that a volunteer was scheduled for the entire calendar year in every District Court Day of Trial ADR program around the state. In 2011, we had 307 ADR practitioners volunteering 4,500 hours for 2,058 civil dockets!



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Practice Tip, *cont. from 3*

We use the information our ADR practitioners provide to us on the green sheet to calculate volunteer hours annually! In other words we can't have an accurate total of volunteer (or *pro bono*) hours unless we know how much time you spent at the courthouse volunteering in our program.

Nearly all of the information in **Section I** can be completed before a case is even referred to the ADR practitioner (date, a.m./p.m. docket, courthouse, name/ID number, and community mediation center affiliation (if applicable)). Your total time donated for the day (item #3) and the check boxes to indicate if a case was not referred, and/or if an apprentice observation or review was scheduled to occur (item #4) can be completed once the ADR practitioner is dismissed by the judge, courtroom clerk or bailiff and before the ADR forms are returned to the designated form drop-off location.

This is the information in **Section II** of the form, beginning just below the solid black line.

We suggest that the best time to complete the name of the judge referring the case, the case number and case name is at the time you may be provided the case file to review prior to leaving the courtroom with the parties. Once you're in the ADR room, you may ask to see one of the participants' court notice (after introducing yourself, the process and while the participants are reviewing the Agreement to Participate in ADR form of course).

One of the most useful pieces of information we gather from the green sheets when talking to judges, court staff, partnering organizations, and litigants about the value and usefulness of ADR programs in the courts is the statewide settlement rate. While for us these programs are not just about settlement rates, we are proud to report that in 2011, 55.4 % of all cases referred to ADR resolved (either partially or fully). *And*, we can chop that data into even smaller subsets of information by using the data provided to us by our ADR practitioners from the "green sheet." For instance, we can calculate the settlement rate by courthouse, by county, by ADR process practiced, by case type, and by amount in controversy.

And, if practitioners really want to know, we can provide each individual with their own settlement rate, and other statistics about the cases referred to them, by request. (Requests should be made to Sarah Kauffman, Data Management and Public Information Coordinator, at sarah.kauffman@mdcourts.gov.) Soon all of this information will be available at your fingertips with the integration and roll-out of the highly anticipated ADR Evaluation and Support System (ADDRESS) over the next 24 months.

We know that some of you who have been with our program for several years have seen the evolution of the content and design of the "green sheet." And, if you haven't attended a session at one of the ADR conferences that we put on regarding the Day of Trial program (which included info about our forms), or we haven't seen you at a local Brown Bag Lunch, then you may have some questions about the forms. Your Regional ADR Programs Directors are your "go-to experts" in the field on how to effectively and unobtrusively complete the necessary ADR forms when conducting your ADR sessions.

Section I

Section II

Comments

Information pertaining to the specific case referred is also important because we use the case type, amount in controversy, whether counsel was present (and for which party), the ADR process practiced, amount of time spent in an ADR session, and whether the case settled together in the aggregate to help identify trends in regard to cases that resolved in a mediation or settlement conference.