

A Winning Solution

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Alternative Dispute Resolution (ADR) Office

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Keys to a Successful ADR Program: *Harford County District Court*

By Shannon M. Baker

The District Court of Maryland Alternative Dispute Resolution (ADR) Office's mission, in part, is to "encourage the use of ADR processes early on and throughout the litigation process" and to "ensure that the ADR services are appropriate and accessible." One way the ADR Office accomplishes these aspects of its mission is through its Day of Trial ADR Programs. The District Court's Day of Trial ADR Program consists of a roster of settlement conference attorneys and mediators providing ADR services to litigants (and their attorneys) at a local court house on the scheduled trial or hearing date, in an effort to help them resolve their cases without trial.

While the county itself may be small relative to other jurisdictions in Maryland, the Day of Trial program in Harford

County has a mighty presence. From January 1, 2013 to September 30, 2013 eleven ADR practitioners covered 44 civil dockets. These practitioners include seven mediators and settlement conference attorneys from the ADR Office's general roster for Harford County, and four volunteers from the Harford County Community Mediation Program (HCCMP).

Continued on Page 3

Day of Trial ADR Programs in Bel Air

- Civil dockets are heard Friday mornings at 8:30 a.m. and Friday afternoons at 1:30 p.m.
- The ADR Office schedules practitioners for the morning dockets on a quarterly basis.
- The Friday afternoon dockets are covered by mediators from the Harford County Community Mediation Program on an as-needed basis, as determined by the Harford County judges and the ADR Office Regional Programs Director.

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Welcome Chief Judge Barbera!

By Tracy Culbreath

On Wednesday, July 3, 2013, Governor Martin O'Malley named Mary Ellen Barbera as the 24th Chief Judge of Maryland. Chief Judge Barbera's appointment has historical significance, as she is the first female Chief Judge of the Maryland Court of Appeals, and she leads a Court of Appeals that is for the first time majority women (4 out of 7). Chief Judge Barbera succeeds Chief Judge Robert M. Bell, who retired on July 6, 2013.

Chief Judge Barbera has been serving the people of Maryland since the 1970s. She began her career as an elementary school teacher in Baltimore City public schools, and at night she

attended the University of Maryland Law School. In 1984, Chief Judge Barbera graduated from law school and clerked for Court of Special Appeals Judge Robert L. Karwacki before joining the Office of the Attorney General of Maryland in 1985. In 1998, Chief Judge Barbera joined Gov. Parris N. Glendening's Office of Legal Counsel and Regulatory Affairs, serving first as deputy legal counsel, then chief legal counsel. In 2002, she was appointed as judge to the Court of Special Appeals, a position she held until September 2008, when she was appointed to the Court of Appeals by Gov. Martin O'Malley.

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Chief Judge
Mary Ellen Barbera

My Two Cents

Who's Coming to Dinner?

By Jonathan S. Rosenthal



Have you ever been asked, or thought about on your own, the following question: if you could invite five famous people, living or dead, to dinner, who would you choose, and why? For me, this question has come up from time to time. Sometimes it's in casual conversation. Sometimes it's related to a workshop or training. But it does come up from time to time.

And for me, four of the five people on my list haven't changed for quite a while. Before I give you my list, take a moment and think about who you would invite to dinner: five people, living or dead, who might be considered significant in some way; in politics or business, the arts, academia, heroes or sports greats, or whatever. Go ahead... think about who you would invite to dinner, and just as importantly, think about *why* you would choose each of them.

My list seems to say something about what really interests me. My list includes (in no particular order) Abraham Lincoln, Mikhail Gorbachev, Nelson Mandela, F.W. de Klerk, and Steve Jobs. (Truth be told, that fifth slot (in this case, Steve Jobs) does change from time to time.)

Four of the five people on my list have been significant figures in the "world" of world conflict. And for each of them, the future of a nation was at stake, as were the futures of millions of people living in and around or affected by those nations.

I've recently been thinking about this because one of my dinner invitees recently passed away. Nelson Mandela died on December 5, 2013. He lived some 95

years. And I don't think it is an overstatement to say he was a great man, a heroic figure, who touched so many lives, probably most of them indirectly. Nelson Mandela was greatness. He had so many choices to make, and so much time to think about many of them. The things we might learn from him, even on the tiniest of scales, are immense.

He was jailed for more than 27 years. Twenty seven years. Jailed in the prime of his life, although I could easily argue that the prime of his life was yet to come. Twenty seven years in jail. He was arrested multiple times for various things, but ultimately he was tried, convicted, and sentenced to life in prison for conspiracy to overthrow his government. From 1962, when he began serving that sentence, until his release in 1990, Nelson Mandela remained in jail because he wanted freedom for the Black majority in South Africa, which was then existing under a racial segregation policy known as Apartheid.

"It always seems impossible until it's done."

- Nelson Mandela

It is amazing to me that Mandela knew that to achieve his goals, in fact the goals of an entire nation, he would have to work directly with the people who kept him in jail...for 27 years. How in the world did he get to that place in his heart? And how was he at peace with that? Who leaves a jail cell he has occupied for 27 years and understands that the road to success lies in extending a hand to your enemy? Who does that?

Continued on Page 4

Day of Trial Program, *cont. from 1*

During their 44 appearances, ADR practitioners received at least one case referral 95.4% of the time, and for more than half of the dockets the practitioner received more than one referral. In a program that depends on volunteer practitioners showing up, it's rewarding to see judges refer appropriate cases with such regularity.

