

3 Steps to Volunteer as a Settlement Conference Attorney

in the
DISTRICT COURT OF MARYLAND
Day of Trial ADR Program

⇒ Have you been in the active practice of law in Maryland for at least 3 years?

⇒ Do you want to earn pro bono credits without the commitment of taking on another case?

⇒ Do you have a genuine desire to help litigants resolve their cases?

If so, we've got just the volunteer opportunity for you!
Join the District Court's roster of volunteer settlement conference attorneys

STEP 1

Complete the District Court of Maryland ADR Volunteer Application for Settlement Conference Attorneys* (Rule 17-304(c)(1))

Application available online at www.mdcourts.gov/district/adr/volunteers.html

STEP 2

Attend the District Court's Settlement Conference Attorney Volunteer Training and Orientation Program (Rule 17-304(b)(3)(D))

(a 6.5 hour continuing ADR education program)

STEP 3

Agree to abide by

District Court of Maryland ADR Office Policies and Procedures including:

Abide by the *Maryland Standards of Conduct for Mediators, Arbitrators and Other ADR Practitioners*

(as adopted by the Maryland Court of Appeals, Rule 17-304(b)(3)(A));

Agree to periodic monitoring as part of the District Court ADR Office's Quality Assurance Initiative (Rule 17-304(b)(3)(E));

Complete ADR Forms in a timely manner; and,

Commit to provide availability to volunteer on at least 6 occasions annually
(that's just once every two months).

** Minimum applicant qualifications: be a member in good standing with the Maryland Bar and possess at least 3 years of experience in the active practice of law (substantial civil litigation experience in the District Court of Maryland) (Rule 17-304(b)(3)(C)).*

Settlement Conference Attorney Quality Assurance

Components of Settlement Conference Attorney Quality Assurance Program:

1. Complete a District Court ADR Volunteer Application (Md. Rule 17-304(c)(1));
2. Attend **New Volunteer Settlement Conference Attorney Orientation and Training**;
3. Participate in an **On-Site Orientation**;
4. Participate in the Settlement Conference Attorney Review Process;
5. Agree to submit to Periodic Monitoring; and,
6. Comply with the procedures and requirements posted on the ADR Office's website relating to diligence and quality assurance (Md. Rule 17-304(b)(3)(E)).

New Volunteer Settlement Conference Attorney Orientation and Training

A full day training and orientation in Annapolis offered annually to educate and familiarize new volunteers to the Day of Trial ADR Program with the District Court's jurisdiction, case referrals, ADR Office policies and procedures, Maryland Rules of Procedure – Title 17 (ADR in the Courts), ADR volunteer commitments and obligations, ADR forms, ADR scheduling processes, ethical obligations and Standards of Conduct for Settlement Conference Attorneys, and best practices, among other topics.

On-Site Orientation

A meeting with your Regional ADR Programs Director on your first scheduled date to volunteer in the local Day of Trial ADR Program to become familiar with local procedures, court facilities, ADR forms and to be introduced to local court staff.

Settlement Conference Attorney Review Process

A quality assurance initiative to provide a new volunteer Settlement Conference Attorney (SCA) with hands-on support in the local District Court Day of Trial ADR program alongside a Lead District Court settlement conference attorney or ADR staff member. On the Settlement Conference Attorney's first scheduled appearance in the Day of Trial ADR program (typically coordinated with the On-Site Orientation), the SCA:

MAY ELECT TO OBSERVE

Observe a Lead Settlement Conference Attorney (SCA) conduct a settlement conference and correctly complete ADR forms. Debrief with the Lead SCA after the ADR session.

AND IS REQUIRED TO BE REVIEWED

Conduct a settlement conference, complete ADR forms while being observed and supported by either a Lead Settlement Conference Attorney (SCA) or an ADR staff member. Debrief with the Lead SCA or ADR staff member after the ADR session.

A case is considered an ADR session if the participants agree to participate in the settlement conference, sign the Agreement to Participate in ADR form, and engage in a discussion about resolving the case (even if the session does not result in a resolution).

