

DISTRICT COURT OF MARYLAND

MISSION STATEMENT

It is the mission of the District Court of Maryland to provide equal and exact justice for all who are involved in litigation before the Court.

It is the sworn obligation of the judges of the Court to ensure that every case tried herein is adjudicated expeditiously, courteously, and according to law, and with the fullest protection for the rights of all who are involved, for the most extraordinary aspect of the judiciary in a free society is that even while exercising the vast authority entrusted to them, judges remain the servants, and not the masters, of those on whom they sit in judgment.

It is the function of the non-judicial employees of the District Court to facilitate the hearing and processing of all cases within the Court's jurisdiction, and to deal fairly, courteously, and patiently with all with whom they come into contact, without regard to age, race, sex, religion, national origin, disability, or political or social standing.

It was to ensure the fulfillment of these ideas that this Court was founded, and its commitment to them must always remain unwavering and unyielding.

ADR OFFICE MISSION STATEMENT

It is the mission of the District Court of Maryland to provide equal justice for all who are involved in litigation before the Court. In order to promote a more civil society and to assist the District Court of Maryland in its mission, the Alternative Dispute Resolution (ADR) Office of the District Court of Maryland works to:

- ★ Educate all participants (including judges, clerks, court personnel, Bar members, litigants, and other ADR providers) on the uses and benefits of ADR programs;
- ★ Establish and maintain high quality ADR programs that empower litigants;
- ★ Encourage the use of ADR options early-on and throughout the litigation process; and,
- ★ Ensure that the ADR options are appropriate and accessible.

ADR SERVICES IN THE DISTRICT COURT OF MARYLAND

The District Court of Maryland's Alternative Dispute Resolution (ADR) Office provides **MEDIATION** and **SETTLEMENT CONFERENCES** in civil cases pending in many District Court locations. These **ADR** services are offered at no charge, either on the *day of trial* or *before the trial date*, through the District Court ADR Program, and are distinguished as follows:



CIVIL MEDIATION – an impartial mediator helps participants have a conversation and helps them try to reach a mutually agreeable resolution of their own creation. The mediator does not evaluate facts or suggest solutions.

CIVIL SETTLEMENT CONFERENCE – an experienced attorney serves as the neutral and may evaluate the strengths and weaknesses of a case and may make suggestions to assist the participants with settling the case.

Program availability varies from county to county. Information about which services are available is listed by county on the opposite side of this sheet. If you have any questions, or for more information about ADR services in the District Court of Maryland, call **410-260-1676** or **866-940-1729**, or visit: www.mdcourts.gov/district/adr/home.html.

PreTrial ADR

★ **Mediation** – Civil cases are referred to one of our partner community mediation centers for **mediation** before the trial date. An impartial mediator will meet with the participants and their attorneys (if applicable) at a time and location scheduled for the convenience of *all* participants. If the case is not resolved at the pre trial mediation, the case goes to trial on the scheduled trial date.

★ **Settlement Conference** – Settlement conference attorneys meet with the participants and their attorneys (if applicable) at the courthouse *before* the trial date. If the case is not resolved in the settlement conference, the case goes to trial on the scheduled trial date.

Day of Trial ADR

★ **Mediation** -- An impartial mediator meets with the participants at the courthouse on the day of trial. If the case is not resolved in the mediation, the case goes forward to trial. *If you want your case to go to mediation, you may ask the courtroom clerk, the bailiff, or the judge if a mediator is available.*

★ **Settlement Conference** -- A settlement conference attorney meets with participants at the courthouse on the day of trial. If the case is not resolved in the settlement conference, the case goes forward to trial.

Peace Orders

★ **Peace Order Mediation** - Cases may be referred to a local community mediation center or volunteer neutral mediator prior to, at the time of, or after the second peace order hearing. Cases involving recent or ongoing violence and physical abuse, including domestic violence, or weapons are not referred to mediation.

For more information, please contact the **DISTRICT COURT OF MARYLAND, ALTERNATIVE DISPUTE RESOLUTION OFFICE**, 251 Rowe Boulevard, Suite 307, Annapolis, MD 21401 or call 410.260.1726 or 866.940.1729, or go to <http://www.courts.state.md.us/district/adr/home.html>.

MEDIATION and SETTLEMENT CONFERENCE

Definitions found in the Maryland Rules of Civil Procedure, Title 17

MEDIATION

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

ROLE OF THE MEDIATOR

A mediator may help identify issues and options, assist the parties or their attorneys in exploring the needs underlying their respective positions, and, upon request, record points of agreement expressed and adopted by the parties. While acting as a mediator, the mediator does not engage in any other ADR process and does not recommend the terms of an agreement. Md. Rule 17-103 (*emphasis added*).

SETTLEMENT CONFERENCE

a conference at which the parties, their attorneys, or both appear before an impartial individual 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 evaluation¹ and neutral fact-finding², and the impartial person may recommend the terms of an agreement. Md. Rule 17-102(l) (*emphasis added*).

