

# A Winning Solution

A publication of the District Court of Maryland's  
Alternative Dispute Resolution (ADR) Office

March 2011 Volume 1, Issue 1

## 2010 ADR Office Year in Review

By Sarah E. Kauffman

**W**elcome to the first edition of "A Winning Solution." This year has been a busy one for the District Court of Maryland ADR Office. Expanding our programs, presenting and exhibiting at various conferences, and educating the public during Conflict Resolution Month outreach events are just a few examples of the ADR Office's accomplishments in 2010.

The ADR Office implemented new Pre-trial and Day of Trial programs in Talbot and Wicomico Counties on Maryland's Eastern Shore. Partnerships with Midshore Community Mediation Center (in Talbot County) and with The Center for Conflict Resolution at Salisbury University (in Wicomico County) will allow mediation to be offered to an expanded number of litigants on the Eastern Shore, and expands ADR office coverage to 11 of Maryland's 12 Districts in the District Court system.

In addition to partnering with community mediation centers, the ADR Office has been busy exhibiting and presenting on a broad range of ADR topics at several conferences. In June, the ADR Office attended the Maryland State Bar Association (MSBA) Annual Meeting in Ocean City and the Center for ADR's Annual Conference in Greenbelt. At the MSBA Annual Meeting, the ADR Office continued to reach out to Bar Members and increase its visibility among the larger Maryland legal community as well as recruit attorneys willing to volunteer as mediators or settlement conference practitioners in District Court Day of Trial ADR programs.

Presence at the MSBA Annual Meeting provides an opportunity to continue to inform members of the Bar about the ADR Office and our programs, plus the opportunity to educate them about the distinctions between the ADR processes we offer.

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## Celebrating Conflict Resolution Throughout October!

By Maureen A. Denihan

For the third year in a row, the ADR Office of the District Court of Maryland hosted open house events across the State to celebrate International Conflict Resolution Day in October. Traditionally celebrated the third Thursday in October, the ADR Office hosted 18

events in 14 locations and turned Conflict Resolution Day into "Conflict Resolution Month." (We simply cannot cover all of our program locations in one day!) Open house events were held in the following District Court locations: Annapolis; Baltimore City (Gay & Fayette

on 3 dates); Bel Air; Catonsville; Ellicott City; Frederick; Glen Burnie; Leonardtown; Prince Frederick; Rockville (on 2 dates); Silver Spring (on 2 dates); Towson; Upper Marlboro; and Westminster.

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# My Two Cents ... A Road Map

By Jonathan S. Rosenthal

**Welcome** to the inaugural edition of *A Winning Solution*, the soon-to-be award winning e-newsletter of the Alternative Dispute Resolution Office of the District Court of Maryland. We are proud to bring you this publication and we hope you find it useful and informative.

*A Winning Solution* is our way of communicating primarily with you, our District Court family. Our target audience for this publication includes our roster of more than 300 active ADR volunteers across the State, our judges and court staff, and our ADR partner organizations in Maryland. We hope this e-newsletter will provide you with useful information and open another gateway for dialogue between you and our office. We want to keep you in touch with what we're doing, how we're doing it, and where we hope to go. Our door is (almost) always open, and we welcome your thoughts, comments, questions and feedback. We are committed to working with our stakeholders and partners. If you want to reach us, our contact information can be found on page 10 of this issue. But for now, please enjoy *A Winning Solution*.

We are sending you this newsletter via a link in an e-mail which will take you to our website. We have chosen not to send this publication in hard copy so we can promote fiscal responsibility and environmental conservation. However, if there is anything you want to share or post to a bulletin board from our newsletter, please feel free to do so.

## **Where We Are**

Our office and our field are seemingly in a constant state of evolution. The District Court ADR Office evolution continues through the development of our staff and our ADR programs. Our focus on the immediate past, present, and near future remain program quality and public awareness. Building our partnerships with community mediation centers, working with MACRO toward the implementation of ADDRESS, and honoring our valuable and dedicated volunteers remain priorities. Here's a sample of what we've been up to, and what we'll be focusing on in the near future:

- **Conflict Resolution Month**- The Association for Conflict Resolution (ACR) created **Conflict Resolution Day**, held annually on the third Thursday of October. The breadth of our programs is such that we need a **month** to celebrate. So we do. Details on page 1.
- **Maryland Mediators Convention**— The 5th Maryland Mediators Convention was held in December, and our staff and many of our volunteers (proudly) participated. Find out more on page 4.
- **ADDRESS**— The ADR Evaluation Support System is kicking in for real in 2011. And the District Court is pilot site number one. This means an adjustment to our ADR data collection process. It also means we will be able to learn more about our programs than ever before. Details coming soon to our website. For a sneak peek, go to page 10.
- **District Court ADR Rules**— The Chair of the District Court ADR Judges Committee, the Honorable Dorothy Wilson (Baltimore County), with the support of Chief Judge Ben Clyburn, has played an active and integral role in helping to draft and refine ADR rules for the District Court. Our website will have details on the progress of the Rules as they become available.
- **Partnerships**— Community Mediation Centers and the University of Maryland School of Law Mediation Clinic continue to work with our office to increase the opportunity and availability of high quality mediation services around the State.