DISTRICT COURT OF MARYLAND, ALTERNATIVE DISPUTE RESOLUTION (ADR) OFFICE

4 Steps to Becoming a Volunteer Mediator with the District Court

STEP 1: Meet the qualifications in accordance with Maryland Rule 17-304(a) and District Court ADR Office policy

- At least 21 years of age, and at least 40 hour of Basic (beginning) Mediation Training (BMT); and,
- [Additional qualifications as set forth by the District Court ADR Office:](#)
- Membership in the Maryland Program for Mediator Excellence (MPME) (Join online at www.mpmeonline.org)

STEP 2: Complete the District Court of Maryland ADR Volunteer Application for Mediators

Application available online at www.mdcourts.gov/district/adr/volunteers.html

Step 3: Attend a District Court New Volunteer Mediator Orientation (17-304 (a)(5)); Complete the District Court Mediator Apprentice Process (17-304 (a)(6-7));

STEP 4: In addition to all of the above:

- **Abide by the *Maryland Standards of Conduct for Mediators, Arbitrators and Other ADR Practitioners* as adopted by the Maryland Court of Appeals (17-304 (a)(9));**
- **Agree to volunteer at least six days in each calendar year (17-304 (a)(8));**
- **Agree to periodic monitoring as part of the District Court ADR Office's Quality Assurance Initiative (17-304 (a)(10));**
- **Complete four (4) hours of continuing mediation-related education in one or more topics, in each calendar year, as set forth in Rule 17-104 (17-304 (a)(11)); and,**
- **Comply with the procedures and requirements posted on the ADR Office's website relating to diligence and quality assurance (17-304 (a)(12)).**

**DISTRICT COURT OF MARYLAND
ALTERNATIVE DISPUTE RESOLUTION (ADR) OFFICE**

Additional ADR Office Policy for Mediator Applicants

In accordance with Maryland Rule 17-304(a), and District Court ADR Office policy:

- a) At least 21 years of age (17-304 (a)(1)); and,
- b) Applicant has completed at least 40 Hours of Basic (Beginning) Mediation Training (BMT) (17-304 (a)(2)); and either:
 - i. Since completion of training, has mediated at least **four cases annually** in one or more of the following capacities such as (but not limited to) court mediation, for a community mediation center, or as a private practitioner
 - OR
 - ii. If applicant has completed the 40 hours of BMT **within the past 24 months, but has not mediated** at least four cases annually in accordance with "b)i." above, the following may be accepted in lieu of the experience if completed within the past 12 months:

A total of four activities (approximately one per quarter) that consist of any combination of:

- Mediation
- Mediation observations (not including video sessions)
- Continuing mediation education courses* (two of the education courses must be comprised primarily of skill-building which include role-plays, role-plays with coaching, interactive practice of mediation skills). Verification of attendance♦ must be submitted.

- c) If applicant completed the 40 hours of BMT **more than 24 months** before the application is submitted, only b(i) above will be accepted.

* Continuing mediation education is defined as successful completion of any of the below (list may not be all-inclusive).

- Mediation-specific skill-building courses (including role-plays as the mediator, role-plays as the mediator with coaching, interactive practice of mediation skills)
- Mediation webinars
- Mediation teleconferences
- Mediation-focused workshops
- Mediation college courses
- Community Mediation Center led/sponsored courses (including in-service training)

♦ Verification of attendance may include but is not limited to: certificate of completion, a letter/email from the trainer, copy of the syllabus, screen shot of completed training.

**DISTRICT COURT OF MARYLAND
ALTERNATIVE DISPUTE RESOLUTION (ADR) OFFICE**

DISTRICT COURT OF MARYLAND

Alternative Dispute Resolution Office

ADR VOLUNTEER STATUS

**Describes a volunteer's level of activity in the Day of Trial ADR Program
(based on the prior calendar year activity).**

'Volunteer Status' determinations are made annually, every January, based on the prior calendar year Day of Trial ADR Program activity.

STATUS

ACTIVE: Volunteered in the prior calendar year.

1. A volunteer who signs-up to volunteer in the Day of Trial ADR program and ...
 - a. shows-up to volunteer on their scheduled date;
 - b. voluntarily cancels on scheduled date (*but not habitually*);
 - c. is called off by the Regional ADR Programs Director or Court Support Staff due to a light docket; or,
 - d. is called off due to bad weather, bench meeting, court closing, etc.
2. This does NOT include someone who habitually cancels or fails to appear on their scheduled date.

INACTIVE: Did not volunteer in the prior calendar year.

- A volunteer who...
- a. does not sign-up to volunteer during the prior calendar year in the Day of Trial ADR program; or,
 - b. signs-up to volunteer during the prior calendar year, and habitually cancels or fails to appear on their scheduled date.

ARCHIVE: Did not volunteer in the 2 previous, consecutive calendar years.

