

2016 ANNUAL REPORT

Mediation and Conflict Resolution Office (MACRO)

Advancing ADR in Maryland through...

COLLABORATION

with courts, ADR practitioner organizations, and other stakeholders

TECHNICAL ASSISTANCE & GRANTS

to support courts and community justice partners

QUALITY ASSURANCE

for mediators & programs through the
Maryland Program for Mediator Excellence (MPME)

PUBLIC AWARENESS

to increase the use of mediation and ADR

RESEARCH & EVALUATION

to develop best practices, improve practice and deepen our understanding

TRAININGS & PRESENTATIONS

to practitioners for skill enhancement and professional growth



2016 Conflict Resolution Day Bookmark Art Contest First Place Winner
Karena Laufer, 6th-8th Grade Category

Courts

Mediation Trainings for Judges and Magistrates

MACRO hosted three 40-hour basic mediation trainings for judges and magistrates. The trainings were designed to give participants an in-depth understanding of the mediation process and to help them assess case types that are best suited for referral to mediation. It also helped provide context to judges and magistrates who oversee mediation programs.



MACRO funded 11 grants to Circuit Courts, which supported:

- ◇ *2,255 cases mediated*
- ◇ *1,498 cases resolved*

Circuit Court ADR Program Managers Network

MACRO convened circuit court ADR program managers and administrators to discuss the opportunities and challenges that face their court ADR programs. These meetings support the Judiciary's goal to have ADR programs in all of Maryland's circuit courts. One of the outcomes of the first meeting is that MACRO is developing a forms library so courts can share resources. Based on the success of this meeting, the Network will continue to meet on a regular basis, three to four times per year.

Judicial Council ADR Committee and Subcommittees

MACRO partners with the Court of Special Appeals ADR Division and the District Court ADR Office to support the initiatives and subcommittees of the Judicial Council ADR Committee.

Significant activities of the ADR Committee in 2016 included:

- ◆ Helped to plan and participated in the ADR Research Symposium, where the results and implications of Maryland's groundbreaking ADR research were presented and discussed.
- ◆ Made recommendations concerning ADR trainings for judges and court staff.
- ◆ Developed revised and new forms for District Court ADR programs.

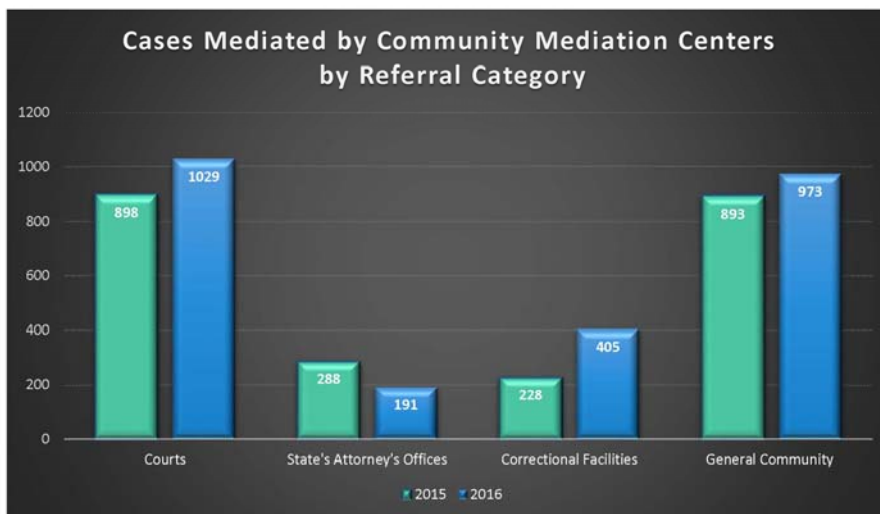
Community Justice Partners

Community Mediation

Community Mediation is an important resource for courts and communities in Maryland. Community mediation provides vital conflict resolution services to the District Court and circuit courts, while also offering services at the neighborhood level. In addition to reducing court dockets, these centers help community members resolve disputes by providing an opportunity to hear each others' perspectives, prevent conflicts from escalating into violence, as well as addressing the underlying causes of a conflict.

MACRO funded 15 community mediation centers, which supported:

- ◇ 2,598 cases mediated
- ◇ 1,409 cases resolved



Center Sustainability

This year, MACRO initiated a series of Conversations on Sustainability for Community Mediation in Maryland. The goal is to help centers achieve greater administrative and functional stability so they can be even stronger resources for the courts and the community.