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# Conflict Resolution Month, *from 1*



The District Court ADR Office hosts a Conflict Resolution Day event at the Baltimore City District Courthouse (Fayette Location).

Open House events included staffing display and information tables in public areas of District Courts to distribute materials about mediation and District Court ADR programs and services to the public and court employees. In some locations we were joined by our local community mediation center (CMC) partners who distributed literature about their local center. In other instances the local CMC provided their information for District Court ADR staff to distribute.

Those who visited the tables were asked to answer a quick 3-question survey about mediation to help us understand where we can improve our public education efforts. The results are interesting. Just under two-thirds (64%) of those surveyed said they knew what mediation is, and about three-quarters knew that mediation is voluntary and confidential, but only about forty percent knew that mediation is provided free in the District Court.

At the end of the 18 events, information promoting and explaining mediation was distributed along with our Local ADR Program Guides. The Guides were available for the first time during Conflict Resolution Month. The Local ADR Program Guides provide information about the mediation process and local contact information for District Court and Community Mediation services. Scrolling ADR message pens, magnet clips, District Court mediation brochures, and MACRO bookmarks, magnets, and brochures were also available.

Conflict Resolution Month Open House Events provide a rich opportunity to be a visible and accessible resource to District Court consumers, to educate and connect with District Court employees from bailiffs to courtroom clerks to accounting personnel, etc., and to support and promote mediation provided by our local community mediation center partners. We look forward to celebrating Conflict Resolution Month all over Maryland again in October 2011, and we hope you'll visit our table in your local courthouse to say hello!

**Conflict Resolution Month Survey and Results**

***We asked the public, and here's what they said:***

1. ***Do you know what mediation is?***  

64% Yes	18% No	18% I've heard of it, but I'm not exactly sure what it is
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2. ***Are you aware that mediation is...***  

Voluntary	75% Yes	25% No
Confidential	74% Yes	26% No
3. ***Before today, were you aware that mediation is provided free in the District Court?***  

41% Yes	59% No
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# What's Old is New at Mediators Convention

By Shannon M. Baker

The 5th Maryland Mediators Convention was held December 10th at the Maryland Maritime Institute in Linthicum Heights. More than 320 private practitioners, community mediators, government program mediators, and court mediators attended the bi-annual event. The 2010 Convention showcased the old and the new of Maryland mediation, highlighting well-established Maryland mediators, new technology, and a mix of presentations on the past, present, and future of mediation in Maryland.

The Convention kicked off with *A Retrospective Look at Maryland Mediation*; videotaped interviews of Maryland "Mediator Pioneers." The video featured segments with Martin Kranitz, Nancy Hirshman, Roger Wolf, Aza Butler, and Marvin Johnson, each discussing their mediation experiences in the 1980's. The plenary session also featured for the first time an interactive poll in which Convention participants used clicker technology. The new technology allowed the audience to be asked a variety of questions and captured their responses on a video screen in real time for all to see.

The District Court ADR Office was a co-sponsor of the event, and ADR Office staff members could be seen throughout the day

**A quarter of the day's thirty-two sessions were presented by ADR Office staff.**

assisting with onsite registration, the plenary gathering, PEEPS contest judging, and certificate distribution. In addition, a quarter of the day's thirty-two sessions were presented by ADR Office staff members, several of which highlighted the new-old, past-future theme of the day.

**Shannon Baker** and **Sarah Kauffman** coordinated and were panelists in the session *Mediators Half my Age Versus Mediators Twice my Age: A Cross-Generational Dialogue*, featuring additional panelists Edward Ketchen, Tyler Keyworth, Joyce Mitchell, Dusty Rhoades, Vicki Rhoades, and facilitator Eileen Coen. The facilitated dialogue explored how the mediation field is experienced by mediators in their 20's and early 30's as contrasted with mediators in their 50's and 60's. Panelist Tyler Keyworth noted, "I thought that our session, which brought together older mediators and younger mediators, helped to identify barriers to collaboration between the two age groups and



Attendees at the convention were given the opportunity to participate in a U.S. Marine's Toys for Tots toy drive.

really brought out some important issues and helped mediators bridge the gap that keeps them apart."