- A volunteer who...
- a. does not sign-up to volunteer during the prior two (2) consecutive calendar years in the Day of Trial ADR program; or,
 - b. signs-up to volunteer at some point during the prior two (2) consecutive calendar years, and habitually cancels or fails to appear on their scheduled date.

DISTRICT COURT OF MARYLAND

ALTERNATIVE DISPUTE RESOLUTION OFFICE

ADR VOLUNTEER CLASSIFICATION

Describes a volunteer's role on our roster.

- Applicant:** A Mediator or Settlement Conference Attorney who has submitted an ADR Volunteer Application to the District Court ADR Office.
- Approved Applicant:** A Mediator or Settlement Conference Attorney with an approved ADR volunteer Application on file with the District Court ADR Office. An Approved Applicant may be invited to a New Volunteer Orientation, so long as the roster is open to accept new volunteers for the court location the Approved Applicant indicated a preference to volunteer in (on the ADR Volunteer Application).
- Apprentice Mediator:** A Mediator with an approved ADR Volunteer Application on file with the District Court ADR Office, has attended the entirety of New Volunteer Mediator Orientation, and is participating in the Mediator Apprenticeship Process.
- Panel Mediator:** The new classification of an Apprentice Mediator upon successful completion of the Mediator Apprenticeship Process.
- Panel Settlement Conference Attorney:** A Settlement Conference Attorney with an approved ADR Volunteer Application on file with the District Court ADR Office, has attended the entirety of New Volunteer Settlement Conference Attorney Training and Orientation, and is reviewed by an ADR staff member or Lead Settlement Conference Attorney, while conducting a settlement conference within nine months of attending Orientation.
- Lead:** In addition to meeting the qualifications of a Panel Mediator or Panel Settlement Conference Attorney, a volunteer who has been identified to have reached a skill level such that the ADR Office feels comfortable pairing the Lead with an Apprentice Mediator or new volunteer Settlement Conference Attorney. The Lead Volunteer may be observed by an Apprentice Mediator or new volunteer Settlement Conference Attorney, and is someone who is skilled at giving constructive feedback and leading a conversation following a mediation or settlement conference.

**Policy on
Reviewing Criminal Convictions
and
Maryland Attorney Grievance Commission Disciplinary Actions for
ADR Volunteer Applicants¹**

Part I

All ADR Volunteer Applications, regardless of disclosures provided by an applicant, will be screened through the Maryland Judiciary Case Search and the Maryland Attorney Grievance Commission Disciplinary Actions database to search for criminal convictions and disciplinary actions.

DARM² is responsible for reviewing all Mediator and Settlement Conference Attorney Applicants who are also attorneys against the Maryland Attorney Grievance Commission Disciplinary Actions.

DARM is responsible for searching all Mediator and Settlement Conference Attorney Applicants in the Maryland Judiciary Case Search for criminal convictions. Applicants should be verified using name, birth date, and address.

Part II

Our ADR Volunteer Application review policy related to ethical sanctions (attorney grievance commission disciplinary actions) and criminal convictions is that we welcome practitioners to apply to our program **one** years after the latest of:

- (a) the sanction date; or
- (b) release from incarceration; or
- (c) the reinstatement date; or,
- (d) the expiration of any probationary period.

Part III ADR Office staff members are free to raise concerns to the ED about an ADR Volunteer Applicant if they have any.

Part IV - Attorney Grievance Commission - Disciplinary Actions

<http://www.courts.state.md.us/attygrievance/sanctions.html>

Indefinite Suspension

Indefinite Suspension w/ Consent

Interim Suspension

Suspension for 1 year

90-Day Suspension

60-Day Suspension

30-Day Suspension

Disbarment

Disbarment by Consent

Reprimand

Reprimand by Consent

Commission Reprimand

¹This policy is in alignment with the best practices and standards for assessing applicants criminal convictions when applying for an employment position as recommended in the EEOC Enforcement Guidelines (915.002, 4/25/2012) on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964 and cited by the court in *Green v Missouri Pacific Railroad*, 549 F.2d 1158 (8th Cir. 1977).