¹**Neutral Case Evaluation** - a process in which (1) the parties, their attorneys, or both appear before an impartial evaluator and present in summary fashion the evidence and arguments to support their respective positions, and (2) the evaluator renders an evaluation of their positions and an opinion as to the likely outcome of the litigation. Md. Rule 17-102(l) (*emphasis added*).

²**Neutral Fact-Finding** - a process in which (1) the parties, their attorneys, or both appear before an impartial individual and present evidence and arguments to support their respective positions as to disputed factual issues, and (2) the individual makes findings of fact as to those issues that are not binding unless the parties agree otherwise in writing. Md. Rule 17-102(k) (*emphasis added*).

MEDIATION & SETTLEMENT CONFERENCE PROCESSES

(briefly)

MEDIATION <i>(facilitative)</i>	SETTLEMENT CONFERENCE
<i>INTRODUCTION of the process by the Mediator(s)</i>	<i>INTRODUCTION of the process by the Settlement Conference Attorney</i>
<i>OPENING STATEMENTS by Attorneys or Parties</i>	<i>OPENING STATEMENTS by Attorneys</i>
<i>INFORMATION GATHERING</i>	<p style="text-align: center;"><i>DISCUSSION OF THE CASE</i></p> <p style="text-align: center;"><i>This may include:</i></p> <ul style="list-style-type: none"> - <i>identification of the issues (limited to those in the suit);</i> - <i>a discussion of each side's strengths and weaknesses;</i> - <i>conversations with only one side or the other (caucusing);</i> - <i>an evaluation of the merits of each side's positions by the settlement conference attorney; and,</i> - <i>suggestions for possible settlement options.</i> <p style="text-align: center;"><i>The settlement conference attorney shall not give legal advice.</i></p>
<i>ISSUE AND INTEREST IDENTIFICATION (A mediator shall not give legal advice, and should be cautious about stating the law³.)</i>	
<i>OPTION GENERATING The mediator leads the option generating discussion without making specific suggestions for solutions (A mediator should be cautious about suggesting options⁴, and a mediator shall not recommend the terms of an agreement.)</i>	
<i>EVALUATION OF OPTIONS</i>	
<i>AGREEMENT</i>	<i>AGREEMENT</i>

³ All neutrals should be cautious about stating the law because a party may ask how to apply the law to their case, or a statement of the law could be mis-interpreted as some form of legal advice. Additionally, a neutral should never guess what is the law. Finally, looking at the law requires one to look backward. Generally, mediation looks to the future.

⁴ A mediator should only suggest options in certain situations and by using certain methods. Suggestions should only be general in nature and never a specific solution. Some mediators believe mediators should never make suggestions.

QUALIFICATIONS OF A MEDIATOR & SETTLEMENT CONFERENCE ATTORNEY

(according to the Maryland Rules of Procedure, Title 17)

Qualifications:	MEDIATOR	SETTLEMENT CONFERENCE ATTORNEY
Age	21 Years of age or older (17-304(a)(1))	Not specified
Education	None (see training requirement)	Juris Doctor Degree
Required License	None	A member in good standing of the Maryland Bar (17-304(b)(3)(C))
Training	40 Hours of Basic (Beginner) Mediation Training (17-304(a)(1)) and District Court of Maryland ADR Office Orientation (17-304(a)(5))	District Court of Maryland ADR Office Settlement Conference Orientation(17-304(b)(3)(D), and at least 3 years experience in the active practice of law in Maryland (17-304)(b)(3)(C))
Ethical Requirements	Agree to abide by District Court of Maryland ADR Office Policies and Procedures (17-304(a)(12)) including : Maintaining high quality practice by adhering to the Standards of Conduct adopted by the Court of Appeals (17-304(a)(9)), the MPME Standards of Conduct for Mediators, and, if an attorney, the Professional Rules of Conduct for Maryland attorneys.	Agree to abide by District Court of Maryland ADR Office Policies and Procedures (17-304(b)(3)(E)) including: Maintaining high quality practice by adhering to the Standards of Conduct adopted by the Court of Appeal (17-304(b)(3)(A)), and the Professional Rules of Conduct for Maryland attorneys.
Required Application	District Court of Maryland Alternative Dispute Resolution Volunteer Application (17-304(a)(4)) and join the Maryland Program for Mediator Excellence (MPME) at www.mpmeonline.org (17-304(a)(12))	District Court of Maryland Alternative Dispute Resolution Volunteer Application (17-304(c)(1)(E))
Continuing Education	4 hours every calendar year (17-304(a)(11))	8 hours every two years encouraged (17-304(b)(3)(E))
Apprentice Process	Observe a minimum of two mediations (on two different dates), and be reviewed at least twice. (17-304(a)(6-7))	Be reviewed within 9 months following Orientation. (17-304(b)(3)(E))
Monitoring	Agree to periodic monitoring as part of the ADR Office's quality assurance initiative. (17-304(a)(10))	Agree to periodic monitoring as part of the ADR Office's quality assurance initiative. (17-304(b)(3)(B))
Other	Membership in the Maryland Program for Mediator Excellence	None

WHY CHOOSE MEDIATION OVER A SETTLEMENT CONFERENCE, OR VICE VERSA?