**Kate Quinn** was joined by members of the Maryland Program for Mediator Excellence (MPME) Self Awareness Task Group (Dave Simison, Felicia Watkins, Linda Deming, Rachel Wohl, Lindsay Barranco, and Scottie Reid) in *Developing Self Awareness as a Mediator and Why it is Important*. The Task Group's interactive session focused on some exercises and understandings developed by the Task Group to assist mediators in gauging whether or not they are centered, and whether they are being triggered by what the participants may be saying or doing, and whether they are responding from a "mediator" place or a place of personal reaction. In a second session, Kate was joined by panelists Robert Mueller, Linda Deming, and Roz Zinner in *To Fee or Not to Fee: Visions for the Future of Mediation from the Private and Community Sections*. The moderated discussion examined the complexities of mediation being offered for free by community mediation centers, private practitioners charging clients, and how mediation is perceived, highlighting points of agreement amongst participants and differences of opinion amongst panelists.

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**Panelist Tyler Keyworth said, "I thought that our session, which brought together older mediators and younger mediators, helped to identify barriers to collaboration between the two age groups..."**

# My Two Cents...A Road Map, *from 2*

## **Moving Forward**

Future editions of *A Winning Solution* will include some regular features beginning with this issue. We want to spotlight the successes of our volunteers (*send your story to Sarah! Her e-mail address is on page 12*), and we will focus on ethical issues that arise so we can all learn from each other and become better mediators and settlement conference practitioners. Practice tips will also occasionally be included to promote best practices and continue our ADR education. We will have a calendar of events where we'll spotlight other organizations that promote or provide ADR-related offerings around Maryland. New volunteers will be welcomed, all volunteers will be appreciated, and we would like to get perspectives from our judges and our ADR participants. Highlighting some of our partnerships, programs, and related events will also be part of the information we plan to share with you. All in all, we think sharing this information, highlighting our programs and our work, and expanding our lines of communication can be clearly labeled as... *A Winning Solution*.

## **Self Help Center**

By Kate Quinn

Attempting to navigate the court system, even with the help of an attorney, can be a daunting task. Assistance is now available for those who are handling their own case in District Court, known as “self-represented litigants,” at a walk-in Self Help Center at the District Court in Glen Burnie. The Self Help Center is a pilot project established by the Self Represented Litigant Committee of the **Access to Justice Commission**, whose mission is to ensure meaningful access to Maryland’s court system. The Commission,

created by Chief Judge Robert M. Bell in 2008, is chaired by The Honorable Irma Raker, Judge (ret.), Court of Appeals, and District Court Chief Judge Ben C. Clyburn is the Vice-Chair of the Commission. District Court ADR Office Executive Director, Jonathan S. Rosenthal, is a Commission member, and both Chief Judge Clyburn and Jonathan are members of the Commission’s Self Help Center Subcommittee.



Paralegal Christine Edwards staffs the Self Help Center counter.

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# **WELCOME TO OUR NEW ADR VOLUNTEERS**

*The following volunteers completed our apprentice process in 2010:*



### **Anne Arundel County**

Julie Linkins  
Michael Sandul  
Helen “Holly” Slack  
Nick White

### **Baltimore City**

Ramona Moore Baker  
Hasson Barnes  
Andrew Fontanella  
Lou Gieszl  
Darren Kadish  
Adam Levine

### **Baltimore County**

Robert Fiore  
Jason Garber

### **Charles County**

Lori Quill

### **Montgomery County**

Judith Becker  
Michael Benefiel  
Arthur Bill  
Charles Carroccio, Jr.  
Joseph Gallagher  
Kate Gould  
Casma Huie  
Cynthia Marcy  
Donnie Meurer  
Peggy Mitchel  
Bill Osburn  
Stirling Phillips

### **Montgomery County cont.**

Claire San Nicolas  
Philip Schwartz  
James Seal  
James Srun  
Carolyn Stilwell  
Carolyn Wanner

### **Prince George’s County**

Shara Hendler  
Jasneth Metz  
Mae Whitehead

### **Wicomico County**

Michele Ennis-Benn



# Volunteer Success Story

Submitted by: **Tim Stranges**, Montgomery County District Court ADR Volunteer

A couple who had been divorced several years agreed to try mediation to settle their small claims case. The ex-wife had sued her ex-husband for attorney’s fees she incurred in trying to get him to abide by their divorce settlement which required him to sign over the deed of the house to her. In the course of the mediation, she mentioned that once she and her ex were able to reach agreement on the attorney’s fees she could then start the process of re-financing the house in her name only. She said that she hoped her ex would abide by the divorce agreement and pay the closing costs he had agreed to (about \$4,000). The mediator asked the couple if they wanted to mediate the closing costs issue as well, but initially they both said no. After two hours of negotiating over the attorney’s fees, the ex-husband said that he was tired of fighting and wanted to do what was right. Because the mediated conversation helped the ex-husband better understand his ex-wife's point of view, he decided to offer \$5,000 towards closing costs and \$500 towards the attorney’s fees. The ex-wife was shocked by the change in his attitude and immediately accepted. Both participants went away happy.