Community Conferencing

Community Conferencing programs help courts by diverting cases from juvenile and criminal courts, while also helping schools and communities resolve serious conflicts that resulted in harm to individuals and their communities.



MACRO funded 5 community conferencing centers that held 447 conferences.

- ◇ *These conferences included 998 youths who acknowledged their responsibility and were held accountable for their actions.*
- ◇ *They also permitted 2,527 additional participants to voice their concerns and talk about how they were affected by the incident.*

Research—Evaluating ADR in Maryland Courts



The research results are in!

The Maryland Judiciary's multi-year evaluation of ADR in the courts was completed in 2016. The results confirm several benefits of mediation, as well as revealing findings that will help improve the field of ADR in Maryland. MACRO co-sponsored a symposium with judges, magistrates, court staff, researchers, and national ADR leaders to discuss the findings, as well as ideas for applying them in court ADR programs and mediation trainings.

View summaries & full reports: <http://mdcourts.gov/courtoperations/adrprojects.html>

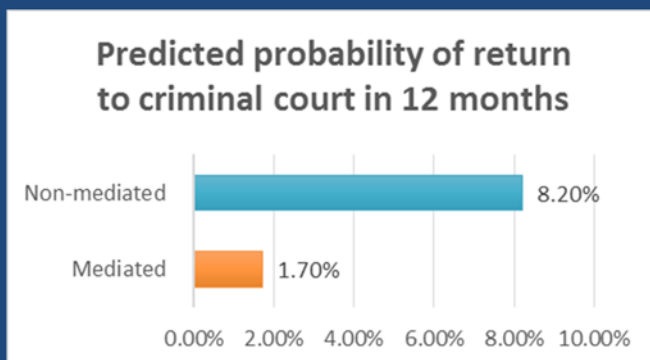
Highlights of the Research Findings

Impact of ADR

- Those who went to ADR, regardless of whether they reached an agreement in ADR, are more likely to report that they could express themselves, that underlying issues came out, and that more issues were resolved.
- Participants who developed a negotiated agreement in ADR were more likely to be satisfied with the judicial system than all other groups, including those who did not reach a negotiated agreement, as well as those who reached a negotiated agreement on their own (without ADR).

Mediated Criminal Misdemeanor Cases

- Mediated cases were almost five times less likely to return to criminal court in the subsequent 12 months than those that were not mediated.



Effectiveness of Mediator Strategies in Custody Mediation

- When mediators use a greater percentage of eliciting strategies, the more likely it is that participants will:
 - ⇒ reach an agreement
 - ⇒ say the other person listened & understood them
 - ⇒ become clearer about their desires
 - ⇒ say the underlying issues came out
 - ⇒ become more able to work together



Eliciting Strategies Include:

- asking participants to think of solutions
- summarizing their solutions
- asking how solutions might work for them

Public Policy

2016 Maryland Public Policy Conflict Resolution Fellows Program

MACRO co-hosted the 2016 Maryland Public Policy Fellows Program, in partnership with the University of Maryland Carey School of Law, for 25 high-level leaders from Maryland’s state and local government, businesses, nonprofits, academic and religious organizations. While attending the two and a half day program, Fellows learned strategic negotiation and consensus-building skills to help them work with their stakeholders to achieve better, more sustainable solutions to sophisticated public policy problems.



2016 Maryland Public Policy Conflict Resolution Fellows
See the complete list of these and past Fellows:
http://www.law.umaryland.edu/programs/cdrum/initiatives/md_public_policy.html

This was the 6th Public Policy Conflict Resolution Fellows Class.

Supporting Local Government Leaders

MACRO conducted workshops on Negotiation, Consensus, and Team Building at the Maryland Association of Counties (MACo) and the Maryland Municipal League (MML) Conferences.

Criminal Mediation Best Practices

The 2016 Maryland Legislature requested that MACRO “study and identify best practices for criminal referrals to mediation, based on experiences across the State and research, and submit a report of its findings and recommendations....” MACRO convened a workgroup comprised of judges, State’s Attorney’s Office personnel, representatives from the Governor’s Office of Crime Control and Prevention, researchers, mediators, and Judicial Branch employees. The workgroup’s report included 17 best practices for such programs. To see the full report, visit: www.mdcourts.gov/macro/adrresources.html.

