

**Cost-Benefit/Effectiveness Analysis of Alternative Dispute
Resolution in Maryland:
Literature Review, Data Availability, and Research Design**



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Table of Contents

Acknowledgments.....	ii
Table of Contents.....	iii
Executive Summary.....	vi
Introduction	1
Literature Review.....	2
Methodology.....	3
Review of Research on the Benefits of ADR in Court Settings.....	4
Overview	4
General Civil Court ADR Outcomes.....	6
Family Court ADR Outcomes.....	9
Custody/Visitation Mediation.....	9
Child Protection Mediation.....	12
Small Claims Court ADR Outcomes.....	13
Criminal Court ADR Outcomes.....	14
Victim-Offender/Restorative Justice Processes.....	14
Impact of System Design on Outcome.....	18
Mediators.....	20
Training and Professional Background.....	20
Experience.....	21
Content Knowledge.....	21
Gender.....	21
Race & Ethnicity	22
Choice to Use ADR.....	22
Referral Timing.....	23
Mediator Behaviors.....	24
Length and Number of Sessions.....	28
Role and Involvement of the Attorney	29
Impact of Case and Participant Characteristics on Outcomes.....	30
Participant Characteristics	30
Case Characteristics	31
	iii

Access to Justice.....	33
Research Design Considerations	35
Clear Goals, Broad Impacts	35
Multi-Variate Analysis	36
Long-Term Impacts	37
Proper Sampling.....	37
Qualitative Methods	38
Review of Data Availability.....	39
Methodology.....	39
Overview	39
Methodology.....	39
Results39	
Research Design and Methodology	43
Overview	43
Development of the Research Design and Methodology	43
Obtaining Necessary Approvals	45
District Court- Civil, Day of Trial	45
Cost-Benefit Analysis.....	45
Comparative Effectiveness Analysis.....	45
Proposed Jurisdictions	46
District Court-Criminal	47
Cost-Benefit Analysis.....	47
Comparative Effectiveness Analysis.....	47
Proposed Jurisdictions	48
Circuit Court-Civil, Non-Family.....	48
Cost-Benefit Analysis.....	48
Comparative Effectiveness Analysis.....	48
Proposed Jurisdictions	49
Circuit Court-Family, Custody/Visitation.....	49
Cost-Benefit Analysis.....	49
Comparative Effectiveness Analysis.....	49

Proposed Jurisdictions	50
ADR Landscape.....	50
References.....	52
Appendix A: ADR Statewide Research Advisory Committee and Policy and Program Analysis Members.....	59
Appendix B: Herman, Hollett and Gale Model.....	61
Appendix C: List of Interviewees and Programs Reviewed for Data Availability	64
Appendix D: Codes for Available Data by Variable, Court, and Format.....	66
Appendix E: Data Availability in Select District Court Criminal Court Programs.....	67
Appendix F: Data Availability in Select Circuit Court, Family Division Programs	71
Appendix G: Data Availability in Select Civil Non-Domestic Programs	77
Appendix H: District Court Criminal Data Gathering Tools Currently in Use	86
Appendix I: Circuit Court Civil Domestic Data Gathering Tools Currently in Use, Carroll County	92
Appendix J: Circuit Court Civil Domestic Data Gathering Tools Currently in Use, Charles County.....	101
Appendix K: Circuit Court Civil Domestic Data Gathering Tools Currently in Use, Baltimore County	106
Appendix L: Circuit Court Civil Non-Domestic Data Gathering Tools Currently in Use, Charles County ..	108
Appendix M: District Court Civil Data Gathering Tools Currently in Use	113
Appendix N: Circuit Court Civil Non-Domestic Data Gathering Tools Currently in Use, Baltimore County	126
Appendix O: Data Gathering Tools Currently in Use, Court of Special Appeals.....	130
Appendix P: Attendees of the ADR Statewide National Meeting	138

Executive Summary

This report presents the initial step in the Maryland Judiciary's multi-year comprehensive policy and program analysis of the costs, benefits and effectiveness of Alternative Dispute Resolution (ADR) in the Maryland courts. The report begins with a literature review highlighting trends in the relevant research conducted to date and also highlights areas identified as crucial for future research. Data availability is then reviewed with a focus on potential areas of interest in the examination of ADR practices as well as standard case processing. Finally, given the state of knowledge in ADR research literature and available data in Maryland, a methodology for examining ADR in the state is presented.

First, our review of the literature concludes that the existing research into court-connected ADR has demonstrated several important benefits to alternative dispute resolution. Information about the impacts of specific ADR system design choices, by contrast, is scant.

1. **Costs and Benefit.** A review of the literature finds that there is a lack of any comprehensive state level studies that attempt to articulate and compare the full cost (financial, opportunity, and reputational) of ADR with the full short and long term benefits (financial, opportunity, and reputational) of ADR to public agencies, individuals and the state more broadly. There are a number of studies that examine the potential benefits of ADR, including settlement rates, resolution of the underlying conflict, perceived fairness, time and resource savings, and improved relationships. In regard to family cases in particular, research also shows benefits such as satisfaction with the process and more individually tailored solutions in child custody agreements. Findings are more mixed regarding outcomes such as trial rates and compliance and cooperation. Research in ADR for criminal cases finds, beyond resource savings and satisfaction with the process, mixed results with recidivism. Few studies have looked at these benefits long-term.
2. **Comparative Effectiveness.** An examination of the comparative effectiveness of various ADR approaches and systems aids in understanding what approaches are most effective in which settings. The literature review revealed a dearth of empirical studies offering clear direction for public policy and program management. Limited research has been conducted on the following crucial elements of system design: mediators' background/demographics, preparation, and matching to participants; participants' choice to use ADR (voluntary or mandatory referrals); referral timing; mediator behaviors and strategies; length and number of sessions, and the role of attorneys in ADR. Although some of these characteristics are not controlled by program design or process, their impact on program outcomes means that the data that will need to be collected and controlled for in the broader analysis.

3. **Access to Justice.** A significant area of focus for the AOC research project is an understanding of the role of ADR in promoting access to justice for all Marylanders such as ensuring high quality ADR services for otherwise disadvantaged Marylanders. Although some social justice advocates have criticized ADR processes in regard to access to justice (such as power imbalances and lower level justice). We also found empirical research refuting some of the concerns raised. Additionally, a broader range of justice can be accessed through ADR processes that are not necessarily accessed through litigation. This area will be further informed by the Maryland Access to Justice Commission as the research is refined and conducted.
4. **Methodology.** The last section of the literature review covers research methodology issues. Several limitations exist in previous research, including assessments of ADR programs that do not clearly define their anticipated goals and benefits and a narrow assessment of ADR's impact (such as few outcome measures and a lack of measurement of long-term outcomes). One common limitation found in previous research is small sample sizes and lack of a control group or an appropriate comparison group, which lead to a question of selection bias.

Second, the data available to researchers in current judiciary databases and through external agencies (e.g. community mediation centers) has several limitations. Court data is not currently combined into one workable data set. Retrieval of data in this form will take significant time and effort, including, in some cases, retrieval of hundreds of individual paper files. Three counties in Maryland use different databases to track case information. The remaining twenty-one counties, while on the same database, do not use codes consistently across jurisdictions. Data regarding ADR processes in particular are problematic. Some jurisdictions track their ADR data comprehensively in a centralized database whereas others have limited ADR information in a centralized database; ADR information can instead be found in program files or case files. Lastly, several items are dependent upon ADR participants' self-report. Although a given variable is tracked, there may not be a high response rate from participants.

Therefore, it is recommended that this research use data available at the local level, through local computerized databases and in court files for circuit court cases. This information, as well as additional information that will be gathered specifically for this research project, will be compiled to create databases that provide consistency across variables and include a level of detail necessary for the analysis.

Finally, the report describes the methodology for the comprehensive evaluation. This methodology was the result of reflection on the literature review, data availability, and practical experiences of the researchers and court staff by the Advisory Committee and judicial leadership.

1. A comprehensive cost-benefit analysis of ADR in the following Maryland settings: District Court- Civil, Day of Trial; District Court- Criminal; and Circuit Court- Civil, non-Family. The cost-benefit analysis will explore short and long term costs and benefits to the Judiciary, litigants, other public agencies, and the state more broadly. Researchers will conduct observations and/or administer surveys to ADR neutrals, litigants, and attorneys in selected ADR jurisdictions and comparison jurisdictions.
2. An assessment of the efficiency and effectiveness of various ADR approaches and systems (“comparative effectiveness”) to understand what ADR approaches are most effective in which settings. Researchers will evaluate ADR in the following: District Court-Civil, Day of Trial; District Court-Criminal; Circuit Court-Civil, non-Family; and Circuit Court-Family, Custody/Visitation. Researchers will conduct observations and/or administer surveys to ADR neutrals, litigants, and attorneys in selected ADR jurisdictions.
3. An understanding of the role of ADR and ADR programs throughout Maryland and their role in promoting access to justice for all Marylanders. Researchers will interview ADR coordinators or other court staff responsible for ADR services in each of the 24 Circuit and District Court jurisdictions.

Introduction

This report was developed as the initial step in the Maryland Judiciary's multi-year comprehensive policy and program analysis of the costs, benefits and effectiveness of Alternative Dispute Resolution (ADR) in the Maryland courts. The Maryland Administrative Office of the Courts, Court Operations (the "AOC") partnered with Community Mediation Maryland and the Francis King Carey School of Law at the University of Maryland, Baltimore to develop a methodology for this study. Researchers from Salisbury University, who were identified as critical for the implementation of the methodology, made valuable contributions to this discussion as well.

The three goals of this analysis are to develop:

- A comprehensive cost benefit analysis of ADR in several Maryland settings, including short and long term costs and benefits to the Judiciary, litigants, other public agencies, and the state more broadly.
- An assessment of the comparative effectiveness of various ADR approaches and systems to understand what approaches are most effective in which settings.
- An understanding of the role of ADR in promoting access to justice for all Marylanders.

The report begins with a literature review highlighting trends in the relevant research conducted to date and also highlights areas identified as crucial for future research. Both relevant research and areas crucial to future research were chosen based on the extent to they support the process of designing the Maryland Judiciary's comprehensive evaluation of ADR. Second, the report describes the data available to researchers in current judiciary databases and through external agencies (e.g. community mediation centers). Finally, the report describes the methodology for the comprehensive evaluation. This methodology was the result of reflection on the literature review, data availability, and practical experiences of the researchers and court staff by the Advisory committee and judicial leadership.

Literature Review

This literature review was designed in response to the research questions agreed upon by an Advisory Committee working with Court Operations. (See Appendix A for list of advisory committee members.) This review is not intended as an exhaustive overview of all potentially related publications, nor is it a comment on the quality of the work that has been included or excluded. The first significant area for this research is the cost-benefit analysis of ADR programs in Maryland courts. A review of the literature finds that there is a lack of any comprehensive state level studies that attempt to articulate and compare the full cost (financial, opportunity, and reputational) of ADR with the full short and long term benefits (financial, opportunity, and reputational) of ADR to public agencies, individuals and the state more broadly. Instead, there are a number of studies that examine the potential benefits of ADR, some looking broadly at several factors and some measuring only a few variables. Some studies conduct comparative analysis, comparing ADR processes and outcomes to litigation processes and outcomes; while others examine ADR processes on their own. Because articles are formally written or considered as cost-benefit analysis, the first section of the literature review is devoted to a review of research on the benefits of ADR in court settings. This section corresponds to the questions that will be examined in the AOC cost-benefit analysis. The articles reviewed examine the benefits that are present or absent in ADR compared to litigation, even though most of the articles are not written through the lens of cost-benefit analysis. Some do examine specific cost savings, such as savings in attorney fees to litigants, but most frame the “costs and benefits” in terms of time, quality of process, quality of outcome, and impact on relationships and families.

The second significant area of research for the AOC project is an assessment of the comparative effectiveness of various ADR approaches and systems to understand what approaches are most effective in which settings. This focus is a response to both the dearth of research in this area and the call for more evidence-based practice, as is outlined below. Because the Maryland study will be empirical in nature, the literature outlined in this section is primarily literature that measures the impact of various mediation approaches, system design components, and case characteristics on outcomes in the court settings. We have avoided the philosophical and purely theoretical literature as well as studies conducted in experimental settings. While we value theory’s ability to inform practice, we ultimately demonstrate the dearth of empirical studies offering clear direction for public policy and program management.

The limited research that attempts to understand what kinds of inputs result in what kinds of outcomes does include analysis of how participant and case characteristics affect ADR outcomes. Although these characteristics may not be anything that can be controlled by program design or process, they are important to understand for the purpose of this research. The section on Impact of Case and Participant Characteristics on Outcome provides an overview of the kinds of data the AOC research project will need to collect so that these variables can be controlled for in the broader analysis.

The third significant area of focus for the AOC research project is an understanding of the role of ADR in promoting access to justice for all Marylanders. In Maryland some of the access to justice questions relate to ensuring high quality ADR services for otherwise disadvantaged Marylanders. By contrast, some social justice advocates have criticized ADR processes in regard to access to justice. Therefore, we offer a brief overview of some of the criticism and some of the empirical research that refutes some of the concerns raised. We also offer some commentary that considers the broader range of justice that can be accessed through ADR processes and not necessarily through litigation. This area will be further informed by the Maryland Access to Justice Commission as the research is refined and conducted.

The last section of this literature review covers research methodology issues. There is a significant sub-section on the question of selection bias and challenges related to creating an appropriate control group. The committee designing the research questions asked for particular attention to the question of the appropriateness of the use of random assignment, and this is addressed in this section, along with an overview of other strategies to address selection bias issues.

Methodology

The research questions, adopted by the AOC and summarized above, served as the primary filter to determine what literature to include in this literature review. Empirical research conducted in court settings was favored, and research conducted in non-court settings was only used when court related research could not be found. It is worth noting that there is a wealth of ADR related research covering a range of practice areas, including employment, community, agency-based, private practice, international, public policy, and others. These are generally not included in this literature review. Because the AOC research project will focus on the impact of the ADR processes offered from within the court system, the literature reviewed here is primarily related to court system programs. This literature review therefore was designed to serve as a spring board for the research design process. As the research goes forward, literature from other areas and, in fact, other disciplines, may prove helpful in creating context and analyzing results.

In general, more recent articles were favored over more dated research. More dated research was included when it addressed an area that is important to the AOC research and that more recent research did not address. When possible, research that compared ADR outcomes to litigation outcomes was favored in the cost-benefit section. Research on ADR alone was included when it addressed a question key to the AOC research and comparative research did not exist.

The literature was gathered through a variety of methods. Key annotated bibliographies and literature reviews on court related research, such as Shack, 2007 and Wissler, 2002, were reviewed and references were followed based on the criteria outlined above. In addition, recent

publications that look comprehensively at the components of mediation, such as Herrman, 2006, were reviewed and references were followed based on the criteria outlined above. Significant portions of the literature were familiar to the researchers based on previous research and regular review of current journals. Members of the AOC Research Advisory Committee as well as other colleagues were consulted for guidance on literature in their specialty areas. Searches were conducted in several Social Science and Criminal Justice databases.

Review of Research on the Benefits of ADR in Court Settings

The vast majority of literature on ADR has addressed the question of whether mediation and other interventions lead to good outcomes, particularly when compared to the benefits of a trial. The majority of the literature shows that ADR does benefit participants and the court system. In the short term, ADR has generally been shown to provide high rates of agreement, a fair process and outcome, savings of time and money for participants, savings of time and resources for the courts, and improvement in participants' relationships. In the longer term, ADR can lead to more compliance with agreements, fewer future court filings, more future use of ADR, and less reliance on other public resources, such as the police.

This first section is broken down by court type, generally consistent with the courts that will be examined in the Maryland study. The first sub-section looks at studies in the area of general civil disputes. This is followed by a sub-section of studies related to family disputes, and then further divided into custody/visitation and child protection. The next sub-section focuses on small claims cases and is followed by ADR in the criminal setting, which is further broken down by victim-offender processes and standard mediation. In Maryland, juvenile cases fall within the family court and there is some victim-offender conferencing being done in juvenile cases in family court; however, since the victim-offender mediation literature is generally conducted in the context of criminal court, the findings are placed in that section for the purpose of this literature review. This does not limit where and how it will ultimately be considered or evaluated in Maryland.

Overview

Short-term Benefits

Studies have highlighted settlement rates as a key benefit to mediation (Wissler, 2004; Donnelly and Ebron, 2000; Slack, 1996; Clarke, Ellen, and McCormick, 1995; Clarke, Valente, and Mace, 1992; Pearson and Thoennes, 1984). Alternative dispute resolution has also been shown to resolve the underlying conflict more effectively than trial in many cases. Citing 11 studies of mediation programs and participants, Wissler summarizes:

Because adjudication narrows the dispute by restricting discussion to the legally recognizable issues embedded in a particular incident, a trial may resolve the legal case while leaving untouched the underlying relational or structural causes of the dispute. Nor may the limited range of remedies usually provided by the court adequately resolve the problem. In addition, the adversarial, win-lose nature of a trial may lead litigants to adopt polarized positions in order to persuade the judge to decide in their favor and, thus, may exacerbate rather than resolve the conflict. (Wissler, 1995, p. 323).

Participants in ADR find the process and results fair, and more fair than trial. In her overview of court-connected mediation studies (10 small claims and 27 general jurisdiction civil), Wissler found that the majority of mediation participants felt “the mediated agreement was more fair than the adjudicated decision” and “felt that the mediation process, session, or procedures were fair, and that mediation gave them full opportunity to present their case and take part in its resolution” (2004, p. 58 & 65). In addition, participant satisfaction with the mediation process consistently rates higher than with the trial process. Wissler goes on to state that “the studies that included a comparison group of adjudicated cases generally found that litigants in mediated cases had more favorable assessments of the process and the third party than did litigants in tried cases” (Wissler, 2004, p. 58-59). This is important both for the participants’ individual experience as well as for the broader reputation of the court. Wissler (1995) writes, “Litigants’ experiences in court, particularly their judgments of procedural fairness, have been found to affect their general views of the legal system and its legitimacy.” (p. 352).

Saving time and resources for participants and courts are two of the benefits most often applauded by mediation proponents, and research substantiates this perception (Anderson and Pi, 2004; Hann and Baar, 2001; Thoennes, 2000; Center for Policy Research, 1998; Clarke and Gordon, 1997; Slack, 1996; MacFarlane, 1995; Clarke, et al., 1995; Wissler, 1995; Clarke, et al., 1992 and; Goerdts, 1992; Clarke, Donnelly and Grove, 1989). In five studies of appellate mediation, “the time from filing the appeal to case disposition was one to three months shorter for cases assigned to mediation than for cases not assigned to mediation.” And in three studies of appellate mediation cost savings, mediation programs “resolved a number of cases equal to the caseload of one to two judges and their staff”. (Wissler, 2004, p.74).

Finally, ADR can improve relationships. Researchers assert that mediation can “permit a more complete airing of grievances and improve relationships between disputants” (Pearson, 1982, p. 440; see also, for example, Wissler 2004, Wissler, 2002, Emery, et.al. 2001).

Long-term Benefits

While many believe that there are significant long-term benefits to ADR, fewer studies have examined these impacts in detail. A decrease in relitigation in the civil courts or recidivism in the criminal justice system is a goal of many ADR programs. Much of the limited research in this

area has found that ADR interventions decrease both relitigation and recidivism, while some studies have found no effect. Allaying fears that mediation simply postponed the need for trial, early ADR studies are summarized here by Pearson: “although evidence on relitigation is mixed, with some researchers finding evidence of lower relitigation and others finding differences between mediation and adversarial samples, mediation certainly does not generate excessive relitigation or simply defer inevitable litigation” (1982, p. 440).

Some research indicates that ADR participants are better equipped to resolve future conflict. Wissler summarizes reports that “. . . mediation can teach people to manage future disputes constructively without having to turn to court” (Wissler, 1995, p.324). One study finds significantly more involvement of non-custodial parents in children’s lives for mediated cases compared to adjudicated cases (Emery, Laumann-Billings, Waldron, Sbarra, and Dillon, 2001). In addition, some find that mediation reduces future dependence on public resources, such as court and the police department (Shepherd, 1995; Charkoudian, 2010; Charkoudian, 2005).

In this section, these short- and long-term benefits of court-connected mediation will be examined in detail, subdivided by the type of court studied.

General Civil Court ADR Outcomes

Studies of general jurisdiction civil court-connected ADR have outlined a number of short- and long-term benefits for participants and for the courts. Disputes in general civil courts that may be referred to ADR include contracts, torts, medical malpractice, commercial disputes, and workers compensation appeals. Maryland Rules distinguishes between mediation and settlement conferences but this distinction is not often found in the academic literature. Maryland Title 17-102 defines mediation as follows:

"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 the dispute or issues in the dispute. A mediator may 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 reached by the parties. While acting as a mediator, the mediator does not engage in arbitration, neutral case evaluation, neutral fact-finding, or other alternative dispute resolution processes and does not recommend the terms of an agreement.

Title 17-102 defines settlement conferences as follows:

"Settlement conference" means a conference at which the parties, their attorneys, or both appear before an impartial person to discuss the issues and positions of the parties in the action in an attempt to resolve the dispute or issues in the dispute by agreement or by means other than trial. A settlement conference may

include neutral case evaluation and neutral fact-finding, and the impartial person may recommend the terms of an agreement.

Much of the literature on general civil ADR, however, uses the term mediation broadly and does not distinguish between processes. In one study the court uses the term “mediated settlement conference” (Clarke, et al., 1995). In another, the author and court use the term mediation, even though the process used was described as follows:

The mediators assisted the parties evaluate the case (such as by reality testing, using risk analysis, or asking other questions to help the parties evaluate the case) in 89% of the cases. In contrast, the mediators evaluated the merits of the case for the parties in 31% of the cases. The mediators assisted the parties in evaluating the value of the case in 66% of the cases. The mediators suggested possible settlement options in 69% of the cases and recommended a particular settlement in 28% of the cases. (Wissler, 2002, p. 656).

This description is much closer to the Maryland Rules definition of a settlement conference. We use the authors’ language throughout this document, but the literature reviewed below can be considered to be reporting on evaluations of various types of ADR more generally, rather than on specific effects of mediation. The Maryland study will be more precise with language and process definitions.

With those distinctions in mind, civil court ADR participants most frequently report that ADR processes and results were fair. A review of questionnaires from general civil mediation in Ohio courts finds that participants are generally satisfied and report that they experience the process and outcome as fair (Wissler, 2002). In addition, a study of court-ordered mediation in general civil cases in Ontario, finds that mediation resulted in high satisfaction rates from participants and attorneys (Hann and Barr, 2001). Most surveys of the literature find high levels of satisfaction and perception of fairness (Kobbervig, 1991; MacFarlane, 1995; Maiman, 1997; McEwen, 1992; Schildt, Alfini, and Johnson, 1994; Slack, 1996). With respect to attorney perceptions, Wissler summarizes that across 20 studies of mediation connected to general jurisdiction civil court, “most attorneys felt the mediated agreement was fair or were satisfied with it” (Wissler, 2004, p.66).

Settlement rates are a common measure in evaluations of general civil mediation programs. In 27 civil general jurisdiction mediation program studies the settlement rate was 27 to 63% (Wissler, 2004, p. 65). A study of court-ordered mediation in general civil cases in Ottawa and Toronto found that in Ottawa mediation resulted in full settlement rates of 41% and partial settlement rates of 13%, and in Toronto it resulted in full settlement in 38% of cases and in partial settlement in 21% of cases (Hann and Barr, 2001). A study of the general civil mediated settlement conferences (MSC’s) in North Carolina, found that even with the program offering MSCs, the vast majority of settlement resulted from conventional negotiation rather than MSCs. Furthermore, mediated and conventional settlement tended to be similar in terms of outcome, but

different from trial. Most plaintiffs received some money in conventional settlement (82.7%) and MSC's (88.3%) compared to a much lower percentage (52.7%) of plaintiffs who went to trial. But those plaintiffs who received money at trial tended to receive more than those in MSCs and conventional settlement (Clarke, et al. 1995, p. 30). MSCs did not affect the probability of settlement (72%), because so many cases were settled through conventional settlement, and did not affect the trial rate (10%). MSC's and conventional settlement had higher rates of compliance than did cases that went to trial, but there was no significant difference between compliance in mediated cases and compliance in cases that settled through conventional means (Clarke, et al., 1995).

Saving time is a central benefit of ADR in and of itself, and it can lead to resource savings for both participants and the court system. Many have found that mediation resulted in a decrease in time from filing to disposition (Anderson and Pi, 2004; Clarke, et al., 1995; Hann and Baar, 2001; MacFarlane, 1995; Slack, 1996, Clarke and Gordon, 1997), while some find no change in time to disposition (Kobbervig, 1991). The North Carolina study of MSC's found that the program decreased time to disposition by about 7 weeks. The authors suggest that a rule change shortening the time from the filing of the defendant's answer to the order to mediate as well as a shorter time frame from the order to mediate and the holding of the mediated settlement conference could decrease the time to disposition even further (Clarke, et al., 1995).

Resource savings for the courts in general jurisdiction civil cases can be found in a reduction in trial rates as well as a reduction in the number of motions and other pre-trial events. Some studies find that mediation results in a lower rate of trial (Anderson and Pi, 2004; Slack, 1996), while others find no change in trial rates (Clarke, et al., 1995). A review of general civil mediation programs in Ohio found that there was no difference in mediated versus non-mediated cases in the number of motions filed and decided (Wissler, 2002). In contrast, a study in Maine found substantially fewer hearing motions in the mediated group compared to the control group (p. 328, Clarke and Gordon, 1997). In an evaluation of general civil mediation programs in California, Anderson and Pi (2004) find that the mediation programs resulted in fewer motions and pre-trial court events and had a positive impact on the time from filing to disposition in some of the courts studied, with no change in others. Mediation of workers compensation cases resulted in fewer discovery notices; less time to disposition (Mandall & Marshall, 2002); increased settlement rates (Hanson, 1997); and high rates of satisfaction (Hanson, 2000).

Evidence about cost savings to participants is mixed. Aside from the cost savings imputed to time savings, some studies have shown that mediation saved participants money in attorney fees (MacFarlane, 1995; Hann and Barr, 2001). Clarke and Gordon (1997), however, found that although participants who settled in mediated settlement conferences paid less in legal fees than those who went to trial, there was no substantial difference between the legal fees of those who settled conventionally (without a neutral third party) and those who settled in a mediated settlement conference (pp. 324 -325). Reporting on three other studies of civil-court connected

mediation, Wissler reports “ differences between mediation cases and non-mediation cases, when examining all disposition types combined, in the number of attorney work hours or in legal fees and litigation costs” (2004, p. 67).