Success in mediation 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](mailto:Sarah.Kauffman@mdcourts.gov)

*Tim Stranges has been mediating for 9 years and is a board member for the Conflict Resolution Center of Montgomery County (CRCMC).*

## Ethics Corner

By Maureen A. Denihan

In a District Court ADR session, we all know that everyone in the room must sign the *Agreement to Participate in ADR* form prior to the start of the session. (This is a 3-ply, carbonless form introduced at the beginning of the session.) Among the reasons to do so are to be sure everyone understands the voluntary nature of the session, the confidentiality provisions, and the role of the ADR practitioner.

If any additional participants or observers arrive after the *Agreement to Participate* has already been signed, the new arrival(s) **must** sign the form also. As a best practice, pause the conversation to welcome the new participant(s) or observer to the session, and provide the



same quality introduction and explanation of ADR that you afforded the other participants at the outset. Remember to include name and “relationship to the dispute” introductions. Then, after you review the agreement to participate with the new arrival(s), ask him

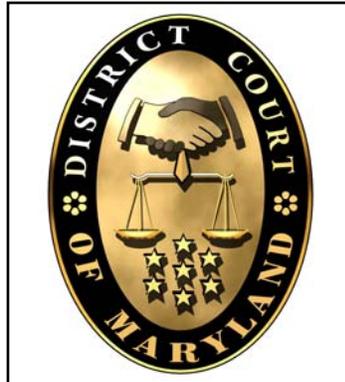
or her to sign the form, including those copies of the form that may have been previously distributed. You will likely want to summarize the conversation, albeit briefly, up to the point when the new participant(s) arrived, and then resume the conversation.

Have an ethics question or concern? If so, send it to [Sarah.Kauffman@mdcourts.gov](mailto:Sarah.Kauffman@mdcourts.gov). Let us know if you want your name included if we publish your question or concern.

# Quick Bits

Compiled by ADR Office Staff

- Several years ago the District Court ADR Office produced a brief video describing mediation in District Court. That five minute video, often shown in courtrooms prior to the start of a civil docket, is now posted on the [ADR Office's website](#) for public access. If you would like a copy of the DVD to play in your courtroom please let us know...
- The Maryland Judiciary's **Mediation and Conflict Resolution Office (MACRO)** continues to support the District Court ADR Office and it's initiatives by providing resources for an improved lending library for District Court ADR volunteers (more in the next issue of *A Winning Solution*)...
- The District Court ADR Office currently has more than 300 **active** ADR volunteers around the state...



- And our 300+ volunteers gave our programs more than 4900 hours in 2010...
  - ADR Office Staff members continue to take an active role in ADR Organizations around the State.
- Congratulations to **Maureen Denihan**, who is the 2011 Chair of the **Mediator Excellence Council**, which is the oversight body for the Maryland Program for Mediator Excellence (**MPME**)...
- **SAVE THE DATE May 3rd, 2011**  
Based on feedback from our volunteers we will be hosting a new kind of appreciation event this year. We will have continuing education workshops followed by one statewide appreciation dinner. Active ADR volunteers may attend either or both free events.
  - Our office created "Local ADR Program Guides" for each location where we provide ADR services...

The highest reward for a person's work is not what they get for it, but what they become because of it. —John Ruskin

## Self Help Center, from 5

Glen Burnie is the site for the pilot program in part because it has a manageable volume of the type of cases in which self-represented litigants are most likely to appear: landlord/tenant, small claims, and debtor/creditor actions among them. Those types of cases should sound familiar to mediators who work in the District Court Day of Trial programs around the State— they make up the bulk of the cases referred to mediation in those programs. The 2009 Access to Justice Interim Report states that Self Help Center users should be given information about, and access to, alternative dispute resolution services (p.60). To fulfill that goal, the District Court ADR Office is working with the Glen Burnie Self Help Center to provide direct referrals to mediation.