Public Policy Facilitation

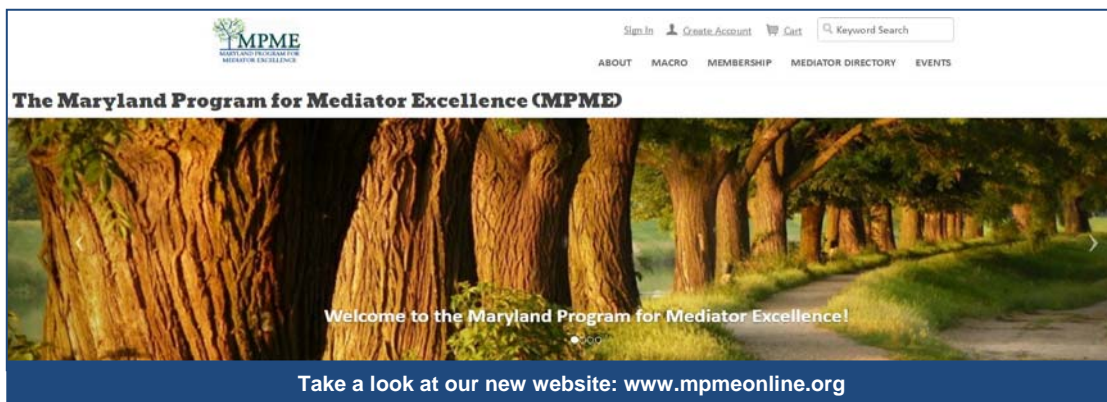
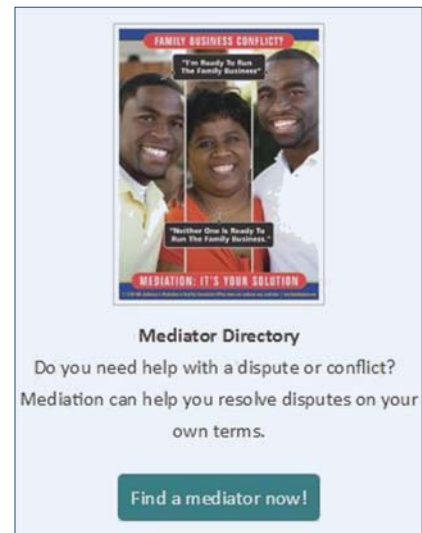
The Supreme Court decision of *North Carolina State Board of Examiners v. Federal Trade Commission*, 135 S.Ct. 1101, (2015) resulted in state governments reviewing how they oversee state licensing boards and commissions. At the request of the Maryland Office of the Attorney General, MACRO staff conducted a large group multi-agency facilitation of more than 50 key Maryland stakeholders focused collaboratively developing a proposal for the General Assembly that the stakeholders could support. The effort led to the successful passing of a bill in the 2017 legislative session.

MPME Website Launch

The Maryland Program for Mediator Excellence (MPME) achieved a major milestone this year in moving to a new web platform, featuring the look and feel of today's technology and internet presence.

The new website includes:

- ◆ a searchable mediator directory
- ◆ a calendar of mediation trainings and events
- ◆ continuing education records for its more than 1,400 members
- ◆ job postings, and more.



Conflict Behavior Change

MACRO collaborated with Johns Hopkins Center for Communication Programs (CCP) to implement an initiative promoting mediation as an option for resolving home improvement disputes. CCP worked closely with MACRO to understand the attitudes, beliefs, and behaviors concerning conflict resolution among homeowners and contractors in the home improvement industry. Since the campaign launched, there have been more than 8,542 web video views, 47,708 clicks to the websites and over 3,744,725 impressions (views of online advertisement). In addition to a dedicated website and strategically placed web advertisements, MACRO staff conducted person to person outreach at targeted events.



Conflict Resolution Day Bookmark Art Contest

MACRO continued its annual conflict resolution bookmark art contest in 2016. More than 2,100 Maryland students in grades K – 8 submitted entries in the 11th edition of the contest. On December 13, 2016, Chief Judge Mary Ellen Barbera presented awards to 15 prize winning students, as well as honorable mention certificates to an additional 64 students.



Chief Judge Mary Ellen Barbera poses with our K-2 Winners.



Left: 1st Place, Lydia Burgess (3rd-5th); Center: 2nd Place, Hailey Gregar (6th-8th); Right: 2nd Place, Elizabeth Doerr (K-2nd)
See all the winning entries: www.mdcourts.gov/macro/eventsconflictresolutionday.html

Maryland Mediators Convention

The 8th Maryland Mediators Convention was held in December. The Convention is a collaboration of Maryland's four largest ADR practitioners groups and MACRO. More than 200 mediators from across Maryland came together to attend 18 workshops and presentations focused on skill building, ethical standards of conduct, and conversations on new mediation initiatives in Maryland.