²Director of ADR Roster Management

Mediator Quality Assurance & The Apprentice Process

Components of Mediator Quality Assurance Program:

- Complete a District Court ADR Volunteer Application (Md. Rule 17-304(a)(4));
- Join the Maryland Program for Mediator Excellence (and maintain membership in good standing);
- Attend **New Volunteer Mediator Orientation**;
- Participate in an **On-Site Orientation**;
- Successfully complete the **Mediator Apprentice Process**;
- Agree to submit to Periodic Monitoring;
- Complete four (4) hours of continuing mediation-related education (every calendar year); and,
- Comply with the procedures and requirements posted on the ADR Office's website relating to diligence and quality assurance (Md. Rule 17-304(a)(12)).

New Volunteer Mediator Orientation

A full day orientation in Annapolis offered annually educate and familiarize new volunteers to the Day of Trial ADR Program with the District Court's jurisdiction, case referrals, ADR Office policies and procedures, Maryland Rules of Procedure – Title 17 (ADR in the Courts), ADR volunteer commitments and obligations, ADR forms, ADR scheduling processes, mediator ethical obligations and Standards of Conduct for Mediators, and best practices, among other topics.

On-Site Orientation

A meeting with your Regional ADR Programs Director on your first scheduled date to volunteer in the local Day of Trial ADR Program (scheduled in concert with first mediation observation) to become familiar with local procedures, court facilities, ADR forms and to be introduced to local court staff.

Mediator Apprentice Process

A quality assurance initiative to provide new volunteer mediators with an opportunity to observe, experience and mediate in the Day of Trial mediation program in the local District Court alongside the support of seasoned District Court mediators. Mediators are encouraged to complete the Apprentice Process within nine (9) months after orientation (measured from the first full month following New Volunteer Mediator Orientation).

Stage 1: OBSERVATIONS

Observe a Lead Mediator mediate a minimum of two cases on two different dates.
Debrief with the Lead Mediator after each mediation session.

Stage 2: REVIEWS

Mediate a minimum of two cases on two different dates while being observed by ADR staff or a Lead Mediator. Debrief with the staff member or Lead Mediator after each mediation session.

After successful completion of Stages 1 and 2 of the Mediator Apprentice Process, while being receptive and responsive to feedback, the mediator may qualify to join the Panel Mediator Roster.

A case is considered a mediation session where the participants agree to participate in mediation and sign the Agreement to Participate in ADR form, even if the session does not result in a resolution.

DISTRICT COURT OF MARYLAND, ALTERNATIVE DISPUTE RESOLUTION (ADR) OFFICE



DISTRICT COURT OF MARYLAND
ALTERNATIVE DISPUTE RESOLUTION (ADR) OFFICE

For Internal Use Only
[] RPD [] DMPID [] DARM

Mediation Apprenticeship Process Form

Observations by Apprentice Mediators should complete this form on coral paper. Reviews by Lead Mediators should complete this form on blue paper.

CORAL = Observation
BLUE = Review

Apprentice Name: _____

Lead Mediator(s): _____

Courthouse Location: _____ Date: _____

Case Number: _____

1. This case is the Apprentice's: (Please select one option below. Complete one form per case observed/mediated.)

Observation: [] 1st Observation [] 2nd Observation [] 3rd Observation

Review: [] 1st Review [] 2nd Review [] 3rd Review

Other: _____

2. The Mediator(s) is using the following framework today: (Please select ONE framework below)

[] Facilitative [] Transformative [] Inclusive (Community Mediation)

3. This case will be mediated as a: (Please select one option.)

[] Solo Mediation (complete this page and page 2 only) [] Co-Mediation (complete this page and page 3 only)
Go to Page 2 NOW Go to Page 3 NOW

Complete AFTER the Mediation

4. Things _____ learned today: Things _____ learned today:

5. FEEDBACK - Time I spent on feedback _____ (mins.)

6. [] I would like a copy of this form e-mailed to me.

Name: _____ E-mail: _____

Name: _____ E-mail: _____

Name: _____ E-mail: _____

RETURN THIS COMPLETED FORM
with your completed green shaded ADR Practitioner Activity Report and Confidential Survey Envelope
to the designated ADR Forms drop-off area in your courthouse.

FOR SOLO MEDIATION ONLY

FORM INSTRUCTIONS

Section A: Completed *prior to receiving* a case by the Mediator who will be mediating.

Section C: Completed by the Apprentice Mediator Observer or the Lead Mediator Reviewer *during* the Mediation.

A. PRE-MEDIATION DISCUSSION

1. Things the Mediator would like to work on

today: (Go to **page 4** to see a sample list of skills and techniques by framework.)

B. PREPARING for the FEEDBACK CONVERSATION

Lead and Apprentice Mediators should talk about their experiences of the mediation session (including above and below) immediately after the session. Please consider any time constraints that might exist today.

