

ADR Volunteer Activity Policy

ADR Practitioner Status

Describes a volunteer ADR practitioner's level of activity in the Day of Trial (DOT) program (based on the prior calendar year).

ADR Practitioner Volunteer Commitment

Agree to abide by District Court of Maryland ADR Office Policies and Procedures including:

- Maintaining high quality practice by adhering to the Maryland Standards of Conduct, as adopted by the Court of Appeals;
- Agree to periodic monitoring;
- Maintain MPME membership in good standing (mediators only);
- Complete ADR Forms accurately and in a timely manner;
- Sign-up to volunteer on an annual basis according to their district's parameters (outlined below in V. DISTRICT PARAMETERS); and,
- Comply with the procedures and requirements posted on the ADR Office's website relating to diligence and quality assurance.
 - Note: Practitioners volunteering in multiple districts will be assigned a "home district" based on their home or business address and will be held to the minimum standard of their "home district" (per V. DISTRICT PARAMETERS).

What are all of the possible ADR Practitioner Statuses?

Applicant, Active, Inactive, and Archive

I. STATUS: **APPLICANT**

- A. **Defined:** An ADR Practitioner that has submitted a complete "Volunteer Mediator and Settlement Conference Attorney Application Package," with required documentation, to the ADR Office and was approved and accepted to be placed on the orientation waiting list.

II. STATUS: **ACTIVE**

- A. **Defined:** An ADR Practitioner that has signed-up to volunteer in a Day of Trial (DOT) program in accordance with the parameters of their home district and has appeared at the courthouse as the designated ADR Practitioner on each day the practitioner agreed to appear on the quarterly schedule.

1. The ADR Practitioner shall sign-up and appear for the DOT program with the frequency specified in the parameters set forth in Section V. **(See V. DISTRICT PARAMETERS)**
2. The ADR Practitioner must both sign-up and appear in the courthouse on the date and time that corresponds to the quarterly schedule in order for the ADR Practitioner to maintain “Active Status” in any given calendar year. When the lack of appearance of the ADR Practitioner falls within one of the categories listed in either 2a or 2b below, the ADR Practitioner will also have complied with the obligation to sign-up and appear at the courthouse for the scheduled date on the quarterly schedule.
 - a. ADR Practitioner is “called-off” by the Regional ADR Programs Director (RPD) or the local court staff due to a light docket, bench meeting, or court closing; or
 - b. ADR Practitioner is unable to attend due to inclement weather or a same-day emergency.
3. If the ADR Practitioner cancels in advance of the scheduled date, or fails to appear on a given date and does not reschedule, the Practitioner will not be given credit for the missed appearance as part of the determination of whether the Practitioner met the applicable district parameters for “Active Status.”
4. Determination is made annually, during the first quarter of the year, based on the prior calendar year activity or orientation date for apprentice mediators.
5. Exceptions may be determined by the ADR Office.

III. STATUS: **INACTIVE**

A. **Defined: An ADR Practitioner that did not sign-up to volunteer for the minimum number of days (per V. DISTRICT PARAMETERS), or did not appear on at least half of their scheduled days in the DOT program during the prior calendar year.**

1. ADR Practitioner that
 - a. Does not sign-up to volunteer during the prior calendar year according to their district’s parameters;
 - b. Signs-up to volunteer during the prior calendar year and cancels in advance of their scheduled date or fails to appear (does not cancel in advance) for half or more of their scheduled dates;
 - c. Requests to be moved to INACTIVE status; or
 - d. Is moved to INACTIVE status at the request of a community mediation center (CMC) partner.
 - *If a CMC partner requests the practitioner be moved to INACTIVE, the ADR Office will have a conversation with the CMC and the practitioner and the ADR Office will make a determination from there.*
2. Determination is made annually during the first quarter of the year based on the prior calendar year activity.