The Harford County program has a distinct structure that helps generate numerous referrals. First, the dockets are screened in advance by the Regional ADR Programs Director (RPD) for Harford County. While the Friday morning dockets are scheduled with roster practitioners in advance by the ADR Office, the Friday afternoon dockets are covered on an on-call basis exclusively with HCCMP, depending on whether the RPD's screening reveals a need for a mediator to cover the afternoon docket.

The RPD emails a list of cases identified as "Appropriate for ADR" to the judges, court staff and the scheduled practitioner. Then, the Civil court staff "flag" the identified cases by placing a bright pink "Appropriate for ADR" sticker on the front of the case jacket. The practitioner is provided the case names, numbers, and in which courtrooms they will be heard. As parties check in on Friday morning, the flagged cases are referred to the practitioner. Additionally, the judges always have the option to refer any other cases appearing in front of them that they feel might benefit from the services of the ADR practitioner.

Support for the Day of Trial ADR Program in Harford County comes from all levels and offices of the courthouse, including the judges, bailiffs, clerks, and other court staff. In filling in their green "ADR Practitioner Activity Report" (the ADR Office's quantitative statistical report for all roster practitioners) Harford County ADR practitioners cited a diversity of referral sources for these cases, reflecting the structured referral process discussed above.

Looking first to the source providing the most referrals (37 cases), the role of the judges and their referrals in the success of the program is keenly felt by the ADR practitioners volunteering in Harford County.

Robert (Bob) Driscoll, an HCCMP mediator, appreciates the support demonstrated by the Harford County bench. "I truly think the Day of Trial Program is successful in Harford County because it has demonstrated success to the Judges who acknowledge respect and appreciation for the mediation process as well as the mediators themselves," said Driscoll. "With the critical support of the referring judges, the Plaintiffs and Defendants come in to these mediation sessions with an open mind and ready to discuss solutions. With this key frame of open mindedness we at least get a chance to hear what the issues are and with a high rate of success reach acceptable solutions to a truly wide variety of conflicts," he added.

After referrals from judges, the second highest referral category, using the pink sticker as a guide, was "Bailiff," with nineteen cases. Courtroom clerks were credited with referring five cases, while four cases were marked as "Other." In three cases, ADR was chosen at the "Party's Request."

No matter how cases are referred to ADR, the statistics demonstrate that when given the opportunity to participate in the Day of Trial ADR Program, Harford County litigants are more likely to embrace the opportunity and attempt ADR than not.

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Harford County District Courthouse
Bel Air, Maryland

"I am very appreciative of our hardworking volunteer mediators as well as the ADR staff. I believe this program is a terrific resource for our citizens, and certainly helps to make their contact with the court system a more positive experience."

The Honorable Susan H. Hazlett,
Administrative Judge
for the Harford County District Court

My Two Cents, *cont. from 2*

Nelson Mandela is quoted as saying “if you want to make peace with your enemy, you have to work with your enemy. Then he becomes your partner.” Easier said than done. As a divorce attorney and family mediator, I watched dozens of husbands and wives who couldn’t grasp that concept, regardless of what I or anyone else would say to them, and regardless of what was at stake (including the lives, futures, and well being of their children). As dispute resolution professionals, we understand the concept of working with the “other side” to reach an agreement.

Sometimes it’s a compromise, sometimes it’s a win win. But we know it may take hard work in an uncomfortable setting.

Our world of conflict resolution is on the tiniest of scales when compared to other conflicts. In fact, one could argue that the repair company that is in a disagreement with the consumer is more a dispute rather than a conflict. A conflict is more in the form of Israelis and Palestinians. Yet, for the repair company and the consumer to reach a solution, they have a choice. They can work together and be partners in the solution. Or they can fight.

“I AM FUNDAMENTALLY AN OPTIMIST. WHETHER THAT COMES FROM NATURE OR NURTURE, I CANNOT SAY. PART OF BEING OPTIMISTIC IS KEEPING ONE’S HEAD POINTED TOWARD THE SUN, ONE’S FEET MOVING FORWARD.”
- NELSON MANDELA

I suppose I don’t want to minimize the mega-conflicts in the world by using this kind of comparison. And I also don’t want to have the disputes we see on a regular basis be seen as trite by comparison. They are so important to those within them. But the common theme is there. And it takes the strongest, bravest, smartest of people to realize that for the best solutions, talking together, working with one another, and extending that hand has to happen. It is a common theme, but seemingly an uncommon trait. Do you have that trait? Sometimes?

Chief Judge Barbera, *cont. from 1*

Chief Judge Barbera served as chair of the Criminal Law and Procedure Committee of the Judicial Conference from 2006-2008, and was a member of the Judicial Ethics Committee of the Judicial Conference in 2007-2008. And more recently, with her appointment as chief judge, she began serving as the chair to MACRO’s Advisory Board.

“The courts are dedicated to promoting and providing alternative ways to resolve conflict because our goal is to ensure that all Marylanders have equal, fair and timely access to justice,” Chief Judge Barbera said. “Alternative dispute resolution is a win-win situation: People can get help from trained mediators to reach their own sustainable agreements, and courts have more time and resources to handle issues that cannot be resolved through mediation,” she added. “We’re grateful to our partners in justice, the dedicated ADR practitioners, professionals, and volunteers throughout the state, for continuing ADR efforts in Maryland.”