Improved relationships between participants are an often-touted benefit of ADR, but the research in general civil cases is limited. In examining four studies of general jurisdiction civil court cases using mediation, Wissler summarizes that “a minority of litigants (from 5 to 43 percent) thought that mediation improved their relationship with the other party” (2004, p. 67). Questionnaires from participants and attorneys involved in general civil mediation in Ohio courts indicate that mediation gave participants more clarity about their own cases (in roughly half the cases) and created more understanding of the other participant’s views (70%). A third of attorneys indicated that mediation helped participants’ relationship with each other and attorney’s relationship with the opposing attorney (Wissler, 2002, p. 664).

The longer-term outcomes of general jurisdiction civil court-connected ADR is a major gap in the literature. Wissler (2002) reviews the few studies that had examined the impact of mediated agreements on compliance and writes:

Few studies have examined the impact of general civil case mediation beyond the mediation session. These studies found that mediated agreements did not increase compliance or reduce subsequent disputing compared to non-mediation resolutions but did result in fewer filed appeals. Future studies need to follow mediated cases some time after the mediation session to examine the finality of mediated agreements and participants’ view of the settlement at that time. (p. 695).

Family Court ADR Outcomes

Custody/Visitation Mediation

Benefits of family court-connected ADR have been studied widely with most studies finding an array of short- and long-term positive outcomes for participants and their families. Satisfaction with the process and results of custody and visitation mediation has generally been high. Most studies find high levels of satisfaction (short and long term) with the process and a perception of fairness (Slack, 1996; Comy and Flagg, 2000; Donelly and Ebron, 2000; Jones, 1998; California Family Court Service Snapshot Study, 1994; Keilitz, 1992; Richardson, 1988), while one found no difference in satisfaction levels for mediated and non-mediated cases (Fix and Harter, 1992). In research with 1,388 California families using custody and visitation mediation, 90% agreed that mediation was “a good way to come up with a parenting plan”, 76% of mediation participants were satisfied with the results of mediation, and 82% were satisfied with the next steps they would take (Depner, Cannata & Ricci, 1994). Research on participants’ assessment of custody and visitation mediation in Maine and Ohio found they were likely (78%

in Ohio and 50% in Maine) to report that “mediation helped them better understand the other party’s views” and likely (62% in Ohio and 37% in Maine) to report that “mediation improved dealings with the other party regarding the children” (Wissler, 1999, p. ii, iv) In a quantitative meta-analysis of five studies that compare mediation outcomes to litigation outcomes, Shaw (2010) finds a small to moderate positive overall Grand Effect, indicating that “mediation is more effective than litigation” (p. 460) in the measures examined. These measures include satisfaction with the process, satisfaction with the outcome, emotional satisfaction, overall satisfaction, impact on spousal relationship, and increased understanding of children’s needs.

Another value of family court-connected mediation is that participants can develop solutions that meet their unique needs. Some have shown that in custody and visitation cases mediation resulted in more specificity in the agreement than did adjudication (Richardson, 1988). Mediated agreements have also been shown to address a broader range of issues, such as spiritual guidance or medical decision-making, compared to court agreements (Donnelly and Ebron, 2000, McGillis, 1997). In comparing custody and visitation outcomes from mediated versus non-mediated cases, Bailey and Robbins (2005) find that mediated agreements have substantially more changes from the Standard Possession Order than non-mediated cases. The authors note that a limitation of the study is that cases were not randomly assigned to mediation and thus, those who chose mediation may have also been more inclined to make changes. Even if this is the case, the findings indicate that mediation creates and supports the opportunity of these individuals to customize an agreement for their family.

In terms of mediation’s impact on trial rates, findings have been somewhat mixed, but most favor mediation. Most studies have found that mediation resulted in a lower rate of trial (Slack, 1996; Pearson and Thoennes, 1984; Donnelly and Ebron, 2000), while one found no change in trial or hearing rate (Keilitz, 1992) and one a higher trial rate for mediated cases (Hartley, 2002). The question of time savings are a major focus of studies on family court-connected ADR. Some researchers have found that mediation resulted in a decrease in time from filing to disposition (Slack, 1996; Keilitz, 1992; Richardson, 1988). Although one study did find that mediation resulted in decreased time from filing to disposition for cases resolved in mediation, they found it resulted in increased time to disposition for cases that were mediated but did not resolve in mediation (Pearson and Thoennes, 1984). Still others have found mediation to have no affect on time to disposition in family court cases (Hartley, 2002; Donnelly and Ebron, 2000; Zuberbuhler, 1999). Meanwhile, two studies agree that mediation meant lower attorney fees for participants (Keilitz, 1992; Pearson and Thoennes, 1984).

A unique benefit for some using mediation in the family courts is the introduction of other non-ADR-related resources for families. In a study of 1,388 Californian families using parenting plan mediation, 63% agreed with the following statement: “mediation made me aware of help in the community for my family.” Those respondents who were ethnic minorities, had less

education, and lower incomes were more likely to agree that they learned about community resources (Depner, et al., 1994, p. 308-309).

Of course, relationships are a particular focus of research on family court-connected dispute resolution. Emery, et al. (2001) conducted an analysis of the effect of mediation on the families who were randomly assigned to mediation or litigation in Charlottesville, Virginia both 18 months and then 12 years later. At the 18 month point, men in the mediation group reported less conflict than those in the litigation group, while women's reports did not differ between groups. Though there was no difference in psychological adjustment of the children, the authors highlight the need to consider the impacts of family mediation several years out because "some benefits of mediation may not be evident in the first few years after a marital separation because family disruptions during this crisis phase of divorce obscure the positive effects of mediation" (p. 324). Twelve years after mediation or adjudication, the authors find that among those who used mediation, non-residential parents had more contact with their children and were significantly more likely to discuss problems with the residential parent and have input into decision-making than those who had not used mediation. Despite the higher level of involvement and contact between the parents, there were no more conflicts reported in this group than the non-mediated group (who had much less contact). Emery and colleagues (2001) also report that those who used mediation were also much more likely to make changes to the living arrangements in the twelve years after the mediation than those who had not used mediation. Many of these changes were made informally between the parents and the authors conclude that this tended to reflect parents' flexibility and ability to work together.

Other studies looking at compliance and cooperation from family mediation were mixed, although these studies looked at a shorter time period and so may be subject to Emery's caution of the need to consider the impact on a more long term basis. One study found that there was no difference in compliance with the agreement between mediated and non-mediated cases (Fix and Harter, 1992); while another study found an initial increase in compliance and cooperation among parents who mediated compared to those who used traditional litigation, but that this difference was not found at a two year check-in period (McGillis, 1997). Another study showed that mediation resulted in fewer modifications in the 15 months after the order (Pearson and Thoennes, 1984).

In terms of mental health issues for the families, Emery and colleagues (2001) report that twelve years later, there were no significant differences in the mental health measures of the parents who used mediation and those who went through litigation. Similarly, Bohmer and Ray (1994) found no difference in psychological adjustment of parents and children in periods after the mediation.

A final long-term benefit studied is the impact of ADR's use on divorce lawyers' practice. McEwan, Maiman and Mather (1994), arguing against the dichotomy of competitive versus

cooperative practice, posit that mediation can, in fact, support some of the core tasks of divorce attorneys. They interviewed attorneys who practiced before and after the implementation of mandatory divorce mediation in Maine about their experiences with mediation over time; and they compared interviews of Maine attorneys to those of New Hampshire attorneys where there is not such wide-spread use of mediation. Of those attorneys who practiced both before and after the implementation of mandatory divorce mediation, “over 90% of them believed that mandatory mediation had changed the practice of divorce law in Maine. They described changes both in their own attitudes and practices and in those of the divorce bar more generally” (p. 177). The difference between Maine attorneys and New Hampshire attorneys was also striking. When given a choice between the primary goal of “a settlement fair to both parties or getting as much as possible for your client”,

Maine lawyers were considerably more likely to select the fair settlement goal, while New Hampshire lawyers more often chose getting the most for the client.... Among the possible explanations for the cross-state difference is the fact that Maine divorce lawyers had nearly a decade of experience with divorce mediation, while New Hampshire attorneys had little direct contact with mediation (p. 178).

In addition to all of the benefits of ADR outlined above, Richardson (1988) highlights the need to consider benefits of mediation more broadly than those that can be quantified. He writes, “...clients in a position to make a comparison often said that mediation was, in their experience, more humane and, in general, superior to the adversarial system.... Thus, even if there are not substantive differences in measurable outcomes between this intervention and the regular legal process, divorce mediation may still be the more rational and humane way to go when marital and familial disputes appear to becoming intractable” (p. 43).

Child Protection Mediation

Child protection mediation also resulted in higher rates of satisfaction than trial (Dispute Resolution Office, 2003; Naswothy and Tarver, 2000; and Thoennes, 1997), as well as fewer child protection cases going to trial (Thoennes, 2001). Among child protection and dependency cases, those that were mediated had a shorter time to disposition (Dispute Resolution Office, 2003; Gatowski, 2005; Thoennes, 2001).

Furthermore, child protection and dependency mediation has been shown to save court resources (Center for Policy Research, 1998; Thoennes, 2000), and results in higher compliance than cases processed through court (Thoennes, 1997). Mediated cases were also less likely to return to court in the 12-24 months following the proceedings (Center for Policy Research, 1998; Gatowski, 2005; Thoennes, 1997).

Plans developed in mediation are often both more specific and wider-ranging than those that come from traditional court processes. For example, mediated child protection and dependency plans were more specific in terms of visitation and provided for more visits for parents (Center

for Policy Research, 1998), were more likely to reference specific services for the child, and were more likely to include acknowledgement from the parent of an intention to participate in the plan (Thoennes, 1997).

Small Claims Court ADR Outcomes

In small claims courts, alternative dispute resolution generally results in high rates of agreement. In a review of 10 small claims court-connected mediation studies, Wissler writes that most “reported a settlement rate between 47 and 78 percent” (2004, p.65). She notes that plaintiffs were more likely to receive some money in mediated cases, but that the amount was a smaller percentage of the original claim than in adjudicated decisions. She goes on to summarize that mediated agreements were more likely to include “monetary provisions, immediate payment of at least some of the money, and installment payments” (Wissler, 2004, p.59).

Most studies have found high levels of satisfaction and perception of fairness in small claims court-connected ADR (Maiman, 1997). Wissler, in her 1995 study found small claims court-connected mediation participants more satisfied with the process of mediation than trial, regardless of whether they came to agreement in mediation. They were also more likely than those who chose trial to think that the small claims court itself was fair (p.351).

Saving time is an important outcome to mediation participants, and this seems to be a strength of ADR in the small claims courts. In a 1995 study analyzing small claims court-connected mediation, 72% of disputants indicated that saving time was important or very important in their choice whether to use ADR. This was a higher percentage than any other quality, including perceptions of mediation’s fairness, informality or ability to settle the problem (Wissler, 1995, p. 332).

Alternative dispute resolution has also been shown to save the small claims courts time and resources. A study of court-ordered arbitration in North Carolina for civil cases involving claims of less than \$15,000 found that the arbitration resulted in a reduction in the number of civil trials (Clarke, Donnelly, and Grove, 1989). Goerdts (1992) estimates that each small claims mediation that reached an agreement in his study saved 30-45 minutes of judges’ time. Research on participants’ relationships post-mediation has shown mixed results. In small claims court, those choosing mediation report “improved post-court attitudes toward and understanding of the other party” (Wissler, 1995, p. 351); however, in those mediations that ended without agreements, participants tended to have a more negative assessment of each other after, compared to before.

Mediation participants are more likely to follow a mediated agreement than a court ruling. Reviewing eight studies of small claims court-connected mediation programs, Wissler (2004) found that the rate of compliance with mediated agreements was between 62 and 90 percent, and the studies with a comparison to trial outcomes “found a higher rate of full or partial compliance

[with mediation] than with trial decisions” (p.60). McEwen and Maiman (1981) found a much higher rate of payment by defendants who used mediation in small claims cases in Maine compared to those cases that were adjudicated. This finding holds true both when agreement was reached in mediation, as well as when participants did not reach agreement, and returned to court for final disposition. Other studies examining durability of agreements have found self-reported compliance rates ranging from 59% to 93% (Hedeen, 2004; Wissler, 2004). In contrast, in one 1995 study, Wissler found that compliance in mediated cases was only “marginally greater” than in adjudicated cases in the court-annexed programs examined in her study (p. 351). Lowry (1993) highlights the fact that while research indicates that mediation agreements tend to be durable, this stability is more clearly proven in agreements involving a “single act” such as a monetary payment, and there is less research and, therefore, less conclusive evidence showing durability in cases involving an “on-going web of interactions.” He goes on to point out that, “we know least about the types of mediation structures and processes that foster stability” (p. 107).

Even when agreement is not reached, participants may report a preference for future ADR use. In fact, two studies of small claims court-connected mediation programs found that “almost twice as many litigants who went to trial after not settling in mediation said they would prefer to use mediation rather than trial in a future case” (Wissler, 2004, p.58).

Criminal Court ADR Outcomes

Alternative Dispute Resolution processes connected with the criminal court system are uniquely varied. This section consists of two broad categories: ADR processes in which a victim and offender roles are delineated and standard mediation, where victims and offender roles are not identified.

Victim-Offender/Restorative Justice Processes

Victim-offender conflict resolution or restorative justice processes, (such as group conferencing or victim-offender mediation) satisfies both victims and offenders (Latimer, Dowden & Muise, 2001; Umbreit, Coates & Vos, 2001). In an overview of several studies, Umbreit and Coates (2006) report that satisfaction with victim-offender mediation is generally high. Participants state that the process and agreement was fair; and in studies with comparison groups, both victims and offenders are more satisfied and more likely to report that they were treated fairly by the criminal justice system if they went through victim-offender mediation than through the traditional legal process. In addition, Umbreit and Coates (2006) report high levels of satisfaction with group conferencing processes, and high likelihood of experiencing the process as fair. Abramson and Moore (2002) also report that community conferencing can strengthen and create new relationships (p. 137).

Victim-offender processes connected with the criminal court system also seem to save resources and free up the courts to address other cases. A meta-analysis of victim-offender mediation programs in the U.S. and four other countries find that victim-offender mediation programs result in resource savings to courts (Umbreit, et al. 2001). Later, Umbreit and Coates (2006) go on to report a reduction in court trials resulting from victim-offender mediation programs.

Victim-offender conflict resolution improves rates of participant compliance or agreement durability. Abramson and Moore (2001) report an 85% compliance rate with agreements reached in community conferencing in Baltimore. In a review of several comparison studies of victim-offender mediation versus court, Umbreit and Coates (2006) indicate that several studies report more restitution and/or greater compliance in victim-offender mediation, while one study found no difference. Also, in juvenile victim-offender cases, mediation resulted in higher rates of restitution paid than in adjudicated cases (Evje and Cushman, 2000; Umbreit and Coates, 1992). In a review of comparison studies of group conferencing compared to trial, Umbreit and Coates (2006) find higher rates of “receiving repair for victims” (p. 7) in conferencing. Finally, the meta-analysis studies comparing restorative justice to traditional court programs found that restorative justice programs have higher rates of compliance with restitution payments (Latimer, et al., 2001; Umbreit, et al., 2001).

Within the criminal justice system, recidivism rates are a crucial outcome. Meta-analysis studies comparing restorative justice to traditional court programs find mixed results on the question of recidivism, with one meta-analysis concluding that there was no significant difference in the rate of recidivism (Latimer, et al., 2001) and another finding a possibility of lower recidivism (Umbreit, et al., 2001). Umbreit and Coates’ (2006) review of restorative justice practices also finds mixed results that overall tend toward supporting mediation. They find that several studies report lower rates of recidivism among offenders who used mediation compared to the traditional court process, and some find that “those who re-offend tended to incur less serious charges than their counterparts” (p. 9). By contrast, they also note that a number of studies reported no difference in recidivism for victim-offender mediation compared to the traditional court process. For group conferencing processes, they find some mixed results with several studies reporting lower recidivism for those offenders who participated in conferencing, and two finding no global difference. Conversely, two found that group conferencing was associated with lower recidivism for more violent crimes but not for others (Umbreit and Coates, 2006).

Using quantitative meta-analysis techniques analyzing the data from 15 studies consisting of 9,172 juveniles involved in victim-offender mediation, Bradshaw, Roseborough, and Umbreit (2006) report a reduction in recidivism associated with victim-offender mediation. Iyengar and Irvine (2004) reviewed the impact of community conferencing on recidivism using data obtained from the Department of Juvenile Services (DJS). They found that re-offending rates are 60%

lower for youth who participated in a community conference compared to a matched sample of youth who went through DJS and the juvenile courts.

Repeat appearances in criminal court are only one piece of the recidivism puzzle since restorative justice practices also have the potential to prevent the use of the correctional system and the police. In their review of studies of victim-offender mediation, Umbreit and Coates (2006) report on one which finds that offenders were incarcerated for less time than a comparison group in the traditional legal process. Umbreit and Coates (2006) report mixed results on the effect of group conferencing on police and court resources, with one Australian study finding a reduction in total intervention time for police and a U.S. study finding no difference in use of court and police resources. A New Zealand study found a drastic reduction in court load as a result of family group conferencing.

Standard Mediation

We differentiate standard mediation in the criminal setting from victim-offender mediation. Standard mediation does not differentiate between the roles of victim and offender as part of the process, but regards all participants in the process in the same manner. There is surprisingly little published research on standard mediation in the criminal setting. This is despite the fact that historically, many community mediation centers began their work in this area (McGillis, 1997), and community mediation centers and dispute resolution programs in prosecutors' offices continue to provide these services today (Maryland Mediation and Conflict Resolution Office, 2009; New York State Unified Court System, 2009). The limited literature on the effectiveness and impact of standard mediation in criminal cases is outlined below.

Overall satisfaction rates with standard mediation of criminal cases are high (Clarke, et al., 1992; McGillis, 1997) and studies find high satisfaction rates and high perceptions of fairness among mediated cases in comparison with adjudicated cases (McGillis, 1997). In New York State, 83% of the 1327 criminal cases mediated statewide in FY2009 were resolved (New York State Unified Court System, 2009).

Mediation has been found to reduce the number of trials and convictions in criminal court. Clarke, et al. (1992) researched multiple North Carolina county criminal courts, comparing mediation outcomes in three counties to adjudication outcomes in two counties without mediation services. They found that mediation resulted in a decrease in trials, convictions, and non-convictions with conditions in one county, and no changes in the other two. The authors attribute this to the larger number of referrals in the county with the significant effect. They write, "Our data on court dispositions suggests that a mediation program can have a substantial effect on court dispositions of mediation-eligible cases, especially on trials, if it receives enough cases.... The Henderson program's effect on trials was impressive; it may have reduced trials by as much as two-thirds" (p. 45). The study also found that the mediation process slowed down the

time to disposition in two counties, but not in a third. The authors argue that, "...this may be a price worth paying....if the considerable work required by trials can be avoided and a desirable result (a mediated agreement) achieved" (pp. 45-46).

The North Carolina study also found high rates of compliance (84-98%) in the mediation group. The rate of filing new charges 120 days after disposition was lower in the mediation group than the trial group; however the difference in rates between the two groups was not statistically significant. The authors indicate that this lack of statistical significance could be because the overall rate of filing new charges within 120 days of the original charge is low for all groups. They suggest that if cases could be followed for a longer period of time "the difference attributable to mediation [may be] more discernable" (Clarke, et.al, 1992, p. 59). A study of the Brooklyn Mediation Program, which mediated felony cases, found significant difference in the participants returning to court or the police being called between mediated and adjudicated cases; nevertheless, the authors indicate that this also may be due to the fact that these figures for both groups are extremely low. The Brooklyn study did find significant and large differences in experience between those who used mediation and those whose cases were adjudicated, with mediation participants fearing each other less, feeling less anger, and understanding each other more in the period following mediation (McGillis, 1997).

In a study of the Baltimore City State's Attorney's Office partnership with Community Mediation, Polkinghorn, LaChance, and Hopson (2010) found that the vast majority (87%) of Assistant State's Attorneys interviewed believe that "the mediation program is worthwhile" and 87% also believe that "mediation is an effective alternative to prosecution" (p. 31). The authors go on to note that the mediation program is underutilized as a referral source for State's Attorney's Offices and make several recommendations to increase usage and impact. The report also recommends future research to better understand the experience of participants in the mediation process and how it differs from the experience in court.

Because there are so few recent studies examining the impact of standard mediation in the criminal court setting, we include a study of cases from the late 1970's, at the very beginning of the Dorchester Court mediation program in Massachusetts (Felstiner and Williams, 1982). In the period following the mediation, researchers contacted participants and found the following:

A substantial proportion (83%) of disputants report that the problem that led to a referral has improved. Slightly more than one-half of disputants believe that the change in the problem was directly produced by mediation. The other party was reported to have fulfilled the mediation agreement in two-thirds of the cases (p. 128).

Felstiner and Williams (1982) also conducted a meticulous comparison of costs for mediated and matched adjudicated cases and found that the cost per case of mediation is higher than the cost per case of adjudication, but the authors caution that there are several factors unique to this

mediation program and the Dorchester court setting and this should not automatically be generalized to other mediation programs (p. 140). The authors also list recommendations for making the intake process more efficient and increasing the caseload, which could result in lower mediation program costs per case (p. 144). They conclude,

...the mediation to court comparison will generally be unfair because in most instances disputants in criminal court receive almost no services from the court.... Ultimately, then, what can be said about mediation as an alternative to criminal prosecution is that its per case costs can be substantial and may, in some instances, be more than those of lower criminal courts, while its benefits are surely likely to exceed those of criminal processing (p. 151).

Notably, the study only considers the short term costs of the initial charges and one-time diversion from prosecution, not the cost savings of the potential reduction in recidivism. The studies below consider the longer term impact of mediation on public resources.

Charkoudian (2010) finds that participants in cases that were mediated through community mediation and State's Attorney mediation programs are likely to decrease their use of court and law enforcement after mediation compared to participants in cases that were not mediated. Many of these cases were referred directly from criminal court, although the study was not restricted to criminal court referrals. Another study, with significant referrals from criminal court, measured the change in calls to the police department before and after mediation and compared this to a control group that did not mediate. Charkoudian (2005) reports an average decrease of 8.53 calls to the Baltimore City Police Department in the six months after mediation for each case that was mediated compared to cases that were not mediated. In both Charkoudian studies, the findings hold true even after accounting for possible selection bias.

Impact of System Design on Outcome

The literature summarized above deals with the presence or absence of several positive outcomes for participants and courts that use alternative dispute resolution. Since these general benefits have been amply demonstrated over the past 40 years, many (Herrman, Hollett & Gale, 2006; Lande, 2004; Lande, 2008; Wissler, 2002) agree that the time has come for research to turn its attention to which elements of ADR interventions may maximize these benefits, and which may not. In his review of early case handling, Lande (2008) cautions against simply concluding that a process "works" or "doesn't work." He argues that researchers and policy makers should be asking and exploring what process "works" and under what circumstances. Examining ADR program system design is crucial to a real-life understanding of mediation costs and benefits, according to longtime ADR researcher Craig McEwan. McEwan (1999) argues that ADR is more of a shovel than a vaccine. In other words, whether ADR has an impact is due to

the user's effort, not the magical qualities of the process itself. A corporate leader who had saved his company time and money with ADR told McEwan:

Mediation in and of itself is not going to reduce costs or time. You could go back and forth for years and then go into mediation. Or you could go into mediation immediately. It's everything that happens around mediation that makes it more or less expensive. . . . Mediation itself, sitting in a room with a so-called neutral third party, is no panacea (1999, p. 326).

Mediation's effects, then, "depend on its uses, and on the skills and goals and orientation of its users" (McEwen, 1999, p.326).

Further, simple comparisons of the types of ADR offered have been shown to be of little use. For over 20 years, researchers have lamented that "the boundaries between and differences among dispute processing techniques are shifting and often blurred" (Sarat, 1988, p.711). More recently, research conducted by Charkoudian, et al. (2009) further reinforces the need for research to consider the mediator strategies actually used in a given mediation process. They find that there is little consistency among mediators regarding the terms they use to describe their approach (e.g., facilitative, transformative, mixed) and the actual strategies that they use when mediating. This highlights that even mediators' self-reported "approach" may not help distinguish the process that participants actually experience in the mediation. McDermott and Obar (2004) also find that mediators who mediated in a program which was billed as "facilitative" used many evaluative techniques. It is the actual behaviors of practitioners in an ADR session that need to be examined and compared against desired outcomes.

Herrman and colleagues (2006) propose a comprehensive model to be used by mediation researchers, developed from an analysis of four decades of mediation research, which merits discussion in some depth. Their model is designed to support researchers to consider a range of inputs and processes, including the systems through which mediation is offered, the types of strategies used by the mediator, and the mediator and participant characteristics. Herrman and colleagues' model also includes consideration of four points in time [a] to allow for an analysis of the short and long term impact of the mediation process, as well as [b] to support analysis of characteristics and contexts pre-mediation that can affect the mediation process and its outcomes. First they consider the antecedent conditions, including personal characteristics of disputants and mediators, disputants' beliefs and attitudes, dispute characteristics, and the institutional context in which the process is offered. Second, the authors consider the mediation itself, including factors that prime readiness, such as disputant self-efficacy and mediator empathy; as well as procedural factors such as mediation conditions, problem-solving, and decision-making. Third, Herrman and colleagues consider the short-term (immediate post mediation) outcomes of disputant beliefs and attitudes; resolution of the conflict (including agreement reached, issues resolved, distributive justice, and relationship changed); and institutional efficiency, effectiveness, and cost. Finally, the authors urge exploration of the long term impact of

mediation on disputant beliefs and attitudes, compliance, and reduced recidivism. The full model is outlined in Appendix B.

An exploration of system design is crucial to understanding and maximizing the benefits of ADR. The following section is devoted to examining the existing literature on these elements of system design:

- Mediators (their demographics and preparation, how they are matched with participants);
- Choice to use ADR (voluntary or mandatory referrals);
- Referral timing;
- Mediator behaviors and strategies (including listening, supporting participant self-determination, suggesting, evaluating in general civil cases, and playing other roles);
- Length and number of sessions; and
- Role of attorneys.

Mediators

Training and Professional Background

Limited research on mediator training and professional background is nearly uniform in finding little impact on outcomes. Roehl, Hersch and Llaneras found that “whether the mediator was a volunteer attorney, court law clerk, or a volunteer layperson did not affect the settlement rate” (Wissler, 2004, p. 60). In two studies of civil court-connected mediations, the mediators’ “amount of training was not related to settlement or to litigants’ or attorneys’ assessments of the fairness of mediation” (Wissler, 2004, p. 69). Summarizing the literature, McAdoo, Welch and Wissler state that “several aspects of mediator training, such as the number of hours of training or whether it included role play, tend not to affect settlement . . . [or] litigants’ perceptions of procedural justice” (2003, p. 9). Wissler also reports that “no particular profession or educational degree was consistently associated with a higher settlement rate or greater disputant satisfaction” (Wissler, 2006, p. 134). In Ohio civil mediation cases, neither mediation training hours, legal expertise, nor legal experience were related to settlement rate (Wissler, 2002).