The Self Help Center opened its doors in December, 2009, and served 4,320 people during the first full year of operation. It is staffed by the Legal Aid Bureau, with two attorneys, one paralegal, and an administrative aide. Supervising Attorney Sarah Frush sees the benefits of mediation to Self Help Center clients, stating that the risks of an uncertain outcome in court are removed from the equation when parties mediate, and that clients will not have to face the often intimidating and unfamiliar court setting. It also provides self-represented litigants with "some measure of control" of the outcome of their case, says Frush. These are concepts familiar to mediators— taking control of one's dispute, removing uncertainty, and finding sustainable solutions to legal and other issues. The District Court ADR Office and the Self Help Center are working to provide those mediation benefits to Maryland citizens who turn to the courts to address their disputes.

More information about the Access to Justice Commission and the Commission's 2009 Interim Report can be found at <http://www.mdcourts.gov/mdatjc>.

# Maryland Mediators Convention, *from 4*

**Leona Elliott** and Sharon Cole collaborated for the third time on a new take of their presentation entitled *A Gift at the Table: Contrasting the Parties' Experience with the Mediators' Experience*. The interactive workshop highlighted the expectations, needs, wants, fears, and surprises of mediation participants and mediators in the session.

Deputy Director **Maureen Denihan** co-presented with Richard Melnick, 2010 Chair of the Mediator Excellence Council, on two sessions: *Growing a Tree for Posterity: Making the Most of the MPME* and *Smooth Sailing: Captain Your Mediation Ship Through Ethical Storms Using Professional Standards, Best Practices, and Rules of Conduct*. In their session on the MPME, Maureen and Rich introduced attendees to the MPME and how its "tree" operates, including the branches, leaves and roots. The session provided information on task groups and how to make the most of the website, including updating member profiles and continuing education activities.

During their afternoon Ethics presentation, Maureen and Rich took the



District Court of Maryland ADR Office staff members displayed their PEEPS diorama at the Maryland Mediators Convention.



Conflict Resolution Center of Montgomery County was the proud winner of the PEEPS diorama contest.



Maryland Judiciary's Mediation and Conflict Resolution Office (MACRO) PEEPS diorama.

participants through a series of scenarios involving potential ethical dilemmas. Using both small and large group discussions, participants shared ideas and reflected on whether the policies and procedures of a particular venue or entity may affect the appropriate response to the ethical dilemma.

Executive Director **Jonathan S. Rosenthal** joined Michele Ennis-Benn on two programs: *Caucus Now? When to? Why to? How to? and Are you sure?* and *He Who Must Not Be Named: Voldemort! A Mediator's Response to Taboo Language in Mediation*. In their first session, Jonathan and Michele explored the reasons why mediators initiate a caucus, whether it is always the best option, and what other possible responses might be available. The session examined ways for practitioners to work through uncomfortable moments or move the negotiation forward with all the participants together, and also allowed the presenters to share how and why they each use caucuses. In *He Who Must Not Be Named... Jonathan and Michele engaged participants in interactive exercises creating the opportunity to explore issues of both appropriateness and comfort with language, topic, and emotional intensity in the mediation setting for mediators and participants.*

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## Maryland Mediators Convention, *from 8*

A second theme at the Convention was the more light-hearted “PEEPS” theme, which included a PEEPS Conflict Resolution Diorama Contest. The winning entry was submitted by the Conflict Resolution Center of Montgomery County. Its three-part diorama depicted a fight promoting the need for mediation, the mediation session, and the repaired relationship after the mediation. Other entrants included: Anne Arundel County Conflict Resolution Center, Baltimore County Circuit Court, Community Mediation Maryland (CMM), District Court ADR Office, Maryland Mediation and Conflict Resolution Office (MACRO), Prince George’s County Office of Community Relations, and Harford County Community Mediation Program.

MACRO sponsored a separate “What’s the conflict?” caption contest. Convention attendees were invited to fill in the thought bubbles for a new MACRO poster of two adult females and two small boys. The winner of the contest was Pat McConnell, with runners-up D.J. Allen, Lisa Cameron, and Sujata Ives. Pat won “The Mediator’s Handbook” by Jennifer Beer w/ Eileen Stief and a promise from MACRO to print the winning design.

The 5th Maryland Mediators Convention was coordinated by Ramona Buck and MACRO, and was co-sponsored by the District Court ADR Office as well as: Community Mediation Maryland (CMM); the Maryland Chapter of the Association for Conflict Resolution (ACR); the Maryland Council for Dispute Resolution (MCDR); the Maryland Program for Mediator Excellence (MPME); MD ADR Program Managers; and the ADR Section of the Maryland State Bar Association (MSBA).