“We’re grateful to our partners in justice, the dedicated ADR practitioners, professionals, and volunteers throughout the state, for continuing ADR efforts in Maryland.”

- Chief Judge Barbera

The District Court ADR Office would like to acknowledge and thank the Judiciary’s Office of Communications and Public Affairs for their assistance with this article.

Conducting ACR's Business

By Cheryl Jamison, MACRO's Quality Assistance Director



The beauty of an orchestra is the harmony and effect the diverse instruments can produce. It is extraordinary; the instruments each make different sounds and yet when they come together to play the right note, at the right time even at the right speed and volume, the result is exceptional music. This same magic is produced when ACR members assist others in resolving conflict. It is the music of the Association for Conflict Resolution (ACR) orchestra helping to bring harmony to those in conflict.

As President of ACR, I have the privilege of conducting this amazing association for the next year. One of the major reasons I decided to join and commit my time and energy to ACR was its commitment to diversity and inclusion. I realized that appreciation and respect for all dimensions of diversity and inclusion was not tokenism in ACR. It was coming from a place of genuine commitment, recognizing the value that diverse practitioners and processes have on the field and those we serve.

I am also pleased to have the "rock stars" of the conflict resolution field as my colleagues. It is interesting how things work. It was at my first ACR conference that I realized how Maryland was viewed by others in our field. I had been working for MACRO for only 3 months, and I was still learning the Maryland conflict resolution landscape. At the conference, each time I introduced myself as affiliated with MACRO, people got excited and wanted to know what is Maryland doing? When I finally asked why I was getting this reaction, I was told that a group from Harvard called Marylanders the "rock stars" of the ADR field. And, they were right!

Maryland has a wealth of training opportunities designed to help us improve our craft and fine tune our instruments. Training opportunities such as those offered by the District Court ADR Office, MACRO, the Maryland Program for Mediator Excellence (MPME), and other highly skilled trainers in the private marketplace, have together created a sense of community and a philosophy of continued learning. One characteristic of a successful orchestra is the commitment its members have to ongoing practice and improvement. These are essential for a highly skilled musician, and for a highly skilled mediator.

You can never learn too much or practice too often. As mediators, people come to us when they are in a difficult place. They are experiencing a crisis in human interaction and they seek our assistance to move to a place of resolution and harmony. They trust us, strangers, with the secrets of their lives and place us in a degree of confidence that we can help them make it better. Oftentimes, we see the magic of mediation take place right before our eyes. To honor that trust, we must continue to learn, practice and improve.

I am honored to take what I have learned in Maryland and try to extend our collective thinking to a broader community through ACR. This year, ACR will increase learning opportunities by expanding content in weekly e-updates, providing and offering more teleconferences for all members, and encouraging sections and chapters to expand their programs. We will increase our visibility on search engines and social media sites in an effort to educate the public on the range of conflict resolution processes available, to increase our influence, to expand our membership base, and to promote increased use of conflict resolution processes. We will strengthen collaborative efforts within our association and develop more partnerships with other related organizations as well.

Please contact me if you want more information about ACR or if you want to be part of its orchestra. My email address is cheryl.jamison26@gmail.com. You don't need to play an instrument; you just have to be committed to your craft.

** Cheryl Jamison is the President of the Association for Conflict Resolution (ACR) for 2013-2014. She is also MACRO's Quality Assistance Director and staff for the Maryland Program for Mediator Excellence (MPME).*

Harford County, *cont. from 3*

Of the 78 cases referred to ADR during the first nine months of 2013 the litigants in 83.3% of the cases agreed to participate in the session.

The statistics also demonstrate that once the parties have agreed to participate in ADR, they are more likely to reach an agreement at the end of their session than to return to court for a trial. Of the 65 cases participating in ADR, 63.1% resulted in a full settlement, and one case resulted in a partial settlement. On only two occasions did the practitioners mark that cases were called back to the courtroom before conclusion of the ADR session.

Although the Day of Trial ADR Program must operate within the strictures and time constraints of the court's civil dockets and operational hours, the practitioners in Harford County do not feel inhibited in their ability to provide a quality process to the litigants. According to **Robert (Bob) Aims**, of HCCMP, "I enjoy the pressure of conducting the mediation with the time pressure of the court needing to complete their responsibilities. I've worked with excellent co-mediators where we recognize the vital responsibility to allow the mediation process to occur, yet help participants understand that they still retain more control with the voluntary mediation process than with the court process."

One hallmark of the Harford County Day of Trial Program is the diversity of cases referred to ADR. From case type, to amount in controversy, to attorney representation, there are very few restrictions on the

case types that are offered the opportunity to participate in ADR. Two of the 65 cases participating in ADR even involved interpreters.

While the majority of cases referred tend to be contract cases, overall the cases come from a broad range of referral categories, as evidenced by the chart below.

It should be noted that many landlord/tenant matters, including cases involving a failure to pay rent ("Rent") and rent escrow, are not screened by the RPD. Although pre-screening and flagging cases may contribute to and generate certain referrals, many cases go to ADR on their trial date as the direct result of the work of the judges.

Program veteran, attorney, and mediator **Chris vanRoden** shared his reflections on the diversity of cases referred to ADR in Harford County, "I have mediated numerous cases over the years and find that any case can be mediated if given the time. I have mediated cases involving attorney fee disputes, landlord tenant cases, cases requiring interpreters, and all are appropriate for mediation. [...] I thoroughly enjoy mediating with a great bench and support staff, including the bailiffs and court clerks. They all help make this a successful effort," Chris said.