In contrast, Wissler (1999) finds that mediator training and educational background have mixed effects on settlement rates and participants assessments in custody and visitation mediation in Ohio and Maine. In Ohio, the number of total hours of mediation training did not affect the settlement rates, but was positively related to favorable participant assessments; while mediator training hours did not affect either in Maine. In Ohio, mediators without a doctorate were more likely to reach a settlement than those with a doctorate degree, and having a master’s degree rather than a law degree was strongly associated with favorable participant assessments. By contrast, in Maine, educational background did not affect settlement rates, but having a

bachelor or master's degree as opposed to a high school degree, had a "moderate impact" on favorable participant assessments (Wissler, 1999, p. viii).

McEwen et al., (1994) argue that a key factor in attorneys' acceptance of mediation in Maine was the fact that mediators were not attorneys. They write, "Operating as lay people in a legal arena and lacking a shared professional identity (such as social work or counseling), these mediators posed little threat to the role of lawyers in the divorce process, and in fact were likely to want to draw on the expertise of divorce attorneys" (p. 181) .

Experience

Mediator experience may be a key to ADR success, since more experienced mediators seem to have higher settlement rates; however, participants are more likely to find the process fair when working with them (Wissler, 2004, p. 69). In response to this finding, shared by several empirical studies, researchers argue that "program design options that maximize each mediator's level of experience, such as the use of in-house mediators or a limited roster, may enhance the success of the program more than a roster with many mediators who get few or no cases to mediate" (McAdoo, et al., 2003, p. 9). In a review of general civil mediation cases in Ohio, Wissler finds that mediation experience was positively related to settlement rate (Wissler, 2002).

Content Knowledge

With regard to subject matter, Wissler found that "the mediator's familiarity with the substantive issues in the case were not related to the likelihood of settlement or to litigants' and attorneys' assessments of the fairness of the mediation process" (2004, p. 70). Others go further, stating that "matching cases to mediators based on subject matter expertise makes lawyers more comfortable with the process, but not doing so has not been shown to have detrimental effects on settlement or on litigants' perceptions of justice" (McAdoo, et al., 2003, p.9).

Gender

The literature on the effect of mediator gender on the mediation process is mixed. Some research seems to indicate that female mediators engage more in building understanding and clarification (Wall & Dewhurst, 1991; Dewhurst & Wall, 1994) while male mediators are more likely to use tactics to alter the parties' positions or expectations and to make more suggestions than female mediators (Carnevale, Lim, & McLaughlin, 1989). Others (Dingwall, Greatbatch, and Ruggerone, 1998), using conversation analysis, find no difference in the interaction of male and female mediators with divorce participants. Mediation participants' perceptions of male and female mediator behavior also differ from the mediators' actual behavior. Participants in one study perceived male mediators as more controlling than female mediators, even though the female mediators were either as controlling as or more controlling than the male mediators (Burrell, Dohue, & Allen, 1988). Most studies show no relationship between mediator gender

and measures of mediation success such as settlement rates, participants' perceptions of the fairness of mediation, and satisfaction with the mediation process or outcome (Alberts, Heisterkamp, & McPhee, 2005; Carnevale, et al., 1989; Wissler, 2006). Charkoudian and Wayne (2010), on the other hand, found that although failing to match participants and mediators by gender does not affect settlement rate, it does have significant and negative effects on mediation satisfaction measures, on participants' experience of feeling heard and understood by the mediator, and on participants' experience of the mediators being unbiased. Furthermore, those negative effects increase when the mediator's gender also matches the other participant.

Race & Ethnicity

There are few empirical studies that explore the role of race and ethnicity of the mediator and the effect of matching the mediator's race and ethnicity with participants. One study of small claims cases in New Mexico found that minority claimants (most of whom were Latino(a)) received lower monetary payments than Anglo claimants when one or both of their mediators were Anglo, but not when both mediators were Latino(a). Despite obtaining less money than similarly situated Anglos, minority participants were more satisfied than Anglo participants with the mediation process minority (Hermann, LaFree, Rack & West, 1993; LaFree & Rack, 1996). Charkoudian and Wayne (2010) found that failure to match mediators and participants by racial or ethnic group has little effect on a series of measures of satisfaction and feeling understood by the mediator, but when an unmatched participant faces both an opposing participant and a mediator who share a racial or ethnic identification, participants experience of being heard by the mediator and a sense of control over the situation decreases.

Choice to Use ADR

Whether an ADR participant has an opportunity to choose whether to attend the mediation session may have an impact on mediation outcomes. In a review of 27 general jurisdiction civil court-connected mediation studies, Wissler notes that "most programs involved mandatory referral of eligible cases to mediation on an automatic basis, on a judge's order, or at the request of one party. In only a few programs was mediation totally voluntary, requiring both parties to request or agree to use it." (2004, p. 63). In general civil cases, Wissler (2002) reports that most studies find no difference in settlement rates or in perception of the fairness of the mediation process between cases that were referred voluntarily compared to those ordered to attend mediation. She further reports that two studies found higher settlement rates with voluntary referrals.

In Wissler's 1997 study in common pleas courts in Ohio, cases were ordered by the court, requested by one party, or requested by both participants to mediation. The actual process described is consistent with Maryland's definition of settlement conferences, and the notice provided to the parties was in fact called "Notice of Settlement Conference". She found that

those in which both parties had requested the settlement conference were most likely to settle (41%), followed by those in which one party had requested the settlement conference (31%), and finally by those fully mandated by the court (24%). This pattern holds true even when controlling for other case characteristics. She concludes that mandating cases to settlement conferences does not make participants feel pressured to settle (p. 593). Wissler also reports that whether the settlement conference was mandatory, voluntary, or partially mandated did not affect participants' satisfaction, sense of fairness, or sense of how the process built understanding between the parties.

In a review of small claims cases in Massachusetts, Wissler found that the likelihood of settlement in mediation was not affected by whether participants selected mediation themselves or were ordered to mediation (1995). Wissler (1997) found that settlement rates are somewhat higher in voluntary mediation (62%) than in mandatory mediation (46%) and concluded that successful resolution is not only due to self-selection into mediation but also due to the process itself. She also concludes that those participants in mandatory mediation do not feel pressured to settle. She also reports that participants in mandatory mediation stayed in the session for a longer period of time (a mean of 54 minutes) compared to those in voluntary mediation (a mean of 34 minutes) from which she concludes that those mandated to mediate still participated in a meaningful way. There was no difference among those who reached agreement in terms of the nature of their agreement, their evaluation of their agreement, or compliance in the mandatory compared to the voluntary group. Nevertheless, the mandatory group tended to rate their assessment of fairness, satisfaction, and willingness to mediate again at a lower rate than those in the voluntary group.

Referral Timing

As discussed above, a shorter time from filing to ADR intervention has the potential to save participants and the courts both time and resources. Researchers argue that:

Without a statute or court rule to the contrary, mediation tends to occur late in the life of a case and often after all discovery is completed. Holding mediation sessions sooner, however, yields several benefits. Cases are more likely to settle, fewer motions are filed and decided, and case disposition time is shorter, even for cases that do not settle in mediation (McAdoo, et al., 2003, p.9).

Clarke and Gordon (1997) conclude that the reason the Maine general civil ADR program resulted in a reduction in the courts' motion workload while the North Carolina program did not, was because "the Maine program required ADR to proceed before the completion of formal discovery..." (p. 328). Reviewing four empirical studies of general jurisdiction civil court-connected mediation, Wissler summarizes mixed findings: "two studies found that cases were more likely to settle if mediation was held sooner after the case had been filed, while two other studies found no relationship between mediation timing and the likelihood of settlement" (2004,

p. 69). Others add that “litigants’ perceptions of procedural justice provided by mediation . . . do not seem to vary with the timing of the session” (McAdoo, et al., 2003, p.9). A review of general civil mediation programs in Ohio found that the earlier the mediation referral was made, the shorter the time to disposition. This finding held for cases that were resolved in mediation as well as those that were not. Cases were more likely to settle in mediation when the session was held closer to the time the case was filed (Wissler, 2002). Wissler also suggests that other legal events, such as pending motions, exchanges of demands and offers, and discovery status could affect settlement in mediation; yet few studies have examined these events and their findings are mixed.

Mediator Behaviors

The effects of ADR type or mediation style are difficult to sort out in the existing literature, given their differing definitions (Charkoudian, et.al. 2009). For example, Wissler reports that in her overview of 27 general jurisdiction civil court-connected mediation studies, mediators who were labeled “facilitative” employed the following strategies in up to one-third of cases: “evaluated the strengths and weaknesses of each side’s case, suggested settlement options, predicted the outcome, or assessed or recommended the settlement value of the case” (Wissler, 2004, p. 64). Therefore, we reviewed literature related to the specific mediator behaviors and their impacts rather than trying to differentiate based on mediation types.

Listening and Giving Space to Participants

Research on the impact of specific mediator strategies is rare. Nevertheless, a core theme in the research that does examine mediator strategies is that participants in alternative dispute resolution find the process fair and useful when they are able to tell their story and mediators listen. Wissler has summarized her 1995 study in small claims court saying: “the features of the process that contributed to evaluations of the process as fair and satisfying included the session being thorough, open, providing disputants with an opportunity to tell their side of the story and with control over the presentation, and, marginally, providing disputants with control over the outcome” (p.345). In other words, participants were more interested in their ability to get all the information on the table than they were in their ability to control the resulting agreements. In a 2006 review of the literature, Wissler goes on to state that in domestic relations mediation “disputants were more likely to feel the mediation process was fair and that they had a better understanding of the other side’s views when mediators encouraged them to express their feelings or summarized what they said” (p.135). In reviewing domestic mediations in Ohio and Maine, Wissler (1999) reports that “the mediator’s actions that had the largest effect on favorable assessments and that affected the largest number of assessments were if the mediator encouraged parties to express their feelings and summarized what the party said” (p. ix).

Mediator listening has a less clear impact on settlement rates than satisfaction. Wissler (2006) notes that general civil mediation participants who were able to tell their story were more likely to settle. She then cites two studies that show that participants in small claims court-connected mediation are no more likely to settle when their mediation session was “thorough and not hurried, gave them an opportunity to tell their story, explored issues other than money owed, was understandable, and permitted them to have control over the process and outcome” (Wissler, 2006, p. 136). In contrast, Wissler also reports that studies have shown that in family mediation participants who came to agreement were more likely than those who did not to report that “they had a chance to express their views, they were treated with respect, their dispute was handled seriously” (p. 137), and that the mediators attended to feelings and built understanding. Pruitt, Pierce, McGillicuddy, Welton, and Castria (1993) report that a respondent’s perception that all problems came out and were discussed in the mediation was positively related to their compliance with the agreement and other measures of long term (4-8 months) success.

Supporting Participant Self-Determination

McEwan and Maiman argue that even when other variables are taken into account, it is the level of consent that the participants are able to give in dispute resolution that leads to agreement and compliance: “whatever the trappings of mediation, consent is a significant force indeed for case outcome and voluntary compliance” (1986, p. 447). If mediators choose settlement terms, the “forum,” (the fact that it is a mediation rather than a trial), has no positive bearing on outcome levels or compliance levels. They write that “consensual processes enhance the legitimacy of an outcome and create their own psychological pressures for compliance” (p.446). Similarly, in her study of small claims mediation in Massachusetts, Wissler (1995) finds that, “consistent with procedural justice literature, disputant control over the process was a major factor affecting assessments of the procedure and played a stronger role than outcome control” (p. 345). Wissler (2006) also reports that “in most mediation settings...disputants who felt pressured to settle by the mediator were less likely to view the process as fair (p. 135).”

In addition, joint-problem solving between participants during the mediation process was associated with a better long term relationships between the participants 4-8 months after the mediation. This was true even after holding constant for prior escalation and hostility between participants (Pruitt, et al., 1993).

Making Suggestions

Research on mediators making suggestions is rare. While not the main focus of their study, Charkoudian and Wayne (2010) include a variable for the number of directive mediator behaviors (making suggestions, expressing opinions, telling participants how to behave, and advocating for a particular outcome) in their multi-variable regression equation. The results show that these directive behaviors were associated with a negative impact on participants’ report that

they could express themselves, that the mediator understood what they were expressing, and on their overall satisfaction with the mediation process.

In contrast, a study of 1,388 California families using parenting plan mediation, suggestions were particularly appreciated, with 93% agreeing that “the mediator had some good ideas for us to think about for the sake of the children” (Depner, et al., 1994, p. 308).

Wissler (1999) reports mixed effects of mediators recommending a particular settlement. She reports that in the domestic mediations examined in a Maine court, mediators *not* suggesting settlement options had a small but positive impact on full settlement, while it had no effect on settlement in the Ohio court. By contrast, suggesting settlement options had a positive, but mixed, effect on participant assessments in both courts. She writes, “Parties in cases that settled felt that they had a clearer understanding of the children’s needs if the mediator recommended a particular settlement than if she or he did not, but parties in cases that did not settle felt mediation was less fair if the mediator recommended a particular settlement” (p. ix).

Humanizing Participants to Each Other

Humanizing participants to each other has far-reaching implications for ADR’s positive outcomes. Umbreit and Coates (2006) reviewed a number of studies that found that face to face victim- offender mediation was more effective than “shuttle” mediation in terms of satisfaction and lower rates of recidivism. Other process factors associated with lower recidivism are “...having a conference that was memorable, not being made to feel a bad person, feeling involved in the conference decision-making, agreeing with the outcome, completing the tasks agreed to, feeling sorry for what they had done, meeting the victim and apologizing to him/her, and feeling that they had repaired the damage” (p. 11).

Vidmar’s (1985) attempt to replicate the McEwen and Maiman (1981) study of compliance offers an unintended finding of how different processes result in different outcomes. McEwen and Maiman found a compliance rate of 70.6% for mediated cases compared to a compliance rate of 33.4% for adjudicated cases in a small claims court in Maine. Those cases that were mediated but did not reach agreement, and were ultimately adjudicated had a compliance rate of 52.8%, indicating a longer term impact of mediation even in cases that did not settle in mediation. The authors concluded that this finding highlights that the process itself seems to create a sense of responsibility about payment, through humanizing the opponent and creating a personal connection. Vidmar attempted to replicate the results of the McEwen and Maiman (1981) study and concluded that it was admitted liability, rather than consensus built in mediation that resulted in compliance. Notable process differences in the two programs studied could account for the dissimilar findings. Vidmar studied a system in which the ADR service was provided by staff who called themselves “referees” and called the highly evaluative process a “hearing” as opposed to the volunteers providing a co-mediation process in the small claims

court studies by McEwen and Maiman. The fact that Vidmar's work was even considered a replication of or a challenge to McEwen and Maiman's highlights that much of the ADR literature compares very different processes, leaving practitioners and policy makers with little guidance on how to best implement ADR systems. Long's (2003) exploration with participants in mediation and adjudication about why they complied with the outcome of each procedure also supports the important role of humanizing the other participant. The majority of those who complied with their mediation agreement described the importance of keeping their word to the other person in the conflict, while the majority of those who complied with the court outcome described the importance of respect for the law.

Evaluating in General Civil Cases

Researchers summarize literature on court-connected non-family civil mediation, stating that "when mediators disclose their views about the merits or value of a case, cases are more likely to settle and litigants are more likely to assess the mediation as fair. By contrast, when mediators keep silent about their views of a case, cases are less likely to settle and litigants' views of procedural justice are not enhanced" (McAdoo, et al., 2003, p. 9). Wissler (2006) also finds that participants "were more likely to think the process was fair when mediators evaluated the case merits, they were less likely to think it was fair when mediators recommended a particular settlement" (p. 135). In a review of three studies of civil court-connected mediation, Wissler reports that "settlement was more likely if the mediators were more active and disclosed their views about the strengths and weaknesses of the case, case settlement value, or likely court outcome than if they did not" (2004, p. 69).

In a comparison study of mediation and neutral case evaluation being practiced in a single court, there were no differences in the following outcomes: "whether a case settled; attorneys' perceptions of fairness of the procedures and whether the benefits of ADR outweighed the costs; and attorneys' estimates of the effect of ADR on the time to disposition, litigation costs, the cost to prepare for and participate in the session, the amount of discovery conducted, or the number of motions filed" (Wissler, 2004, p.80).

This analysis highlights the need for clarity in definitions of processes for the purposes of the analysis to be conducted in Maryland, as the strategies described in these studies are more consistent with the Maryland Rules Definitions of a Settlement Conference than of Mediation.

Playing Other Roles

Sometimes mediators are called upon to play two or more roles, going beyond the traditional purview of a mediator. This can take several forms. In some settings, mediators are asked to play more than one role while mediating. In other jurisdictions, mediators are also court staff, and

serve other functions, but do not perform them while mediating. Some mediators are asked to perform a second role immediately after the mediation.

Richardson (1988) looked at cases in Montreal, Saskatoon, St. John, and Winnipeg and found consistently better results (higher compliance, lower legal costs, shorter time to case closure, more involvement of men in children's lives) in the Montreal program. The primary difference between the Montreal program and the other three was that in Montreal cases were referred to a service that provided only mediation, whereas in Saskatoon, St. John, and Winnipeg mediation was provided by staff who also conducted custody evaluations and counseling services (but not of the same cases). Another difference was that in Montreal, mediators were authorized to mediate property issues in the divorce as well as maintenance (child support), while mediators in the other three jurisdictions were limited to the topics of custody and visitation. Richardson concludes,

"...the Montreal data do suggest that mediation is relatively more effective when
1) it does not have to compete with the need to provide information, intake
services, short-term crisis counseling, longer-term counseling and perhaps, above
all, custody and access assessments;
2) mediators are free to mediate the four basic issues associated with separation
and divorce and
3) there is a deliberately structured approach to divorce mediation."

In 32 of California's 58 superior courts, court-ordered custody and visitation mediators are authorized to make recommendations to the court if participants are at an impasse. This unusual expectation may, in fact, be in opposition to the widely-accepted mediator ethics of impartiality and self-determination as defined in the Model Standards of Conduct (American Bar Association Section of Dispute Resolution, American Arbitration Association, and Association for Conflict Resolution, 2005). Depner, et al. (1994) compared the experiences of 1130 participants in counties where mediators are authorized to give advice to the court, to those of 818 participants in counties where mediators are not authorized. They found more favorable ratings of the mediation process in those programs where mediators were not authorized to recommend solutions to the court. They found that when mediators have the authority to recommend solutions to the court, participants were: [a] 5% less likely to feel listened to, [b] 7% more likely to feel rushed, [c] 5% more likely to feel pressured to go along with things they did not want; and [d] 6% more likely to feel too intimidated to express their concerns (1994, p. 311).

Length and Number of Sessions

Alternative dispute resolution, at its core, offers time to consider several issues and a range of possible solutions. This has been shown to be a strength of ADR over trial. In interviewing 281 small claims litigants, Wissler reports that those who used mediation valued a "longer, less

hurried, and more thorough discussion of a broader range of issues and solutions” than trial (1995, p. 351).

Short sessions appear to be less successful. In their study of custody and visitation mediation in Marion County, Indiana, Thoennes, Pearson, and Bell (1991) found that participant satisfaction was not high and was notably lower than in other studies of custody and visitation mediation. The program they studied offered a single 90 minute session to participants. This resulted in mediators limiting the conversation rather than considering all of the issues involved in the conflict. The authors write, “Among the key complaints cited by parents were not feeling listened to in the mediation process and/or feeling pressured to resolve their disputes” (p. iii). They also found no significant difference in compliance, relitigation, and time to disposition.

Further, participants’ view of an ADR session’s “thoroughness” may predict their perception of fairness. In the study of small claims mediation in Massachusetts, Wissler (1995) found that defendants who reached agreements in mediation were “only marginally more likely” to comply with the agreement than those in the adjudication group (p. 349). Defendants’ compliance was not related to their perception of fairness or satisfaction with the process but it was related to their assessment of how thorough they believed the process was.

In contrast, Wissler (1999) found that participants in custody and visitation mediation in Ohio and Maine were “more satisfied with the outcome when the mediation session was shorter. Parties in Maine in cases that did not settle, however, were less likely to recommend mediation to others when the session was shorter” (p. viii).

Role and Involvement of the Attorney

Little research has examined the effect of the role of attorneys. Wissler (2006) reports that in small claims mediation, the presence of attorney’s did not affect settlement or participant evaluation of the process. Conversely, in domestic mediation, full agreement was more likely if neither or only one attorney was present at the mediation and partial agreement was more likely if both were present at the mediation. McAdoo and colleagues argue that studies on attorney roles have indicated that [1] the presence of litigants in the room correlates to their view of the procedure’s fairness; [2] lawyer participation in mediations is beneficial, increasing agreement rates; [3] mediations are more likely to end in agreement when lawyers have prepared their clients for the session; and [4] when the attorneys adopt a cooperative stance (2003, p. 9-10). “When the lawyers behave more cooperatively during the mediation sessions, both the likelihood of settlement and litigant perceptions of procedural fairness increase, . . . thus, the training, ethical guidelines, and monitoring tools applicable to court-connected mediation programs should encourage mediators to facilitate participation by both litigants and their lawyers” (McAdoo, et al., 2003, p. 9).

Wissler (2010) reviews some of the studies that have examined the role of attorneys and conducts her own empirical analysis. She finds that overall, “the problems that unrepresented parties face in mediation, or conversely, the benefits of having counsel, might not be as great as some claim” (p. 468) and that how attorneys represent clients may be more important than whether or not clients are represented. For example, attorney preparation of participants is related to greater settlement and more favorable assessments of mediation, but not all attorneys prepare their clients for mediation. She also reports that some studies point to represented participants receiving “better” outcomes in mediation, but she highlights the difficulty of developing universal standards, given the differences participants may have as goals in mediation. On the question of whether attorneys’ presence limits the conversation, Wissler writes,

“In sum, representation did not seem to affect the discussion of feelings and settlement options, at least not in domestic relations mediation. Representation was related to slightly less improvement in parties’ understanding of the others side’s views, and had a mixed effect on parties’ understanding of their own concerns” (p. 444).

Finally, Wissler reports that attorney’s presence in mediation tends to be associated with lower settlement rates; research has not yet sufficiently differentiated whether this is due to the characteristics of the cases in which participants tend to be represented or due to the presence of the attorney in the process.

Impact of Case and Participant Characteristics on Outcomes

A good deal of existing research asks which characteristics of ADR participants and their court cases lead to positive ADR outcomes. The relationships between these characteristics and ADR success are of less interest here than system design factors listed above, since program designers or policymakers cannot change or improve the former to bring about greater success. Yet, it is important that case and participant characteristics be understood in some depth so that they can be held constant for in both cost-benefit analyses and system design research.

Participant Characteristics

Participants who enter into mediation or other forms of alternative dispute resolution may be seen as drivers of the process, rather than passengers. McEwan highlights the important impacts of participants’ own orientations, expectations and skills (such as negotiation or storytelling skills) on ADR outcomes, lamenting that research has too often focused on mediator skill, rather than those of participants (1999, p. 333-334). Litigants’ goals going into court also seem to be crucially important in predicting ADR’s potential usefulness. In fact, in her 1995 study of 221 small claims court cases, Wissler reports that: “the only factor related to the likelihood of settlement was a set of goals for coming to court. Disputants whose objectives for coming to

court reflected a competitive, non-integrative orientation (e.g., to show the other person that they couldn't be pushed around, to show that they were right, to teach the other person a lesson) were less likely to settle" (1995, p. 332). In her 2006 survey of empirical research, Wissler asserts that active participation during the mediation, as well as cooperation, joint problem-solving, and less aggressive behavior among participants is associated with reaching an agreement and greater participant satisfaction. In addition, prior hostility between participants was associated with negative long-term (4-8 months after mediation) outcomes (Pruitt, et al., 1993).

There may also be differences in ADR outcomes based on participants' relationship to each other. In four studies of small claims court-connected mediation, researchers found no relationship between agreement rates and the "contentiousness, nature, or length of the relationship between the litigants" (Wissler, 2004, p. 60). In her review of empirical literature, Wissler (2006) goes on to report mixed effects of participants' relationship on mediation outcomes. She reports no relationship between participants' previous relationship and likelihood of settlement in small claims cases, but that those with a continuing personal relationship were more likely to settle in a community mediation setting. While participant contentiousness had mixed results on outcome in community mediation settings, Wissler (2006) reports that participant contentiousness made settlement less likely in domestic settings. Wissler (1995) also found that the participants' prior or likelihood of future relationships did not affect the likelihood of resolution in mediation in small claims cases. Roehl and Cook (1985) report that while participants involved in on-going complex relationships are more likely than participants involved in less complex business relationships to voluntarily choose mediation, the former are also less likely to develop long term lasting resolutions in mediation.

There is a paucity of research findings supporting the idea that participant demographics predict mediation outcomes. One example of the impact of demographics on mediation comes from a study of California custody and visitation mediation whereby survey results showed that clients with lower income and less education tended to be more likely to rate the mediation process as helpful (Depner, et al., 1994). In reviewing literature on the effect of personal characteristics of participants (such as demographics, role of participant as complainant or respondent, etc.), Wissler (2006) finds that in general these characteristics do not affect settlement or perception of the mediation. She hypothesizes that mediator matching according to demographics may have an impact, but highlights the limited research in this area.

Case Characteristics

Because cases in most studies are not randomly assigned to mediation or adjudication, many are concerned that the perceived benefits of ADR could be due to differences in the characteristics of cases referred to mediation. When it comes to the type of legal case that would be most likely to settle in mediation, studies have shown that the case category, monetary value,

and legal complexity have no bearing on agreement rates (Wissler, 2004, p. 70). The complicated effects of court case characteristics are summarized by Wissler as follows:

The likelihood of settlement did not vary with general case-type categories in two studies, but another study found differences, with settlement most likely in cases involving unpaid bills and private sales and least likely in traffic accident cases. The findings of the latter study might in part reflect that cases in which the defendant admitted owing some or all of the plaintiff's claim were more likely to settle than if the defendant denied all liability (Wissler, 2004, p. 60).

Having fewer people named in the court case being referred to mediation seems to increase the likelihood of settlement, according to Hann and Baar (Wissler, 2004, p. 70). Vidmar argued in 1985 that a defendant's admission of partial liability was the most important indicator of settlement and compliance. Wissler (2006) also reports that the size of the monetary claim was not related to settlement in several small claims and general civil cases, but that there were mixed results regarding whether the complexity of the case was related to settlement. While reporting some mixed results, Wissler finds that in general, the research does not point to a pattern between the types of cases (e.g. personal injury, contracts, etc.) and mediation outcomes.