From ADR practitioners, we often hear: *“If I meet the qualifications and am trained to conduct both settlement conferences and mediation, when would I use mediation?”* or *“How do I decide which process to use?”*

From litigants, we hear *“Which process is best for my case?”*

The following are some considerations when answering those questions:

A **settlement conference** may be preferable if :

- the only thing that is desired is a settlement
- there is no ongoing relationship of any kind between the parties
- there are limited issues to discuss, no underlying issues, and everyone agrees on the issues
- the issues are rights-based or law-based
- the case is only about money, including payment terms
- An attorneys voice of experience will be helpful in moving people toward agreement

Expect the settlement conference attorney to use **directive and evaluative techniques:**

- strengths and weaknesses evaluation and analysis
- discussion of likely court outcomes based on the SCA’s experience and knowledge of the law and the local bench
- suggestions to compromise
- recommend terms for settlement
- caucusing
- working with counsel rather than directly with the litigants
- the settlement will likely be “distributive” (“fixed-pie” or limited resources)

Mediation may be preferable if:

- the participants are in an on-going relationship (family, neighbors, business/consumer, co-workers, etc.)
- underlying or additional issues exist that will keep the conflict ripe and will not be resolved by a simple, superficial, settlement. For example, if a business is in a contract with another business to supply widgets, and it is an on-going relationship with some history, perhaps a settlement conference can fix the existing conflict, but underlying mistrust may now have crept into the relationship, and problems will continue if that is not addressed.
- a goal is to have the participants completely bought into the solution. In a settlement conference, the neutral attorney may suggest solutions based on her experience and knowledge of the law and the local bench. This creates a feeling that the solution was hers. A mediator would not suggest solutions, but rather would work with the participants to help them find their own solutions that will work for them. This process may take some additional time, but the ideas will “belong” to the litigants. Research shows people who are involved in creating their own solutions are more likely to abide by them.
- there is a need or desire to create a more full and complete resolution.

Expect the mediator to use techniques such as:

- brainstorming
- asking open-ended questions
- reflecting back issues, interests, and needs, as well as emotions
- reframing issues
- working with litigants directly *and* their attorneys, if applicable
- the settlement may be “integrative” (“an expanding pie” or expanded resources)

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION

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MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 100 - GENERAL PROVISIONS

Rule 17-101. APPLICABILITY

(a) General Applicability of Title

Except as provided in section (b) of this Rule, the Rules in this Title apply when a court refers all or part of a civil action or proceeding to ADR.

Committee note: The Rules in this Title do not apply to an ADR process in which the parties participate without a court order of referral to that process.

(b) Exceptions

Except as otherwise provided by Rule, the Rules in this Title do not apply to:

(1) an action or order to enforce a contractual agreement to submit a dispute to ADR;

(2) an action to foreclose a lien against owner-occupied residential property subject to foreclosure mediation conducted by the Office of Administrative Hearings under Rule 14-209.1;

(3) an action pending in the Health Care Alternative Dispute Resolution Office under Code, Courts Article, Title 3, Subtitle 2A, unless otherwise provided by law; or

(4) a matter referred to a master, examiner, auditor, or parenting coordinator pursuant to Rule 2-541, 2-542, 2-543, or 9-205.2.

(c) Applicability of Chapter 200

The Rules in Chapter 200 apply to actions and proceedings

pending in a circuit court.

(d) Applicability of Chapter 300

The Rules in Chapter 300 apply to actions and proceedings pending in the District Court.

Source: This Rule is derived from former Rule 17-101 (2012).

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 100 - GENERAL PROVISIONS

Rule 17-102. DEFINITIONS

In this Title, the following definitions apply except as expressly otherwise provided or as necessary implication requires:

(a) ADR

"ADR" means "alternative dispute resolution."

(b) ADR Organization

"ADR organization" means an entity, including an ADR unit of a court, that is designated by the court to select individuals with the applicable qualifications required by Rule 9-205 or the Rules in this Title to conduct a non-fee-for-service ADR ordered by the court.

(c) ADR Practitioner

"ADR practitioner" means an individual who conducts ADR under the Rules in this Title.

(d) Alternative Dispute Resolution

"Alternative dispute resolution" means the process of resolving matters in pending litigation through arbitration, mediation, neutral case evaluation, neutral fact-finding, settlement conference, or a combination of those processes.

(e) Arbitration

"Arbitration" means a process in which (1) the parties appear before one or more impartial arbitrators and present evidence and argument to support their respective positions, and (2) the arbitrators render an award that is not binding unless the

parties agree otherwise in writing.

Committee note: Under the Federal Arbitration Act, the Maryland Uniform Arbitration Act, the International Commercial Arbitration Act, and at common law, arbitration awards are binding unless the parties agree otherwise.

(f) Fee-for-service

"Fee-for-service" means that a party will be charged a fee by an ADR practitioner designated by a court to conduct ADR.