C. MEDIATION OBSERVATION or REVIEW

During the Opening & Welcome, did the Mediator:

- A process in which participants have the ability to resolve their own dispute(s)
- Voluntary Process Confidential Process Explain the exceptions to Confidentiality
- Ask if any questions Ask everyone in the room to sign & date the form Distribute copies
- Introduce and explain the ADR Participant Survey(s)

Specific Feedback: _____

During the Mediation

Things the Mediator did well

Opportunity for Change/Improvement:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If caucus was used, did mediator meet with each side separately? Yes No

If caucus was used, did the mediator explain confidentiality prior to conclusion of each caucus? Yes No

If participants reached agreement, did the Mediator:

- Allow the participants to create their own options to resolve their dispute
- Engage in reality testing with the participants Help the participants to clarify their agreement
- Was Agreement: Clearly stated using the participants' language/terms
- An accurate reflection of the participants' agreement
- Reviewed and confirmed by all parties to the agreement

At the conclusion of the mediation, did the Mediator:

- Reintroduce ADR Participant Survey(s) Explain to participants to use Confidential Envelope
- Direct participants to return to the courtroom Correctly complete ADR Paperwork

Additional Comments: _____

Please return to page 1 to complete questions 4, 5 and 6 prior to dropping off completed ADR Forms.

FOR CO-MEDIATION ONLY

FORM INSTRUCTIONS

Section A: Completed *prior to receiving* a case by the Mediators who are co-mediating.

Section C: Completed by the Apprentice Mediator Observer. Or, if an Observer is not present, completed by the Co-Mediators *after* the mediation.

A. PRE-MEDIATION DISCUSSION

1. Things _____ would like to work on today: Things _____ would like to work on today:
(Go to *page 4* to see a sample list of skills and techniques by framework.)

B. PREPARING for the FEEDBACK CONVERSATION

Lead and Apprentice Mediators should talk about their experiences of the mediation session (including above and below) immediately after the session. Please consider any time constraints that might exist today.

C. MEDIATION OBSERVATION or REVIEW

During the Opening & Welcome, did the Mediators:

- A process in which participants have the ability to resolve their own dispute(s)
- Voluntary Process Confidential Process Explain the exceptions to Confidentiality
- Ask if any questions Ask everyone in the room to sign & date the form Distribute copies
- Introduce and explain the ADR Participant Survey(s)

Specific Feedback: _____

During the Mediation:

Things _____ did well:

Things _____ did well:

_____’s Opportunity for Change/Improvement:

_____’s Opportunity for Change/Improvement:

If caucus was used, did mediators meet with each side separately? Yes No

If caucus was used, did the mediators explain confidentiality prior to conclusion of each caucus? Yes No

If participants reached agreement, did the Mediators:

- Allow the participants to create their own options to resolve their dispute
- Engage in reality testing with the participants Help the participants to clarify their agreement
- Was the Agreement: Clearly stated using the participants’ language/terms
- An accurate reflection of the participants’ agreement
- Reviewed and confirmed by all parties to the agreement

At the conclusion of the mediation, did the Mediators:

- Reintroduce ADR Participant Survey(s) Explain to participants to use Confidential Envelope
- Direct participants to return to the courtroom Correctly complete ADR Paperwork

Additional Comments: _____

Please return to page 1 to complete questions 4, 5 and 6 prior to dropping off completed ADR Forms.

Skills & Techniques For All Mediation Frameworks

- ◆ Comfort with silence
- ◆ Explain mediation
- ◆ Room preparation
- ◆ Neutral language
- ◆ Calm demeanor
- ◆ Balance time and focus between the participants
- ◆ Allow participants to speak directly to each other
- ◆ Check-in with participant who has not been active in the conversation
- ◆ Be non-judgmental
- ◆ Listen to participants without interruption
- ◆ Let the participants have their own language
- ◆ Summarize with check-in for accuracy
- ◆ Be comfortable with conflict
- ◆ Equal eye contact among participants
- ◆ Non-judgmental body language
- ◆ Summarize and highlight available decision points
- ◆ Write agreements at the direction of the participants using their own words
- ◆ All participants to the agreement review and confirm the written agreement