## Agreement Writing in a “Nutshell” for the New Mediator\*

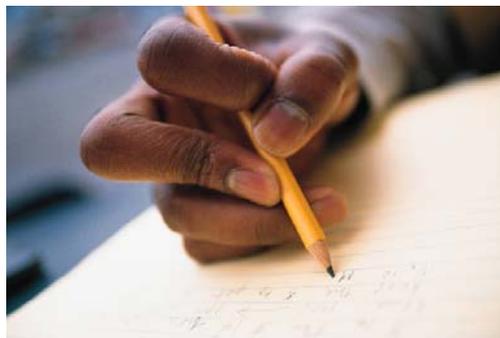
By Cindy Faucette

We recognize there is disagreement within the mediation field as to whether or not mediators should draft agreements and exactly what they might look like. In our program, it is appropriate for the neutral to record the agreement of the participants, using their language, on the settlement agreement form.

The typical beginning mediation training program barely scratches the surface to educate new mediators about the intricacies of agreement writing. For many new mediators who have only taken the 40– or 50-hour beginning mediation training, often the mediator reaches the end of the mediation session with the realization that they did not get sufficient training on the finer points of agreement writing. Understanding that to be the case, the District Court ADR Office created a continuing education workshop designed to assist new mediators with the “nuts and bolts” of agreement writing in the District Court.

This interactive session provides participants with examples of “bad” or “incomplete” agreements to illustrate what not to do in writing an agreement. The focus of the session is what we call the three C’s of agreement writing: **Clear**, **Concise** and **Complete** agreements. Adhering to the three C’s helps the participants in mediation understand what is expected of them in the agreement. Including specificity in the agreement gives meaning to the agreement where there otherwise is ambiguity and being specific leaves less to chance. By asking the participants questions like Who, What, When, Where and How, the mediator can assist the parties in developing a clear, concise, and complete agreement that will last.

\* **Disclaimer:** Agreement writing tips in this article are specifically applicable to the District Court ADR programs. Private practitioners or practitioners for other programs may be required to or chose to adhere to different guidelines or practices in those settings.



“Volunteers do not necessarily have the time; they just have the heart.” –Elizabeth Andrew

# A New ADDRESS for ADR Programs

By Jonathan S. Rosenthal

After years of development, collaboration, fine tuning, plus some sweat and tears, 2011 will see the District Court ADR Office launch the ADR Evaluation Support System (ADDRESS); a data collection and reporting system to help us understand, analyze, and improve our ADR Programs. Built from scratch, and unlike anything else around the country, ADDRESS has been a collaborative undertaking between the District Court ADR Office, the Maryland Judiciary's Mediation and Conflict Resolution Office (MACRO), and other court ADR programs throughout Maryland.



ADDRESS is a web-based system that will enable the District Court ADR Office to better understand how its programs operate, what the benefits are to the courts, and how to improve ADR programs in efficiency, effectiveness, and stakeholder satisfaction. Using responses to surveys completed by litigants and attorneys, and case information sheets completed by our mediators and settlement conference practitioners, ADDRESS will allow us to evaluate ADR programs in ways never before possible.

The ADDRESS project arose out of the need to help courts and ADR program managers understand their programs and be able to evaluate, analyze, and adjust programs to better suit the needs of the stakeholders who use them. In the District Court, for years litigants and attorneys have completed surveys after their mediations and settlement conferences to capture participant experiences and perceptions. But those surveys were inadequate to help us really evaluate our programs. Initially the surveys were short, unfocused, and unreliable in terms of information targeted, and the resulting data derived from them was only nominally useful. Over the past five years, however, the questions on the forms became sophisticated and refined to better capture and provide more nuanced and reliable information based on ADR program goals, objectives and indicators.

But the information captured on the surveys still could not be compiled and reported in a meaningful way. Manual data entry was required and the ability to sift through the massive amounts of information was always more dependant on staffing resources than anything else. So while critical problems would be addressed slowly and on a localized basis only, more systematic problems, and a greater understanding of the statistical information had to take a back seat.