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**CASES
REFERRED TO
ADR
BY
CASE TYPE
(of 72
cases with
statistics
reported)**

CASE TYPE	TOTAL CASES REFERRED	% OF CASES REFERRED
Contract	36	50.0%
Rent	16	22.2%
Tort	8	11.1%
Replevin	4	5.7%
Breach of Lease	2	2.8%
Wrongful Detainer	2	2.8%
Detinue	2	2.8%
Rent Escrow	1	1.4%
Tenant Holding Over	1	1.4%

Harford County, *cont. from 6*

There also appears to be some traction for ADR amongst the attorneys practicing in Harford County. Of 72 cases referred to ADR with reportable statistics, almost 20% involved attorneys.

Beginning on April 1, 2013, attorneys participating in ADR in Harford County are provided with an “ADR Attorney Survey” to collect their feedback after participating in a session. Similar to the Participant Survey, the Attorney Survey asks specific questions about the role of the attorney in the process, his or her views on ADR, why s/he agreed to participate in ADR with his/her client, etc. Although there have only been a handful of cases involving attorneys since these surveys were introduced in Bel Air, the attorney feedback received thus far suggests that attorneys practicing in Harford County are willing to participate in ADR with their clients. In one survey, an attorney marked: I would “always” recommend this ADR process to other clients involved in a similar dispute. The attorney went on to note that “all attempts to resolve should be explored. People generally intend [sic] to be more reasonable with 3rd party present.” In a second case, the attorney shared that s/he “encourage[d]” his/her client to participate in ADR because “I was hopeful that the case could be resolved in mediation.”

HCCMP mediator **Bob Driscoll** feels that “whether represented by counsel or not, the parties I have had the privilege to work with have confirmed this process can usually work. I think the parties feel fairly treated and only with some exceptions, indicate the mediation process is a truly viable alternative.”

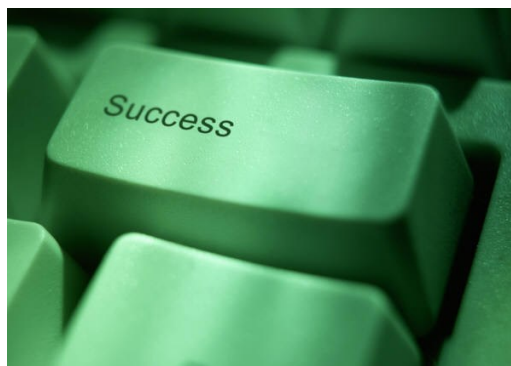
The Harford County Day of Trial ADR Program demonstrates how the collective efforts of the judges, bailiffs, court staff, volunteer ADR practitioners, and the ADR Office in a particular jurisdiction can make a big difference in the District Court.

CASES REFERRED TO ADR BY AMOUNT IN CONTROVERSY (OF 72 CASES WITH STATISTICS REPORTED)

AMOUNT IN CONTROVERSY	TOTAL CASES REFERRED	% OF CASES REFERRED
\$1 to \$5,000	48	66.7%
\$5,001 to \$10,000	8	11.1%
\$10,001 to \$20,000	4	5.6%
\$20,001 to \$30,000	3	4.2%
N/A (Replevin, Wrongful Detainer, Breach of Lease, Rent Escrow, Tenant Holding Over)	9	12.5%

As with case type, the “Amount in Controversy” does not seem to be a barrier for referrals in Harford County. In looking at the chart above, no case seems too big or too small to be referred to ADR.

What can be gleaned from the success of the program is that almost all cases should be offered the opportunity to participate in ADR. Once they cross the threshold of the ADR room, litigants are more likely to participate in ADR than not, and once they participate, are more likely to resolve their cases than not. Rather than automatically ruling out certain cases as “not appropriate,” the cases most likely to participate may be pre-identified in some matter, if it helps get cases through the door. However, it is ultimately the parties, in exercising their own self-determination, who will decide whether the process is the right way for them to resolve their case. The parties will never exercise this option if they are not first informed of the opportunity to participate in ADR, and then given the chance to meet with an ADR practitioner. The fewer restrictions placed on cases referred, the more stakeholders are willing to mention the program and send cases to the practitioner, the greater the likelihood for program success.



“The most difficult thing is the decision to act, the rest is merely tenacity.” - Emilia Earhart

Self-Awareness for Mediators: What is it & Why is it important?

By Kate Quinn

The aphorism “Know Thyself” has been attributed to Ancient Greeks and Egyptians, and throughout history the concept has been addressed by Alexander Pope, Benjamin Franklin, Ralph Waldo Emerson, Samuel Taylor Coleridge, and many others. Pretty elevated company there – an indication of how important self-awareness is as a foundation in human endeavors. In his book “Who Am I As A Mediator? Mindfulness, Reflection and Presence,” Daniel Bowling notes that knowing one’s self is a very important aspect of mediator development and quality of practice. Self-awareness, however, is a part of mediator education that has not received the attention it warrants – either from trainers or from many practicing mediators looking to develop the quality of their practice.

The Maryland Program for Mediator Excellence (MPME), however, recognized self-awareness as a distinct branch on the MPME tree. While there are many ways to cultivate self-awareness, the MPME Task Group focuses on two: mindfulness and self-reflection. The Task Group is working on ways to bring these ideas and practices to the general MPME membership, one of which was designating **February, 2014** as **Self-Awareness Month**. More on that later.