Skills & Techniques For Facilitative Mediators

- ◆ Active listening
- ◆ Reframe
- ◆ Be non-judgmental
- ◆ Reflect
- ◆ Option-building
- ◆ Ask open-ended questions
- ◆ Recognize power imbalances
- ◆ Acknowledge feelings/emotions
- ◆ Highlight common ground/joint interests
- ◆ Future focused, not to the exclusion of discussing the past
- ◆ Help support clarity and understanding
- ◆ Ask closed-ended questions only as appropriate
- ◆ Use caucus to support each participant to communicate directly with other

Skills & Techniques For Transformative Mediators

- ◆ Listen
- ◆ Ask open-ended questions
- ◆ Use of participant names and/or you/your (*not I/we*)
- ◆ Support the participants' conflict talk
- ◆ Provide minimal information
- ◆ Summarize
- ◆ Highlight disagreements as well as agreements
- ◆ Allow participants to direct the conversation
- ◆ Check-in based on what is being observed
- ◆ Reflect, using same words & emotional intensity expressed by participants

Skills & Techniques For Inclusive Mediators

- ◆ Strategic Listening
- ◆ Summarize
- ◆ Identify Values
- ◆ Check with participants to make sure the reflection is accurate
- ◆ Identify Topics
- ◆ Attempt to understand each participant
- ◆ Reflect matching the intensity expressed by the participants
- ◆ Identify Feelings
- ◆ Follow a defined process:
 1. Talk about whatever they choose
 2. Build clarity as to what is important
 3. Identify topics participants want to resolve
 4. Identify goals each participant has for each topic
 5. Brainstorm options
 6. Consider each of the generated options in terms which will meet all participants' goals



DISTRICT COURT OF MARYLAND
Alternative Dispute Resolution (ADR) Office

CORAL

ADR VOLUNTEER OBSERVATION FORM

Please review this form prior to your ADR Session.

You will debrief this form with the ADR Practitioner after the ADR session. This form and any information contained therein is confidential and for internal use only by the ADR Practitioners specified on this form and the District Court of Maryland's Alternative Dispute Resolution Office.

Upon completion, please place this coral Observation Form in the same location as your green Practitioner Activity Report and yellow Participant Feedback forms.

Your Name/ID Number: _____

Type of Session: (please circle one) 1st Obs 2nd Obs 3rd Obs Other: _____

Name of Person Being Observed/ID Number: _____

Courthouse Location: _____

Date: _____ Case Name or Number: _____

Type of ADR Process: (please circle one) MEDIATION or SETTLEMENT CONFERENCE

If circled mediation above, please select a framework:

- Facilitative Transformative Community Mediation (Inclusive)

Please use the following to complete the blanks provided for each item:
Yes or checkmark: if you did observe an item
No or Leave Blank: if you did not observe an item
N/A: if an item did not apply to this ADR session
U or ?: if you are unsure about an item
Please provide explanations when instructed to do so.

PART I. *Please complete Part I of the form DURING the ADR session.

A. Introduction

Did the ADR Practitioner:

- Welcome the participants and set them at ease?
Introduce himself/herself to the participants and ask what the participants would like to be called?
Ensure that the participants had the proper authority to resolve the dispute?
Check that all necessary parties to the dispute were present?
Effectively handle any third parties that may be present (example: relatives or friends)?

If so, how did the ADR Practitioner handle third parties?

B. Explaining the ADR Process & “Agreement to Participate in ADR” Form

Did the ADR Practitioner explain that the process is:

- _____ A process in which participants have the ability to resolve their own dispute(s)?
- _____ Voluntary?
- _____ Confidential?
 - _____ Were the exceptions to confidentiality discussed?

How did the ADR Practitioner describe the confidentiality of the ADR Session?

Did the ADR Practitioner explain that:

- _____ He/She is not a finder of fact/decision-maker?
- _____ He/She is Impartial/Unbiased/Neutral?
- _____ He/She is a facilitator of communication between the participants?
- _____ He/She will not give legal advice to the participants?
- _____ He/She did or did not have a conflict of interest with respect to the participants?
- _____ The participants are required to participate in the ADR process in good faith?
- _____ The participants waive their right to bring a legal action against the ADR Practitioner and the District Court of Maryland regarding their ADR session?
- _____ Introduce and explain the Participant Feedback Form?

C. “Agreement to Participate in ADR” Form

- _____ Did the ADR Practitioner *provide* each of the participants with a copy of the Form, *explain* the Form, and have each participant *sign* the Form?
- _____ Did the ADR Practitioner ask if the participants had any questions about the ADR process or the “Agreement to Participate in ADR” Form?