Some conclude that these mixed findings point to the need for broad program design, saying, "... because no case characteristics have been identified for which mediation has detrimental effects, mediation programs do not need to exclude certain types of cases" (McAdoo, et al., 2003, p. 9).

Access to Justice

ADR impacts citizens' access to justice in a variety of ways and has intricate relationships to the indices discussed above. These specifics will not be repeated in this section, although they may be analyzed in the AOC research project as they relate to the questions of access to justice. Overall, there are some who think ADR has the potential to limit access to justice, and others who find that ADR enhances it. These views are summarized below.

Some have been concerned that mediation denies access to justice, provides a second-class justice, or maintains unjust power imbalances that are found in the broader society, based on class, gender, or race. For example, some early opponents, (such as Abel, Auerbach, and Tomasic) argued that ADR "exacerbates resource imbalances between unequal parties and restricts legal rights of the disadvantaged" (Wissler, 1995, p. 324). In addition, O'Barr and Conley have pointed out that participants may be satisfied with mediation because they could "tell their story, even if it does not produce just outcomes," meaning that people who are satisfied may have "lowered expectations of what they are entitled to receive" under the law (Wissler, 1995, p. 352-353).

Wissler (1997) points out that "It has not been established, empirically, however, to what extent power imbalance disadvantages the weaker party in mediation, or whether any disadvantage is greater than would be experienced in bilateral negotiation or trial" (p. 574). Furthermore, limited empirical research on the topic found that "...women who resolved their divorce in mediation were more likely than women who resolved their divorce in adjudication to report that the process had increased their ability to stand up for themselves; were more satisfied with their property, custody, and spousal support agreements; and were equally likely to feel that their rights had been protected" (p. 575). And, in her study on the effects of mandatory versus voluntary mediation, Wissler (1997) finds that there is no difference between men and women or white and non-white participants in their experiences with mandatory mediation.

Others have argued that mediation offers a different kind of justice from that available through litigation, and one that allows for meeting a broader range of human needs. Hyman and Love (2002-2003) challenge the notion that mediation operates outside the realm of justice. They write:

Critics claim that mediation and settlement sacrifice a just result, a result in keeping with articulated and accepted societal norms, for mere efficiency or expedience. Such critiques neglect the multi-faceted nature of justice.... Rather than abandoning justice, the unique attributes of mediation enable mediators to help those who ultimately have the most intimate understanding of the complexities of their situation achieve a resolution they find 'just' (p. 159).

The authors highlight several different types of justice – reparative justice, retribution and revenge, distributive justice, relationships, and procedural justice, and analyze how these are met in mediation.

Another dimension of the access to justice question relates specifically to the question of whether mandating mediation, specifically, denies an individual of their due process rights. Wissler (1997) writes:

Some have argued that requiring mediation as a preliminary step to litigation may interfere with access to trial and, thus, constitutes a denial of due process. Several courts, however, have held that the right to due process is not violated if the mandatory program is nonbinding and creates no unreasonable obstacles to trial or undue pressures to settle... (p. 572).

Empirical work measuring the impact of ADR and certain types of ADR on access to justice is limited, with most writing focused on philosophical discussions rather than quantitative or qualitative analysis. The few studies that have attempted to explore quantitative analysis have limited their evaluation of mediation to only the financial outcomes of the process (Hermann, et al., 1993) rather than considering the range of types of justice that could be measured (see Hyman and Love, 2002-2003).

Umbreit and Coates (2006) highlight that one criticism that has been raised related to restorative justice programs is the “unintended consequence of widening the net – that is, sanctioning offenders who otherwise would not have received sanction through traditional procedures” (p. 8). They report on two victim-offender mediation studies related to the net-widening effect – one which finds a substantial net-widening effect and the other which finds an effect much less than expected. Umbreit and Coates conclude that the New Zealand study which finds a drastic reduction in court load from family group conferencing is an example of the net-widening effect. They write, “...only three out of five youth who appeared in court previously received any formal penalty, while fully 95% of conference youth either receive a penalty or make an apology. Again, this demonstrates a net-widening impact” (p. 8).

The 2009 interim report from the Maryland Access to Justice Commission identifies a range of barriers that Marylanders may face in trying to solve a legal problem, ranging from poverty to cultural, language, and literacy issues, to domestic violence. One of the recommendations from the statewide listening sessions is to “Increase the use of ADR in CINA and TPR cases” (p. 39). This recommendation reflects a perspective on ADR and access to justice that looks at ADR as a forum that can create more access and input for individuals who might otherwise be marginalized, and raises the need to consider whether ADR is offered in a way that is equally accessible to people from all communities and backgrounds.

Research Design Considerations

The literature on alternative dispute resolution is brimming with critiques of past research methods and exhortations to improve future research. The first critique concerns the cloudiness and narrowness of the ADR impacts measured, and comes with encouragement to clarify which goals or benefits are being measured, and to broaden the range of impacts examined. Second, researchers have called for studies that examine the impacts of multiple variables on outcomes: exactly what about certain interventions makes them successful and successful in what ways? Third, longer-term outcome measurement is called for, including surveys with ADR consumers before, soon after and long after their sessions. Fourth, large samples are encouraged with proper sampling techniques used to eliminate common past problems with selection bias. Finally, some urge the use of in-depth qualitative research methods to get a full picture of how and why some programs succeed.

Clear Goals, Broad Impacts

Rolph and Moller's (1995) ADR evaluation guidebook stated that the purpose of an evaluation is to determine if programs are accomplishing their stated goals, then immediately identifies the problem that "sometimes these goals are clearly specified; more often they are less clear or even in conflict" (p. 1). When studying the important benefit of cost savings, the authors caution that "the elements of the cost that should be reduced must be identified and defined. Whose costs – the agency's, the disputant's? What costs – attorney's fees, witness costs, administrative costs?" (p. 4).

There are also other reasons to clarify and perhaps even prioritize outcome measures, including questions about whether efficiency and other positive program outcomes are even compatible. For example, mandatory mediation programs are well known to have far higher caseloads, which is beneficial when trying to create broad court outcomes. But as Pearson notes, "many feel that mandatory mediation contradicts the ideology of mediation, [while] others predict that programs that achieve large case volumes will inevitably devote less time to each case and that this will undermine qualitative program outcomes, user satisfaction, and perceptions of equity". (1982, p. 440).

In a discussion of the impact of mediation in general civil cases, Wissler (2002) writes "...studies need to investigate the broader impacts of mediation beyond the instant cases - on the parties' general evaluations of the court system, on their (and their organizations') handling of future disputes, on the attorneys' practice of law (e.g. discussion with clients, negotiation with opposing counsel, future ADR use), and on the community" (p. 695).

Multi-Variate Analysis

Since the early 1980s, researchers such as Pearson have decried the “limited slice of goals” addressed by evaluations of mediation and other ADR programs, namely cost savings to the courts (1982, p. 424). Existing literature strongly supports the need for additional research dedicated to examining which inputs and program attributes lead to which of the desired outcomes discussed above. Shack (2003), summarizes this support, writing:

The tendency has been to equate one mediation program with another and assume the effectiveness of them all. In fact, programs are designed and implemented in a multitude of ways with varying degrees of effectiveness. Refocusing the research on the conditions under which mediation is most effective will better inform the courts, lawyers, and litigants about the best way to use mediation (p. 13).

In his review and commentary on court connected research, Lande (2004) highlights that significant research has been done on individual program effectiveness, including measuring short term efficiency (time to disposition, cost to litigants, etc.) and participant perception of the process. Lande encourages future researchers to drill deeper into program design to understand what design features create better outcomes and to broaden outcome measures to include the impact of ADR on relationships, personal empowerment, and substantive justice. He writes, “Whenever possible, research should use multi-variate analysis to identify potential causal relationships between various independent variables (especially program and process features that can be adjusted) and outcome measures of interest” (p. 97).

As detailed above, Herrman and colleagues (2006) propose a comprehensive research model. Their model is designed to support researchers to consider a range of inputs and processes, including the systems through which mediation is offered, the types of strategies used by the mediator, and the mediator and participant characteristics. (See outline in Appendix B.) This model reinforces the call found elsewhere (see Lande 2004, Lande, 2008, Wissler, 2002, Charkoudian, et.al. 2009) to analyze the components of ADR processes offered, instead of considering “mediation” as a standard process.

Wissler (2006) reviews the available empirical literature that tests relationships among some of the constructs in the Herrman and colleagues model. She concludes that there are not enough studies measuring the impact of various constructs and encourages researchers to use a variety of measures to test the same construct, and to consider the way that different constructs may have different effects in different settings. Wissler (2006) highlights that most studies do not sufficiently consider the fact that many of the constructs are inter-related and that multivariate analysis could allow researchers to tease out the effects of specific constructs and examine how some constructs interact. She goes on to criticize the “black box” (p. 140) approach, in which researchers do not examine the mediation process itself, but assume the process to be a standard variable.

Long-Term Impacts

Wissler (2006) also encourages researchers to examine short and long term outcomes other than just settlement. The core of Herrman and colleagues' (2006) model is consideration of four points in time to allow for an analysis of the short and long term impact of the mediation process, as well as to support analysis of characteristics and contexts pre-mediation that can affect the mediation process and its outcomes. The authors encourage comprehensive research that includes time series research with mediation participant surveys before, during, and after their ADR experience.

Proper Sampling

Aside from the consistent call for larger sample sizes (Wissler, 2006; Rolph and Moller, 1995), researchers see a crucial need to address perennial problems with selection bias. Some argue that mediation might appear to be more effective than it actually is because people with a tendency to want to resolve issues choose mediation, while others highlight that judges may send the more complex difficult cases to mediation and thus mediation's true impact is under-reported (Shack, 2007). Whichever one or combination of these factors may be true, if selection is not accounted for, the results of comparative evaluations will be tainted and inconclusive. In her discussion of best practices in comparison studies for ADR research, Shack (2007) writes,

The most reliable and generalizable results will be derived from a comparison of cases randomly assigned to mediation or to traditional litigation (or some other comparison group). Random assignment reduces the probability of external factors influencing the outcomes, and is the most valid method for measuring differences between the comparison groups. This method is thus, always the most desirable. However, it is very difficult to use random assignment in the court setting, so it is rarely done (p. 4).

Of the published articles reviewed in Shack's 2007 bibliographic summary, 5 of the 22 related to general civil; 1 of the 5 related to appellate; 4 of the 25 related to family; 3 of 10 related to child dependency; and none of the 7 juvenile victim-offender, 4 criminal, 9 small claims, or 4 community are based on studies which used random assignment. In her meta-analysis comparing mediation outcomes to court outcomes, Shaw (2010) laments the fact that there are so few studies that collect quantitative data from both groups for comparison purposes. She encourages the use of random assignment to "increase internal validity" (p. 464).

Perhaps the most comprehensive random assignment study involved families in contested custody disputes in Charlottesville, Virginia, where parents were randomly assigned to mediation or litigation. The study, whose impressive findings are cited above, involved post-mediation surveys, a review of the impact on trial rates and disposition time, a review of the nature of agreements, and a range of assessments related to parenting outcomes. The families were contacted again for follow-up studies 18 months and 12 years later (Emery, et al. 2001).

While noting that it may not always be logistically possible to use controlled random assignment, Rolph and Moller (1995), write:

...the possibility of using the design with a true control group should always be explored, because it provides the most statistically defensible results. Evaluators of agency ADR programs should also be aware that courts frequently use randomized control groups when evaluating their court-annexed ADR and other reform programs. Randomization is not necessarily a legal, constitutional, or logistical problem in disputing environments (p. 8).

Shack (2007), Rolph and Moller (1995), and others have highlighted other acceptable practices such as using a baseline comparison from a period before the mediation program was in place and matching of characteristics between cases that are mediated compared to a control group. Charkoudian (2005) deals with the issue with the Heckman Two-Step model, an econometric procedure which accounts for the issue of selection bias through identification of a variable which impacts the use of mediation, but not the outcome variable of interest. Whatever method is used, the issue of selection bias must be considered and accounted for in the analysis.

Qualitative Methods

While the rigors of large sample sizes, multi-variate analyses, and data from several points in time are important, many long-time researchers caution against using quantitative data analysis to the exclusion of in-depth qualitative methods. Rolph & Moller's (1995) guide to ADR evaluation design recommends longer focus groups and interviews, rather than surveys, for roster managers and or program administrators. McEwan (1999, p.330) asserts that experimental design is a distraction in ADR studies and unnecessarily limits the number and type of indicators that can be studied. He recommends following model studies on international mediation which use a string of in-depth case studies to construct inductive conclusions, looking at themes among successful cases.

In conclusion, the existing research into court-connected ADR has demonstrated several important benefits to alternative dispute resolution. Information about the impacts of specific ADR system design choices, by contrast, is scant. The AOC project has the potential to ~~significantly reshape the landscape of existing knowledge in this area, particularly if careful~~ attention is paid to veteran researchers' cautions about methodology.

Review of Data Availability

Methodology

Overview

The goal of the database review was to understand what data are currently kept related to ADR programs in Maryland. The scope included both data related to cases which go through ADR, as well as similar cases in the same jurisdiction which do not go through ADR. The information on the latter will be helpful in creating comparison groups.

Methodology

A list of variables of interest was made based on the research questions developed by the Advisory Committee, at a November 15, 2010, National Meeting of leading Maryland Judiciary officials, experts, and practitioners in the ADR field, and based on the literature review. (Some of these variables are one data point, such as length of mediation. Others are variable classes, such as participant demographics.) The goal was to determine which of the variables of potential interest to the committee are currently collected by the ADR programs and in court databases for cases that do not go through ADR. The list of variables is not exhaustive, and more variables of interest will be developed as the research is designed.

The individuals interviewed and programs visited for this review were recommended by members of the Research Advisory Committee and were available to meet during the month of August 2010. In some cases, the analysis includes the statewide data available, such as for the District Court Day of Trial ADR Program. In other cases, such as Family Court, representative programs were selected.

To compile an overview of what data is currently collected and how it is kept, interviews were conducted by phone, in person, and by e-mail with individuals from District Court headquarters, local courts, State's Attorney's offices, community mediation centers, and others. See Appendix C for a complete list of people interviewed.

Finally, code books for the District Court Criminal and Civil Mainframe Systems were reviewed.

Results

Information is compiled in a grid below. Each row lists a variable or a variable group that has been identified in the research questions as important for measurement. Within each court and ADR program, there are two columns, one for the ADR Program and one for all cases in the

system. Each cell identifies whether that variable is tracked for that program or those cases and identifies whether it can be found in the court file, the program file, or one of the court databases.

Data is considered to be collected if it is tracked somewhere in a way that can then be connected to a uniform case number. This would allow a researcher to use the various data locations to create one database as necessary. If the data is collected but not tracked by case number (for example, if evaluation forms are collected and then put in a general file with no notation of case numbers) then that data is identified as not collected. Furthermore, there were several areas where interviewees indicated that data could be collected relatively easily, such as a program where mediators are all employees and so could be asked to complete a questionnaire. These areas were still considered areas where data is not collected. As the research design moves forward, there will be several additional pieces of data that will need to be collected and it is a clearer process if this document only indicates what currently exists.

Finally, it is important to note that the quality of the data was not examined. While there is reason to believe that data is tracked and tracked accurately, this was not tested.

Table 1 lists the dates from which data has been collected in each program that was examined for the data availability review. In some cases the specific forms and some of the variables collected have changed over the years. Appendices D through O list the data that are currently available by case. Each desired variable is listed by court, with notes on the form that the data take. Some important notes about the data include:

- Court data is not currently combined into one workable data set. Retrieval of data in this form will take significant time and effort, including, in some cases, retrieval of hundreds of individual paper files;
- If an item is formally tracked it may not be consistently entered into a database;
- Several items are dependent upon ADR participants' self-reporting. Although a given variable is tracked, there may not be a high response rate from participants.
- Data included in the appendices are generally available more often than not.

Initially, the researchers attempted to see what data was available the statewide Unified Court System (UCS) data for circuit court cases held by and coordinated through the Maryland Judiciary's Judicial Information System (JIS). It appears, however, that there are several challenges to using the statewide court databases.

First, there are three counties that use a different database systems and whose data is then coded to integrate it, along with UCS, into the CJIS/MJIS system. Several people interviewed raised questions about whether the method of transcription sufficiently ensures that the compiled data is consistent with data from the other counties.

Second, several of those interviewed indicated that the way codes are used in each jurisdiction is different even among circuit courts using UCS. Although data within each jurisdiction allows for comparison across cases, data across jurisdictions may not be sufficiently standardized. This is true for data regarding cases events in general, and especially true for data regarding ADR. Some jurisdictions track their ADR data comprehensively within UCS, while others have limited ADR information in UCS and ADR information can, instead, be found in program files and case files.

Table 1: Data and Earliest Date Available

Location	Program	Date Tracking was Implemented
Anne Arundel County Conflict Resolution	District Court Pre-trial Mediation	2002
Anne Arundel County State's Attorney	Mediation Center	2000
Circuit Court for Baltimore County	Civil and Family Mediation Programs	1998
Circuit for Carroll County	Family Mediation Program	1998
Circuit Court for Charles County	Civil and Family Mediation	2001
Baltimore City	State's Attorney's Office for Baltimore City and Community Mediation	2006
Court of Special Appeals	Mediation Program	2010
District Court of Maryland	ADR Programs	2001

In addition, JIS, the AOC department from which researchers would need to receive the statewide data, receives many competing requests and is in the process of developing a statewide case management system; therefore there is often a backlog of tasks not essential to their normal operations. Developing a research system that does not depend on the ability to get information from JIS will give researchers more flexibility. Finally, this research will require data by case at a level of detail not kept in UCS.

Therefore, it is recommended that this research use data available at the local level, through local computerized databases and in court files for circuit court cases. This information, as well as additional information that will be gathered specifically for this research project, will be compiled to create databases that provide consistency across variables and include a level of detail necessary for the analysis.

Research Design and Methodology

Overview

The Administrative Office of the Courts, Court Operations Department, in association with the Center for Dispute Resolution at the University of Maryland Francis King Carey School of Law, the Center for Conflict Resolution at Salisbury University, Community Mediation Maryland, and the Institute for Government Service and Research at the University of Maryland, proposes to conduct a comprehensive policy and program analysis of the costs, benefits, and effectiveness of ADR supported by the Maryland Judiciary.

These groups will employ a variety of research designs and methodologies to address the following three goals:

A comprehensive cost-benefit analysis of ADR in the following Maryland settings: District Court- Civil, Day of Trial; District Court- Criminal; and Circuit Court- Civil, non-Family. The cost-benefit analysis will explore short and long term costs and benefits to the Judiciary, litigants, other public agencies, and the state more broadly.

An assessment of the efficiency and effectiveness of various ADR approaches and systems (“comparative effectiveness”) to understand what ADR approaches are most effective in which settings. Researchers will evaluate ADR in the following: District Court-Civil, Day of Trial; District Court-Criminal; Circuit Court-Civil, non-Family; and Circuit Court-Family, Custody/Visitation.

An understanding of the role of ADR and ADR programs throughout Maryland and their role in promoting access to justice for all Marylanders.

Development of the Research Design and Methodology

In May 2010, the leadership of the Maryland Judiciary approved the *Policy and Program Analysis Proposal: Cost Benefit/Effectiveness Analysis of ADR in Maryland*. The proposal described the justification of the study, as well as the current state of national ADR research and the need for Maryland-specific cost-benefit and efficiency/effectiveness evaluation. Specifically, the proposal identified three reasons directly associated with the needs of Maryland and the national discourse concerning ADR:

There is a lack of comprehensive state level studies that articulate and compare the full cost (financial, opportunity, and reputational) of ADR with the full short and long term

benefits (financial, opportunity, and reputational) of ADR to public agencies, individuals and states more broadly;

There is a scarcity of empirical studies that support the development of best practices or that clearly point to different outcomes associated with different mediation processes;

Maryland can fill gaps in the ADR knowledge base by undertaking this study. The study results will not only allow Maryland to make wise decisions about future investments in ADR, but the study will add to Maryland's reputation as a national leader in the field of ADR.

In developing the proposal, the researchers set forth preliminary research designs and associated methodologies and discussed them with representatives from the ADR-Statewide Evaluation Stakeholder Committee. This committee includes individuals from each of the research institutions listed above, Court Operations, Maryland Mediation and Conflict Resolution Office (MACRO), Department of Family Administration, and the District Court. Recognizing the impact of this study on the national discourse of ADR evaluation and its groundbreaking work within Maryland, the researchers and committee members viewed input from national academics and researchers as essential prior to the finalization of the research design and methodologies.

On November 15, 2010, over 50 individuals attended the Maryland ADR-Statewide National Meeting hosted by the University of Maryland Carey School of Law. The attendees included national and local ADR academics and researchers, members of the ADR-Statewide Evaluation Stakeholder Committee, and representatives from the Maryland Judiciary including Honorable Judge Robert M. Bell, Chief Judge of the Maryland Court of Appeals, Honorable Judge Ben C. Clyburn, Chief Judge of the District Court of Maryland leaders of the Circuit and District Court ADR Committees, and leaders of the Conference of Circuit Court Judges, the Conference of Circuit Court Clerks, and the Conference of Circuit Court Administrators (or their designee). With discussion led by Lorig Charkoudian, Toby Guerin, and Diane Hoffmann, the day-long meeting focused on providing input on the current ADR research design and methodologies and highlighting priority areas for research. See Appendix P for a complete list of attendees.

The researchers met following the National Meeting to further refine the research design and methodology. The updated designs were reviewed by the ADR-Statewide Evaluation Advisory Committee. The Advisory Committee also provided recommendations on jurisdiction selection for the research based upon established criteria, existing information on ADR practices, and other political and geographic factors.

Obtaining Necessary Approvals

Prior to commencing the evaluation study, the researchers will comply with the Maryland Judiciary's *Protocol for Policy and Program Analysis: Project Development, Approval and Accountability* process to obtain the necessary approvals. Every effort will be made to minimize the impact of the project on court personnel, court resources, and court consumers. When possible the project will utilize existing organizational information and resources. Furthermore, no work will commence in any jurisdiction without collaboration with court administrators, administrative judges, and other appropriate court and agency personnel.

District Court- Civil, Day of Trial

Cost-Benefit Analysis

In the District Court researchers will undertake a cost-benefit analysis of cases in a jurisdiction with a day of trial ADR program. The selected jurisdiction will offer ADR some days of the week and not provide ADR on other days of the week. The jurisdiction will allow for comparison of similar case types for both groups (ADR and non-ADR cases). The researchers will examine the impact of the ADR process in comparison to litigation and conventional settlement on short¹ and long² term outcomes. The cost-benefit analysis will include costs and benefits in terms of public agency, time and personal experience of the parties, relationship between the parties, attitudes toward the courts, and direct financial costs.

The data collection will involve in-person participant and attorney surveys conducted prior to and immediately following the ADR or non-ADR process, along with participant and attorney surveys by phone three months post-ADR or non-ADR process.

Comparative Effectiveness Analysis

To ensure inclusion of a range of processes and systems, the data for the comparative effectiveness analysis will be collected for cases using ADR in three different District Court day of trial settings (one of which will be the jurisdiction used for the cost-benefit analysis). The

¹ Short term outcomes include: disputant beliefs and attitudes (satisfaction with court/judicial system, satisfaction with the process, satisfaction with the outcome, compliance, why the case settled or t), conflict resolved (agreement reached, issues resolved, participant sense of equity, nature of the agreement, relationship changes), institutional context (legal outcome, bench time, time to disposition, attorney fees, childcare and other costs, missed work).

² Long term outcomes include: disputant beliefs and attitudes (attitude toward the other participant(s), attitude toward conflict, attitude toward court), conflict resolved (compliance with agreement, retaliation, re-litigation, police or agency contact, sense of closure/needs met).

researchers will examine the impact of antecedent conditions³ and the ADR process itself on specified short term and long term outcomes. Observational coding⁴ consisting of direct observation of ADR practitioner and participants will measure the impact of specific ADR practitioner strategies and interventions on specific outcomes. In addition, in-person participant and attorney surveys will occur preceding the ADR process and immediately following the ADR process. Researchers will conduct phone interviews of attorneys and participants three months following the conclusion of the ADR process. In addition, ADR practitioners will complete a written survey immediately before and after the ADR process.

Proposed Jurisdictions

The researchers have tentatively identified either Prince George's or Montgomery County for the cost-benefit research. These counties were selected as they offer ADR 2-3 days of the week and provide opportunities for the same types of cases to go to ADR or litigation. Ideally both mediation and settlement conferencing as well as ADR for general civil and peace order cases is available in the selected jurisdiction.

In addition to Prince George's County or Montgomery County, the counties of Wicomico and either St. Mary's or Calvert have been tentatively selected for the comparative effectiveness analysis. These counties all support annual case loads of at least 100 mediations, 100 settlement conferences, and 100 non-ADR processes, i.e. litigation. The jurisdictions all provide day of trial ADR, utilize a variety of ADR providers (community mediators, bar associations, District Court volunteers, etc.), provide variety in length of time for ADR, and demonstrate a variety of types of ADR (i.e., facilitative, inclusive, transformative, eclectic).

³ Antecedent conditions include: personal characteristics (demographics, participants, relationship between the participants, etc.), disputant beliefs and attitudes, dispute characteristics (case type, monetary value, legal complexity, representation, length of conflict, etc.), and interpersonal dynamics (relationship of participants, relationship of attorneys).

⁴ Observational coding is a method used to observe and record data about interactions. For the purposes of this study a trained individual will be in the room during the ADR process and will use a defined rubric to record the observed interactions.

District Court-Criminal

Cost-Benefit Analysis

The cost-benefit analysis for criminal cases in the District Court will include a comparison between a district with mediation and a district without mediation.⁵ The control group (cases pulled from the district without mediation) will be carefully selected to ensure that they include cases that would have been eligible for mediation had they been in the “treatment” county (district that provides ADR services). Researchers will explore the impact of the mediation process in comparison to the standard prosecution process on short and long term outcomes.

Data collection will involve in-person interviews of both control group (i.e., those that do not engage in ADR) and mediation participants before and after the ADR or non-ADR process. Researchers will conduct a phone interview of the same individuals three months following the conclusion of the case. The State’s Attorney will complete a written survey prior to the ADR or non-ADR process.

Comparative Effectiveness Analysis

Two additional jurisdictions will be used for the comparative effectiveness analysis allowing for data from a total of three jurisdictions. The goal of this research component is to include a range of different ADR processes and a variety of systems (e.g. partnerships between State’s Attorney’s Offices and community mediation centers and State’s Attorney’s Offices with internal ADR programs). The researchers will examine the impact of antecedent conditions and the mediation process on short and long term outcomes. Observational coding will be used to measure the specific impact of mediator strategies and interventions on specific outcomes. Researchers will conduct in-person interviews of participants before and after mediation. A phone interview of participants three months following mediation will be used to gather data on long term outcomes⁶. The State’s Attorney will complete a written pre-mediation survey. Researchers will obtain data on the mediator⁷ through pre-mediation and post-mediation written surveys.