First let’s explore mindfulness and self-reflection, and their connection to mediation quality and practice, a little more. Both techniques are ways to develop and refine a mediator’s practice outside of a mediation session to help improve and enhance performance during a mediation.

Mindfulness can be defined as paying focused attention from moment to moment in a non-judgmental manner. Mindfulness can be developed through contemplative practices, such as meditation, that help the mediator bring awareness to their internal states of mind and body. As clarity and insight into this often unexamined

area emerges, mediators become aware of and can then learn to manage their personal biases, needs, feelings and judgments. All of these can interfere with a mediator’s effectiveness and disrupt or even alter the mediation process. In recent scientific studies as noted on The Mindful Mediator website (www.themindfulmediator.com), contemplative practices have shown to have significant effects on concentration, listening skills, empathy, and overall well-being. A growing number of mediators are finding these contemplative practices to be helpful to enhancing the quality of their work as conflict resolution practitioners, and beneficial to their lives in general.

Self-Reflection involves taking time to reflect on mediation experiences, and compliments contemplative practices. There are a number of tools and processes that can be used and each practitioner chooses what will work best for them. Reflecting deeply on mediation experiences, either alone or with others in a discussion group, is an excellent way to improve your mediation practice.

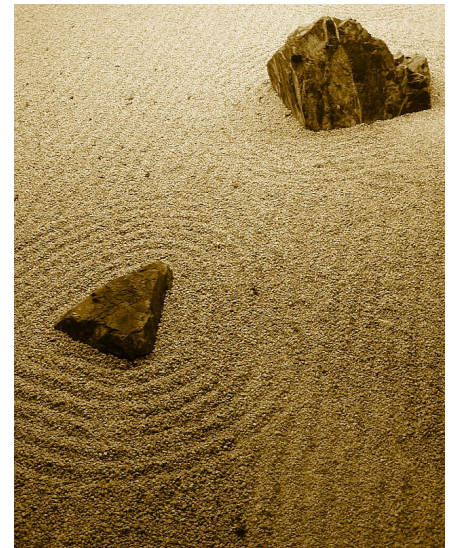


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Self-Awareness, *cont. from 8*

It can involve recalling in as much detail as possible the mediation experience, telling the story to yourself and others (without breaching confidentiality), examining your interventions and noticing your reactions to both the parts of the mediation you feel you handled well and the parts that were more challenging. The next steps of self reflection might include recording the fruits of this process in a journal and developing an approach to address any areas you may feel need improvement.

For **Self-Awareness Month**, coming in **February 2014**, the Self-Awareness Task Group of the MPME will be presenting a weekly lunchtime meditation call-in (yes, meditation can be guided over the phone!) hosted by Task group members and guest hosts. One or two webinars will be presented regarding self-awareness for mediators by knowledgeable contributors. The monthly e-mail “Cultivating Self-Awareness” will be distributed weekly during the month. We hope you will join us in February for an introduction to self-awareness concepts, to increase your knowledge of self-awareness practices, and to share your experiences with other practitioners.



"Strive not to be a success, but rather to be of value." - Albert Einstein

February 2014

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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The Maryland Program for Mediator Excellence (MPME) has proclaimed the month of February, 2014 as “Self-Awareness Month.” To promote the exploration and cultivation of mindfulness and self-reflective practices, the following events are planned:

- ◆ Cultivating Self-Awareness e-mails (the same thing you receive on the MACRO listserv each month) will be sent each **Monday (3rd, 10th, 17th, and 24th)** in February, offered by several Self-Awareness Task Group members.
- ◆ Each **Tuesday (4th, 11th, 18th, and 25th)** in February, a Noon Time Mindfulness Moment will offer a brief, phone-in guided meditation (yes, you can do that on the phone) with time for comments and questions. These call-ins are for all levels, those who have never even tried meditation to those with more experience.
- ◆ A **free** webinar about reflective practices will be offered on February 27th at 12:00 p.m., with well-known mediator and author, Nan Waller Burnett. To register, visit <http://www3.gotomeeting.com/register/242456574>
- ◆ Reference the MPME website <https://jportal.mdcourts.gov/apps/mpme/> for a complete Self-Awareness Resource List.

PARTNER SPOTLIGHT

WASHINGTON COUNTY

By Jack Carpenter

In January 2012, Washington County Community Mediation Center's outreach tickler popped up a reminder to contact our colleagues at the District Court of Maryland's Alternative Dispute Resolution (ADR) Office.

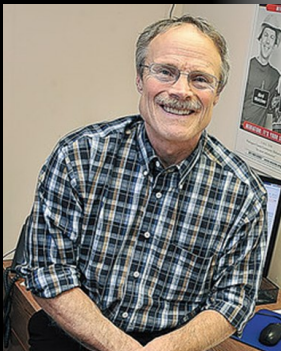
Our Center offers conflict resolution services — mostly mediation — free of charge to all individuals who seek our services. Besides increasing numbers of cases coming through the door due to word-of-mouth, we have cases referred from our State's Attorney's Office, Circuit Court, Department of Juvenile Services, Department of Social Services, the Police and Sheriff's offices, and a plethora of other organizations. But until this year, we didn't have any District Court civil cases being handled by our program.

We called around the statewide network of 18 community mediation centers, loosely connected through the efforts of Community Mediation Maryland (CMM), and discovered that in many counties a partnership between community mediators and the District Court ADR Office provided opportunities for litigants to sit down with impartial third parties to make an agreement on the very day they were to go to trial. We thought that sounded very enticing!