(g) Mediation

"Mediation" means a process in which the parties work with one or more impartial 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.

Cross reference: For the role of the mediator, see Rule 17-103.

(h) Mediation Communication

"Mediation communication" means a communication, whether spoken, written, or nonverbal, made as part of a mediation, including a communication made for the purpose of considering, initiating, continuing, reconvening, or evaluating a mediation or a mediator.

(i) Neutral Case Evaluation

"Neutral case evaluation" means a process in which (1) the parties, their attorneys, or both appear before an impartial evaluator and present in summary fashion the evidence and arguments to support their respective positions, and (2) the evaluator renders an evaluation of their positions and an opinion as to the likely outcome of the litigation.

(j) Neutral Expert

"Neutral expert" means an individual with special expertise

to provide impartial technical background information, an impartial opinion, or both in a specific area.

(k) Neutral Fact-finding

"Neutral fact-finding" means a process in which (1) the parties, their attorneys, or both appear before an impartial individual and present the evidence and arguments to support their respective positions as to disputed factual issues, and (2) the individual makes findings of fact as to those issues that are not binding unless the parties agree otherwise in writing.

(l) Settlement Conference

"Settlement conference" means a conference at which the parties, their attorneys, or both appear before an impartial individual 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.

Source: This Rule is derived as follows:

Section (a) is new.

Section (b) is new.

Section (c) is new.

Section (d) is derived from former Rule 17-102 (a) (2012).

Section (e) is derived from former Rule 17-102 (b) (2012).

Section (f) is derived from former Rule 17-102 (c) (2012).

Section (g) is derived from former Rule 17-102 (d) (2012).

Section (h) is derived from former Rule 17-102 (e) (2012).

Section (i) is derived from former Rule 17-102 (f) (2012).

Section (j) is new.

Section (k) is derived from former Rule 17-102 (g) (2012).

Section (l) is derived from former Rule 17-102 (h) (2012).

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
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Rule 17-103. ROLE OF MEDIATOR

A mediator may help identify issues and options, assist the parties and their attorneys in exploring the needs underlying their respective positions, and, upon request, record points of agreement expressed and adopted by the parties. While acting as a mediator, the mediator does not engage in any other ADR process and does not recommend the terms of an agreement.

Committee note: Mediators often record points of agreement expressed and adopted by the parties to provide documentation of the results of the mediation. Because a mediator who is not a Maryland lawyer is not authorized to practice law in Maryland and a mediator who is a Maryland lawyer ordinarily would not be authorized to provide legal advice or services to parties in conflict, a mediator should not be authoring agreements regarding matters in litigation for the parties to sign. If the parties are represented by counsel, the mediator should advise them not to sign the document embodying the points of agreement until they have consulted their attorneys. If the parties, whether represented or not, choose to sign the document, a statement should be added that the points of agreement as recorded by the mediator constitute the points of agreement expressed and adopted by the parties.

Source: This Rule is derived from the last two sentences of former Rule 17-102 (d) (2012).

MARYLAND RULES OF PROCEDURE
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Rule 17-104. BASIC MEDIATION TRAINING PROGRAMS

To qualify under Rule 17-205 or 17-304, a basic mediation training program shall include the following:

(a) conflict resolution and mediation theory, including causes of conflict, interest-based versus positional bargaining, and models of conflict resolution;

(b) mediation skills and techniques, including information-gathering skills; communication skills; problem-solving skills; interaction skills; conflict management skills; negotiation techniques; caucusing; cultural, ethnic, and gender issues; and strategies to (1) identify and respond to power imbalances, intimidation, and the presence and effects of domestic violence, and (2) safely terminate a mediation when such action is warranted;

(c) mediator conduct, including conflicts of interest, confidentiality, neutrality, ethics, and standards of practice; and

(d) simulations and role-playing, monitored and critiqued by experienced mediator trainers.

Source: This Rule is derived from former Rule 17-106 (a) (2012).

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
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Rule 17-105. MEDIATION CONFIDENTIALITY

(a) Mediator

Except as provided in sections (c) and (d) of this Rule, a mediator and any person present or otherwise participating in the mediation at the request of the mediator shall maintain the confidentiality of all mediation communications and may not disclose or be compelled to disclose mediation communications in any judicial, administrative, or other proceeding.

(b) Parties

Except as provided in sections (c) and (d) of this Rule:

(1) a party to a mediation and any person present or who otherwise participates in a mediation at the request of a party may not disclose or be compelled to disclose a mediation communication in any judicial, administrative, or other proceeding; and

(2) the parties may enter into a written agreement to maintain the confidentiality of mediation communications and to require all persons who are present or who otherwise participate in a mediation to join in that agreement.

Cross reference: See Rule 5-408 (a) (3).

(c) Signed Document

A document signed by the parties that records points of agreement expressed and adopted by the parties or that constitutes an agreement reached by the parties as a result of mediation is

not confidential, unless the parties agree otherwise in writing.

Cross reference: See Rule 9-205 (h) concerning the submission of a document embodying the points of agreement to the court in a child access case.