⁵ It should be noted that mediation is the only process currently offered for criminal District Court cases. When possible the research will explore all ADR processes for the case type.

⁶ Long term outcomes include: disputant beliefs and attitudes (attitude toward ADR, satisfaction with the process, satisfaction with the outcome, attitude toward other participant, attitude toward conflict, attitude toward court) and conflict resolved (compliance with agreement, re-litigation, contact with police, sense of justice served, reduced anxiety about the incident).

⁷ Such data will include: ADR training, experience as ADR practitioner, legal and other professional experience, demographics, solo or co-mediation, mediator supervision, MPME membership, content knowledge.

Proposed Jurisdictions

The researchers will conduct the cost-benefit analysis part of the study in two jurisdictions with similar demographics and similar types of cases processed by the State's Attorney's Office, one offering mediation and one without mediation. Researchers have tentatively selected Washington County as the "treatment" county (i.e., county providing ADR). Data from Washington County will be compared to data from Allegany or Frederick County, which will serve as the "control" county (no ADR provided) for the cost-benefit analysis. These tentative selections should have a policy of accepting citizen complaint cases and support a caseload of 100 mediated and 100 non-mediated cases in a 12 month timeframe.

Researchers have tentatively selected Washington County, Baltimore City and Montgomery County for the comparative effectiveness analysis.⁸ Ideally the three jurisdictions will have a variety of characteristics including: mediators from different organizations, location of mediations, duration allowed for mediation, and type of mediation provided.

Circuit Court-Civil, Non-Family

Cost-Benefit Analysis

Researchers will compare a district with ADR with a district without ADR, but with similar unobservable characteristics (same attorneys, county demographics, case volume, etc.) for the circuit court civil, non-family case analysis. Researchers will examine the impact of the ADR process in comparison to litigation and conventional settlement on short and long term outcomes. The cost-benefit analysis will include costs and benefits in terms of public agency, participant time and experience, relationship between parties, attitude toward the courts, and direct financial costs. Written surveys will be used for participants, attorneys, and ADR practitioners immediately before and after the ADR or non-ADR process. Researchers will conduct a phone interview with participants and attorneys three months following the conclusion of the ADR or non-ADR process. Twelve months after case closure researchers will determine whether the case has been re-litigated, appealed, or returned to ADR.

Comparative Effectiveness Analysis

Researchers will include two additional jurisdictions for the comparative effectiveness analysis allowing for data from a total of three different jurisdictions. The goal in this portion of the research is to include a range of ADR processes and a variety of systems. The research will

⁸ Anne Arundel County was subsequently chosen to replace Montgomery County in the comparative effectiveness analysis.

examine the impact of antecedent conditions and the ADR process on short and long term outcomes. Researchers will use written surveys as the primary method of collecting data for circuit court-civil, non-family cases. Similar to the cost-benefit analysis, participants, attorneys and ADR practitioners will receive a written survey immediately pre- and post- the ADR process. Researchers will contact the attorney and other participants by phone three months following the conclusion of the ADR process to conduct a survey. Data on strategies used during the ADR process will be collected through participant surveys, attorney surveys, and ADR practitioner surveys.

Proposed Jurisdictions

Researchers will collect data for the cost-benefit analysis portion of this study from Queen Anne's County which will serve as the "treatment" county or county providing ADR, and from Talbot or Kent County ("control" county which does not provide ADR).⁹ These jurisdictions were tentatively chosen because of their similar demographics and other characteristics. The jurisdictions also should support a caseload of 75 cases utilizing ADR and 75 cases not using ADR in a 12 month period.

Two additional jurisdictions are necessary for the comparative effectiveness analysis. Researchers have tentatively identified Howard County and Montgomery County (or Baltimore County and Baltimore City) in addition to Queen Anne's County. Ideally the three jurisdictions will exemplify a variety of characteristics including requirements for ADR practitioners, communications between court and litigants, selection of ADR practitioners, and location of ADR process.

Circuit Court-Family, Custody/Visitation

Cost-Benefit Analysis

Due to the Maryland Judiciary's already existing commitment to the use of mediation for appropriate custody/visitation cases and the lack of historical information on non-mediated cases, resources will be committed only to a comparative effectiveness analysis and not to a cost-benefit analysis.

Comparative Effectiveness Analysis

Appropriate cases for the comparative effectiveness analysis for circuit court-family, custody/visitation cases include those within the court system for contested custody and/or

⁹ Along with Queen Anne's County, Talbot and Kent Counties subsequently developed ADR programs. Thus, they will serve as treatment counties. Cecil County will serve as the comparison county.

visitation issues for the first time. Researchers will assess three or four different jurisdictions for this study to ensure the inclusion of a range of processes and a range of ADR systems¹⁰. The researchers will examine the impact of the antecedent conditions and the ADR process on short and long term outcomes. Researchers will also identify specific mediator strategies and interventions through observational coding. Participant pre and post ADR process surveys will be conducted via in-person interviews. Participants will also receive a phone survey six months after their participation in ADR. ADR practitioners will complete a written survey immediately before and after the ADR process. If present at the mediation, attorneys will also receive an in-person interview before and after the ADR process. If attorneys are not present, as is common for family custody/visitation cases, researchers will administer a survey by phone and/or mail just before and after the ADR process as well as six months post-process.

Proposed Jurisdictions

The researchers have tentatively chosen Anne Arundel County, Charles County, and Montgomery County or Baltimore County for the comparative effectiveness analysis. Second choices include Washington County and Carroll County. These jurisdictions are appropriate for the comparative effectiveness analysis because they refer the vast majority of custody and/or visitation cases to ADR. The three jurisdictions also have a variety of mediators, mediation locations, mediation styles, and pre-mediation communications. Each jurisdiction supports a caseload of 50 ADR cases with a combined three jurisdiction caseload of at least 200 cases within a twelve month period.

ADR Landscape

In addition to the specific research described, the evaluation will provide a comprehensive description of the application of ADR and various court-affiliated ADR programs throughout Maryland. This portion of the research, termed the “ADR Landscape” will further describe ADR in the areas and jurisdictions involved in the overall study and provide more detail on those jurisdictions and programs outside of the cost-benefit and comparative effectiveness analysis. Examples of such programs include ADR for child welfare cases, medical malpractice, and business and technology cases, the newly developed Court of Special Appeals mediation program, and collaborative law in family cases. In addition, an in-depth examination of the current and potential uses of collaborative law will take place in conjunction with the ADR landscape. The evaluation will also assess the use of community conferencing in juvenile delinquency matters by describing program processes and by comparing recidivism of cases

¹⁰ ADR Systems include: in-house ADR providers, partnerships with community mediation centers, paid roster ADR providers, etc.

using community conferencing compared to cases using traditional court processes. The inclusion of the ADR landscape will provide the Judiciary, ADR practitioners and citizens with a comprehensive picture of the existing and future uses of ADR throughout Maryland and highlight the various programmatic similarities and differences across jurisdictions.

Projected Products of the Analysis:

Research Design/Analytical Framework

ADR Landscape

Comprehensive Cost-Benefit Analysis

Comparative Effectiveness Analysis

Obstacles to the Adoption of ADR and Best Practices in Maryland

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Appendix A: ADR Statewide Research Advisory Committee and Policy and Program Analysis Members

Advisory Committee Members

Sandra K. Dalton, Clerk of the Circuit Court for Frederick County

Barbara Domer, Court Administrator, Circuit Court for Frederick County

Deborah Eisenburg, Director, Center for Dispute Resolution at the University of Maryland
School of Law

Connie Kratovil-Lavelle, Executive Director, Department of Family Administration,
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Julie Linkins, Court Resources Director, Maryland Mediation and Conflict Resolution Office

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Haleigh LaChance, Director of Special Projects, Salisbury University Center for Conflict Resolution

E. Patrick McDermott, Director of Research and Evaluation, Salisbury University Center for Conflict Resolution

Ruth Obar, Senior Research Fellow, Salisbury University Center for Conflict Resolution

Diane Pawlowicz, Executive Director of Court Operations, Administrative Office of the Courts

Brian Polkinghorn, Associate Director of Research, Salisbury University Center for Conflict Resolution

Jamie Walter, Senior Researcher, Court Operations, Administrative Office of the Courts

Douglas Young, Senior Faculty Researcher, University of Maryland Institute for Governmental Service and Research

Appendix B: Herman, Hollett and Gale Model

Herrman, Hollett, and Gale (2006) propose a comprehensive model to be used by mediation researchers, which they developed from an analysis of four decades of mediation research. This model is summarized in the narrative above. The full model is presented below in an outline format.

I. Antecedent Conditions

A. Personal Characteristics

1. Disputant Characteristics
2. Mediator Characteristics

B. Disputant Beliefs and Attitudes

1. Willingness to Participate
2. Perceptions of Voluntariness
3. Expectations/Feelings About the Mediation
4. Motivation to Resolve

C. Dispute Characteristics

1. Legal Characteristics
2. Conflict Characteristics
3. Interpersonal Dynamics

D. Institutional Context

1. Program Context
2. Process Access
3. Process Efficiency
4. Process Information

II. The Mediation

A. Factors that Prime Readiness

1. Mediator Empathy
2. Feeling Hear and Understood
3. Able to talk about Perceptions and Feelings
4. Clarity
5. Perceived Self-efficacy
6. Hostile Environment

B. Procedural Factors: Mediation Conditions

1. Active Participation
2. Procedural Clarity
3. Global Fairness
4. Interactional Fairness
5. Mediator Neutrality
6. Mediator Process Control

C. Procedural Factors: Problem-Solving

1. Active Negotiation
2. Talk about Issues and Needs
3. Formulate Options

D. Procedural Factors: Decision-Making

1. Clients Shape Decisions
2. Mediator Driven Closure

III. Short-term Outcomes

A. Disputant Beliefs and Attitudes

1. Satisfaction with the Court/Judicial System
 2. Satisfaction with the Mediator
 3. Satisfaction with the Process
 4. Satisfaction with the Outcome
 5. Why Case Settled
 6. Compliance Orientation
 7. Reduced Anxiety about the Crime
 8. Reduced Fear of Recidivism
-

9. Improved Functioning

B. Conflict Resolved

1. Agreement Reached
2. Issues Resolved
3. Distributive Justice
4. Relationship Changed

C. Institutional Context

1. Institutional Efficiency
2. Institutional Effectiveness
3. Comparable Costs

IV. Long-term Outcomes

A. Disputant Beliefs and Attitudes

1. Post-Mediation Evaluation
2. Relationship Change

B. Conflict Resolved

1. Compliance with the Agreement
2. Restorative Justice
3. Reduced Recidivism

Appendix C: List of Interviewees and Programs Reviewed for Data Availability

Interviewees

C. David Crumpton, PhD., Deputy Executive Director, Court Research and Development
Elizabeth David, Mediation Case Manager, Mediation Center, Office of the State's
Attorney for Anne Arundel County

Georgine DeBord, Teen Court/Mediation Coordinator, Montgomery County State's
Attorney's Office

Maureen Denihan, Deputy Director, ADR Programs, District Court of Maryland

Kelly Franks, Family Services Program and Policy Manager, Department of Family
Administration

Andrew Grange, ADR Coordinator Assistant, Circuit Court for Baltimore County

Andrew Ginder, Coordinator of Management Information and Data Quality, Court
Operations Department

Nancy Hirshman, Director, Mediation Center, Office of the State's Attorney for Anne
Arundel County

Joy Keller, DCM Coordinator/Civil Mediation Administrator, Circuit Court for Baltimore
County

Tyler Keyworth, Director of Community Education, Anne Arundel Conflict Resolution
Center

Connie Kratovil-Lavelle, Executive Director, Family Court Administration

Joanne Krieder, Family Mediation Coordinator, Circuit Court for Carroll County

Mala Malhotra-Ortiz, Assistant Director of Mediation, Maryland Court of Special
Appeals

Jennifer Murphy, Family Services Director, Circuit Court for Charles County

Bob Rhudy, Director of Mediation, Maryland Court of Special Appeals

Jonathan Rosenthal, Executive Director, ADR Programs, District Court of Maryland

Wendy Sawyer, Director, Office of Family Mediation, Circuit Court for Baltimore
County

Tim Sheriden, Court Administrator, Circuit Court for Baltimore County

Anne Sigman, Technical Advisor, ADDRESS

Lisa Simonds, ADR Coordinator, Circuit Court for Charles County

Jerri Thomas, Lead Mediation Coordinator, Community Mediation, Baltimore City

Al Watson, Lead Mediation Liaison, Community Mediation, Baltimore City

Powell Welliver, Family Law Administrator, Circuit Court for Carroll County

Nick White, Evaluations Director, MACRO

Rachel Wohl, Executive Director, MACRO

Databases, Program Files, and Court Files were reviewed in the following programs:

Anne Arundel Conflict Resolution Center
Circuit Court for Baltimore County, Civil and Family Mediation
Circuit Court for Carroll County, Family Mediation
Circuit Court for Charles County, Civil and Family Mediation
Circuit Court for Howard County, Civil Domestic
Community Mediation, Baltimore City
Court of Special Appeals Mediation Program
District Court of Maryland ADR Programs
Office of the State's Attorney for Anne Arundel County Mediation Center
State's Attorney's Office for Baltimore City, Mediation Liaison Office

Appendix D: Codes for Available Data by Variable, Court, and Format

CODES

DCCIS	District Court Civil Inquiry System
DVO	DV Office
CSI	District Court Criminal System Inquiry
CF	Court Files
PF	Program File, either the ADR program within the court or an outside mediation service
UCS	Unified Court System Database
CSA	Court of Special Appeals database system
T1	Time One: Immediately after mediation
T2	Time Two: Some time period after mediation (e.g. 3-6 months)

Appendix E: Data Availability in Select District Court Criminal Court Programs

Variable of Interest	Anne Arundel State's Attorney In-House		Baltimore City State's Attorney with Community Mediation		Montgomery County State's Attorney In-House	
	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
ADR Practitioner Education	No	n/a	PF	n/a	No	n/a
ADR Practitioner Training	PF	n/a	PF	n/a	PF	n/a
ADR Practitioner Experience	No	n/a	No	n/a	No	n/a
ADR Practitioner Demographics	No	n/a	PF	n/a	No	n/a
Participant Relationship	CF	CF	PF	CF	CF	CF
Participant Demographics	No	No	PF – race, gen.	No	No	No
Type of Claim/Charge	CSI	CSI	CF/ PF	CF	CF	CF
Participant Preparation	No	No	No	n/a	No	n/a
Voluntary vs. Mandatory	No	n/a	No	n/a	No	n/a
Age of Conflict	No	No	No	No	No	No
Timing of ADR	PF/ CSI	n/a	PF/ CF	n/a	PF/ CF	n/a

Variable of Interest	Anne Arundel State's Attorney In-House		Baltimore City State's Attorney with Community Mediation		Montgomery County State's Attorney In-House	
	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
Location of ADR	PF	n/a	PF	n/a	PF	n/a
Co-mediation?	No	n/a	PF	n/a	PF	n/a
Mediation/ADR Approach	No	n/a	No	n/a	No	n/a
Mediation/ADR Strategies	No	n/a	No	n/a	No	n/a
ADR Practitioner provide advice?	No	n/a	No	n/a	No	n/a
ADR Practitioner use Persuasion?	No	n/a	No	n/a	No	n/a
Practitioner's Goals	No	n/a	No	n/a	No	n/a
Program Goals	No	n/a	No	n/a	No	n/a
Length of Mediation	No	n/a	PF	n/a	No	n/a
# of Mediation Sessions	PF	n/a	PF	n/a	PF	n/a
Attorney Involved in Process	No	CSI	PF	CSI	PF	CSI

Variable of Interest	Anne Arundel State's Attorney In-House		Baltimore City State's Attorney with Community Mediation		Montgomery County State's Attorney In-House	
	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
Participant Involved in Process	PF	No	PF	No	PF	No
Participant Control Decision	No	No	No	No	No	No
Satisfaction with Process	No	No	PF	No	No	No
Sense of being Heard	No	No	PF	No	No	No
Sense of Fairness	No	No	No	No	No	No
Agreement Reached	PF	n/a	PF/ CF	n/a	PF	n/a
Conflict Resolved (T1)	No	No	PF	No	No	No
Quality of Relationship (T1)	No	No	No	No	No	No
Legal Outcome	PF/ CSI	CSI	CSI	CSI	CSI	CSI
Filing of New Charges/Re-open/Modification	CSI	CSI	CSI	CSI	CSI	CSI
Attorney Fees	No	No	No	No	No	No

Variable of Interest	Anne Arundel State's Attorney In-House		Baltimore City State's Attorney with Community Mediation		Montgomery County State's Attorney In-House	
	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
Perception of Court	No	No	No	No	No	No
Time to Disposition	CSI	CSI	CSI	CSI	CSI	CSI
Case Events	CSI	CSI	CSI	CSI	CSI	CSI
Future Use of CR	No	No	No	No	No	No
Recidivism – Court	CSI	CSI	CSI	CSI	CSI	CSI
Recidivism – Police	No	No	No	No	No	No
Recidivism – DJS	No	No	No	No	No	No
Compliance with Agreement (T2)	PF *	No	PF	No	No	No
Conflict Resolved (T2)	No	No	No	No	No	No
Quality of Relationship (T2)	No	No	PF	No	No	No
Impact on Others – Children, etc.	No	No	PF	No	No	No

*Compliance is tracked for cases in which the agreement involves payment of restitution. This is approximately 10% of the cases.

Appendix F: Data Availability in Select Circuit Court, Family Division Programs

Variable of Interest	Custody & Visitation and Children in Need of Assistance		Custody & Visitation and Property		Children in Need of Assistance		Custody & Visitation and Property		Children in Need of Assistance	
	Carroll County		Charles County		Charles County		Baltimore County		Baltimore County	
	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
ADR Practitioner Education	PF	n/a	PF	n/a	PF	n/a	No	n/a	No	n/a
ADR Practitioner Training	PF	n/a	PF	n/a	PF	n/a	No	n/a	No	n/a
ADR Practitioner Experience	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a
ADR Practitioner Demographics	PF – gen, age	n/a	PF – gen, age	n/a	PF – gen, age	n/a	No	n/a	No	n/a
Participant Relationship	PF/CF	CF	CF	CF	CF	CF	UCS	UCS	UCS	UCS
Participant Demographics	no	No	No	No	CF	CF	No	No	No	No
Type of Claim/Charge	USC/ PF	USC	UCS	UCS	UCS	UCS	UCS	UCS	UCS	UCS
Participant Preparation	no	n/a	No	n/a	No	n/a	PF	No	PF	No

Variable of Interest	Custody & Visitation and Children in Need of Assistance		Custody & Visitation and Property		Children in Need of Assistance		Custody & Visitation and Property		Children in Need of Assistance	
	Carroll County		Charles County		Charles County		Baltimore County		Baltimore County	
	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
Voluntary vs. Mandatory	PF	n/a	No	n/a	CF	n/a	PF	n/a	PF	n/a
Age of Conflict	no	No	no	No	No	No	No	No	No	No
Timing of ADR	UCS/ PF	UCS/ PF	UCS/ CF	UCS/ CF	USC/ CF	n/a	UCS	n/a	UCS	n/a
Location of ADR	PF	n/a	No	n/a	CF	n/a	PF	n/a	PF	n/a
Co-mediation?	PF	n/a	No	n/a	CF	n/a	PF	n/a	PF	n/a
Mediation/ADR Approach	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a
Mediation/ADR Strategies	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a
ADR Practitioner provide advice?	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a
ADR practitioner use persuasion?	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a
Practitioner's Goals	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a

Variable of Interest	Custody & Visitation and Children in Need of Assistance		Custody & Visitation and Property		Children in Need of Assistance		Custody & Visitation and Property		Children in Need of Assistance	
	Carroll County		Charles County		Charles County		Baltimore County		Baltimore County	
	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
Program Goals	No	n/a	PF	n/a	No	n/a	PF	n/a	PF	n/a
Length of Mediation	PF	n/a	No	n/a	PF	n/a	No	n/a	No	n/a
# of Mediation Sessions	PF	n/a	CF	n/a	PF	n/a	No	n/a	No	n/a
Attorney Involved in Process	PF	UCS	No	No	CF	CF	UCS/ PF	UCS	UCS/ PF	UCS

	Circuit Court, Family Division Programs									
	Custody & Visitation and Children in Need of Assistance		Custody & Visitation and Property		Children in Need of Assistance		Custody & Visitation and Property		Children in Need of Assistance	
	Carroll County		Charles County		Charles County		Baltimore County		Baltimore County	
	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
Participant Involved in Process	PF	No	No	No	CF	No	PF	No	PF	No
Participant Control Decision	No	No	No	No	No	No	No	No	No	No
Satisfaction with process	PF	No	No	No	PF	No	No	No	PF	No
Sense of being Heard	PF	No	No	No	PF	No	No	No	PF	No
Sense of fairness	No	No	No	No	No	No	No	No	No	No
Agreement reached	PF	UCS	UCS/CF	UCS	CF	UCS / CF	UCS	UCS	UCS	UCS
Conflict Resolved (T1)	No	No	No	No	No	No	No	No	No	No
Quality of Relationship (T1)	No	No	No	No	No	No	No	No	No	No

	Circuit Court, Family Division Programs									
	Custody & Visitation and Children in Need of Assistance		Custody & Visitation and Property		Children in Need of Assistance		Custody & Visitation and Property		Children in Need of Assistance	
	Carroll County		Charles County		Charles County		Baltimore County		Baltimore County	
	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
Legal Outcome	UCS	UCS	UCS	UCS	UCS	UCS	UCS	UCS	UCS	UCS
Filing of New Charges/Re-open/Modification	USC	UCS	UCS	UCS	UCS	UCS	UCS	UCS	UCS	UCS
Attorney Fees	No	No	No	No	No	No	No	No	No	No
Perception of Court	No	No	No	No	No	No	No	No	No	No
Time to Disposition	UCS	UCS	UCS	UCS	UCS	UCS	UCS	UCS	UCS	UCS
Case Events	UCS	UCS	UCS	UCS	UCS	UCS	UCS	UCS	UCS	UCS
Future Use of CR	No	No	No	No	No	No	No	No	No	No

	Circuit Court, Family Division Programs									
	Custody & Visitation and Children in Need of Assistance		Custody & Visitation and Property		Children in Need of Assistance		Custody & Visitation and Property		Children in Need of Assistance	
	Carroll County		Charles County		Charles County		Baltimore County		Baltimore County	
	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
Recidivism – Court	UCS	UCS	UCS	UCS	UCS	UCS	UCS	UCS	UCS	UCS
Recidivism – Police	No	No	No	No	No	No	No	No	No	No
Recidivism – DJS	No	No	No	No	No	No	No	No	No	No
Compliance with Agreement (T2)	No	No	No	No	No	No	No	No	No	No
Conflict Resolved (T2)	No	No	No	No	No	No	No	No	No	No
Quality of Relationship (T2)	No	No	No	No	No	No	No	No	No	No
Impact on Others – Children, etc.	No	No	No	No	No	No	No	No	No	No

Appendix G: Data Availability in Select Civil Non-Domestic Programs

Civil (Non-Domestic) Programs												
	District Court Day of Trial Statewide		District Court Pre-Trial Anne Arundel County		District Court Peace Order Statewide		Circuit Court for Baltimore County		Circuit Court for Charles County		Court of Special Appeals	
	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
Variable of Interest												
ADR Practitioner Education	PF	n/a	No	n/a	PF	n/a	UCS, PF	n/a	PF	n/a	PF	n/a
ADR Practitioner Training	PF	n/a	PF	n/a	PF	n/a	PF	n/a	PF	n/a	PF	n/a
ADR Practitioner Experience	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a
ADR Practitioner Demographics	No	n/a	PF	n/a	No	n/a	PF - gen, age	n/a	PF - gen, age	n/a	No	n/a

Civil (Non-Domestic) Programs												
	District Court Day of Trial Statewide		District Court Pre-Trial Anne Arundel County		District Court Peace Order Statewide		Circuit Court for Baltimore County		Circuit Court for Charles County		Court of Special Appeals	
Variable of Interest	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
Participant Relationship	CF	CF	CF	CF	CF	CF	No	No	No	No	PF	No
Participant Demographics	PF	No	PF	No	PF	No	No	No	No	No	No	No
Type of Claim/ Charge	DCCIS	DCCIS	PF/ DCCIS	DCCIS	DVO	DVO	UCS	UCS	UCS	UCS	CSA	CSA
Participant Preparation	No	n/a	PF	n/a	No	n/a	No	No	No	n/a	PF	n/a
Voluntary vs. Mandatory	PF	n/a	PF	n/a	PF	n/a	No	n/a	No	n/a	PF	n/a
Age of Conflict	No	No	No	No	No	No	No	No	No	No	No	No

Civil (Non-Domestic) Programs												
	District Court Day of Trial Statewide		District Court Pre-Trial Anne Arundel County		District Court Peace Order Statewide		Circuit Court for Baltimore County		Circuit Court for Charles County		Court of Special Appeals	
Variable of Interest	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
Timing of ADR	PF/ DCCIS	n/a	PF/ DCCIS	n/a	PF/ DVO	n/a	UCS	n/a	CF/ UCS	n/a	CSA	n/a
Location of ADR	PF	n/a	PF	n/a	PF	n/a	No	n/a	No	n/a	PF	n/a
Co-mediation?	PF	n/a	PF	n/a	PF	n/a	UCS	n/a	No	n/a	PF	n/a
Mediation/ ADR Approach	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a
Mediation/ ADR Strategies	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a

Civil (Non-Domestic) Programs												
	District Court Day of Trial Statewide		District Court Pre-Trial Anne Arundel County		District Court Peace Order Statewide		Circuit Court for Baltimore County		Circuit Court for Charles County		Court of Special Appeals	
Variable of Interest	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
ADR Practitioner Provide Advice?	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a
ADR Practitioner Use Persuasion?	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a
Practitioner's Goals	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a	No	n/a
Program Goals	No	n/a	PF	No	No	n/a	PF	n/a	No	n/a	PF	n/a
Length of Mediation	PF	n/a	No	n/a	PF	n/a	UCS	n/a	No	n/a	PF	n/a

Civil (Non-Domestic) Programs												
	District Court Day of Trial Statewide		District Court Pre-Trial Anne Arundel County		District Court Peace Order Statewide		Circuit Court for Baltimore County		Circuit Court for Charles County		Court of Special Appeals	
Variable of Interest	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
# of Mediation Sessions	PF	n/a	PF	n/a	PF	n/a	UCS	n/a	No	n/a	PF	n/a
Attorney Involved in Process	PF	DCCIS	No	DCCIS	PF	DVO	PF	UCS	No	UCS	PF	UCS
Participant Involved in Process	PF	No	PF	No	PF	No	No	No	No	No	PF	No
Participant Control Decision	No	No	No	No	No	No	No	No	No	No	No	No
Satisfaction with Process	PF	No	No	No	PF	No	PF	No	No	No	PF	No