B. Requirements to Become ACTIVE (Reactivate)

1. This policy is applicable if the inactive ADR practitioner contacts the ADR Office to reactivate (i.e., sign-up on the quarterly schedule).
2. The Director of ADR Roster Management (DARM) inquires with the Regional ADR Programs Director (RPD) to determine if the local roster can accommodate (and if there is a need for) an additional ADR practitioner on the roster.
 - a. If so, the DARM schedules the inactive ADR practitioner with the RPD for an On-Site Orientation (OSO) and one of the following may occur, depending on the volunteer's status at the time they became INACTIVE:
 - i. Status at time became INACTIVE: Apprentice Mediator
 - a. Participation in the full apprentice process from the beginning (1st Observation), regardless of when in the apprentice process s/he became INACTIVE.
 - b. The DARM coordinates the OSO with the 1st observation so that the RPD is available to re-orient the volunteer prior to their 1st observation.
 - ii. Status at time became INACTIVE: Panel Mediator or Panel Settlement Conference Attorney
 - a. The reactivated practitioner mediates or conducts a settlement conference while being reviewed by an RPD (termed a "reactivation review").
 - b. The DARM coordinates the OSO with the reactivation review so that the RPD is available to re-orient the volunteer prior to their reactivation review.
3. The DARM or RPD will advise the Inactive practitioner of the necessary steps to reactivate, based on the practitioner's status at the time they became INACTIVE.
4. If the practitioner becomes INACTIVE twice in a five-year period, a third reactivation to the ADR Program will no longer be considered. At that point, the ADR Practitioner will move to ARCHIVE status.

IV. STATUS: **ARCHIVE**

Defined: An INACTIVE Volunteer that did not request to be reactivated within 12 months of being notified that their status change from ACTIVE to INACTIVE becomes archived.

- A. This policy is applicable if the ARCHIVED practitioner contacts the ADR Office to reactivate.
 1. The ARCHIVED practitioner will complete a new application.
 2. The application will be reviewed by the DARM, RPD, Executive Director and/or Deputy Director collectively to determine if the practitioner qualifies according to the *Mediator Applicant Qualifications* policy.

3. If the practitioner does qualify, the Director of ADR Roster Management (DARM) inquires with the Regional ADR Programs Director (RPD) to determine if the local roster can accommodate (and if there is a need for) an additional ADR practitioner on the roster.
 - a. If so, the practitioner attends the entirety of New Volunteer Orientation and completes an apprentice process according to the current mediator and/or settlement conference attorney apprentice process standards.
- B. If the practitioner is archived twice in a five-year period, a third application to the ADR Program will no longer be considered.

V. DISTRICT PARAMETERS

- A. **Defined: The number of times a practitioner has committed to signing-up to volunteer in the DOT program. If a practitioner volunteers in multiple districts, his/her “assigned” district is based on his/her home or work address.**
 1. District 1 (Baltimore City): Four times per year
 2. District 2 (Dorchester, Somerset, Wicomico, and Worcester Counties):
 - a. Wicomico and Somerset (combined): Three times per year
 - b. Dorchester: As of 01-01-2018, the DOT programs in this district are still in the “pilot phase.” Therefore, policies for this district will be amended as programs finalize and become permanent.
 3. District 3 (Caroline, Cecil, Kent, Queen Anne’s, and Talbot Counties): As of 01-01-2018, there are no DOT programs in this district. Policy for this district will be amended as programs develop.
 4. District 4 (Calvert, Charles, and St. Mary’s Counties): Four times per year
 5. District 5 (Prince George’s County): Four times per year
 6. District 6 (Montgomery County): Four times per year for all dockets except the Municipal Infractions (“Code”) docket
 - a. Municipal Infractions (“Code”) docket: Two times per year
 7. District 7 (Anne Arundel County): Four times per year
 8. District 8 (Baltimore County): Four times per year
 9. District 9 (Harford County): Four times per year
 10. District 10 (Carroll and Howard Counties): Four times per year
 11. District 11 (Frederick and Washington Counties): Four times per year
 12. District 12 (Allegany & Garrett Counties): As of 01-01-2018, there are no DOT programs in this district. Policy for this district will be amended as programs develop.