(d) Permitted Disclosures

In addition to any disclosures required by law, a mediator, a party, and a person who was present or who otherwise participated in a mediation may disclose or report mediation communications:

(1) to a potential victim or to the appropriate authorities to the extent they reasonably believe necessary to help prevent serious bodily harm or death to the potential victim;

(2) when relevant to the assertion of or defense against allegations of mediator misconduct or negligence; or

(3) when relevant to a claim or defense that an agreement arising out of a mediation should be rescinded because of fraud, duress, or misrepresentation.

Cross reference: For the legal requirement to report suspected acts of child abuse, see Code, Family Law Article, §5-705.

(e) Discovery; Admissibility of Information

Mediation communications that are confidential under this Rule are not subject to discovery, but information that is otherwise admissible or subject to discovery does not become inadmissible or protected from disclosure solely by reason of its use in mediation.

Cross reference: See Rule 5-408 (b). See also Code, Courts Article, Title 3, Subtitle 18, which does not apply to mediations to which the Rules in Title 17 apply.

Source: This Rule is derived from former Rule 17-109 (2012).

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MARYLAND RULES OF PROCEDURE
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MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 300 - PROCEEDINGS IN THE DISTRICT COURT

Rule 17-301. ADR OFFICE

(a) Definition

"ADR Office" means the District Court Alternative Dispute Resolution Office, a unit within the Office of the Chief Judge of the District Court.

(b) Duties

The ADR Office is responsible for administering the ADR programs of the District Court. Its duties include processing applications for approval as ADR practitioners, conducting orientation for approved ADR practitioners and applicants for approval as such practitioners, arranging the scheduling of ADR practitioners at each District Court location, collecting and maintaining statistical information about the District Court ADR programs, and performing such other duties involving ADR programs as are required by the Rules in this Chapter or are assigned by the Chief Judge of the District Court.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 300 - PROCEEDINGS IN THE DISTRICT COURT

Rule 17-302. GENERAL PROCEDURES AND REQUIREMENTS

(a) Authority to Order ADR

Except as provided in sections (b) and (c) of this Rule and Rule 17-303, the court, on or before the day of a scheduled trial, may order a party and the party's attorney to participate in one non-fee-for-service mediation or one non-fee-for-service settlement conference.

Committee note: Under this Rule, an order of referral to ADR may be entered regardless of whether a party is represented by an attorney. This Rule does not preclude the court from offering an additional ADR upon request of the parties.

(b) When Referral Prohibited

The court may not enter an order of referral to ADR in an action for a protective order under Code, Family Law Article, Title 4, Subtitle 5, Domestic Violence.

(c) Objection by Party

(1) Notice of Right to Object

If, on the day of a scheduled trial, an order of referral is contemplated or entered by the court, the court shall inform the parties that they have a right to object to the referral at that time. If a written order of referral is entered and served on the parties prior to the date of the scheduled trial, the order shall inform the parties that they have a right to object to a referral and state a reasonable time and method by which the objection may be made.

(2) Consideration of Objection

(A) If a party objects to a referral, the court shall give the party a reasonable opportunity to explain the basis of the objection and give fair and prompt consideration to it.

(B) If the basis of the objection is that the parties previously engaged in good faith in an ADR process that did not succeed and the court finds that to be true, the court may offer the opportunity for, but may not require, participation in a new court-referred mediation or settlement conference.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
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CHAPTER 300 - PROCEEDINGS IN THE DISTRICT COURT

Rule 17-303. DESIGNATION OF MEDIATORS AND SETTLEMENT CONFERENCE
CHAIRS

(a) Limited to Qualified Individuals

(1) Court-Designated Mediator

A mediator designated by the court or pursuant to court order shall possess the qualifications prescribed in Rule 17-304 (a).

(2) Court-Designated Settlement Conference Chair

A settlement conference chair designated by the court or pursuant to court order shall possess the qualifications prescribed in Rule 17-304 (b).

(b) Designation Procedure

(1) Court Order

The court by order may designate an individual to conduct the ADR or may direct the ADR Office, on behalf of the court, to select a qualified individual for that purpose.

(2) Duty of ADR Office

If the court directs the ADR Office to select the individual, the ADR Office may select the individual or may arrange for an ADR organization to do so. An individual selected by the ADR Office or by the ADR organization has the status of a court-designated mediator or settlement conference chair.

(3) Discretion in Designation or Selection

Neither the court nor the ADR Office is required to choose at random or in any particular order from among the qualified individuals. They should endeavor to use the services of as many qualified individuals as practicable, but the court or ADR Office may consider, in light of the issues and circumstances presented by the action or the parties, any special training, background, experience, expertise, or temperament of the available prospective designees.