Opening Plenary at Maryland Mediators Convention

Additional Activities in 2016

Hosting Foreign Delegations— MACRO hosted foreign delegations from several countries in 2016, including Brazil, China, and Kosovo, as well as one multinational group that included individuals from Albania, Bulgaria, Columbia, El Salvador, Georgia, Hungary, Serbia, and Slovakia. These groups included judicial, governmental, and/or organizational leaders interested in learning about ADR in Maryland.

Presentations— MACRO Staff made presentations on a variety of ADR topics to local, state, and national audiences, including:

ABA Dispute Resolution Conference:

- ◆ *ADR Research in the Courts: From Research to Reality*
- ◆ *What Does Recent Research Tell Us About Court ADR?*

District Court Volunteer Appreciation Conference:

- ◆ *Ethics for Settlement Conference Attorneys*
- ◆ *Quality of Process...Let's Play Match That Standard*



The Center for ADR Annual Conference:

- ◆ *ADR Program Managers: Giving and Receiving Feedback to Roster Members*
- ◆ *Translating ADR Research Results into ADR Program Management Practices*
- ◆ *Program Manager Ethical Scenarios and Mediator Confidentiality*

The Association for Conflict Resolution Conference:

- ◆ *From Research to Real World: Making a Better Mediator*
- ◆ *Are ADR Processes Designed to Include (or Exclude) Communication Styles and Needs of Both Introverts and Extroverts?*

Maryland Judiciary Grants Conference:

- ◆ *Evaluation 101: Developing an Evaluation Plan*
- ◆ *Evaluation 102: Implementing your Evaluation Plan*
- ◆ *Grant Writing 101*

Maryland Mediator's Convention:

- ◆ *Mediation: Fixing problems. Building Solutions*
- ◆ *Confidentiality Quandaries for Maryland Mediators*
- ◆ *It's All About Me! Self-Awareness, Self-Reflection and Contemplative Practices for Mediators – Before, During and After a Mediation.*
- ◆ *MPME Website 101: Navigating the New MPME Website*

Additional presentations:

- ◆ *Working with Attorneys in Mediation and Representing Your Client in Mediation* (UMD Law Clinic)
- ◆ *Impasse in Mediation and What the Research Tells Us* (Montgomery Co. Bar Association)
- ◆ *Fitting the Forum to the Fuss: ADR in the Maryland Courts* (Baltimore County Circuit Court Bench)
- ◆ *What Works in Court ADR* (Joint Bench Bar Meeting)
- ◆ *Evaluation and Policy Decisions in ADR: Is ADR on Your Research Agenda?* (NACM Conference)
- ◆ *Studying ADR: A New Focus on Empiricism* (Cardozo School of Law Symposium)
- ◆ *Quality Assurance in Court ADR Programs* (MAACM)
- ◆ *State & Local Governments: Managing Conflict, Building Consensus* (U.S. State Department, International Visitor Leadership Program)

Public Awareness

MACRO promoted ADR resources at the:

- ◆ Maryland Association of Counties Conference
- ◆ Center for ADR Annual Conference
- ◆ International Association of Conflict Resolution conference
- ◆ Fall Maryland Home and Garden Show
- ◆ Association for Conflict Resolution Annual Conference

MACRO offered **Mediation: It's Your Solution** images for mediation programs and private practitioners to use in their own publications. These images are freely available at:

www.mdcourts.gov/macro/mediationposters.html.



Technical Assistance

MACRO staff provided technical assistance and support to:

- ◆ Circuit courts in Baltimore City, and Carroll and Prince George's Counties
- ◆ Community Mediation Centers in Anne Arundel, Baltimore, Charles, Frederick, Prince George's and St. Mary's Counties
- ◆ ADR Program Managers through monthly meetings
- ◆ Individual practitioners through monthly "Mediator Confidential" teleconferences
- ◆ The Maryland Access to Justice Commission by facilitating their planning retreat

MACRO's mission is to promote the availability, use and quality of alternative dispute resolution (ADR) throughout Maryland.

**If you have ideas or suggestions to share with us,
we encourage you to contact us.**



(left to right)

Jonathan S. Rosenthal, Esq.
MACRO Director

Alecia A. Parker, Budget and Grants Director

Nick White, Ph.D., Research and Evaluation Director

Heather V. Fogg, Quality Assistance Director

Alexandra L. Johnson, Administrative Office Specialist

Tracy Culbreath King, ADR Resources Coordinator

Emmett J. Ward, ADR Resources Coordinator

Alan Wiener, Esq., Court ADR Resources Director



410-260-3540 macro@mdcourts.gov

www.mdcourts.gov/macro