

COURTS OF APPEAL BUILDING
361 ROWE BOULEVARD
ANNAPOLIS, MD 21401
410-260-3717



Mala Malhotra-Ortiz, Esq.
Director of ADR Division

Scottie Reid, Esq.
Deputy Director of ADR Division

August 21, 2015

TO: Chief Judge Krauser, Court of Special Appeals

FROM: Mala Malhotra-Ortiz, Esq., Director, Alternative Dispute Resolution (ADR)

RE: ADR Division Statistics

This memo provides the current statistics for the Court of Special Appeals' ADR Division. From the program's inception in January 2010 through August 12, 2015, we have concluded mediation in 891 of the 920 appeals ordered to mediation; 29 of the 920 appeals ordered to mediation are currently pending.

Overall, 74% or 657 appeals were settled in mediation. The program supported full settlements in 630 appeals (71% of cases ordered to ADR); these result not only in the disposition of an appeal, but most frequently the parties are able to achieve global resolutions that resolve underlying matters and ancillary litigation. Out of the 891 appeals concluded, 27 cases (or 3% of the cases ordered to ADR) resulted in partial settlements: eliminating some issues on appeal, yet proceeding through the appellate process on remaining issues.

The ADR Division, during its first year of operation, mediated approximately 10% of the civil appeals eligible for ADR. Now --- in its 5th year of operation --- the division is mediating approximately 15-18% of civil appeals eligible for ADR and, notably, maintaining a 70% settlement rate.

On an annual basis, the ADR Division maintains an average settlement rate of 70% as demonstrated in the following charts:

2010	
Total Ordered	128
Full Settlement	87 (68%)
Partial Settlement	7 (6%)
No Settlement	33 (26%)

2011	
Total Ordered	186
Full Settlement	139 (75%)
Partial Settlement	10 (5%)
No Settlement	37 (20%)

2012	
Total Ordered	135
Full Settlement	92 (68%)
Partial Settlement	3 (2%)
TBD	1 (1%)
No Settlement	39 (29%)

2013	
Total Ordered	178
Full Settlement	130 (73%)
Partial Settlement	4 (2%)
No Settlement	44 (25%)
TBD/Pending	0 (0%)

2014	
Total Ordered	205
Full Settlement	145 (71%)
Partial Settlement	3 (2%)
No Settlement	55 (27%)
TBD/Pending	2 (<1%)

The following is a breakdown of appeals mediated by area of substantive law:

Domestic – 30% of all cases ordered to mediation and have been concluded involved a domestic dispute (270 cases) resulting in a 76% settlement rate: 73% (199 cases) resulted in full settlement and 3% (7 cases) resulted in partial settlement.

Contracts – 21% of all cases ordered to mediation and have been concluded involved a contract dispute (184 cases) resulting in a 78% settlement rate. 77% (141 cases) resulted in full settlement and 1% (2 cases) resulted in partial settlement.

Tort – 13% of all cases ordered to mediation and have been concluded involved a tort dispute (117 cases) resulting in a 69% settlement rate. 67% (78 cases) resulted in full settlement and 2% (2 cases) resulted in partial settlement.

Real Property/Zoning – 13% of all cases ordered to mediation and have been concluded involved a real property/zoning dispute (113 cases) resulting in a 64% settlement rate. 54% (62 cases) resulted in full settlement 10% (12 cases) resulted in partial settlement.

Foreclosure – 6% of all cases ordered to mediation and have been concluded involved a foreclosure (55 cases) resulting in a 69% settlement rate. 64% (35 cases) resulted in full settlement, and 5% (3 cases) resulted in partial settlement.

Workers' Compensation – 5% of all cases ordered to mediation and have been concluded involved a worker's compensation dispute (44 cases). 77% (35 cases) resulted in full settlement and none resulted in partial settlement.

Estates and Trusts – 5% of all cases ordered to mediation and have been concluded involved an estate and/or trust dispute (42 cases) resulting in a 76% settlement rate (33 cases). 74% (32 cases) resulted in full settlement and 2% (1 case) resulted in a partial settlement.

Employment – 3% of all cases ordered to mediation and have been concluded involved an employment issue (32 cases) resulting in a settlement rate of 72% (23 full settlements). It is likely that more employment cases have been mediated; however, they have been categorized as primarily contract or administrative matters.

Other – 4% of all cases ordered to mediation and have been concluded involved an administrative law dispute (34 cases) (including consumer protection, corporate law, and environmental regulations) resulting in a full settlement rate of 71% (24 cases). There was 1 partial settlement, which brings the total settlements to 74% in this category. <1% of all cases ordered to mediation involved an issue dealing specifically with the code on corporations, out of which 88% (8 cases) resulted in full settlement. <1% of all cases ordered to mediation involved an issue specifically dealing with consumer protection statutes, out of which 100% (2 cases) resulted in full settlement.