

**CIVIL MEDIATION INSTRUCTIONS
FOR THE CIRCUIT COURT FOR HOWARD COUNTY, MARYLAND**

Updated September 1, 2010. Please read carefully to make note of the changes.

Selection of Mediators: The individual who has been selected to mediate this dispute appears on the mediation scheduling order. By agreement, the parties may choose any other individual to be the mediator of this dispute if the name, address, and telephone number of the individual is filed with the Clerk within 30 days of the date of the mediation scheduling order. The designated mediator in this case has been found by the Administrative Judge to meet all of the qualifications required by the Maryland Rules of Procedure.

Any party, or attorney representing a party, may file a written motion to have the Court appointed mediator disqualified because of a conflict in the case. This motion must be filed with the Clerk within 30 days of the date of this order.

A list of all mediators found by the Administrative Judge to meet the qualifications of the Maryland Rules is available from the ADR Coordinator, Jennifer Bowman, by calling 410-313-3053.

Exemption from Court Ordered Mediation: If one or more of the parties believes the need for mediation does not exist in a case, these reasons must be stated in a written motion filed with the Clerk within 30 days of the date of the mediation scheduling order. **Motions for Exemptions must have certificates of service to all counsel and the mediator.**

Establishing a Mediation Conference: In civil non-domestic cases, each party is required to contact the mediator within thirty (30) days of the date of the mediation scheduling order to establish a mediation conference date. Mediation conferences must be completed as ordered. No more than two (2) hours of mediation will be held in civil non-domestic cases unless otherwise agreed to by the parties.

In domestic cases, the parties shall participate in two (2), two (2) hour mediation sessions. Each party is required to contact the mediator within fifteen (15) days to establish the first two (2) mediation session dates. If the parties agree on the terms of a parenting agreement during the first two (2) mediation sessions or otherwise agree to continue mediation, that shall constitute a good cause shown pursuant to Md. Rule 9-205(c)(1). Upon the recommendation of the mediator, the parties shall be required to participate in not more than two (2) further mediation sessions. All mediation sessions in domestic cases must be completed within 60 days.

Parties must provide 48-hour notice to the mediator to postpone or cancel a session. Parties are responsible for compensating the mediator for the missed session when they cancel without 48-hours notice.

Attendance at Mediation: In civil non-domestic cases, it is mandatory for all attorneys and parties with actual settlement authority to attend and participate in the mediation conference. Any insurance carrier, directly or indirectly involved in the outcome of the case, must designate a company representative with settlement authority to attend the mediation conference, unless excused by the mediator. Parties and attorneys are hereby notified that failure to attend and participate in the mediation, without further court order canceling or excusing such attendance, could result in the imposition of sanctions, fees and costs, as well as, findings of contempt with resulting penalties at a court hearing.

Late and Failure to Appear Policy: If a party is going to be more than fifteen (15) minutes late with good reason to a mediation session, the party must inform the mediator; however, the mediator and on-time parties are required to wait for late parties for 30 minutes before the mediation is cancelled. After 30 minutes, parties who have not arrived are considered as failing to appear and will be responsible for the full mediation fee.

Agreement to Mediate: All parties and attorneys must sign an Agreement to Mediate, provided by the mediator, prior to the scheduled mediation. The mediator may use the form provided or use one of his/her own choosing.

Mediation Fees: Payment for mediation services is due prior to or at the initial mediation session. The parties shall compensate the mediator, based on the court approved rate of \$200.00 per hour. Additional fees will be prorated for mediation time beyond two (2) hours in civil non-domestic cases. Private mediators engaged separately by agreement of all parties will be paid at the rate charged by the mediator. Costs are to be divided equally by the plaintiff(s) and defendant(s) in the case, unless agreed upon otherwise or ordered by the Court. Financial Assistance is available to eligible litigants in domestic cases only. For additional information, contact the Family Law Case Coordinator, Lisa Mohink, by calling 410-313-2225.

Confidential ADR Statement: In civil non-domestic cases, each party or his/her attorney must complete the Confidential ADR Statement, included with the mediation order, and provide it to the mediator at least five (5) days prior to the scheduled mediation. This statement will not be exchanged with the opposing counsel or parties in the case. The Confidential ADR Statement will not be filed with the Clerk, and no trial judge will have access to the form.

Settlement of a Case: If the case is dismissed or a settlement is reached with all parties as to all issues prior to the scheduled mediation, the attorneys and/or the parties must notify the mediator immediately. If a complete settlement is reached as a result of the mediation conference, the mediator shall report the settlement to the Court on the ADR Data Sheet and inform the parties and/or attorneys to file a line or consent order on all issues within 30 days. All parties and counsel are requested to complete an evaluation form upon the conclusion of the mediation session, whether or not the case settles

Confidentiality: All written and oral communications made in connection with the mediation conference will be held in strict confidence, and may not be disclosed in any subsequent proceeding.

Please visit our website <http://www.courts.state.md.us/circuit/howard/adr.html> to access "fillable" PDF & MICROSOFT WORD ADR forms (Confidential Statement, Provider Evaluation and Mediator Data Sheet). If you cannot access these forms, contact ADR Coordinator @ 410-313-3053 to arrange to have these forms mailed to you. Please email completed forms to Jennifer.Bowman@mdcourts.gov.