We expressed our interest to the District Court ADR Office and they arranged a meeting for all of the different local stakeholders for such a program. The meeting included District Court judges, court staff, WCCMC staff, and District Court ADR Office staff, and even a few private attorneys. The meeting led to a plan, and we were on our way. Moving quickly, the ADR office oriented a dozen of our volunteer mediators so they knew what to expect when working in the Court, and trained court personnel so they knew what the mediation program would look like for them.

June 14, 2013 was our first day at the District Court. Two pairings of mediators took their seats in the courtroom, watched a pleasant and persuasive mediation video presented by the ADR Office, and waited. The judge entered, took a minute to describe mediation from his point of view, and asked if anyone would like to try this "new" thing. Our people held their breath.

Jackpot! Three sets of litigants decided to try mediation. A few hours later, two cases had produced an agreement, crafted by the litigants themselves. Since then, the Center has been present two Friday mornings a month. There have not always been cases for us to mediate, but overall we are delighted with the program and pleased to have the opportunity to offer this service to our community. We are grateful for the hard work and flexibility of our Court and the ADR office.



Jack Carpenter
Washington County
Community
Mediation Center's
Executive Director

Volunteer Success Story *By Beverly Fairchild*

My first experience as a District Court co-mediator involved a young woman who, months earlier, had crashed her car into another car which was parked at a curb. She had no automobile insurance, so the damages were covered by the insurance company of the person whose car she had hit. She had gone to court previously as a result of the accident and the judge ordered her to pay the insurance deductible for the victim, which she was told amounted to \$500.00. On the day of the mediation, she had been brought back into court by the large national insurance company which held the policy for the damaged car. They had covered the \$15,000 cost of repairing the vehicle and were seeking to recoup their expenses from the young woman.

Given the option for mediation, both the woman and the attorney for the insurance company agreed to participate. Early in the session, the young woman was clearly distraught and on the verge of tears; she had little to say initially, deferring to the insurance company lawyer. As it became clear to her that she was invited to speak on her own behalf, and that her contributions to the discussion were accepted by the mediators on an equal playing field with those of the lawyer, she began visibly to relax and was able to explain her financial situation and to ask questions of the lawyer about the \$500.00 deductible she had already paid, noting that she had later learned that the actual deductible owed by the victim of the crash was only \$250.00

As she responded to the reflections of the mediators, she was able to reach the point at which she began to calculate her financial options, given that she was currently employed only part time and was also hoping to begin attending community college. She and the lawyer were able to reach an agreement that reduced the total amount the insurance company was seeking and that enabled her to pay small amounts over a period of years.



Beverly Fairchild
Washington County
Community Mediation
Center mediator

Success in ADR means different things to different people: an agreement; a partial resolution; or simply a better understanding. ADR Practitioners often enjoy sharing successes with the mediation community. If you want to share one of your District Court success stories for publication on our website or in *A Winning Solution*, send your story to sarah.kauffman@mdcourts.gov.

Welcome ADR Practitioners

2
0
1
3

Doniver Allen
Bill Baschke, Jr.
Jonathan Binstock
Larry Brock
Barry Brooks
Jack Carpenter
Shannye Carroll
Emilio Cecchi
Charlotte Crutchfield
Shakira Doleman
Beverly Fairchild
Jason Gaarder
Steven Graybill
Michele Harris
Jessica Hathaway
John James
Robert Jones
Mary Kellogg

LaRue Lennon
Leonard Levine
Relinda Louisy
Adrienne Millender-Mather

We welcomed these ADR Practitioners to our Day of Trial programs in 2013. Whether new to ADR itself or only new to our program, we want to thank each and every one of them for joining our roster and providing ADR services to the litigants in Maryland.

Thea Medvetz
Kelly Mellott
Mark Morrison
Joyce Newheart
Cynthia O'Conner

Nicolas Orechwa
Renee Pelletier
Philip Reynolds
Janet Richmond
Elizabeth Rojuginokan
William Ruland
Patricia Ryan
Marc Schneider
Catherine Schoen
Margaret Sevco
Bill Shelton
Karen Smith
Lisa Smith-Sanders
Arlene Smith-Scott
Harold Weisbaum
Suzanne Wheeler
Chad Wright

Quick Bits:

- Congratulations to **Mary Abrams** on her recent appointment as the Administrative Clerk for the District Court in Baltimore City. Mary was previously the Administrative Clerk for the District Court in Prince George's County.
- We're pleased to announce the appointment of **Robert Prender** as the new Administrative Clerk for the District Court in Prince George's County. Rob was previously the Deputy Director in the Coordinator of Commissioner Activity Office (COCA), and he replaces Mary Abrams (see above).
- Talk about "friends in high places..." Congratulations to former District Court ADR volunteers, **Mark Scurti** (Baltimore City) and **Earl Bartgis, Jr.** (Frederick County), as both were recently appointed District Court judges in their respective counties.
- The ADR Office extends a warm welcome to **Ann Gaegler** and **Donzell Robinson** who have both offered to be "crew bosses" for the Day of Trial program in Upper Marlboro. Both Ann and Donzell will continue to volunteer as ADR Practitioners as well. We thank them for their continued time and support of our program.
- The ADR Office wishes all the best to former ADR Office staff member, **Nancy Kreitzer**, on her recent retirement. Nancy retired on June 1, 2013 and she plans to spend a lot of time with her grandchildren. We'll miss you Nancy! Thanks for everything!
- The Maryland Mediation and Conflict Resolution Office (MACRO) has two staff members serving important roles for the Association for Conflict Resolution. **Cheryl Jamison**, MACRO Quality Assistance Director, is the 2014-2015 President and **Lou Gieszl** was elected to the ACR board. This is Lou's second stint on the ACR board. (Our own JSR also serves on ACR's board.)
- ADR Office staff member, **Kate Quinn**, was selected as the vice chair for the Maryland Mediator Excellence Council (MEC). The MEC is the oversight body of the Maryland Program for Mediator Excellence (MPME).
- Our condolences and deepest sympathies to the families and colleagues of the **Hon. John Michael Conroy, Jr.** and Attorney and ADR Program volunteer **Beth Benedict**. Beth was a dedicated and committed volunteer in our District Court ADR programs in Anne Arundel County since 2003. Her support for our programs never wavered and she was always a practitioner we could count on when the need would arise. Judge Conroy was an exceptional supporter of our ADR programs in the District Court in Montgomery County.
- Congratulations to **Michele Ennis** and **Carolyn Stilwell**, on the births of their beautiful baby girls. Michele Ennis gave birth to **Maura Rose Ennis** (7 lbs, 10 oz) on November 9, 2013 at 2:02 a.m. Carolyn gave birth to **Amia Carmina Anderson** (8 lbs, 2 oz) on December 13, 2013 at 11:44 a.m.



Maura Rose
Ennis



Amia Carmina
Anderson

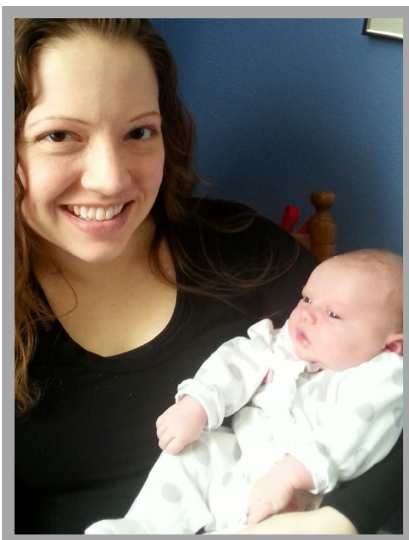
- The District Court ADR Office volunteers gave a total of **5,404.74** hours in 2013 and conducted ADR for **1,470** cases.
- **Current District Court ADR Practitioners:** *Don't forget to update your MPME account! Please visit www.mpmeonline.org to update your continuing education activities.*

ADR Office Welcomes **3** New Additions



Gretchen Kainz joined the ADR Office in September 2013 as the Regional ADR Programs Director for Montgomery and Prince George’s Counties. Prior to joining the ADR Office, Gretchen worked in Towson as a family mediator. In her spare time, she enjoys running, eating delicious food and training to become a Core Energetics Practitioner. Gretchen also loves to play (and win) rock, paper, scissors :-). *(Yes, that’s a challenge.)* If you see her in your courthouse, feel free to give her a high-five! We are delighted to have Gretchen on staff!

Sarah Kauffman and her husband, Justin, recently welcomed their first child. **Jaxson David Kauffman** was born on August 24, 2013 at 6:45 p.m. He was a wonderful 8 lbs 5 oz and 20 inches long. The past four months have been filled with many joyous moments. The family of three look forward to making more memories!



On December 28, 2013 at 1:38 a.m., Shannon and Chris, welcomed **Kyrie Wren Albertson** to their family. Kyrie weighed 8 lbs 6 oz and was 19 3/4 inches long. Shannon and Chris are enjoying getting to know their beautiful baby girl and having her spend time with older brother, Chance.

Conflict Resolution Month

By Cindy Faucette

As you may be aware, one component of the District Court ADR Office's mission statement is to educate all stakeholders (which includes the public, attorneys, court staff, judges, and the like) about the uses and benefits of ADR. And in conjunction with national "Conflict Resolution Day," (the third Thursday in October), the District Court ADR Office does its share to actively promote peaceful conflict resolution to litigants and District Court employees throughout Maryland. Over the years, however, we've transformed Conflict Resolution "day" into Conflict Resolution **month** in an effort to cover all of our District Court locations.

This year, three types of Conflict Resolution Month activities took the courthouses by storm in October. First was our traditional tabling event held in the lobby or other common area of the courthouse. Mediation awareness surveys were conducted, information about mediation and settlement conferences were distributed, and information about how to find services in the community was provided to those who came to court that day.

Second, in an effort to do more targeted outreach to

court employees, short 5-10 minute presentations about the uses and benefits of ADR were given to groups of court employees within a courthouse. These presentations were given to help court employees better understand the work of our office and the uses of the services we offer.

The third type of outreach event to District Court employees was a more direct approach. In Montgomery, Prince George's, Somerset, and Wicomico Counties and District Court Headquarters (in Annapolis), employees were greeted by ADR staff traveling to each office/cubicle to have one-on-one conversations with employees about ADR and our office, and each was provided with materials that had greater detail about our services and the benefits of ADR.

If your office would like a short presentation about ADR and specific ADR options in the District Court, please contact your local Regional ADR Programs Director for more information. Their names and areas of service are on page 15 of this newsletter. From 1/2 hour presentations to 2 hours or more, we would be happy to meet with you.