***Please complete the remainder of the form AFTER the ADR session.**

PART II.

A. Information Sharing & Issue Clarification

How did the ADR Practitioner decide which participant spoke first? _____

Did the ADR Practitioner:

- _____ Listen to each participant without interruption?
- _____ Give each participant an opportunity to explain their concerns?
- _____ Balance time and focus between the participants?
- _____ Acknowledge the feelings/emotions of the participants and empathize with them?
- _____ Accurately and briefly summarize the participants' information and concerns?
- _____ Engage in active listening with the participants?
- _____ Move past participants' positions to identify their underlying interests?
- _____ Identify joint interests?
- _____ Ask open or closed questions appropriately?
- _____ Use positive re-framing of statements and positions?
- _____ Demonstrate understanding of the relevant issues involved in the dispute?
- _____ Ask the participants for clarification on the issues involved in the dispute?
- _____ Did the ADR Practitioner state the law?

Part III.

A. Resolution/Closure

Did the ADR Practitioner:

- _____ Suggest agreement terms to the parties to resolve their dispute?
- _____ Allow the parties to create their own options to resolve their dispute?
- _____ Give a legal analysis of the case to help the parties identify the strengths and weaknesses of their case?
- _____ Give a legal analysis of the case to advise the parties how to resolve their dispute?
- _____ Engage in reality testing with the participants?
- _____ If so, how effective was the ADR practitioner using these techniques? And why?

If an agreement was reached, did the ADR Practitioner draft a sufficiently specific agreement that:

- _____ helped the participants to clarify their agreement?
- _____ was clearly stated using the language of the participants?
- _____ accurately reflected the participants' agreement?

Feedback Forms:

- _____ Provide the Participant Feedback form to each participant?

Part IV.

A. Caucusing (if applicable)

Did the ADR Practitioner:

_____ Explain to the participants why he/she called a caucus?

_____ If yes, why? If not, why do you believe a caucus occurred?

_____ Ask each participant if any information shared during the caucus session should remain confidential, and then keep that particular information confidential?

_____ Do you believe the ADR Practitioner's decision to caucus was helpful? Why or why not?

B. Non-Verbal Communication

_____ Was the ADR Practitioner neutral in his or her body language?

_____ Did the ADR Practitioner make eye contact with all of the participants?

C. Personal & Professional Qualities

Did the ADR Practitioner:

_____ Remain courteous throughout the process?

_____ Refrain from giving legal advice or providing a legal opinion or decision?

_____ Recognize and respect cultural differences?

Part V.

A. Comments:

1. What was one thing you learned today that will help you when you volunteer in the Day of Trial ADR program?

Questions or comments about today's observation?

Please contact your Regional ADR Programs Director to share with us your experience.

Please place this coral Observation Form in the same location as your green Practitioner Activity Report and yellow Participant Feedback forms.



DISTRICT COURT OF MARYLAND

Alternative Dispute Resolution (ADR) Office

BLUE

ADR VOLUNTEER REVIEW FORM

Please review this form with the ADR volunteer you are reviewing prior to the start of the ADR Session. You will **debrief this form** together **after the ADR session**. This form and any information contained therein is confidential and for internal use only by the ADR Practitioners specified on this form and the District Court of Maryland's Alternative Dispute Resolution Office.

Upon completion, please place this blue Review Form in the same location as your green Practitioner Activity Report and yellow Participant Feedback forms.

Your Name (Reviewer): _____

Type of Session: (please circle one) 1st Review 2nd Review 3rd Review Other: _____

Name of Person Being Reviewed: _____

Courthouse Location: _____

Date: _____ Case Name *or* Number: _____

Type of ADR Process: (please circle one) **MEDIATION** or **SETTLEMENT CONFERENCE**

If circled mediation above, please select a framework:

- Facilitative
 Transformative
 Community Mediation (Inclusive)

Please use the following to complete the blanks provided for each item:

- Yes or ✓:** if you *did* observe an item
No or Leave Blank: if you *did not* observe an item
N/A: if an item *did not apply* to this ADR session
U or ?: if you are *unsure* about an item
 Please provide explanations when instructed to do so.

PART I. *Please complete Part I of the form DURING the ADR session.

A. Introduction

Did the ADR Practitioner:

- _____ Welcome the participants and set them at ease?
 _____ Introduce himself/herself to the participants and ask what the participants would like to be called?
 _____ Ensure that the participants had the proper authority to resolve the dispute?
 _____ Check that all necessary parties to the dispute were present?
 _____ Effectively handle any third parties that may be present (example: relatives or friends)?

