

COSA ADR FAQ:

Q. What is Alternative Dispute Resolution?

A. Alternative dispute resolution is an umbrella term used to describe processes that people use to resolve conflicts without going through formal litigation. It includes mediation, arbitration (binding/non-binding), settlement conferences, neutral case evaluation and other conciliatory processes. The Court of Special Appeals provides dispute resolution services to litigants in the appellate court through their Alternative Dispute Resolution (ADR) Division and in accordance with Maryland Rules 8-205 and 8-206, and Title 17, Chapter 400.

Q. What Is Mediation?

A. Mediation is an informal, confidential, and neutral process where people involved in a dispute work with one or more impartial mediators who help the parties reach their own voluntary agreement for the resolution of the dispute. A trained mediator or mediators facilitate the process.

Q. Why Mediation in the Court of Special Appeals?

A. Mediation at the appellate level is provided in many state appellate courts across the United States and in all federal courts of appeal. Mediation at the appellate level:

- Offers litigants the potential to resolve cases more quickly than a lengthy appeal process;
- Allows parties to avoid the expense and burden of preparing an appeal which includes the cost of ordering a transcript and drafting a legal brief;
- Provides an opportunity for litigants to devise solutions of their own accord; and
- Encourages the parties involved to determine the future of their own controversy and relationships, leading to more lasting and sustainable solutions.

Q. What Cases Are Eligible for Mediation?

A. The Court of Special Appeals hears approximately 1,100 civil appeals each year, most of which are screened for an alternative dispute resolution process. Although mediation is the most commonly ordered method, settlement conferences are ordered from time to time to deal with procedural issues, aimed at streamlining the appellate process. Cases not automatically screened for alternative dispute resolution services are juvenile causes, appeals from guardianships, terminations of parental rights, and applications and appeals by prisoners seeking relief relating to confinement. Any litigant or attorney involved in a civil appeal may call the ADR Division to request mediation or other conciliatory service at any time during the appeal process.

Q. How Are Cases Selected for Mediation?

A. The Court's ADR Division staff reviews all Civil Appeal Information Reports filed with the Clerk of the Court to identify cases that may be appropriate for mediation. Thereafter, the staff communicates with

attorneys and/or parties prior to recommending cases to the Chief Judge of the Court, who then directs the parties to participate in mediation or other prehearing conference. Appellants may indicate their interest in mediation in the Civil Appeal Information Report filed at the commencement of the appeal, or they may contact the ADR Division to request mediation.

Q. What Happens When a Case Is Ordered to or Selected for Mediation?

A. Once a case is ordered to mediation, the appeal (including requirements to submit the transcript and prepare briefs) is stayed until the mediation is completed. Each party is required to submit a Confidential Information Statement, not shared with opposing parties, that provides brief information to the mediators about the conflict and options for settlement. This statement must be returned to the ADR Division by the date specified in the order.

Q. Who Are the Mediators?

A. All cases are co-mediated by two well-trained mediators: one staff attorney from the ADR Division and one Senior Judge. All Court of Special Appeals mediators have extensive experience and advanced training provided by the Court.

Q. Are Matters Discussed in Mediation Confidential?

A. All substantive information provided by the parties to mediators and staff of the ADR Division, whether oral or written, is confidential and is not shared with other parties to the appeal, court staff, or judges of the Court of Special Appeals without the permission of the parties.

Q. How Long Do Mediations Take?

A. Mediation is scheduled for one four-hour session, which is generally ordered very early in the process. Mediation is completed within a much shorter time than proceeding through an appeal, and possible rehearing of the case, which may take a year or longer in some instances.

Q. Where Do Mediations Take Place?

A. Most mediation sessions are held at the A-POD building located at 530 Taylor Avenue, Annapolis, Maryland 21401. When appropriate, mediations can be held remotely through Zoom for Government.

Q. How Much Does Mediation Cost?

A. There is no court fee for mediation in the Court of Special Appeals.

FOR MORE INFORMATION Visit the COSA ADR website: mdcourts.gov/cosappeals/mediation or call 410-260-3717 to speak with Jay Knight, ADR Division Director.