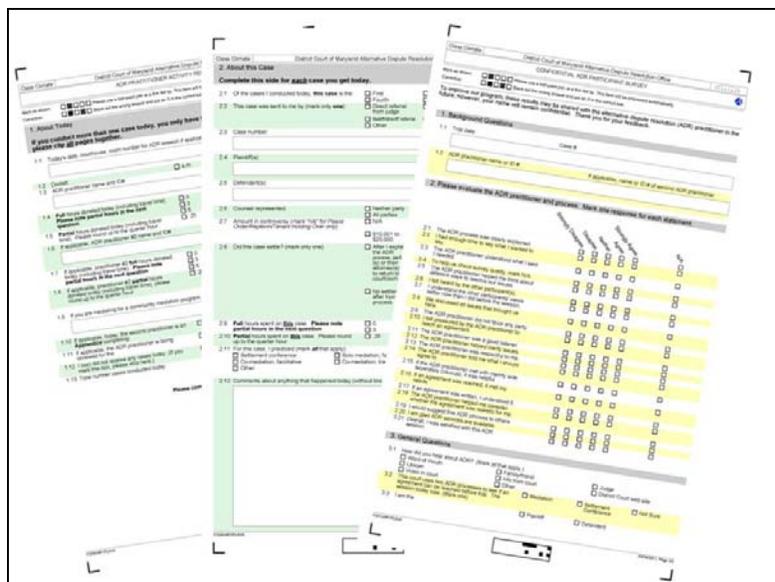
ADDRESS should change all of that. The new software package will allow survey forms to be "scanned" into the ADDRESS data

collection system which will then match the case information from JIS's Case Search database to the results marked on the survey forms. Those familiar with the District Court ADR programs are familiar with the green Practitioner Information Sheets and yellow Participant Survey forms that are completed for every case referred to ADR. Those forms will soon be converted to scannable survey forms using cutting edge "bubble sheet" scanning technology. The District Court ADR programs are the initial pilot sites for this new technology and system in the State of Maryland.

Survey forms that previously were only cursorily viewed and then filed away will now be collected in a database where the information can be reported by case, case type, location, ADR process, amount in controversy, and more. And quantitative case data can be matched and reported with participant and attorney qualitative data about participant satisfaction and ADR session results.

With ADDRESS, we anticipate being better able to truly understand how our programs work and the benefits to our litigants and courts. We will be able to: identify the case types that are most successful going to ADR, (and do so on a location to location basis); identify practitioners who have greater success with certain case types; identify practitioners who may be best suited to serve as mentors for newer practitioners; use reports to understand the level of satisfaction of the litigants; and, evaluate whether ADR is being used at the right time in a case and for the right cases.

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Samples of "bubble technology" practitioner activity report and participant survey forms that can be scanned into the ADDRESS system.

## A New ADDRESS for ADR Programs, from 10

Using these reports will help us to accurately identify training needs for our roster of ADR practitioners, and education needs for our court personnel. It is our hope to be able to more acutely understand the benefits of our programs to the courts in terms of time and cost savings, and public trust and confidence of their participation in the legal system. We will also be able to adjust our programs to better manage case flow and referral to ADR for maximum benefit to litigants and courts.

Finally, we will be able to help our practitioners identify areas for skills improvement and be better able to inform litigants and attorneys about the realities and benefits of our services in appropriate cases. Eventually, our ADR Practitioners will be provided web access to the compilation of information for the cases in which they served.

ADDRESS is the destination we have been striving toward for more than five years to help us understand our programs at a much deeper level. While the launch of ADDRESS ends one part of the journey, it is clearly only the beginning on our road to analyzing, understanding, and improving our programs.

For more information about ADDRESS and to get a more detailed understanding of the project, see the article written by Julie Linkins, MACRO's Court ADR Resources Director, in the April 2010 issue of *MACROScope*, which can be found at [www.mdcourts.gov/macro](http://www.mdcourts.gov/macro).

## Year in Review, from 1

The Center for ADR Annual Conference provided the ADR Office with the opportunity to conduct more outreach by hosting an exhibit table with information about District Court ADR programs and services and recruitment material to those in the ADR community. Several staff members also took part in presenting at the conference: Coordinator of Roster and Data Management **Leona Elliott**, presented with Sharon Cole on *The Mediator's Experience: Mediation, A Gift at the Table*; Executive Director, **Jonathan S. Rosenthal**, and Deputy Director, **Maureen Denihan**, co-presented on *Mediation, Ethics, and Your Practice: One Size Might Not Fit All*; and Regional ADR Program Director **Kate Quinn** teamed up with other MPME Self-Awareness Task Group Members (Dave Simison, Linda Baron & Rachel Wohl) to present on *Self-Awareness for Mediators: Why We Should Care about Being "Present" and "Self Reflective."* In

September, some staff from the ADR Office attended the Association for Conflict Resolution (ACR) Annual Conference in Chicago. Several ADR staff members also presented at that conference including Jonathan S. Rosenthal & Maureen Denihan, who teamed up to present on ethics, and **Cindy Faucette, Sarah Kauffman, Nancy Kreitzer** and Maureen Denihan who presented the session on *Agreement Writing for the New Mediator*.