If so, how did the ADR Practitioner handle third parties?

B. Explaining the ADR Process & “Agreement to Participate in ADR” Form

Did the ADR Practitioner explain that the process is:

_____ A process in which participants have the ability to resolve their own dispute(s)?

_____ Voluntary?

_____ Confidential?

_____ Were the exceptions to confidentiality discussed?

How did the ADR Practitioner describe the confidentiality of the ADR Session?

Did the ADR Practitioner explain that:

_____ He/She is not a finder of fact/decision-maker?

_____ He/She is Impartial/Unbiased/Neutral?

_____ He/She is a facilitator of communication between the participants?

_____ He/She will not give legal advice to the participants?

_____ He/She did or did not have a conflict of interest with respect to the participants?

_____ The participants are required to participate in the ADR process in good faith?

_____ The participants waive their right to bring a legal action against the ADR Practitioner and the District Court of Maryland regarding their ADR session?

_____ Introduce and explain the Participant Feedback Form?

C. “Agreement to Participate in ADR” Form

_____ Did the ADR Practitioner *provide* each of the participants with a copy of the Form, *explain* the Form, and have each participant *sign* the Form?

_____ Did the ADR Practitioner ask if the participants had any questions about the ADR process or the “Agreement to Participate in ADR” Form?

***Please complete the remainder of the form AFTER the ADR session.**

PART II.

A. Information Sharing & Issue Clarification

How did the ADR Practitioner decide which participant spoke first? _____

Did the ADR Practitioner:

- _____ Listen to each participant without interruption?
- _____ Give each participant an opportunity to explain their concerns?
- _____ Balance time and focus between the participants?
- _____ Acknowledge the feelings/emotions of the participants and empathize with them?
- _____ Accurately and briefly summarize the participants' information and concerns?
- _____ Engage in active listening with the participants?
- _____ Move past participants' positions to identify their underlying interests?
- _____ Identify joint interests?
- _____ Ask open or closed questions appropriately?
- _____ Use positive re-framing of statements and positions?
- _____ Demonstrate understanding of the relevant issues involved in the dispute?
- _____ Ask the participants for clarification on the issues involved in the dispute?
- _____ Did the ADR Practitioner state the law?

Part III.

A. Resolution/Closure

Did the ADR Practitioner:

- _____ Suggest agreement terms to the parties to resolve their dispute?
 - _____ Allow the parties to create their own options to resolve their dispute?
 - _____ Give a legal analysis of the case to help the parties identify the strengths and weaknesses of their case?
 - _____ Give a legal analysis of the case to advise the parties how to resolve their dispute?
 - _____ Engage in reality testing with the participants?
- If so, how effective was the ADR practitioner using these techniques? And why?

If an agreement was reached, did the ADR Practitioner draft a sufficiently specific agreement that:

- _____ helped the participants to clarify their agreement?
- _____ was clearly stated using the language of the participants?
- _____ accurately reflected the participants' agreement?

Feedback Forms:

- _____ Provide the Participant Feedback form to each participant?

Part IV.

A. Caucusing (if applicable)

Did the ADR Practitioner:

_____ Explain to the participants why he/she called a caucus?

If yes, why? If not, why do you believe a caucus occurred?

_____ Ask each participant if any information shared during the caucus session should remain confidential, and then keep that particular information confidential?

Do you believe the ADR Practitioner's decision to caucus was helpful? Why or why not?

B. Non-Verbal Communication

_____ Was the ADR Practitioner neutral in his or her body language?

_____ Did the ADR Practitioner make eye contact with all of the participants?

C. Personal & Professional Qualities

Did the ADR Practitioner:

_____ Remain courteous throughout the process?

_____ Refrain from giving legal advice or providing a legal opinion or decision?

_____ Recognize and respect cultural differences?

Part V.

A. Overall Observations

1. What was most effective about the ADR practitioner's performance?

2. Where can the ADR Practitioner improve?

3. What techniques or strategies do you recommend to help the ADR Practitioner improve their performance in some of the skill sets?

4. What additional training may be helpful to this ADR Practitioner?

FOR INTERNAL USE ONLY BY REVIEWER:

Reviewer Name: _____

Recommendation: _____

Comments: _____

Please place this blue Review Form in the same location as your green Practitioner Activity Report and yellow Participant Feedback forms.