(4) ADR Practitioner Selected by Agreement of Parties

If the parties agree on the record to participate in ADR but inform the court of their desire to select an individual of their own choosing to conduct the ADR, the court may (A) grant the request and postpone further proceedings for a reasonable time, or (B) deny any request for postponement and proceed with a scheduled trial.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
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Rule 17-304. QUALIFICATIONS AND SELECTION OF MEDIATORS AND
SETTLEMENT CONFERENCE CHAIRS

(a) Qualifications of Court-Designated Mediator

To be designated by the court as a mediator, an individual shall:

- (1) unless waived by the parties, be at least 21 years old;
- (2) have completed at least 40 hours of basic mediation training in a program meeting the requirements of (A) Rule 17-104 or (B) for individuals trained prior to January 1, 2013, former Rule 17-106;
- (3) be familiar with the Rules in Title 17 of the Maryland Rules;
- (4) submit a completed application in the form required by the ADR Office;
- (5) attend an orientation session provided by the ADR Office;
- (6) unless waived by the ADR Office, observe, on separate dates, at least two District Court mediation sessions and participate in a debriefing with the mediator after each mediation;
- (7) unless waived by the ADR Office, mediate on separate dates, at least two District Court cases while being reviewed by

an experienced mediator or other individual designated by the ADR Office and participate in a debriefing with the observer after each mediation;

(8) agree to volunteer at least six days in each calendar year as a court-designated mediator in the District Court day-of-trial mediation program;

(9) abide by any mediation standards adopted by the Court of Appeals;

(10) submit to periodic monitoring by the ADR Office;

(11) in each calendar year complete four hours of continuing mediation-related education in one or more of the topics set forth in Rule 17-104; and

(12) comply with the procedures and requirements posted on the ADR Office's website relating to diligence and quality assurance.

(b) Qualifications of Court-Designated Settlement Conference Chair

To be designated by the court as a settlement conference chair, an individual shall be:

(1) a judge of the District Court;

(2) a retired judge approved for recall for service under Maryland Constitution, Article IV, §3A; or

(3) an individual who, unless the parties agree otherwise, shall:

(A) abide by any applicable standards adopted by the Court of Appeals;

(B) submit to periodic monitoring of court-ordered ADR by a

qualified person designated by the ADR Office;

(C) be a member in good standing of the Maryland Bar and have at least three years experience in the active practice of law;

(D) unless waived by the court, have completed a training program of at least six hours that has been approved by the ADR Office; and

(E) comply with the procedures and requirements posted on the ADR Office's website relating to diligence and quality assurance.

(c) Procedure for Approval

(1) Filing Application

An individual seeking designation to mediate or conduct settlement conferences in the District Court shall submit to the ADR Office a completed application substantially in the form required by that Office. The application shall be accompanied by documentation demonstrating that the applicant has met the applicable qualifications required by this Rule.

Committee note: Application forms are available from the ADR Office and on the Maryland Judiciary's website, www.mdcourts.gov/district/forms/general/adr001.pdf.

(2) Action on Application

After such investigation as the ADR Office deems appropriate, the ADR Office shall notify the applicant of the approval or disapproval of the application and the reasons for a disapproval.

(3) Court-Approved ADR Practitioner and Organization Lists

The ADR Office shall maintain a list:

(A) of mediators who meet the qualifications of section (a) of this Rule;

(B) of settlement conference chairs who meet the qualifications set forth in subsection (b)(3) of this Rule; and

(C) of ADR organizations approved by the ADR Office.

(4) Public Access to Lists

The ADR Office shall provide to the Administrative Clerk of each District a copy of each list for that District maintained pursuant to subsection (c)(3) of this Rule. The clerk shall make a copy of the list available to the public at each District Court location. A copy of the completed application of an individual on a list shall be made available by the ADR Office upon request.

(5) Removal from List

After notice and a reasonable opportunity to respond, the ADR Office may remove a person as a mediator or settlement conference chair for failure to maintain the applicable qualifications of this Rule or for other good cause.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 17 - ALTERNATIVE DISPUTE RESOLUTION
CHAPTER 300 - PROCEEDINGS IN THE DISTRICT COURT

Rule 17-305. NO FEE FOR COURT-ORDERED ADR

District Court litigants and their attorneys shall not be required to pay a fee or additional court costs for participating in a mediation or settlement conference before a court-designated ADR practitioner in the District Court.

Source: This Rule is new.

FOR OFFICE USE ONLY

Received:
Responded:



Type:	MED	SC
Other:	CMM	ESQ
LOCATIONS:		

**DISTRICT COURT OF MARYLAND
Alternative Dispute Resolution (ADR) Office**

Volunteer Mediator and Settlement Conference Attorney Application

Please mail your completed application with supporting documentation to:

District Court of Maryland Alternative Dispute Resolution (ADR) Office 251 Rowe Blvd., Suite 307 Annapolis, MD 21401	Phone: 410-260-1676 1-866-940-1729 Fax: 410-260-3536
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I. Applicant Information: Please print **only your preferred contact information.**

Full Name

Address (Home)

Address (Work)

Telephone (Home/Cell) (Work)

E-mail Address(es)

Date of Birth (Month/Day)

II. Volunteer Opportunity for which I am applying (please check all that apply):

- Mediator (*please complete pages 1, 2, 3, and 5*)
- Settlement Conference Attorney (*please complete pages 1, 2, 4, and 5*)