Civil (Non-Domestic) Programs												
	District Court Day of Trial Statewide		District Court Pre-Trial Anne Arundel County		District Court Peace Order Statewide		Circuit Court for Baltimore County		Circuit Court for Charles County		Court of Special Appeals	
	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
Variable of Interest												
Sense of Being Heard	PF	No	No	No	PF	No	PF*	No	No	No	PF	No
Sense of Fairness	No	No	No	No	No	No	No	No	No	No	No	No
Agreement Reached	PF	No	PF	n/a	PF	No	UCS	UCS	CF	No	PF	n/a
Conflict Resolved (T1)	No	No	No	No	No	No	No	No	No	No	No	No
Quality of Relationship (T1)	No	No	No	No	No	No	No	No	No	No	No	No
Legal Outcome	DCCIS	DCCIS	DCCIS	DCCIS	DVO	DVO	UCS	UCS	UCS	UCS	CSA	CSA

Civil (Non-Domestic) Programs												
	District Court Day of Trial Statewide		District Court Pre-Trial Anne Arundel County		District Court Peace Order Statewide		Circuit Court for Baltimore County		Circuit Court for Charles County		Court of Special Appeals	
Variable of Interest	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
Filing of New Charges/ Reopen/ Modification	DCCIS	DCCIS	DCCIS	DCCIS	DVO	DVO	UCS	UCS	UCS	UCS	No	No
Attorney Fees	No	No	No	No	No	No	No	No	No	No	No	No
Perception of Court	No	No	No	No	No	No	No	No	No	No	No	No
Time of Disposition	DCCIS	DCCIS	DCCIS	DCCIS	DVO	DVO	UCS	UCS	UCS	UCS	CSA	CSA
Case Events	DCCIS	DCCIS	DCCIS	DCCIS	DVO	DVO	UCS	UCS	UCS	UCS	CSA	CSA
Recidivism- Court	No	No	No	No	No	No	No	No	No	No	No	No

Civil (Non-Domestic) Programs												
	District Court Day of Trial Statewide		District Court Pre-Trial Anne Arundel County		District Court Peace Order Statewide		Circuit Court for Baltimore County		Circuit Court for Charles County		Court of Special Appeals	
	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
Variable of Interest												
Recidivism- Police	No	No	No	No	No	No	No	No	No	No	No	No
Recidivism- DJS	No	No	No	No	No	No	No	No	No	No	No	No
Compliance with Agreement (T2)	No	No	No	No	No	No	No	No	No	No	No	No
Conflict Resolved (T2)	No	No	No	No	No	No	No	No	No	No	No	No
Quality of Relationship (T2)	No	No	No	No	No	No	No	No	No	No	No	No

Civil (Non-Domestic) Programs												
Variable of Interest	District Court Day of Trial Statewide		District Court Pre-Trial Anne Arundel County		District Court Peace Order Statewide		Circuit Court for Baltimore County		Circuit Court for Charles County		Court of Special Appeals	
	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases	Mediated Cases Only	All Cases
Impact on Others - Children, etc.	No	No	No	No	No	No	No	No	No	No	No	No
Future Use of CR	No	No	No	No	No	No	No	No	No	No	No	No

Appendix H: District Court Criminal Data Gathering Tools Currently in Use

Baltimore City State's Attorney's Office & Community Mediation

- A. Mediation Set-up Form**
- B. Evaluation Form**
- C. Three-Month Follow-up Survey**

Mediation Set-up for CM File

Mediation
Day

Mediation
Date

Mediation
Time

Date mediation was set up:

Date mediation will be cancelled if not staffed:

Mediation Coordinator:

Phone:

Court Case # [s]

Court Date

Site

Site Address

Zip

Site Contact Person

Site Phone

Type of Dispute

Referral Source

Participants [phone #s on other side]	Ethnicity	Gender	Date Confirmed
1			
2			
3			
4			

Mediators	Name	Phone[s]	Name	Phone[s]
Possible				
Possible				
Confirmed mediators	1		2	
Confirmed observers	1		2	

Person who will pick up packet and/or key

Date & Time

Person who will make packet

Packet ready as of

Result: ☐ No show ☐ Holding ☐ Reschedule ☐ Walk out ☐ Closed ☐ Cancelled ☐ Mediated

Participant Phone Numbers

1
2
3
4

In case you run into any trouble, try these numbers in this order:

CMP Office	410-467-9165
Rick's Cell	443-690-0817

Mediation Evaluation Form

Please evaluate the mediation process by rating the following items in terms of whether you strongly agree, agree, neither agree nor disagree, disagree, or strongly disagree. Your answers will help us improve our services. Thank you.

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
1) The mediation process was adequately explained to me by the mediators and/or the program staff.					
2) As a result of the explanation of mediation, I understood the mediation process before the session began.					
3) The mediators listened to what I had to say without judging me or my ideas.					
4) I was able to express myself, my thoughts, and my concerns during the mediation process.					
5) Through this process, I think I understand the other people involved in the conflict better.					
6) Through this process, I think the other people involved in the conflict understand me better.					
7) I would bring other conflicts to mediation in the future.					
8) I would recommend mediation to others involved in conflicts.					
9) As of today, I am satisfied with the process of mediation.					
10) As of today, I am satisfied with the results of the mediation.					

Feel free to elaborate on your responses to any of the above questions.

Did you reach an agreement in the mediation? ? Yes ? No

Do you think your conflict is resolved? ? Yes ? No

Who came up with the ideas for solutions? (check all that apply)

? I did ? the other participant did ? the mediators did ? n/a didn't get to solutions today

What did you like best about the mediation process?

What suggestions do you have to improve the mediation process and program?

Revised 12/03

For Office Use Only: Final Session? ? Yes ? No

Community Mediation
3333 Greenmount Ave
Baltimore, MD 21218

Community Mediation Survey Three months after mediation	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
As of today, I am satisfied with the process of mediation					
I would recommend mediation to others involved in conflicts					
I would bring other conflicts to mediation in the future					
The mediation has improved the relationship between me and the other participant					
The agreement we reached in mediation is still working					
I have kept the agreements I made in mediation					
The other participant has kept the agreements made in mediation					
Resolving the conflict with the other participant has had a positive impact on others around me (like other neighbors, coworkers, family members, or friends)					
BEFORE the mediation, the police were called about the conflict I was having with the other participant in mediation	Yes _____ No _____ IF YES:				
As a result of mediation, have the police been called related to this conflict?	Have _____ Have not _____				
BEFORE the mediation, court charges were filed about the conflict I was having with the other participant in mediation	Yes _____ No _____ IF YES:				
As a result of mediation, have new court charges been filed related to this conflict?	Have _____ Have not _____				

Dear Past Mediation Participant,

Hello!

This two-minute survey will help us improve and expand our mediation services to the community.

Your responses are confidential.

Please tear off this sheet, and mail the bottom half back to us.

Thanks!

– The staff and mediators of Community Mediation Program



**Community Mediation
3333 Greenmount Ave
Baltimore, MD 21218**

Office Use:
F # _____
P # _____
Mo _____

Appendix I: Circuit Court Civil Domestic Data Gathering Tools Currently in Use, Carroll County

Circuit Court Family Division: Carroll County

- A. Case Summary Sheet**
- B. CINA-TPR Mediation Prep Sheet**
- C. CINA-TPR Evaluation by Party**
- D. CINA-TPR Representative Evaluation**
- E. Mediation Participant Survey**

REOPENED _____ Date Filed _____

Case Name: _____ Case: _____

Judge: JBH
TFS
MMG

Plaintiff: _____

Telephone: _____

Plaintiff's Attorney: _____

Scheduling

Conference: _____

P.L. Hearing _____

email _____

Telephone: _____ Fax: _____

Pre-trial _____

Trial _____

Defendant: _____

Masters Hearing _____

Telephone: _____

Defendant's Attorney: _____

email _____

Telephone: _____ Fax: _____

Complaint Date: _____ Type Complaint Filed: Absolute/Limited/Alimony/Custody/Visitation/Support/Contempt

Answer Filed: _____

MODIFICATION EMERGENCY

Request for Waiver of Fees _____ Granted _____ Denied _____ Request for Order of Default _____

DOM: _____ DOS: _____ DODiv _____ Kids: _____

Issues: custody/ visit/ ch support/ alim/ u&poss/ grounds/ property/ fees /adultery _____

Abuse Alleged about PL DEF Cases _____

Substance Abuse Allegations about PL/DEF/Other _____

Parenting Seminar: Recommended: _____ Ordered: _____ Deadline: _____ WAIVERS: PL/DEF/NONE

Completed by Plaintiff _____ Report _____ by Defendant _____ Report _____

Reminder Letter(s) _____ Ltr. To Counsel/pro se Recommendation for Mediation _____

Mediation: N/A _____ Order Sent _____ c/v property child support alimony any other

Deadline: _____ Mediator: _____ First Date: _____

Report of Mediator: Date: _____ Result: full settle/partial settle/no agreement # of Sessions _____

Agreement reached: Prior to filing/after mediation/ after filing w/o mediation at settlement conference/partial agreement

Date of Agreement _____ Date Consent Order filed with Court : _____

Child Custody: Legal joint / M / F _____ Physical: shared / M / F _____

Attorney for Children _____ privilege/full/advocate Date Ordered : _____

Home Study Ordered _____ Custody Evaluator: _____

Mental Health / Substance Abuse Evaluation for Plaintiff/Defendant date ordered: _____

Other Services Offered / Ordered: _____

Related Cases: _____

Financials: PL _____ /month gross DEF _____ /month gross

Other Information: _____

UNCONTESTED _____ DEFAULT _____

Pro Se at Answer: 1 2+ 0

Child Access YES NO

Case Reviewed: _____

CINA/TPR Mediation Prep Sheet**Mediators:** _____

In the Matter of: _____ **DOB:** _____ **Case #** _____
Judge _____ **Master** _____
Status: _____ **SHELTER/NON-SHELTER (CINA) Placement/foster care/kinship care** _____
PI/Emergency Held _____ **Adj. Date** _____
Disposition/Permanency Plan Reunification Status _____ **Settlement** _____

PARTIES:**1. Mother:****Address:****City, State, Zip:****Phone:****2. Mother's Attorney:****Address:****City, State, Zip:****Phone:****3. Father:****Address:****City, State, Zip:****Phone:****4. Father's Attorney:****Address:****City, State, Zip:****Phone:****5. Caretaker Licensed Foster Care****Name:****Address: City, State, Zip****City, State, Zip:****6. Caretaker's Attorney****Name:****Address****Phone****7. DSS Worker:****Address:****City, State, Zip: Westminster, Md. 21157****Phone:****8. County Attorney:****Address****City, State, Zip****Phone****9. Child(ren)****1.****2.****3. _____****10. Child's Attorney:****Address:****City, State, Zip:****Phone:****11. Other Interested Person(s) Expected to Attend:****NAME****ADDRESS****PHONE****1. _____****2. _____****3. _____****12. Special Needs for Mediation (interpreter, companion, special time request etc):****Pending Case #: _____ Domestic Violence District Court Circuit Court****MEDIATION DATE:****CASE SYNOPSIS:**

CINA/TPR MEDIATION

Evaluation by Party

1. Name (optional) _____

2. I am: **Male** **Female**

3. Age: _____

4. My relationship to the Child(ren): _____

5. I completed: (pick the highest level)

<input type="checkbox"/> Some High School	<input type="checkbox"/> High School Diploma	<input type="checkbox"/> G.E.D.
<input type="checkbox"/> Some College	<input type="checkbox"/> College degree	<input type="checkbox"/> Other _____

6. Mediator: Patricia Ryan

7. Mediation Date: October 20, 2009

8. Number of issues settled in mediation: All Most Some None

Please use the following scale to circle your response to the questions below.

Strongly Agree Agree Neutral Disagree Strongly Disagree

1. Before the mediation session, I was given enough information about the purpose of mediation and my role as a participant.

2. I read and understood the mediation information brochure.

3. I was able to express my point of view. Strongly Agree Agree Neutral Disagree Strongly Disagree

4. I think mediation helped the family. Strongly Agree Agree Neutral Disagree Strongly Disagree

5. I feel I was part of the solution. Strongly Agree Agree Neutral Disagree Strongly Disagree

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
6. The agreement provides protection for the child/ren.					

7. I am satisfied with the agreement. Strongly Agree Agree Neutral Disagree Strongly Disagree

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
8. The mediator(s) remained neutral at all times.					

9. The mediator(s) let everyone have a chance to speak. Strongly Agree Agree Neutral Disagree Strongly Disagree

(Over, please)

Please use the following scale to circle your response to the questions below.

Strongly Agree Agree Neutral Disagree Strongly Disagree Not Applicable

10. The mediator(s) kept the meeting focused. Strongly Agree Agree Neutral Disagree Strongly Disagree
11. The mediator(s) helped me feel safe and comfortable. Strongly Agree Agree Neutral Disagree Strongly Disagree
12. The mediator(s) explained the mediation process clearly. Strongly Agree Agree Neutral Disagree Strongly Disagree
13. I trusted the mediator(s). Strongly Agree Agree Neutral Disagree Strongly Disagree
14. I learned about new services and how to get them. Strongly Agree Agree Neutral Disagree Strongly Disagree
15. I felt comfortable where we met. Strongly Agree Agree Neutral Disagree Strongly Disagree

How long did the mediation session last? _____

Would you recommend mediation services to others? Yes No

If yes, why would you recommend mediation? If no, why wouldn't you recommend mediation?

The key people involved in developing the plan for the family were the _____

General Comments _____

Thank you for taking the time to fill out this survey.

Your participation in this survey process is sincerely appreciated by the Family Law Administration.

***Please return your completed survey to:
JoAnne Kreider, Mediation Coordinator
Circuit Court for Carroll County
Courthouse Annex, Suite 208
55 North Court Street
Westminster, Maryland 21157***

CINA/TPR MEDIATION

Evaluation by Representatives

Name (optional) _____

Role: Attorney Voices for Children DSS Other _____

For: Mother Father Child Other _____

Mediator: Barbara Williams

Mediation Date: July 16, 2010

Number of issues settled in mediation: All Most Some None

On a scale of 10-0 with 10 being outstanding and 0 being unacceptable please rate your mediator on the following items by circling your choice

	Outstanding	Unacceptable
1. Mediator's introduction to the process	10---9---8---7---6---5---4---3---2---1---0	
2. Mediator's ability to listen and understand	10---9---8---7---6---5---4---3---2---1---0	
3. Mediator demonstrated respect for all parties.	10---9---8---7---6---5---4---3---2---1---0	
4. Mediator maintained a safe and comfortable atmosphere	10---9---8---7---6---5---4---3---2---1---0	
5. Mediator kept the mediation focused	10---9---8---7---6---5---4---3---2---1---0	
6. Mediator did not favor any one participant	10---9---8---7---6---5---4---3---2---1---0	
7. Mediator inspired trust	10---9---8---7---6---5---4---3---2---1---0	
8. Mediator helped us define and clarify the issues	10---9---8---7---6---5---4---3---2---1---0	
9. Mediator helped the parties find their own solutions	10---9---8---7---6---5---4---3---2---1---0	
10. Mediator helped all parties communicate better	10---9---8---7---6---5---4---3---2---1---0	
11. Would you refer this Mediator to someone else?	Yes No	
12. Was mediation helpful?	Yes No	

(Over, please)

If yes, how was mediation helpful? _____

If no, why do you feel mediation was not helpful? _____

Your suggestions and comments: _____

***Thank you for completing this form.
The Family Law Administration sincerely appreciates your participation in this evaluation.***

Please return your completed survey to:

***JoAnne Kreider, Mediation Coordinator
Circuit Court for Carroll County
Courthouse Annex, Suite 208
55 N. Court Street
Westminster, Maryland 21157***

Circuit Court for _____
 Date of Mediation: _____

Case Number: _____
 Mediator(s) Name(s): _____

Confidential Mediation Participant Survey

Filling out this confidential survey will help us improve the program. Thank you for taking the time to give us your feedback.

1. How did you hear about mediation? ☐ Word of Mouth ☐ Community Organization ☐ Judge ☐ Family/Friend
☐ Government Agency ☐ Lawyer ☐ Info from Court ☐ Other: _____
2. In approximately how many disputes, before this one, have you used mediation? ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8+
3. Please check relevant box: ☐ Plaintiff ☐ Defendant

PLEASE EVALUATE THE MEDIATOR(S) AND THE PROCESS: (Circle one response for each statement.)

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Doesn't Apply to Me (N/A)
4. The mediation process was clearly explained.	1	2	3	4	5	
5. I had enough time to say what I wanted to say.	1	2	3	4	5	
6. The mediator(s) understood what I said I needed.	1	2	3	4	5	
7. To check survey quality, please circle number 2.	1	2	3	4	5	
8. The mediator(s) helped me think about different ways to resolve our issues.	1	2	3	4	5	
9. I felt heard by the other participant(s).	1	2	3	4	5	
10. I understand the views of the other participant(s) better than I did before the session.	1	2	3	4	5	
11. We discussed all of the issues that brought us to mediation. If you chose 1 or 2, please tell us why:	1	2	3	4	5	
12. The mediator(s) did not favor one participant over the other.	1	2	3	4	5	
13. I felt pressured by the mediator(s) to reach an agreement.	1	2	3	4	5	
14. The mediator(s) were good listener(s).	1	2	3	4	5	
15. The mediator(s) helped clarify issues.	1	2	3	4	5	
16. The mediator(s) were respectful to me.	1	2	3	4	5	
17. The mediator(s) told me what I should agree to.	1	2	3	4	5	
18. If the mediator(s) met with me/my side separately, it was helpful.	1	2	3	4	5	N/A
19. If an agreement was written, I understood it.	1	2	3	4	5	N/A
20. If an agreement was reached, I was satisfied with it.	1	2	3	4	5	N/A
21. The mediator(s) helped me check whether the agreement was realistic for me.	1	2	3	4	5	N/A
22. I would suggest mediation to others.	1	2	3	4	5	
23. I am glad mediation services are available.	1	2	3	4	5	
24. Overall, I was satisfied with this mediation session.	1	2	3	4	5	

>>>>> Turn Page Over, Please <<<<<<

25. Who suggested the possible solutions? (Check all that apply.)

☐ I did ☐ The other side(s) ☐ The mediator(s) ☐ The lawyers ☐ No solutions were suggested

26. We: (Check all that apply.)

☐ Agreed to continue for another session ☐ Agreed on some issues ☐ Agreed on all issues ☐ Did not agree on any issues

27. Do you think this case went to mediation:

☐ Too Early ☐ Right Time ☐ Too Late ☐ Don't Know

Additional comments: _____

28. The mediator(s) told me what might happen if my case went to trial. ☐ Yes ☐ No ☐ Not sure

29. The mediator(s): ☐ Ended the session too quickly ☐ Allowed the right amount of time ☐ Made the session too long

30. I attended this session because: (Check all that apply.)

☐ My Choice ☐ Judge Ordered ☐ Judge Recommended ☐ My Attorney Recommended ☐ Other: _____

31. I would use this process again. ☐ Yes ☐ No Why? _____

32. Is there anything else you want to tell us about your mediation experience? _____

33. ☐ Yes, I would like to help the program improve, so I agree to be contacted to discuss my mediation experience. *I understand that all of my case information and any discussions that occurred in the mediation process will remain confidential, even if I agree to be contacted.* (Please provide your contact information below.)

☐ No, thank you.

Name (please print): _____ Best time to reach me: ☐ Morning ☐ Afternoon ☐ Evening

Phone Number(s): _____ E-mail Address: _____

We request that you provide the following information VOLUNTARILY. This information will be used for statistical purposes only.

34. ☐ Female ☐ Male

35. Your Age: ☐ 18-27 ☐ 28-37 ☐ 38-47 ☐ 48-57 ☐ 58-67 ☐ 68-77 ☐ 78+

36. Select all that apply:

☐ Hispanic/Latino ☐ American Indian/Alaskan Native ☐ Asian ☐ Black/African American ☐ Native Hawaiian/Pacific Islander ☐ White

37. Education:

☐ 1st-8th Grade ☐ Some High School ☐ High School/GED Degree ☐ 2-yr College Degree/Professional Certificate ☐ 4-yr College Degree ☐ Graduate Degree

38. Household Income:

☐ Up to \$19,999 ☐ \$20,000-\$39,999 ☐ \$40,000-\$59,999 ☐ \$60,000-\$79,999 ☐ \$80,000-\$99,999 ☐ \$100,000+

Appendix J: Circuit Court Civil Domestic Data Gathering Tools Currently in Use, Charles County

Circuit Court Family Division: Charles County

- A. Family Mediator's Status Sheet**
- B. Mediation Participant Evaluation Form**
- C. Mediator's Status Sheet – Permanency Planning**
- D. Mediation Evaluation – Permanency Planning**

**CIRCUIT COURT FOR CHARLES COUNTY
FAMILY MEDIATOR'S STATUS SHEET**

Case Caption: _____

Case No.: _____ Hearing Date: _____

Mediator: _____ Date(s) of Mediation: _____

The above-referenced case was referred to me for mediation. The following action has occurred:

Mediator requests further information. (Note in the comment section below.)

Mediation resulted in a written Agreement:

signed copy attached

signed/unsigned original in parties' possession

unsigned copy attached

signed original attached

Mediation resulted in a partial Parenting Agreement on the issues of:

Legal Custody

Physical Custody

Visitation (Issues remaining for hearing may be noted below.)

Plaintiff/Defendant/Other _____ failed to schedule a mediation session.

Plaintiff/Defendant/Other _____ failed to attend one or more sessions.

Case closed administratively. (Order rescinded, written certification of no dispute, etc.)

Mediator requests that another court mediator be assigned to this case.

The parties are unsuited for mediation.

Mediator advises that additional mediation sessions would be beneficial. (Please specify below.)

Other (Please specify below.)

Comments: _____

Mediator's Signature

Date Submitted

*Please return Mediator's Status Sheet to the ADR Coordinator, P.O. Box 970,
La Plata, Maryland 20646.*

C-CODE: XMED

**CIRCUIT COURT FOR CHARLES COUNTY
MEDIATION PARTICIPANT EVALUATION FORM**

Case Name: _____

Case Number: _____

Name of Mediator: _____

Date: _____

To assist us in evaluating and improving our program, please respond to the following items:

- | | | | |
|-----|--|-----|----|
| 1. | Did you receive written information from the Court prior to the mediation? (If so, please comment below.) | YES | NO |
| 2. | Did you receive written information from the mediator prior to the mediation? (If so, please comment below.) | YES | NO |
| 3. | Did each of you have an equal opportunity to speak? | YES | NO |
| 4. | Did the mediator listen to what you had to say and treat your ideas with respect? | YES | NO |
| 5. | Did the mediator seem fair, without favoring either party? | YES | NO |
| 6. | If you reached an agreement, was it acceptable to you? (If not, please comment below.) | YES | NO |
| 7. | Whether or not you reached an agreement, was the process helpful to you? | YES | NO |
| 8. | If you were in a dispute in the future, would you consider mediating again? | YES | NO |
| 9. | Did the mediator provide legal advice regarding your case? (If so, please comment below.) | YES | NO |
| 10. | Did the mediator provide personal opinions regarding your case? (If so, please comment below.) | YES | NO |
| 11. | Is the mediation fee an appropriate amount? | YES | NO |
| 12. | Would you recommend mediation to a friend in conflict? | YES | NO |

Please share any comments:

Family Support Services Director at (301) 932-3426.

Thank you for filling out this evaluation form. Please return it to: Circuit Court for Charles County, ADR Coordinator, P.O. Box 970, La Plata, Maryland 20646.

**CHARLES COUNTY PERMANENCY PLANNING MEDIATION PROGRAM
MEDIATORS' STATUS SHEET**

Case Name: _____ Case No.: _____

Mediation Date: _____

Duration of mediation: _____

This matter was referred to us for mediation. These individuals participated in mediation:

- | | | | |
|--|--|---|-------------------------------|
| <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Foster Parent(s) | <input type="checkbox"/> CASA |
| <input type="checkbox"/> Attorney for Mother | <input type="checkbox"/> Attorney for Father | <input type="checkbox"/> Adoptive Parent(s) | |
| <input type="checkbox"/> Child(ren) | <input type="checkbox"/> DSS Caseworker | <input type="checkbox"/> Family Member(s) | |
| <input type="checkbox"/> Attorney for Child(ren) | <input type="checkbox"/> Attorney for DSS | <input type="checkbox"/> Other | |

The following action(s) occurred:

- ☐ Mediation resulted in a full agreement:
 - ☐ attorney for the _____ will draft the agreement for signature Court
 - ☐ signed copy attached ☐ signed/unsigned original in parties' possession
 - ☐ unsigned copy attached ☐ signed original attached
- ☐ Mediation resulted in a partial agreement.
- ☐ The parties attempted but were unable to reach any agreement.
- ☐ Mediators / Parties request that another mediation session be scheduled.
- ☐ One or more of the participants failed to attend the mediation session.
- ☐ Mediation did not occur, however a discussion was facilitated amongst the parties in attendance.
- ☐ Mediators request that other court mediators be assigned to this case.
- ☐ The parties are unsuited for mediation.
- ☐ Other (Please specify below.)

