

ACM 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/pre-hearing conferences, neutral case evaluation and other conciliatory processes. The Appellate Court of Maryland 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 ADR in the Appellate Court of Maryland?

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

A. The Appellate Court of Maryland hears approximately 1,100 civil appeals each year, most of which are screened for an alternative dispute resolution process. Although mediation is the most ordered method, settlement conferences/pre-hearing 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 ADR?

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 ADR. 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 pre-hearing 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 ADR.

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

A. Once a case is ordered to mediation or pre-hearing conference, 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 Appellate Court of Maryland mediators have extensive experience and advanced training provided by the Court.

Q. Are Matters Discussed in ADR 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 Does ADR Take?

A. Mediations are typically scheduled for a four-hour session, with follow-up sessions scheduled thereafter if necessary. Pre-hearing Conferences are scheduled for either two or four-hour sessions, depending on what's most appropriate for the case. Alternative dispute resolution processes are completed within a much shorter timeline than proceeding through an appeal, and possible rehearing of the case, which may take a year or longer in some instances.

Q. Where Do Sessions Take Place?

A. ADR sessions are held either physically, at 187 Harry S. Truman Parkway, Annapolis, Maryland 21401, or remotely through Zoom for Government.

Q. How Much Does ADR Cost?

A. There is no court fee for ADR at the Appellate Court of Maryland.

FOR MORE INFORMATION Please call 410-260-3717 to speak with a staff member.