III. I am interested in providing ADR services in the following District Courts of Maryland: (Check all that apply.)

- | | | |
|---|---|---|
| <input type="checkbox"/> Allegany* | <input type="checkbox"/> Charles | <input type="checkbox"/> Prince George's (Hyattsville)* |
| <input type="checkbox"/> Anne Arundel (Annapolis) | <input type="checkbox"/> Dorchester* | <input type="checkbox"/> Prince George's (Upper Marlboro) |
| <input type="checkbox"/> Anne Arundel (Glen Burnie) | <input type="checkbox"/> Frederick | <input type="checkbox"/> Queen Anne's* |
| <input type="checkbox"/> Baltimore City (Fayette & Gay) | <input type="checkbox"/> Garrett* | <input type="checkbox"/> Saint Mary's |
| <input type="checkbox"/> Baltimore County (Catonsville) | <input type="checkbox"/> Harford | <input type="checkbox"/> Somerset* |
| <input type="checkbox"/> Baltimore County (Towson) | <input type="checkbox"/> Howard | <input type="checkbox"/> Talbot* |
| <input type="checkbox"/> Calvert | <input type="checkbox"/> Kent* | <input type="checkbox"/> Washington* |
| <input type="checkbox"/> Carroll | <input type="checkbox"/> Montgomery (Rockville) | <input type="checkbox"/> Wicomico |
| <input type="checkbox"/> Caroline* | <input type="checkbox"/> Montgomery (Silver Spring) | <input type="checkbox"/> Worcester* |
| <input type="checkbox"/> Cecil* | | |

*Currently volunteer opportunities are undeveloped in these locations, however, you will be contacted once the ADR programs are implemented.

IV. Multilingual. Do you speak any other languages where your proficiency is such that you would feel comfortable conducting an ADR process in that language?

No Yes If yes, please list **proficient** languages only:

V. Licensed Practitioner. Are there any ethical codes of conduct to which you adhere because of your profession or affiliation with an institution or organization? No Yes

If so, please indicate here:

VI. Alternative Dispute Resolution Training.

List **all** ADR training you have received. Please attach a copy of **all** certificates received.

<u>Course Title</u>	<u># of hours</u>	<u>Trainer and Organization</u>	<u>Location</u>	<u>Date</u>
.....
.....
.....
.....
.....

VII. Additional Alternative Dispute Resolution Experience.

Other than mediation and settlement conferences, please list all other forms of ADR you have practiced and the number of cases/disputes for each. If you practice for an organization, please list the name of the organization (or private practice).

<u>ADR Process</u>	<u>Number of Cases</u>	<u>Organization</u>
.....
.....
.....

VIII. Why do you want to volunteer as a mediator or settlement conference attorney for the District Court ADR Program?

.....

.....

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IX. How did you learn about the volunteer opportunity with the District Court ADR Office?

- Maryland Judiciary Website
- Newspaper Advertisement:
- Conference:
- Other:
- Other Website:
- Trainer:
- Referral (CMC, co-worker, friend):

X. MEDIATOR APPLICANTS (Settlement Conference Attorney Applicants - skip this page and proceed to Page 4)

To be a mediator for the District Court ADR Program, you **must have completed at least a 40-hour basic or beginning mediation training**, and a copy of your certificates of completion must be attached to this application. Please provide responses to the following questions:

- A. I have been a mediator since (year)
- B. I have mediated (#) disputes since becoming a mediator.
- C. I have mediated (#) disputes in the past twelve months.
- D. I have observed (#) mediation sessions, not as co-mediator or participant, in the past twelve months.
- E. I mediate for the following program(s):
 - Maryland Commission on Civil Rights (MCCR) Community Mediation Center of:
 - Circuit Court Family:..... Circuit Court Non-Domestic:
 - Other:
 - None.

Please identify the mediation model(s) in which you were trained, according to the trainer's outline and definition of mediation. For example: transformative, inclusive (community mediation), facilitative, evaluative, narrative, etc.

The District Court of Maryland ADR Office uses the Facilitative, Transformative, or Inclusive (Community Mediation) approach to mediation. Which model will you use?

- Facilitative Transformative Inclusive (Community Mediation)

The District Court of Maryland ADR Office **requires** all roster mediators to become a member of the Maryland Program for Mediator Excellence (MPME) www.mpmeonline.org **and to adhere** to all membership requirements of the MPME. *There is no cost associated with joining the MPME. If you have concerns about joining the MPME, please indicate your concerns below and we will take them into consideration.*

Choose one:

- (Please Initial) I am already a member of the MPME, and confirmation of my membership is attached.
- (Please Initial) I agree to become a member of the MPME and adhere to the membership requirements of the MPME.
- (Please initial.) I am not joining the MPME at this time. My concerns are:

.....

.....

.....

PLEASE PROVIDE SUBSTANTIVE WRITTEN RESPONSES TO QUESTIONS M-1 to M-5. Use you own paper to respond.