Comments:

Mediator's Signature

Mediator's Signature

Date Submitted

Attn: Family Support Services, Charles County Circuit Court, P.O. Box 3000, La Plata, Maryland 20646, 301-932-3426

CHARLES COUNTY PERMANENCY PLANNING MEDIATION PROGRAM

MEDIATION EVALUATION

Mediators: _____ Date of Mediation: _____

A. I am the (please check one box):

Mother	Father	Foster Parent	CASA
Attorney for Mother	Attorney for Father	Adoptive Parent	
Child	DSS Caseworker	Family Member	
Attorney for Child(ren)	Attorney for DSS	Other	

B. Agreement reached: Full Partial None

C. Please check one box for each statement.

- | | | | |
|--|----------------|----------|---|
| 1. Was this mediation helpful for you? | Yes | Somewhat | No |
| 2. I was given information about mediation before the mediation session. | Yes | No | |
| 3. Before beginning the session, the mediator(s) clearly explained the mediation process. | | | |
| | Strongly Agree | Agree | Disagree Strongly Disagree No Opinion |
| 4. The mediator(s) showed respect for all parties. | | | |
| | Strongly Agree | Agree | Disagree Strongly Disagree No Opinion |
| 5. The mediator(s) did not favor any one participant (impartial). | | | |
| | Strongly Agree | Agree | Disagree Strongly Disagree No Opinion |
| 6. The mediator(s) listened carefully to me and understood my concerns. | | | |
| | Strongly Agree | Agree | Disagree Strongly Disagree No Opinion |
| 7. The mediator(s) helped me feel safe and comfortable talking about the issues important to me. | | | |
| | Strongly Agree | Agree | Disagree Strongly Disagree No Opinion |
| 8. The mediator(s) helped us define and clarify the issues. | | | |
| | Strongly Agree | Agree | Disagree Strongly Disagree No Opinion |
| 9. The mediator(s) kept the mediation focused on the issues. | | | |
| | Strongly Agree | Agree | Disagree Strongly Disagree No Opinion |
| 10. The mediator(s) helped the parties find their own solutions instead of providing solutions. | | | |
| | Strongly Agree | Agree | Disagree Strongly Disagree No Opinion |
| 11. The mediator(s) helped all parties communicate better. | | | |
| | Strongly Agree | Agree | Disagree Strongly Disagree No Opinion |
| 12. Would you use mediation again to help solve your problems? | Yes | No | Maybe |
| 13. Would you recommend mediation to someone else? | Yes | No | Maybe |

Comments: _____

Please use the reverse side of this form for additional comments. Return form to: Family Support Services, Charles County Circuit Court, P.O. Box 3000, La Plata, MD 20646

Appendix K: Circuit Court Civil Domestic Data Gathering Tools Currently in Use, Baltimore County

Circuit Court Family Division: Baltimore County

A. Child Dependency Mediation Evaluation

**Baltimore County Circuit Court – Office of Family Mediation
Child Dependency Mediation Evaluation**

Date: _____

In order to assist us in the facilitation of future mediation sessions, please answer all of the following questions. Your responses are for research purposes only and will be used for program evaluation. No identifying information will be released.

1. Gender: Male ? Female ?

2. Please indicate your position from the list below:

- | | |
|---|---|
| <input type="checkbox"/> Mother | <input type="checkbox"/> DSS caseworker |
| <input type="checkbox"/> Father | <input type="checkbox"/> DSS foster care caseworker |
| <input type="checkbox"/> Child's counsel | <input type="checkbox"/> DSS supervisor |
| <input type="checkbox"/> Parent's counsel | <input type="checkbox"/> DSS attorney |
| <input type="checkbox"/> CASA volunteer | <input type="checkbox"/> Other _____ |

3. The mediation covered:

- ☐ Service Agreement issues
- ☐ Visitation issues
- ☐ Termination of parental rights and adoption

4. Have you participated in mediation at the Office of Family Mediation before today?

Yes ? No ? If yes, how many times before today? _____

5. The mediator let everyone have an equal chance to speak. ☐ Yes ☐ No

6. The mediator listened when I spoke. ☐ Yes ☐ No

7. The mediator listened when other people spoke. ☐ Yes ☐ No

8. The mediator did not take sides, and was neutral. ☐ Yes ☐ No

9. In the case, mediation was a useful process. ☐ Yes ☐ No

10. In this case, mediation was more beneficial than
litigating the issue in court. ☐ Yes ☐ No

11. Would you recommend using mediation in other disputes? ☐ Yes ☐ No

12. The time spent in the mediation session was:

- ☐ Too long ☐ Too short ☐ Appropriate to the issues

Appendix L: Circuit Court Civil Non-Domestic Data Gathering Tools Currently in Use, Charles County

Circuit Court, Non-Domestic: Charles County

- A. Settlement Conference Facilitator's Status Sheet**
- B. Settlement Conference Evaluation**
- C. Mediator's Status Sheet**
- D. Mediation Evaluation**

SETTLEMENT CONFERENCE FACILITATOR'S STATUS SHEET

Case Name: _____

Case Number: _____ Trial/Hearing Date(s): _____

Settlement Conference Date(s): _____

The above referenced case was referred to me for a Settlement Conference. The following action occurred:

- ☐ Plaintiff / Defendant / Other _____ failed to schedule a Settlement Conference.
- ☐ Plaintiff / Defendant / Other _____ failed to attend one or more Settlement Conferences.
- ☐ Plaintiff / Defendant / Other _____ failed to submit a Participant Statement fifteen days before the first Settlement Conference.
- ☐ The case settled prior to the initial Settlement Conference.
- ☐ The parties reached a resolution.*
- ☐ The parties reached a partial resolution.* Issues remaining to be decided include: _____

- ☐ The parties reached an agreement pending final approval by their attorneys.*
- ☐ The parties reached a partial agreement pending final approval by their attorneys.* Issues remaining to be decided include: _____

- ☐ The parties attempted but were unable to reach an agreement.
- ☐ The parties are unsuited for Settlement Conferences.

Notes: _____

Facilitator: _____

Date Submitted: _____

*NOTE: Parties agree to submit appropriate Settlement Documents to the Court.

2012.06.04.01 Settlement Conference Worksheet

SETTLEMENT CONFERENCE EVALUATION

This form will assist the Circuit Court of Charles County in evaluating its ADR Program. Please complete the following information, place the form in a sealed envelope, and mail it to the address below. Your responses to this evaluation will be used for gathering statistical data and will not be placed in your court file.

1. Please check one. ☐ Plaintiff ☐ Defendant
2. Case Number: _____
3. What type of case was this? _____
4. Name of facilitator: _____
5. How would you describe the facilitator's knowledge of the subject matter in this case?
☐ Very Knowledgeable ☐ Not Very Knowledgeable ☐ Unknowledgeable
6. Did the facilitator conduct the sessions in a professional manner?
☐ Very Professional ☐ Professional ☐ Not Very Professional ☐ Unprofessional
7. How would you rate the facilitator's skills during this case?
☐ Very Skillful ☐ Skillful ☐ Not Very Skillful ☐ Unskillful
8. Was the facilitator helpful in negotiating a settlement of this case?
☐ Very Helpful ☐ Helpful ☐ Not Very Helpful ☐ Unhelpful
9. Even if you did not resolve part or all of your case, was the Settlement Conference helpful?
☐ Very Helpful ☐ Helpful ☐ Not Very Helpful ☐ Unhelpful
10. How would you rate your overall satisfaction with facilitation as a method of resolving this dispute?
☐ Very Satisfied ☐ Satisfied ☐ Not Very Satisfied ☐ Unsatisfied

Additional Comments: _____

Thank you for completing this form. Please forward this evaluation to ADR Coordinator, Charles County Circuit Court, P.O. Box 970, La Plata, MD 20646

MEDIATOR'S STATUS SHEET

Case Name: _____

Case Number: _____ Hearing/Trial Date: _____

Mediation Date(s): _____

The above referenced case was referred to me for mediation. The following action has occurred:

- ☐ Plaintiff / Defendant / Other _____ failed to schedule a mediation session.
- ☐ Plaintiff / Defendant / Other _____ failed to attend one or more mediation sessions.
- ☐ Plaintiff / Defendant / Other _____ failed to submit a Participant Statement fifteen days before the first mediation session.
- ☐ The case settled prior to the initial mediation session.
- ☐ The parties reached a resolution. *
- ☐ The parties reached a partial resolution. *Issues remaining to be decided include: _____
- ☐ The parties reached an agreement pending final approval by their attorneys. *
- ☐ The parties reached a partial agreement pending final approval by their attorneys. * Issues remaining to be decided include: _____
- ☐ The parties attempted but were unable to reach an agreement.
- ☐ The parties are unsuited for mediation.

Notes: _____

Mediator

Date Submitted

*NOTE: Parties agree to submit appropriate Settlement Documents to the Court.

MEDIATION EVALUATION

This form will assist the Circuit Court of Charles County in evaluating its ADR Program. Please complete the following information, place the form in a sealed envelope, and mail it to the address below. Your responses to this evaluation will be used for gathering statistical data and will not be placed in your court file.

1. Please check one. ☐ Plaintiff ☐ Defendant
2. Case Number: _____
3. What type of case was this? _____
4. Name of mediator: _____
5. How would you describe the mediator's knowledge of the subject matter in this case?
☐ Very Knowledgeable ☐ Knowledgeable ☐ Not Very Knowledgeable ☐ Unknowledgeable
6. Did the mediator conduct the sessions in a professional manner?
☐ Very Professional ☐ Professional ☐ Not Very Professional ☐ Unprofessional
7. How would you rate the mediator's skills during this case?
☐ Very Skillful ☐ Skillful ☐ Not Very Skillful ☐ Unskillful
8. Was the mediator helpful in negotiating a settlement of this case?
☐ Very Helpful ☐ Helpful ☐ Not Very Helpful ☐ Unhelpful
9. Even if you did not resolve part or all of your case, was the Mediation helpful?
☐ Very Helpful ☐ Helpful ☐ Not Very Helpful ☐ Unhelpful
10. How would you rate your overall satisfaction with mediation as a method of resolving this dispute?
☐ Very Satisfied ☐ Satisfied ☐ Not Very Satisfied ☐ Unsatisfied

Additional Comments: _____

Thank you for completing this form. Please forward this evaluation to ADR Coordinator, Charles County Circuit Court, P.O. Box 970, La Plata, MD 20646

Appendix M: District Court Civil Data Gathering Tools Currently in Use

District Court: Day of Trial and Peace Order Program

- A. Volunteer Application**
- B. Confidential ADR Participant Survey**
- C. ADR Practitioner Activity Report**
- D. Confidential ADR Attorney Survey**

FOR OFFICE USE ONLY

Received: _____
 Responded: _____
 MPME Status: _____



Type: MED SC
 Other: CMM ESQ ARB
 LOCATIONS: _____

DISTRICT COURT OF MARYLAND
Alternative Dispute Resolution (ADR) Office
Volunteer Mediator and Settlement Conference Neutral Application

Please mail or fax 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
 Fax: 410-260-3536

I. Applicant Information: Please print. only your preferred contact information.

Full Name _____
 Address (Home) _____
 Address (Work) _____
 Telephone (Home) _____ (Work) _____
 Facsimile (Home) _____ (Work) _____
 E-mail Address _____
 Date of Birth (Month/Day) _____

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

☐ Mediator ☐ Settlement Conference Neutral

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

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

IV. Multilingual. Are you multilingual? ☐ No ☐ Yes If so, please list proficient languages only: _____

V. Licensed Practitioner. Are you currently a practicing attorney, psychologist or social worker? ☐ No ☐ Yes
 If so, please identify which profession: _____

Also, please provide the state, court or jurisdiction(s) where you are licensed to practice: _____

VI. Alternative Dispute Resolution Experience.

Please describe your ADR experience including the type of ADR service provided (mediation, arbitration, neutral case evaluation, neutral fact-finding, settlement conferences, etc.), the case type (e.g., contract, personal injury), the number of cases that you have handled in the last twelve months and the organization (or private practice) where you received this experience.

<u>ADR Service</u>	<u>Case Types</u>	<u>Number of Cases</u>	<u>Organization</u>

VII. Alternative Dispute Resolution Training.

Describe all ADR training you have received. Please attach a copy of any certificates received and training outlines.

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

VIII. Formal Education

<u>Institution</u>	<u>City/State</u>	<u>Dates Attended</u>	<u>Degree & Date of Issue</u>	<u>Major</u>

IX. Professional Affiliations/Community Activities

List any professional affiliations and/or community activities in which you participate that you consider relevant. (Include bar associations and professional membership organizations).

<u>Organization</u>	<u>Position</u>	<u>To/From Dates</u>

X. MEDIATOR APPLICANTS (Settlement Conference Applicants - Skip to Page 4)

If you have received the 40-hour basic mediation training and are applying to become a volunteer mediator with our program, please answer 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.

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

The District Court of Maryland ADR Office uses the Facilitative or Transformative approach to mediation. Which model will you use?

☐ Facilitative

☐ Transformative

In about 50 words, please describe your mediation style: (you may write in your response here, or use a separate sheet of paper and note the attachment here.)

The District Court of Maryland ADR Office requires all roster mediators to become a member of the Maryland Program for Mediator Excellence (MPME) 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.*

_____ (Please Initial) I agree to become a member of the MPME and adhere to the membership requirements of the MPME (Required)

_____ (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-4. Use you own paper to respond.

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

M-1. In your opinion, what are three hallmarks of mediation?

M-2. Please describe the types of disputes, if any, you have mediated in the past three years.

M-3. In your own words, how do you describe the mediation process to disputants?

M-4. If you have ever been faced with an ethical dilemma as a mediator, please briefly describe that situation and how it was resolved.

XI. SETTLEMENT CONFERENCING APPLICANTS (Mediator Applicants - Proceed to Page 5 after completing Page 3)

If you are applying to become a settlement conference neutral with our program please provide responses to the following questions. *(Check all that apply)*

I am a: ☐ 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 neutral, 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: _____

Please indicate your area(s) of concentration/practice. (Please check all that apply).

- | | |
|--|---|
| <input type="checkbox"/> Business/Corporate/Commercial | <input type="checkbox"/> Insurance |
| <input type="checkbox"/> Community/Neighborhood Associations | <input type="checkbox"/> Intellectual Property |
| <input type="checkbox"/> Consumer | <input type="checkbox"/> Land Use |
| <input type="checkbox"/> Contract | <input type="checkbox"/> Landlord/Tenant |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Peace Order |
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Personal Injury |
| <input type="checkbox"/> Elder Law | <input type="checkbox"/> Personal Property (Replevin/Detinue) |
| <input type="checkbox"/> Employment/Workplace | <input type="checkbox"/> Other |
| <input type="checkbox"/> Environmental | _____ |
| <input type="checkbox"/> Family (divorce, custody, property) | _____ |
| <input type="checkbox"/> Health Care | |

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 _____ % Other: _____

PLEASE PROVIDE SUBSTANTIVE WRITTEN RESPONSES TO QUESTIONS SC-1 to SC-2. Use your own paper to respond.

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

SC-1. Describe your experience in settlement negotiation. In particular, how does your experience reflect why you should be selected to serve as a Settlement Conference Neutral for the District Court of Maryland?

SC-2. Describe your level of involvement with cases in which you represented litigants in the District Court of Maryland, if applicable.

SC-3. If you ever been faced with an ethical dilemma while serving as a neutral, please briefly describe that situation and how it was resolved.

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

XII. Ethics and Professionalism

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 procedures and requirements prescribed by the District Court of Maryland ADR Office. *(Required)*

☐ Yes ☐ No _____ (Please Initial)

Current or Pending Disciplinary Actions.

Are there currently any criminal charges pending against you in Maryland or elsewhere other than minor traffic violations? If so, 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 an explanation.*

☐ Yes ☐ No _____ (Please Initial)

Criminal Convictions.

Have you ever been convicted of any crime in Maryland or elsewhere other than a minor traffic violation? If so, 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)

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 so, 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)

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, fax 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.)

☐ Yes ☐ No

XIV. What do you hope to accomplish as a District Court mediator or settlement conference volunteer?

Furnish any additional information which you consider pertinent, or set forth any facts which you feel may qualify you as an ADR volunteer.

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: _____

Note: Completed PDF cannot be saved unless you have appropriate software; fill in pdf, then print completed application. Fax completed application to ADR.

Class Climate	District Court of Maryland Alternative Dispute Resolution Office
CONFIDENTIAL ADR PARTICIPANT SURVEY	

Mark as shown: ☐ ☐ ☐ Please use a ball-point pen or a thin felt tip. This form will be processed automatically.
 Correction: ☐ ☐ ☐ Please follow the examples shown on the left hand side to help optimize the reading results.

To improve our program, these results may be shared with the alternative dispute resolution (ADR) practitioner in the future; however, your name will remain confidential. Thank you for your feedback.

1. Background Questions

1.1 Trial date: _____ Case #: _____

1.2 ADR practitioner name or ID #: _____ If applicable, name or ID # of second ADR practitioner: _____

2. Please evaluate the ADR practitioner and process. Mark *one* response for each statement.

	Strongly Disagree	Disagree	Neither	Agree	Strongly Agree	N/A
2.1 The ADR process was clearly explained.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2 I had enough time to say what I wanted to say.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.3 The ADR practitioner understood what I said I needed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.4 To help us check survey quality, mark N/A.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.5 The ADR practitioner helped me think about different ways to resolve our issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.6 I felt heard by the other participant(s).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.7 I understand the other participants' views better now than I did before the session.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.8 We discussed all issues that brought us here.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.9 The ADR practitioner did not favor any party.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.10 I felt pressured by the ADR practitioner to reach an agreement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.11 The ADR practitioner was a good listener.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.12 The ADR practitioner helped clarify issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.13 The ADR practitioner was respectful to me.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.14 The ADR practitioner told me what I should agree to.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.15 If the ADR practitioner met with me/my side separately (caucus), it was helpful.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.16 If an agreement was reached, it met my needs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.17 If an agreement was written, I understood it.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.18 The ADR practitioner helped me consider whether the agreement was realistic for me.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.19 I would suggest this ADR process to others.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.20 I am glad ADR services are available.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.21 Overall, I was satisfied with this ADR session.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. General Questions

3.1 How did you hear about ADR? (Mark *all* that apply.)

<input type="checkbox"/> Word of mouth	<input type="checkbox"/> Family/friend	<input type="checkbox"/> Judge
<input type="checkbox"/> Lawyer	<input type="checkbox"/> Info from court	<input type="checkbox"/> District Court web site
<input type="checkbox"/> Video in court	<input type="checkbox"/> Other	

3.2 This court uses two ADR processes to see if an agreement can be reached before trial. The session today was: (Mark one)

<input type="checkbox"/> Mediation	<input type="checkbox"/> Settlement Conference	<input type="checkbox"/> Not Sure
------------------------------------	--	-----------------------------------

3.3 I am the:

<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant
------------------------------------	------------------------------------

3. General Questions [Continue]

- 3.4 Who suggested the possible solutions? (Mark *all* that apply.)
- | | | |
|--------------------------------------|--|---|
| <input type="checkbox"/> I did | <input type="checkbox"/> The other side(s) | <input type="checkbox"/> The ADR practitioner |
| <input type="checkbox"/> The lawyers | <input type="checkbox"/> No solutions were suggested | |
- 3.5 We: (Mark *all* that apply.)
- | | | |
|---|--|--|
| <input type="checkbox"/> Did not agree on any issues | <input type="checkbox"/> Agreed on some issues | <input type="checkbox"/> Agreed on <i>all</i> issues |
| <input type="checkbox"/> Agreed to continue for another session | | |
- 3.6 Do you think this case went to ADR:
- | | | |
|-------------------------------------|-------------------------------------|-----------------------------------|
| <input type="checkbox"/> Too early | <input type="checkbox"/> Right time | <input type="checkbox"/> Too late |
| <input type="checkbox"/> Don't know | | |
- 3.7 The ADR practitioner told me what outcome(s) might occur if my case went to trial.
- | | | |
|------------------------------|-----------------------------|-----------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not sure |
|------------------------------|-----------------------------|-----------------------------------|
- 3.8 The ADR practitioner:
- | | | |
|---|---|--|
| <input type="checkbox"/> Ended the session too soon | <input type="checkbox"/> Allowed the right amount of time | <input type="checkbox"/> Made the session too long |
|---|---|--|
- 3.9 I came to this session because: (Mark *all* that apply.)
- | | | |
|--|--|--|
| <input type="checkbox"/> My choice | <input type="checkbox"/> Judge recommended | <input type="checkbox"/> Judge ordered |
| <input type="checkbox"/> My attorney recommended | <input type="checkbox"/> Other | |
- 3.10 I would use this ADR process again:
- | | | |
|------------------------------|-----------------------------|-----------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Sure |
|------------------------------|-----------------------------|-----------------------------------|
- 3.11 Please tell us why you checked Yes, No, or Not Sure.

- 3.12 What else would you like to tell us about your experience?

- 3.13 I would like to help the program improve, so I agree to be contacted to discuss my ADR experience. I understand that all of my case information and any discussions that occurred in the ADR process will remain confidential, even if I agree to be contacted.
- | | | |
|------------------------------|---------------------------------|-----------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No/Yes | <input type="checkbox"/> No |
|------------------------------|---------------------------------|-----------------------------|

- 3.14 If yes, please print your name and tell us when (day/evening) and how (phone #/email) to contact you.

4. Please provide the following information VOLUNTARILY. It is used for statistical purposes only.

- 4.1 Gender:
- | | |
|---------------------------------|-------------------------------|
| <input type="checkbox"/> Female | <input type="checkbox"/> Male |
|---------------------------------|-------------------------------|
- 4.2 Age:
- | | | |
|---------------------------------------|--------------------------------|--------------------------------|
| <input type="checkbox"/> 19 and under | <input type="checkbox"/> 20-29 | <input type="checkbox"/> 30-39 |
| <input type="checkbox"/> 40-49 | <input type="checkbox"/> 50-59 | <input type="checkbox"/> 60+ |
- 4.3 Mark *all* that apply:
- | | | |
|---|---|--------------------------------|
| <input type="checkbox"/> Hispanic/Latino | <input type="checkbox"/> American Indian/Alaskan Native | <input type="checkbox"/> Asian |
| <input type="checkbox"/> Black/African American | <input type="checkbox"/> Native Hawaiian/Pacific Islander | <input type="checkbox"/> White |
- 4.4 Education (highest level achieved):
- | | | |
|--|---|---|
| <input type="checkbox"/> 1-8th grade | <input type="checkbox"/> High school/ GED | <input type="checkbox"/> 2-year college degree/professional certificate |
| <input type="checkbox"/> 4-year degree | <input type="checkbox"/> Graduate degree | |
- 4.5 Household income:
- | | | |
|--|--|--|
| <input type="checkbox"/> Up to \$19,999 | <input type="checkbox"/> \$20,000-\$39,999 | <input type="checkbox"/> \$40,000-\$59,999 |
| <input type="checkbox"/> \$60,000-\$79,999 | <input type="checkbox"/> \$80,000-\$99,999 | <input type="checkbox"/> \$100,000-\$149,000 |
| <input type="checkbox"/> \$150,000-\$199,999 | <input type="checkbox"/> \$200,000+ | |
- 4.6 Military status:
- | | | |
|--|---|------------------------------|
| <input type="checkbox"/> Active military | <input type="checkbox"/> Military veteran | <input type="checkbox"/> N/A |
|--|---|------------------------------|
- 4.7 Zip code:

Class Climate	District Court of Maryland Alternative Dispute Resolution Office	
ADR PRACTITIONER ACTIVITY REPORT		

Mark as shown: ☐ ☐ Please use a ball-point pen or a thin felt tip. This form will be processed automatically.

Correction: ☐ ☐ Please follow the examples shown on the left hand side to help optimize the reading results.

1. About Today

If you conduct more than one case today, you only have to complete this side once. However, please clip all pages together.

1.1 Today's date, courthouse, room number for ADR session if applicable:

1.2 Docket: ☐ a.m. ☐ p.m.

1.3 ADR practitioner name and ID#:

1.4 Full hours donated today (including travel time). Please note partial hours in the next question:

<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2
<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
<input type="checkbox"/> 6		

1.5 Partial hours donated today (including travel time). Please round up to the quarter hour:

<input type="checkbox"/> .25	<input type="checkbox"/> .5	<input type="checkbox"/> .75
------------------------------	-----------------------------	------------------------------

1.6 If applicable, ADR practitioner #2 name and ID#:

1.7 If applicable, practitioner #2 full hours donated today (including travel time). Please note partial hours in the next question:

<input type="checkbox"/> 0	<input type="checkbox"/> 1	<input type="checkbox"/> 2
<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
<input type="checkbox"/> 6		

1.8 If applicable, practitioner #2 partial hours donated today (including travel time), please round up to the quarter hour:

<input type="checkbox"/> .25	<input type="checkbox"/> .5	<input type="checkbox"/> .75
------------------------------	-----------------------------	------------------------------

1.9 If you are mediating for a community mediation program, indicate name of center:

1.10 If applicable, today, the second practitioner is an Apprentice completing:

<input type="checkbox"/> 1st observation	<input type="checkbox"/> 2nd observation	<input type="checkbox"/> 3rd observation
--	--	--

1.11 If applicable, the ADR practitioner is being reviewed for the:

<input type="checkbox"/> 1st time	<input type="checkbox"/> 2nd time	<input type="checkbox"/> 3rd time
-----------------------------------	-----------------------------------	-----------------------------------

1.12 I (we) did not receive any cases today. (If you mark this box, please stop here.) ☐ Yes

1.13 Total number cases conducted today:

<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3
<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 6

Please complete side two for each case.

2. About this Case

Complete this side for each case you get today.

- 2.1 Of the cases I conducted today, this case is the:
- | | | |
|---------------------------------|---------------------------------|--------------------------------|
| <input type="checkbox"/> First | <input type="checkbox"/> Second | <input type="checkbox"/> Third |
| <input type="checkbox"/> Fourth | <input type="checkbox"/> Fifth | <input type="checkbox"/> Sixth |
- 2.2 This case was sent to me by (mark only one):
- | | | |
|---|---|---|
| <input type="checkbox"/> Direct referral from judge | <input type="checkbox"/> Judge asked for volunteers | <input type="checkbox"/> Courtroom clerk referral |
| <input type="checkbox"/> Bailiff/sheriff referral | <input type="checkbox"/> Party's request | <input type="checkbox"/> Attorney's request |
| <input type="checkbox"/> Other | | |
- 2.3 Case number:
-
- 2.4 Plaintiff(s):
-
- 2.5 Defendant(s):
-
- 2.6 Counsel represented:
- | | | |
|--|--|--|
| <input type="checkbox"/> Neither party | <input type="checkbox"/> Plaintiff(s) only | <input type="checkbox"/> Defendant(s) only |
| <input type="checkbox"/> All parties | <input type="checkbox"/> Other | |
- 2.7 Amount in controversy (Check "n/a" for Peace Order/Replevin/Tenant Holding Over only)
- | | | |
|---|---|--|
| <input type="checkbox"/> N/A | <input type="checkbox"/> \$1 to \$5,000 | <input type="checkbox"/> \$5,001 to \$10,000 |
| <input type="checkbox"/> \$10,001 to \$20,000 | <input type="checkbox"/> \$20,001 to \$30,000 | |
- 2.8 Did this case settle? (Mark only one)
- | | | |
|---|--|---|
| <input type="checkbox"/> After I explained the ADR process, participant(s) or their attorney(s) chose to return to the courtroom. | <input type="checkbox"/> Full settlement | <input type="checkbox"/> Partial settlement |
| <input type="checkbox"/> No settlement after trying the process | <input type="checkbox"/> The judge asked us to return to the courtroom before we finished. | |
- 2.9 Full hours spent on this case. Please note partial hours in the next question:
- | | | |
|------------------------------|-----------------------------|------------------------------|
| <input type="checkbox"/> 0 | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 |
| <input type="checkbox"/> .25 | <input type="checkbox"/> .5 | <input type="checkbox"/> .75 |
- 2.10 Partial hours spent on this case. Please round up to the quarter hour:
- | | | |
|------------------------------|-----------------------------|------------------------------|
| <input type="checkbox"/> 0 | <input type="checkbox"/> 1 | <input type="checkbox"/> 2 |
| <input type="checkbox"/> .25 | <input type="checkbox"/> .5 | <input type="checkbox"/> .75 |
- 2.11 For this case, I practiced (mark all that apply):
- | | | |
|---|---|---|
| <input type="checkbox"/> Settlement conference | <input type="checkbox"/> Solo mediation, facilitative | <input type="checkbox"/> Solo mediation, transformative |
| <input type="checkbox"/> Co-mediation, facilitative | <input type="checkbox"/> Co-mediation, transformative | <input type="checkbox"/> Co-mediation, inclusive |
| <input type="checkbox"/> Other | | |
- 2.12 Comments about anything that happened today (without breaking confidentiality):
-

Class Climate	District Court of Maryland Alternative Dispute Resolution Office	CONFIDENTIAL
CONFIDENTIAL ADR ATTORNEY SURVEY		

Mark as shown: ☐ ☐ ☐ ☐ Please use a ball-point pen or a thin felt tip. This form will be processed automatically.
 Correction: ☐ ☐ ☐ ☐ Please follow the examples shown on the left hand side to help optimize the reading results.