In October, the ADR Office conducted outreach in several District Court locations to celebrate International **Conflict Resolution Day**. In keeping with our recent traditions, the ADR Office expanded Conflict Resolution Day from a single day, October 16, to a month long event across the state. Office members staffed outreach tables in public areas of each courthouse with the intention of providing the public and court staff with materials and information to increase awareness of conflict resolution processes, programs, and opportunities.

The ADR Office also welcomed new staff members Katherine (Kate) Quinn and Sarah Kauffman (Hilton). Kate is the Regional ADR Program Director for Anne Arundel and Montgomery Counties and brings to the office her wealth of ADR knowledge and mediation experience. She has mediated with the Community Mediation Center of Calvert County, in the Maryland Association of Realtors Mediation Program, and served as a volunteer mediator in several of the District Court Day of Trial programs. Sarah, formerly our Administrative Assistant, got married in October and moved into the position of Data Management and Public Information Coordinator in November. She comes to us with a Masters Degree in Negotiation and Conflict Management from The University of Baltimore.



ADR Staff present at new volunteer orientation on October 5, 2010 at the Judicial Education & Conference Center in Annapolis.

## District Court ADR Office

251 Rowe Boulevard,  
Suite 307  
Annapolis, MD 21401

Phone: 410.260.1676  
Toll Free: 1.866.940.1729  
Fax: 410.260.3536



### Quote Corner

*"Peace cannot be kept by force.  
It can only be achieved by  
understanding."  
-Albert Einstein*



### We're on the web!

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

### FOR THOSE WHO VOLUNTEERED IN 2010:

Please visit our web site to access your total hours of service for 2010.

\*If you volunteer in more than one district, you can review your total volunteer hours for a specific district via the individual district links.

As always, we thank you for your assistance to our program and the public in resolving their disputes in 2010!

**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](mailto:Sarah.Kauffman@mdcourts.gov). Photos by Jonathan S. Rosenthal unless otherwise noted.

## District Court of Maryland ADR Office Staff

Jonathan S. Rosenthal, Esq. <a href="mailto:jonathan.rosenthal@mdcourts.gov">jonathan.rosenthal@mdcourts.gov</a>	Executive Director
Maureen Denihan, Esq. <a href="mailto:maureen.denihan@mdcourts.gov">maureen.denihan@mdcourts.gov</a>	Deputy Director
Shannon Baker <a href="mailto:shannon.baker@mdcourts.gov">shannon.baker@mdcourts.gov</a>	Regional ADR Program Director
Leona Elliott <a href="mailto:leona.elliott@mdcourts.gov">leona.elliott@mdcourts.gov</a>	Director of Roster Management
Cindy Faucette <a href="mailto:cindy.faucette@mdcourts.gov">cindy.faucette@mdcourts.gov</a>	Regional ADR Program Director
Sarah Kauffman <a href="mailto:sarah.kauffman@mdcourts.gov">sarah.kauffman@mdcourts.gov</a>	Data Management & Public Info. Coordinator
Nancy Kreitzer <a href="mailto:nancy.kreitzer@mdcourts.gov">nancy.kreitzer@mdcourts.gov</a>	Regional ADR Program Director
Kate Quinn, Esq. <a href="mailto:kate.quinn@mdcourts.gov">kate.quinn@mdcourts.gov</a>	Regional ADR Program Director

## Calendar of Events

### March

- 6th– Anne Arundel Conflict Resolution Center Annapolis Idol 2011
- 8th– MPME: Diversity Task Group: Diversity of Practice Series (Inclusive Mediation)
- 19th– MCDR: No Challenge Too Hard: The Art of 21st Century Leadership

### April

- 5th-6th– Center for ADR's Race Demystified: A Compassionate, Non-Confrontational Approach to Understanding Race in America
- 8th– Third Maryland ADR Program Managers' Conference
- 9th– MCDR: Conflict Styles and The Thomas-Kilmann Conflict Mode Instrument
- 13th-16th– ABA Dispute Resolution Section Annual Conference– Denver, CO
- 30th– MPME: Diversity Task Group: Diversity of Practice Series (Analytical Mediation)

### May

- 3rd- District Court of Maryland ADR Volunteer Appreciation Event
- 7th– MCDR: Performance Based Assessment for Advanced Mediators Leading to MCDR Certification
- 14th– CMM: Casino Royale Gala
- 21st– MCDR: Conflict Resolution Strategies for Everyday Life

### June

- 9th-11th- MSBA Annual Meeting
- 15th– 17th- Center for ADR Annual Conference

*For more information on trainings and other upcoming events, please visit <http://www.mpmeonline.org>.*