



DISTRICT COURT OF MARYLAND
ALTERNATIVE DISPUTE RESOLUTION (ADR) OFFICE

AGREEMENT WRITING CHECKLIST

The Agreement should be:

- ✓ **Committed to writing** – Use the Settlement Agreement Form.
- ✓ **In the parties' own words** – Do not add your own terms.
- ✓ **Legible** – Print, not cursive.
- ✓ **In plain language** – No legal jargon.
- ✓ **Easy to Read** - One sentence per paragraph, and number the paragraphs.
- ✓ **Clear about dates, times for performance, locations** - A stranger to the parties and their dispute should be able to pick up the document and understand what each party is to do.

SPECIFIC

Agreements should include WHY, WHO, WHERE, WHEN, and HOW.

- **WHO: Titles used for the parties should be consistent.**
Example: Mr. Jones and Ms. Smith, or Plaintiff/Defendant, rather than Dr. Jones and Susan.
- **WHY: Why are the parties agreeing to the terms?**
Example: “The parties have voluntarily agreed to the following in an effort to resolve case 0403-D10...”
- **WHEN: When will the parties perform what they each agreed to?**
Example: “Defendant agrees to pay starting July 1, 2019, on every Monday, for twenty weeks until November 4, 2019, and/or until the amount is paid in full.”
- **WHERE: Where will performance of the agreement terms be conducted?**
Example: “Payments made to Mr. Smith at his office located at 100 North Maryland Street, Rockville, Maryland 20850.”
- **HOW: How will performance of the agreement terms be completed?**
The settlement agreement should have specifics including dates, time for performance, locations, and dollar amounts. When agreements involve money; write out the exact amount in words and numbers
Example: ...the full and final amount of One Thousand Dollars (\$1,000.00).
Example: ...payment in the form of a cashier's check.

DEFINED

If the parties insist on using language such as “respectful,” “reasonable,” “soon,” or “cooperative” – ask them to define those terms in the agreement so it's clear they each have the same understanding of the terms. Often the efforts to do this will lead the parties to more concrete, specific words.

Example: “Beginning May 8th” instead of “soon.”



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NEUTRAL

- Terms used should not indicate blame, guilt, or admissions.
Example: If a party asks for and receives an admission and/or apology in the privacy of the ADR session it doesn't have to be noted in the agreement. If the asking party wants it noted and the other party doesn't object, the specifics don't have to be detailed. "Plaintiff asked for, and Defendant provided, an apology during the ADR session."
- Terms should be balanced, reflecting each party gaining something, and not one party "conceding" everything.
- As much as possible, state the parties' responsibilities in terms of what they will do in an affirmative statement rather than what they won't do, though understanding it may be required at times.

CASE DISPOSITION

Ask the parties what they would like to do with their case before the court.

- Use the Case Disposition Information Sheet to review their options.
- If parties mutually agree on a disposition for their case, write the disposition terms into the agreement.
- If the parties do not agree on the disposition, return the parties and their agreement to the courtroom for the judge to decide (after signing the agreement).
- Questions about case disposition may be directed to the Maryland Courts Self-Help Center (via phone or chat). Contact information for the Self-Help Center is provided on the Sheet.

COMPLETING THE AGREEMENT

- Read the agreement to the participants and make changes as requested. Participants should initial any changes.
- If the agreement is more than one page:
 - All participants initial each page, and sign and date the last page.
 - Include "page 1 of # pages" at the bottom of the first page, and continue in similar manner until the end of the agreement.
- Participants always sign and date the document on the last page of the agreement. The ADR Practitioner does NOT sign the agreement.
- Cross out all blank lined areas remaining on a page.

FORM DISTRIBUTION

- Return the white copy of the Settlement Agreement form to the courtroom.
- Distribute the pink and yellow copies of the form to the Plaintiff and Defendant.
- Make (or request from the courtroom clerk or bailiff) additional copies as needed so all participants receive a copy of the agreement.