To improve our program, these results may be shared with the alternative dispute resolution (ADR) practitioner in the future; however, your name will remain confidential.

1. Questions

1.1 Trial date:

1.2 Case #:

1.3 ADR practitioner name or ID#:

If applicable, name or ID# of second ADR practitioner:

		Strongly Disagree	Disagree	Neither	Agree	Strongly Agree
1.4 The ADR practitioner was attentive to my comments.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.5 The ADR practitioner helped clarify issues.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.6 The ADR practitioner maintained appropriate control over the session.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.7 The ADR practitioner pressured the parties to reach an agreement.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.8 I was satisfied with the pace of the session.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.9 The ADR practitioner advocated for a specific outcome.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.10 The ADR practitioner allowed the parties to develop their own outcome.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.11 Overall, I was satisfied with this ADR session.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.12 Overall, I was satisfied with the skills of the ADR practitioner.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.13 Overall, I was satisfied with the professionalism of the ADR practitioner.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.14 In approximately how many disputes, before this one, have you participated in a mediation:	<input type="checkbox"/> 0 <input type="checkbox"/> 26-50	<input type="checkbox"/> 1-10 <input type="checkbox"/> 51-100	<input type="checkbox"/> 11-25 <input type="checkbox"/> 101+			
1.15 In approximately how many disputes, before this one, have you participated in a settlement conference:	<input type="checkbox"/> 0 <input type="checkbox"/> 51-75	<input type="checkbox"/> 1-25 <input type="checkbox"/> 76-100	<input type="checkbox"/> 26-50 <input type="checkbox"/> 101+			
1.16 Today's session seemed like:	<input type="checkbox"/> Mediation	<input type="checkbox"/> Settlement conference	<input type="checkbox"/> Not sure			
1.17 Was discovery requested in this case?	<input type="checkbox"/> No <input type="checkbox"/> Yes, and has concluded	<input type="checkbox"/> Yes, but not started <input type="checkbox"/> N/A	<input type="checkbox"/> Yes, and is ongoing			
1.18 Do you think this case went to an ADR process:	<input type="checkbox"/> Too early <input type="checkbox"/> Don't know	<input type="checkbox"/> Right time	<input type="checkbox"/> Too late			
1.19 Did the ADR practitioner need substantive knowledge related to the issues in this case?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not sure			
1.20 Was ADR appropriate to resolve the issues of this case?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not sure			
1.21 If no, what process would have been appropriate, and why?	<input type="text"/>					

1. Questions [Continue]

1.22 The parties: (Mark *all* that apply.)

- ☐ Did *not* agree on any issues
☐ Agreed to continue for another session

☐ Agreed on *some* issues☐ Agreed on *all* issues

1.23 If this case was not completely resolved, please mark all reasons why you believe the case was not resolved:

- | | | |
|---|--|--|
| <input type="checkbox"/> My client wanted his/her day in court. | <input type="checkbox"/> The other side wanted his/her day in court. | <input type="checkbox"/> My client was unwilling to compromise. |
| <input type="checkbox"/> The other side was unwilling to compromise. | <input type="checkbox"/> Opposing counsel was not prepared. | <input type="checkbox"/> The ADR practitioner made it difficult to settle. |
| <input type="checkbox"/> My client refused to make a settlement proposal. | <input type="checkbox"/> The other side refused to make a settlement proposal. | <input type="checkbox"/> Continuing the ADR process was too expensive. |
| <input type="checkbox"/> There was not enough time to continue the process to a conclusion. | <input type="checkbox"/> Opposing counsel was not willing to compromise. | <input type="checkbox"/> I was not willing to compromise. |

☐ N/A

1.24 Other reason(s) not specified above:

1.25 If your case was completely resolved, did the final agreement include a clause to return to ADR if a problem arises?

☐ Yes☐ No☐ N/A

1.26 Would you recommend this ADR process to other clients involved in a similar dispute?

☐ Never☐ Sometimes☐ Always

1.27 Why:

1.28 Did you encourage or discourage your client from participating in the current ADR process?

☐ Encourage☐ Discourage☐ Neither

1.29 Why:

1.30 I am the attorney for:

☐ Plaintiff☐ Defendant1.31 Who suggested the possible solutions? (Mark *all* that apply)☐ I did☐ The other side(s)☐ The ADR practitioner☐ The lawyers☐ No solutions were suggested

1.32 Any additional comments or suggestions:

1.33 I would like to help the program improve, so I agree to be contacted to discuss my ADR experience. I understand that all of my case information and any discussions that occurred in the ADR process will remain confidential, even if I agree to be contacted.

☐ Yes☐ No

1.34 If yes, please print your name and tell us when (day/evening) and how (phone #/email) to contact you.

Appendix N: Circuit Court Civil Non-Domestic Data Gathering Tools Currently in Use, Baltimore County

Circuit Court Non-Domestic: Baltimore County

- A. Attorney Evaluation**
- B. Pre Hearing Contempt Conference Survey**

**Circuit Court for Baltimore County
Attorney Evaluation of Civil Mediation Program**

This short survey form will assist the Civil Mediation Committee of the Circuit Court evaluate court ordered mediation in Baltimore County. Please complete the following information and mail it to the address below. All responses regarding this evaluation will be held confidentially and will not be made available to the mediator or made part of the court file.

(1) Name of mediator assigned to this case: _____

(2) What type of case was this? _____

(3) In terms of preparedness, did the mediator seem knowledgeable about the case by reviewing the Civil Mediation Statement prior to the mediation session?

Very Prepared	Prepared	Somewhat Prepared	Not Very Prepared	Not Prepared At All
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(4) Did the mediator conduct the mediation session in a professional manner including showing no biases in assisting the parties during negotiations?

Very Professional	Professional	Somewhat Professional	Not Very Professional	Not Professional At All
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain: _____

(5) How would you rate the mediator's knowledge of the subject matter in this case?

Very Knowledgeable	Somewhat Knowledgeable	Not Very Knowledgeable	Not Knowledgeable At All
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(6) Was the mediator helpful in negotiating the settlement of this case?

Very Helpful	Helpful	Somewhat Helpful	Not Very Helpful	Not Helpful At All
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(7) How would you evaluate the mediator's skills in this case?

Very Skillful	Skillful	Somewhat Skillful	Not Very Skillful	Not Skillful At All
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain: _____

(8) How would you rate your overall satisfaction with mediation as a method of resolving your client's dispute?

Very Satisfied	Satisfied	Somewhat Satisfied	Not Very Satisfied	Not Satisfied At All
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain: _____

(9) Did you feel mediation was appropriate to resolve the issues in this case?

Very Appropriate	Appropriate	Somewhat Appropriate	Not Very Appropriate	Not Appropriate At All
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain: _____

(10) Do you believe the mediation session was conducted at the appropriate time interval?

Yes ☐ No, Too Early ☐ No, Too Late ☐

Please explain: _____

(11) Any additional comments or suggestions: _____

Thank you for taking the time to complete this form. If you have any additional comments, please use the other side of this sheet. Please forward this evaluation to:

Court Administrator's Office
Circuit Court for Baltimore County
401 Bosley Avenue
Towson, MD 21204

Circuit Court for Baltimore County

PRE HEARING CONTEMPT CONFERENCE SURVEY

The Circuit Court for Baltimore County would like to know how well its Pre Hearing Contempt Conference Program is working. Your opinions are valued and will help us ensure the quality of our services to you. Please take a few moments to complete this survey with regard to the Facilitator and case number listed below.

I. GENERAL INFORMATION

Facilitator's Name(s) _____ Case #: _____

Are you: ☐ A Party ☐ An Attorney

II. PRE HEARING CONTEMPT CONFERENCE PROCESS: A quality process will: (1) be scheduled in a timely manner; (2) provide a forum for the open discussion of issues between all of the parties; and (3) allow each side an appropriate amount of time to be heard during the Conference.

Was the Conference scheduled at the appropriate time? ____ Yes ____ No, too soon
____ No, too late

Was there an open discussion of issues between all parties during the Conference? ____
Yes ____ No

Do you believe you had an appropriate amount of time to be heard during the Conference?
____ Yes ____ No

How satisfied were you, overall, with the Pre Hearing Contempt Conference process?

- ☐ very satisfied
-
- ☐ satisfied
- ☐ dissatisfied
- ☐ very dissatisfied

III. FACILITATORS' PERFORMANCE: A Facilitator is expected to: (1) explain the Pre Hearing Contempt Conference process; (2) explain his/her role in the process; (3) allow you to fully explain your issues; (4) understand the issues involved; (5) be neutral and not favor either party; and (6) help you look for different ways to resolve the issues.

1. Did the Facilitator fully explain the process to you? _____ Yes _____ No
2. Did the Facilitator explain his/her role in the process? _____ Yes _____ No
3. Did the Facilitator allow you to fully explain your issues? _____ Yes _____ No
4. Did the Facilitator understand the issues involved in your case? _____ Yes _____ No
5. Was the Facilitator neutral (i.e., did not favor either party)? _____ Yes _____ No
6. Did the Facilitator help you look for different ways to resolve the issues in your case? _____ Yes _____ No

How satisfied were you, overall, with the **Facilitators' performance**?

- ☐ very satisfied
- ☐ satisfied
- ☐ dissatisfied
- ☐ very dissatisfied

IV. OUTCOME OF PRE HEARING CONTEMPT CONFERENCE: If the parties come to an agreement on any issues, the outcome of the Conference should be: (1) fair to all parties; (2) allow each party an opportunity to better understand the other side's concerns; and (3) help each party better communicate with each other in the future.

Did you settle any issues at the Conference? _____ All issues were settled

_____ Some issues were settled

_____ No issues were settled

Do you believe the outcome of your Facilitation was fair? _____ Yes _____ No _____ Not Applicable - No Issues Settled

Do you have a better understanding of the other side's concerns after the Conference? _____ Yes _____ No

Will you (your client) be able to communicate better with the other side in the future?

_____ Yes _____ No _____ Not Sure _____ Not Applicable

How satisfied were you, overall, with the outcome of the Pre Hearing Contempt Conference?

- ☐ very satisfied
-
- ☐ satisfied
- ☐ dissatisfied
- ☐ very dissatisfied

Appendix O: Data Gathering Tools Currently in Use, Court of Special Appeals

Court of Special Appeals: Mediation Program

- **Pre-Mediation Information Statement**
- **Attorney Survey**
- **Participant Survey**

CIVIL MEDIATION

COURTS OF APPEAL
BUILDING

361 ROWE BOULEVARD

ANNAPOLIS, MD 21401

410-260-3717

Maryland Court of Special Appeals Mediation Pilot Program

Confidential Pre-Mediation Information Statement

This statement is to be completed by counsel for appellant and appellee, or by self represented, or other interested parties and returned to the Director of Mediation, Maryland Court of Special Appeals, within 10 business days of receipt of Order of Referral for Mediation. In addition to the information requested below, counsel and /or parties may be requested by the Director of Mediation to provide additional information prior to the mediation. Pre-mediation communications do not need to be provided to opposing counsel/party(ies). Communications with the Civil Mediation program, including responses to this form, are confidential and are not considered *ex parte* communications. Responses to this form will not be disclosed to opposing parties/counsel, other interested persons/entities, the general public, or members of the bench involved in hearing the appeal (or remand).

Do not file responses to this form with the Clerk of the Court of Special Appeals. Return completed forms to the Office of Mediation, Courts of Appeal Building, 361 Rowe Boulevard, 3rd Floor, Annapolis, MD 21401. Responses to this form are considered a part of an administrative record controlled solely by the Office of Mediation. Inspection of this document by any party or the general public will be denied under Rule 16-1004(e).

Please use additional sheets of paper where necessary.

1. Name and number of the case.
2. Name of judge and court from which the case is on appeal.

3. Names, addresses, emails, and weekday telephones of principal counsel for appeal, if any; or if appellant and/or appellee will be self-represented, so indicate and provide contact information for yourself in question number 4, below.

4. Names, addresses, emails, and weekday telephones of parties in the appeal.

5. Names, addresses, emails, and weekday telephones of involved representatives (insurance, corporate, estate, other) who will be involved in the appeal, indicating such person's role and title. If there is an adjuster involved in the case, please provide their contact information and state whether they will be present at the mediation. (Note: Such persons are required to have full authority to settle up to the full limits of the claim or coverage, whichever is greater.)

6. Briefly describe the underlying conflict between the parties that led to the litigation.

7. Briefly describe the legal issues to be raised in the appeal. Please provide a brief statement of arguments you expect to make regarding these issues. Briefly address appealability issues and standards of review that pertain to your appeal.

8. Please identify any significant facts or issues that are not a part of the issues on appeal that may have a continuing impact on settlement (a) from you or your party's perspective, and (b) from what you perceive to be the other side's perspective.

9. State the strong and weak points of your case.

10. How would you suggest that this case settle? What would be the dollar amount, if relevant?
~~Is your proposal realistic, and if not, what is the barrier?~~

11. What are your goals with regard to this dispute? What outcome would best suit your (or your client's) needs? Please state what you are looking for regardless of whether you think the court has the ability to make it happen.

12. Is there other related litigation underway or pending between these parties? If so, briefly describe.

13. Have these parties been through mediation on this conflict previously? If so, please describe, including when and where mediation occurred, how long the parties were in mediation, the name of the mediator, and the result of the mediation (partial agreement or no agreement).

Date: _____

Signature

Printed Name: _____

Please state whether you are a Party/Counsel for/Appellant or Appellee or other interested party:

COURT OF SPECIAL APPEALS

Date of Mediation: _____

Case Number: _____

Mediator(s) Name(s): _____

Confidential Mediation Attorney Survey

Filling out this confidential survey will help us improve the program. Thank you for taking the time to give us your feedback.

1. I have represented a client in mediation in the past? ☐ YES ☐ NO 2. I am counsel for ☐ Appellant ☐ Appellee
2. Was the mediation session helpful to your client? Why/why not? _____
3. In approximately how many disputes, before this one, have you used mediation? ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8+

PLEASE EVALUATE THE MEDIATOR(S) AND PROCESS: (Circle one response for each statement.)

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Doesn't Apply (N/A)
4. The mediation process was clearly explained.	1	2	3	4	5	
5. My client and I had enough time to say what we needed to say.	1	2	3	4	5	
6. The mediator(s) understood what I or my client said was needed.	1	2	3	4	5	
7. To check survey quality, please circle number 2.	1	2	3	4	5	
8. The mediator(s) helped us to think about different ways to resolve issues.	1	2	3	4	5	
9. The mediation helped in resolving the issues of the case.	1	2	3	4	5	
10. I understand the views of the other participant(s) better than I did before.	1	2	3	4	5	
11. We discussed all the issues raised on appeal.	1	2	3	4	5	
12. We discussed issues regarding the dispute that would not have been addressed on appeal.	1	2	3	4	5	
13. The case would have been settled without mediation.	1	2	3	4	5	
14. The mediator(s) did not favor one party over the other.	1	2	3	4	5	
15. It was helpful to have a judge-mediator.	1	2	3	4	5	
16. The mediator(s) were good listener(s).	1	2	3	4	5	
17. The mediator(s) helped clarify issues.	1	2	3	4	5	
18. The mediator(s) were respectful to me.	1	2	3	4	5	
19. If the mediator(s) met with me/my side separately, it was helpful.	1	2	3	4	5	N/A
20. If an agreement was reached, it met the needs of my client.	1	2	3	4	5	N/A
21. The agreement accurately reflected the agreement reached in the session.	1	2	3	4	5	N/A
22. The mediator(s) provided me with an opportunity to review the agreement with my client.	1	2	3	4	5	N/A
23. I believe that mediation was helpful at the appellate level.	1	2	3	4	5	
24. Overall, I was satisfied with this mediation session.	1	2	3	4	5	

>>>>> Turn Page Over, Please <<<<<<

25. Who suggested the possible solutions? (Check all that apply.)

- ☐ My client ☐ The other side(s) ☐ The mediator(s) ☐ The lawyer(s) ☐ No solutions were suggested
client

26. We: (Check all that apply.)

- ☐ Agreed to continue for another session ☐ Agreed on some issues ☐ Agreed on all issues ☐ Did not agree on any issues

27. How much money would it have cost your client to litigate the matter? Estimated \$ _____

Estimated dollar amount in counsel fees: _____

Estimated dollar amount in other costs: _____

28. Would you request mediation for other civil appellate cases. ☐ Yes ☐ No Why? _____

29. Was it helpful to have a judge-mediator? ☐ Yes ☐ No Why? _____

30. Is there anything else you want to tell us about your mediation experience? _____

31. ☐ Solo Practitioner ☐ Small Firm (2-40) ☐ Mid-Size Firm (40-100) ☐ Large Firm (100+) ☐ Other (e.g. Government,
Nonprofit) _____

32. Please list case type and issues involved. If issues were narrowed, please specify which issues were resolved and which were not: _____

☐ Yes, I would like to help the program improve, so I agree to be contacted to discuss my mediation experience. I understand that all of my case information and any discussions that occurred in the mediation process will remain confidential, even if I agree to be contacted. (Please provide your contact information below.)

☐ No, thank you.

Name (please print): _____ Best time to reach me: ☐ Morning ☐ Afternoon ☐ Evening

Phone Number(s): _____ E-mail Address: _____

COURT OF SPECIAL APPEALS

Date of Mediation: _____

Case Number: _____

Mediator(s) Name(s): _____

Confidential Mediation Participant Survey

Filling out this confidential survey will help us improve the program. Thank you for taking the time to give us your feedback.

1. I am the ☐ Appellant ☐ Appellee ☐ Other: _____ 2. Were you ordered to mediation? ☐ YES ☐ NO

3. If you were not ordered to mediation, how did you learn about the service and why did you feel it would be helpful? _____

4. In approximately how many disputes, before this one, have you used mediation? ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8+

PLEASE EVALUATE THE MEDIATOR(S) AND PROCESS: (Circle one response for each statement.)

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Doesn't Apply to Me (N/A)
5. The mediation process was clearly explained.	1	2	3	4	5	
6. I had enough time to say what I wanted to say.	1	2	3	4	5	
7. The mediator(s) understood what I said I needed.	1	2	3	4	5	
8. To check survey quality, please circle number 2.	1	2	3	4	5	
9. The mediator(s) helped me think about different ways to resolve our issues.	1	2	3	4	5	
10. I felt heard by the other participant(s).	1	2	3	4	5	
11. I understand the views of the other participant(s) better than I did before the session.	1	2	3	4	5	
12. We discussed all the issues raised on appeal.	1	2	3	4	5	
13. We discussed issues regarding the dispute that would not have been addressed on appeal.	1	2	3	4	5	
14. The mediator(s) did not favor one party over the other.	1	2	3	4	5	
15. I felt pressured by the mediator(s) to reach an agreement.	1	2	3	4	5	
16. The mediator(s) were good listener(s).	1	2	3	4	5	
17. The mediator(s) helped clarify issues.	1	2	3	4	5	
18. The mediator(s) were respectful to me.	1	2	3	4	5	
19. The mediator(s) told me what I should agree to.	1	2	3	4	5	
20. If the mediator(s) met with me/my side separately, it was helpful.	1	2	3	4	5	N/A
21. If an agreement was reached, it met my needs.	1	2	3	4	5	N/A
22. If an agreement was written, I understood it.	1	2	3	4	5	N/A
23. The mediator(s) helped me check whether the agreement was realistic for me.	1	2	3	4	5	N/A
24. I believe that mediation was helpful at the appellate level.	1	2	3	4	5	
25. Overall, I was satisfied with this mediation session.	1	2	3	4	5	

>>>>> Turn Page Over, Please <<<<<<

26. Who suggested the possible solutions? (Check all that apply.)

☐ I did ☐ The other side(s) ☐ The mediator(s) ☐ The lawyers ☐ No solutions were suggested

27. We: (Check all that apply.)

☐ Agreed to continue for another session ☐ Agreed on some issues ☐ Agreed on all issues ☐ Did not agree on any issues

28. Do you think that mediation saved you money? If so, how much? (e.g., \$10,000, \$20,000, etc.) \$ _____

Additional comments: _____

29. I would use this process again. ☐ Yes ☐ No Why? _____

30. Is there anything else you want to tell us about your mediation experience? _____

31. ☐ Yes, I would like to help the program improve, so I agree to be contacted to discuss my mediation experience. *I understand that all of my case information and any discussions that occurred in the mediation process will remain confidential, even if I agree to be contacted.* (Please provide your contact information below.)

☐ No, thank you.

Name (please print): _____ Best time to reach me: ☐ Morning ☐ Afternoon ☐ Evening

Phone Number(s): _____ E-mail Address: _____

We request that you provide the following information **VOLUNTARILY**. This information will be used for statistical purposes only.

32. ☐ Female ☐ Male 33. Your Age: ☐ 18-27 ☐ 28-37 ☐ 38-47 ☐ 48-57 ☐ 58-67 ☐ 68-77 ☐ 78+

34. Select all that apply:

☐ Hispanic/Latino ☐ American Indian/Alaskan Native ☐ Asian ☐ Black/African American ☐ Native Hawaiian/Pacific Islander ☐ White

35. Education:

☐ 1st-8th Grade ☐ Some High School ☐ High School/GED Degree ☐ 2-yr College Degree/Professional Certificate ☐ 4-yr College Degree ☐ Graduate Degree

36. Household Income:

☐ Up to \$19,999 ☐ \$20,000-\$39,999 ☐ 40,000-\$59,999 ☐ 60,000-\$79,999 ☐ 80,000-\$99,999 ☐ 100,000+

Appendix P: Attendees of the ADR Statewide National Meeting

Heather Anderson
Senior Attorney
Judicial Council of California
Administrative Office of the Courts

Kieva Bankins
Ruth Young Center
University of Maryland School of Social Work

Hon. Robert M. Bell
Chief Judge of the Court of Appeals

Jeanne Bilanin
Deputy Director
IGSR
University of Maryland, College Park

Lisa Bingham
Keller-Runden Professor of Public Service
School of Public and Environmental Affairs
Indiana University

Leigh Casey
Program Coordinator
Ruth Young Center
University of Maryland, School of Social Work

Lorig Charkoudian, Ph. D.
Executive Director
Community Mediation Maryland

Hon. Ben C. Clyburn
Chief Judge, District Court of Maryland

Mark Collins
Assistant Coordinator for ADR and Court Improvement Programs
Office of Court Administration
New York State

Llewellyn Cornelius
Ruth Young Center
University of Maryland, Baltimore School of Social Work

C David Crumpton, Ph. D.
Deputy Executive Director
AOC
Court Research and Development

Michael Dunston
Deputy Executive Director
AOC
Department of Family Administration

Heather Fogg
Faculty Researcher
IGSR
University of Maryland, College Park

Danielle Fox, Ph.D.
Senior Court Researcher
Circuit Court for Montgomery County

Douglas Frenkel
Morris Shuster Practice Professor of Law
University of Pennsylvania Law School

Lou Gieszl
Deputy Director
MACRO

Toby Guerin
Deputy Director, C-DRUM
University of Maryland School of Law

Margaret “Peggy” Herrman
CEO
Herrman Group, LLC

~~Diane Hoffmann~~
Associate Dean
University of Maryland School of Law

Connie Kratovil-Lavelle
Executive Director
AOC
Department of Family Administration

Angela Kuhn
Court Administrator
Cecil County
Chair, Conference of Circuit Court Administrators

Hon. Diane O. Leasure
Chair, Conference of Circuit Court Judges

Dawne Lindsey
Clerk of Court
Circuit Court for Alleghany County,
Chair, Conference of Circuit Court Clerks

Bobbi McAdoo
Professor
Hamline University School of Law

Pat McDermott
Professor
Center for Conflict Resolution
Salisbury University

Thomas Murphy
President
Maryland State Bar Association

Ruth Obar
Center for Conflict Resolution

Pam Ortiz
Executive Director
Maryland Access to Justice Commission

Diane Pawlowicz
Executive Director

AOC
Court Research and Development

Hon. W. Michel Pierson
Circuit Court for Baltimore City (Judge in charge of Civil Docket; designee for Hon. Marcella Holland- Co-chair Conference of Circuit Court Judges)

Brian Polkinghorn
Executive Director
Center for Conflict Resolution
Professor, Salisbury University

Sharon Press
Director
Dispute Resolution Institute, Hamline University School of Law

Janet Price
Project Coordinator
University of Maryland School of Law

Susan Raines
Associate Professor of Conflict Management
Kennesaw State University

Wendy Riley
Court Administrator
Circuit Court for Wicomico County

Jonathan Rosenthal
Executive Director
District Court of MD ADR Programs

Hon. Thomas G. Ross
Chair, Conference of Circuit Court Judges, ADR Committee

James Stark
Professor of Law
University of Connecticut School of Law

Donna Stienstra
Senior Researcher
Federal Judicial Center

Andrea Terry
President
ADR Section of the Maryland State Bar Association

Jamie Walter, Ph. D.
Senior Researcher
Court Research and Development
AOC

Daniel Weitz
Coordinator
New York State Unified Court System

Nancy Welsh
Professor of Law
Penn State Law

Nick White
Evaluations Director
MACRO

Hon. Dorothy Wilson
Chair, District Court ADR Committee

Roselle Wissler
Director of Research
Lodestar Dispute Resolution Program, College of Law, Arizona State University

Rachel Wohl
Executive Director
MACRO

Roger Wolf
Professor Emeritus
University of Maryland School of Law

Hisashi Yamagata, Ph. D.
Senior Court Researcher
Circuit Court for Montgomery County

Susan Yates
Executive Director
Resolution Systems Institute