New Members of the District Court Bench in 2013

The ADR Office would like to extend a warm welcome to the new judges on the District Court of Maryland bench.

Hon. Earl W. Bartgis, Jr. (Frederick County)

Hon. David E. Carey (Harford County)

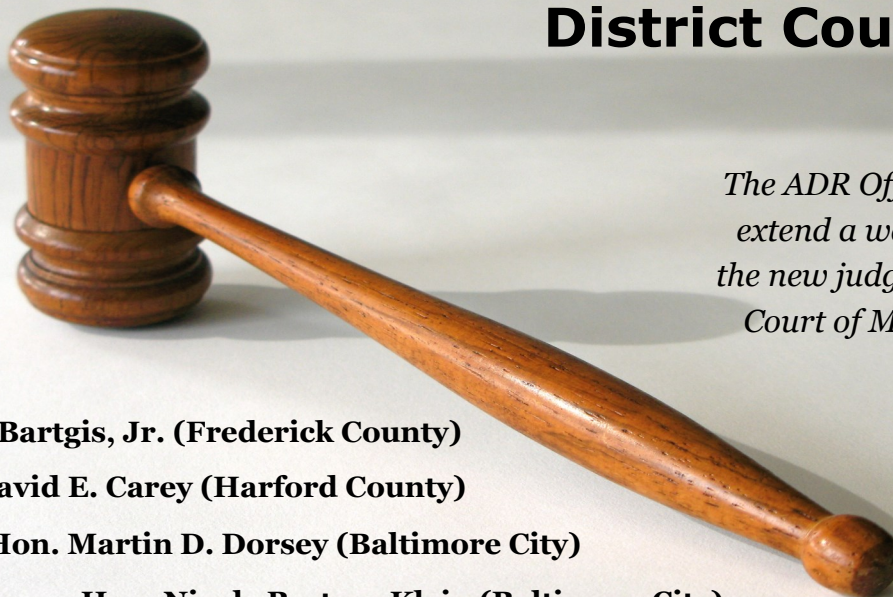
Hon. Martin D. Dorsey (Baltimore City)

Hon. Nicole Pastore Klein (Baltimore City)

Hon. Terry A. Myers (Washington County)

Hon. Mark F. Scurti (Baltimore City)

Hon. Kevin M. Wilson (Baltimore City)



Sudoku Puzzle

Moderate to Expert

	2	5	9		4	7	8	
3	7	9		8				
			6					3
		3		1				9
			2	5				
		8		4			6	7
	1	4	8					
	3	6			2	4		

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2014 Calendar of Events

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Quote Corner

"Do not judge me by my successes, judge me by how many times I fell down and got back up again."

Nelson Mandela

Visit us on the web!

<http://www.mdcourts.gov/district/adr/home.html>

Calling for your

BEST Practice Tip!

Send it in and we'll share it with others, and of course give you credit. Tips should be condensed to one paragraph. Help your peers become better ADR Practitioners!

A Winning Solution is edited by Sarah Kauffman. Letters to the editor are welcomed. If you have an idea for an article or would like to share your "success story" or a practice tip, please send them to sarah.kauffman@mdcourts.gov.

February

3rd — MSBA ADR Section: Pizza and Professionalism, University of Maryland School of Law, Room 460, Baltimore, MD

4th & 11th — MPME Mindfulness Moment Guided Telephone Meditation w/ Rachel Wohl, 888-453-4221, 838404#

13th — The Interagency ADR Working Group, ADR Lunchtime Series Presentation: Your Brain on Conflict, US Department of Energy, Room GE-o86, Washington, DC

17th — Presidents' Day (Courts Closed)

18th — Mediator Ethics & Standards of Practice, Anne Arundel Community College, Webinar, To register, visit <http://www.aacc.edu/legalstudies/cle>

18th — MPME, Mindfulness Moment Guided Telephone Meditation w/ Louise Phipps Senft, 888-453-4221, 838404#

25th — MPME, Mindfulness Moment Guided Telephone Meditation w/ Ed Ketchen, 888-453-4221, 838404#

27th — MPME, Mindfulness Webinar w/ Nan Waller Burnett, 12 p.m., To register, visit <http://www3.gotomeeting.com/register/242456574>

March

5th — Your Brain on Conflict, Gaithersburg Training Center, Montgomery College, Gaithersburg, MD, To register, visit <http://cms.montgomerycollege.edu/wdce/bits/mediation.html>

12th — Dealing with Intense Emotions in Conflict Situation, Gaithersburg Training Center, Montgomery College, Gaithersburg, MD, To register, visit <http://cms.montgomerycollege.edu/wdce/bits/mediation.html>

20th — 22nd — University of Maryland Francis King Carey School of Law & Straus Institute for Dispute Resolution at Pepperdine University School of Law, Baltimore, MD, To register, <https://law.pepperdine.edu/straus/content/PSP-Baltimore.pdf>

April

4th — 8th — ABA Dispute Resolution Section Conference, Miami, FL

23rd — MSBA ADR Section Spring Event: Powerful Non-Defensive Communication, Hilton Baltimore BWI Hotel, Linthicum Heights, MD

30th — Your Personal Conflict Style, Gaithersburg Training Center, Montgomery College, Gaithersburg, MD, To register, visit <http://cms.montgomerycollege.edu/wdce/bits/mediation.html>

*[Click here](#) to see our **Winning Solution** archives. Great articles and information, always at your fingertips.*