Applications received without written responses to the following questions may be disregarded.

- M-1.** In about 50 words, please describe your mediation style and framework.
- M-2.** In your opinion, what are the three hallmarks of mediation?
- M-3.** Please describe the types of disputes, if any, you have mediated in the past three years.
- M-4.** In your own words, how do you describe the mediation process to disputants?
- M-5.** If you have ever been faced with an ethical dilemma as a mediator, please briefly describe that situation and how it was resolved.

(Mediator-only Applicants should skip page 4 and proceed to page 5)

XI. SETTLEMENT CONFERENCE ATTORNEY APPLICANTS

(Mediator-only Applicants should skip this page and proceed to page 5)

To be a Settlement Conference Attorney with the District Court ADR Program, you must be or have been a **practicing attorney and should have substantial knowledge** and experience with the types of cases, the local bench, and **have familiarity with case outcomes** for the District(s) in which you are applying. Please provide responses to the following questions.

I am a: *(Check all that apply)* practicing attorney retired attorney
 retired judge attorney - not actively practicing

***Please note that the District Court ADR Office differentiates between mediation and settlement conferences. If you are serving as a settlement conference attorney, you may not call that process "mediation," nor should you call yourself a mediator while in the role of conducting a settlement conference.**

Number of years as a practicing attorney:..... Number of years as a judge:.....

I am a member of the following bar associations:

Please identify the approximate percentage of your practice in the following venues:

..... % in the District Court of Maryland % in any of the Circuit Courts in Maryland
..... % in Federal Court % Other

Of those cases filed in the **District Court of Maryland**, please identify the percentage of the type(s) of cases:

..... % Contract % Replevin/Detinue % Landlord/Tenant % Peace Order
..... % Tort % Collections % Other:

PLEASE PROVIDE SUBSTANTIVE WRITTEN RESPONSES TO QUESTIONS SC-1 to SC-3. Use you own paper to respond.

Applications received without written responses to the following questions may be disregarded.

SC-1. Describe your experience in settlement conferences, either as a neutral or as an attorney representing a client. In particular, how does your experience reflect why you should be selected to serve as a Settlement Conference Attorney for the District Court of Maryland?

SC-2. If you have ever been faced with an ethical dilemma while serving as a neutral, please briefly describe that situation and how it was resolved.

SC-3. In your own words, describe the settlement conference process and role of the Settlement Conference Attorney.

ALL APPLICANTS MUST PROVIDE RESPONSE TO THE REMAINING QUESTIONS AND SIGN AND DATE THE APPLICATION.

XII. Ethics and Professionalism

A. Ethics, Monitoring and Other Requirements.

I agree to abide by any Code of Ethics approved by the Court of Appeals, to submit to periodic monitoring of court-connected ADR proceedings by a qualified person designated by the District Court of Maryland ADR Office, and to comply with the policies and procedures prescribed by the District Court of Maryland ADR Office. (Required) www.mdcourts.gov/district/adr/home.html

Yes No _____ (Please Initial)

B. Current or Pending Disciplinary Actions.

Are there currently any **criminal charges** pending against you in Maryland or elsewhere **other than minor traffic violations**? If yes, please provide details including the date of the alleged incident, the location and the name of the court and the alleged offense. *Use additional paper to provide this information. Criminal charges and/or disciplinary actions are not an automatic bar to this program.*

Yes No _____ (Please Initial)

C. Criminal Convictions.

Have you ever been convicted of any crime in Maryland or elsewhere other than a minor traffic violation? If yes, please provide the details including the conviction date, the location and name of the court, the offense and the sentence imposed. *Use additional paper to provide this information. Criminal convictions are not an automatic bar to this program.*

Yes No _____ (Please Initial)

D. Ethics.

Have you ever been disciplined by any court, administrative agency, bar association, or other disciplinary committee, agency or group in Maryland or elsewhere for **unethical conduct or for the violation of any Code of Ethics**? If yes, please provide details including the date, the disciplinary body, the conduct at issue and the disciplinary action taken. *Use additional paper to provide this explanation.*

Yes No _____ (Please Initial)

E. Directory

The District Court of Maryland is considering publishing a statewide directory of the District Court of Maryland ADR volunteers, either in hard copy, web-based, or both. It will list the volunteer's name, address, phone number, and email address. Would you be interested in being listed in this directory? (There is no charge to be listed and only current and active volunteers will be listed.)

Public Directory: Yes No (visible to public) Internal District Court ADR Roster Directory: Yes No (may be distributed to our roster volunteers)

F. I agree that if any of the above circumstances change, I will notify the District Court of Maryland ADR Office.

Yes No _____ (Please Initial)

I agree to the following and hereby represent that all information provided by me in this application is true and correct. I understand that while volunteering for the District Court of Maryland, I may hear, observe, or collect information of a confidential or sensitive nature and this information is not to be shared in any manner with anyone outside of the District Court of Maryland ADR Office.

.....
Signature of Applicant

.....
Date

In case of emergency, please contact: (Name)

Relationship: Phone Number: