



2022

Alternative Dispute Resolution Data Summary Fiscal Year 2022

MEDIATION AND CONFLICT RESOLUTION OFFICE
ADMINISTRATIVE OFFICE OF THE COURTS

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I. Executive Summary

This report examines the alternative dispute resolution (ADR) data collected by the District Court, circuit courts, and Appellate Court of Maryland (ACM) in fiscal year 2022. The data were analyzed by court, case type (domestic/family or civil, non-domestic), and the way in which ADR was held (remote or in person). Three measures of effectiveness were studied: settlement data, public experience, and the impact of technology. These measures were then compared to data collected in recent fiscal years to establish a baseline from which to view emerging trends as additional data is gathered and to support future decision-making around the effective use of remote and in-person ADR processes in the Maryland Judiciary.

Settlement Data

The information reported in fiscal year 2022 was consistent with the data gathered in recent fiscal years. Settlement data for sessions held remotely tended to align more closely with data from previous fiscal years, and in-person session data tended to fall slightly above average in terms of the number of full and partial settlements reached.

Public Experience

The participant responses received in fiscal year 2022 indicate that participants were satisfied with their ADR session, regardless of the case type or the way in which the session was conducted. Remote and in-person participants across case types provided predominantly positive responses and indicated that they would be willing to participate in ADR in the future or recommend the process to others.

Impact of Technology

Across courts, there was minimal negative impact of technology on the ability of remote sessions to occur as scheduled. Additionally, participants overwhelmingly responded that they would participate in a future ADR process in the same manner they had previously participated, regardless of whether that was remotely or in person.

For several reasons, the data sets gathered in fiscal year 2022 are small. This means that the comparisons drawn in this report should be viewed as informative rather than conclusive. Additional data gathered in the coming fiscal years should provide a more complete picture of the ADR landscape in the Maryland Judiciary.

The data in this report did not highlight major areas of concern for remote or in-person ADR in fiscal year 2022. Based on this initial examination, both remote and in-person ADR processes appear advantageous for participants and the courts, regardless of case type, which creates opportunities for further exploration of the different ways remote and in-person ADR processes may be utilized in the future.

II. Introduction

The COVID-19 pandemic caused significant shifts in the way that courts in Maryland conduct and order alternative dispute resolution (ADR) processes. Historically, the District Court, circuit courts, and Appellate Court of Maryland (ACM) relied on in-person ADR processes to provide parties with timely, low-cost options to resolve their disputes. With the restriction of court operations that began in March 2020, ADR became an even more valuable asset to the courts. Courts and ADR practitioners pivoted to provide services remotely using video and telephone conferencing. This enabled parties to continue to access ADR services, providing relief to court dockets and giving parties the opportunity to resolve their disputes in a timely manner. As restrictions eased throughout the state, many ADR practitioners and courts continued to offer remote services. Using data collected by the District Court ADR Office, circuit courts, the Appellate Court of Maryland ADR Division, and the Administrative Office of the Courts, this report examines remote and in-person ADR data from fiscal year 2022 and historic ADR data to identify similarities and differences, thereby helping to inform decision making about the continued use of remote ADR in the Maryland Judiciary.

Data Collection Tools

Because of the diversity of alternative dispute resolution processes and programs in the Maryland Judiciary, various tools are used to collect data from court programs and ADR practitioners and participants. The tools mentioned below were used to inform the discussions in this summary.

1. Online Surveys | circuit and district courts | fiscal year 2022. To support courts and ADR practitioners in the transition to remote ADR processes, the Mediation and Conflict Resolution Office (MACRO) developed an online, user-friendly evaluation tool to assess the effectiveness of and user satisfaction with remote ADR. As part of the roll-out process, MACRO provided courts with an onboarding checklist, how-to guides and video tutorials, training and continuing support for court staff, and a presentation for ADR roster members. A SurveyMonkey Enterprise account allows MACRO to directly support the courts' work, and court program managers are able to use the online survey tool for other court-related work. As courts have resumed offering in-person ADR sessions, some have chosen to use the online survey tool by providing a quick response (QR) code to in-person participants. Participants are able to use their smart device cameras to scan the code and navigate to the online survey.



2. Alternative Dispute Resolution Evaluation Support System (ADRESS) | circuit and district courts | fiscal years 2011-2022. ADRESS provides in-depth data collection for in-person ADR processes through scannable surveys that are combined with court docket information from Maryland Electronic Courts (MDEC). Data for the District Court dates to 2010, and circuit court data collection began in 2013. This robust data set provides a baseline for data collected through the online surveys and may assist with the development of online dispute resolution tools in the future.
3. Juvenile and Family Services (JFS) Surveys | circuit courts | fiscal years 2018-2022. All circuit court jurisdictional family services grant recipients report aggregate ADR data to JFS each fiscal year. JFS compiles this data and shares it with MACRO, as well as with Judiciary leadership in its annual family jurisdictional grant reports.
4. MACRO Grant Data | circuit courts | fiscal year 2022. In fiscal year 2022, MACRO provided grant funding to six circuit court civil, non-domestic ADR programs. The grantees reported quarterly ADR data directly to MACRO. While this information can provide longitudinal data for repeat grantees, it only represents 25% of the circuit courts in Maryland. To foster data collection and sharing by the remaining 75% of circuit courts, MACRO developed other tools as discussed in this summary.
5. Civil Non-Domestic Survey | circuit courts | fiscal year 2018. In 2019, MACRO sought a new way to gather civil, non-domestic ADR data from all circuit courts. An online survey (Qualtrics) was used to request baseline fiscal year 2018 data from the courts. If needed, additional surveys could be conducted in the future and compared to the information entered into the MDEC ADR Tab (see below).
6. MDEC ADR Tab | circuit courts. MACRO worked closely with Judicial Information Systems (JIS) and the courts to develop a tab in MDEC focused on the collection of ADR data. This tab will support case management efforts and efficient and consistent ADR data collection statewide, if fully utilized by the circuit courts. The tab launched for court use on April 1, 2022, and MACRO continues to work with JIS to develop automated reports to streamline data export from the tab.

III. Alternative Dispute Resolution Outcomes

Alternative dispute resolution processes provide parties with the opportunity to settle their disputes in a timely, cost-effective manner. While settlement rates are not necessarily indicative of the quality of the ADR processes used by the courts or participant satisfaction, they do provide information about the impact that ADR has on court dockets and case time standards. This report examines settlement data by both case type (domestic/family or civil, non-domestic) and the way in which the ADR session was held (remote or in person). Settlement data from previous fiscal years will also be reviewed to determine whether there are any preliminary differences between ADR outcomes in the recent past and the remote and in-person outcomes reported in fiscal year 2022.

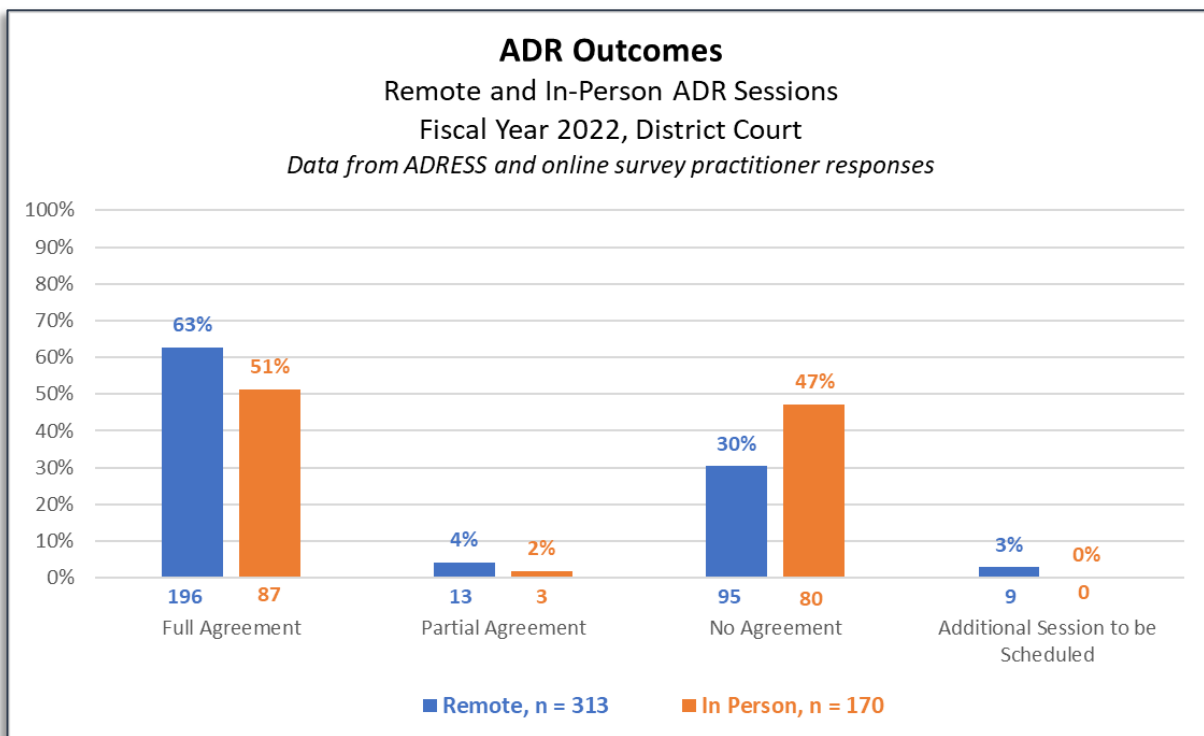
District Court

The District Court of Maryland's ADR Office provides mediation and settlement conferences for civil cases pending in the District Court. These ADR services are offered at no charge, either on the day of trial or before the trial date. Most historic and current ADR sessions occur on the day of trial, with participants returning to the courtroom from their ADR session having reached agreement to close their case or without an agreement to have a trial.

fiscal year 2022 Settlement Data

In fiscal year 2022, the District Court ADR Office conducted ADR sessions both remotely and in person. Most sessions were held remotely, and the court began reintroducing in-person ADR services near the end of the fiscal year. Remote ADR accounted for 313 (65%) of the sessions held, and in-person ADR comprised the remaining 170 (35%).

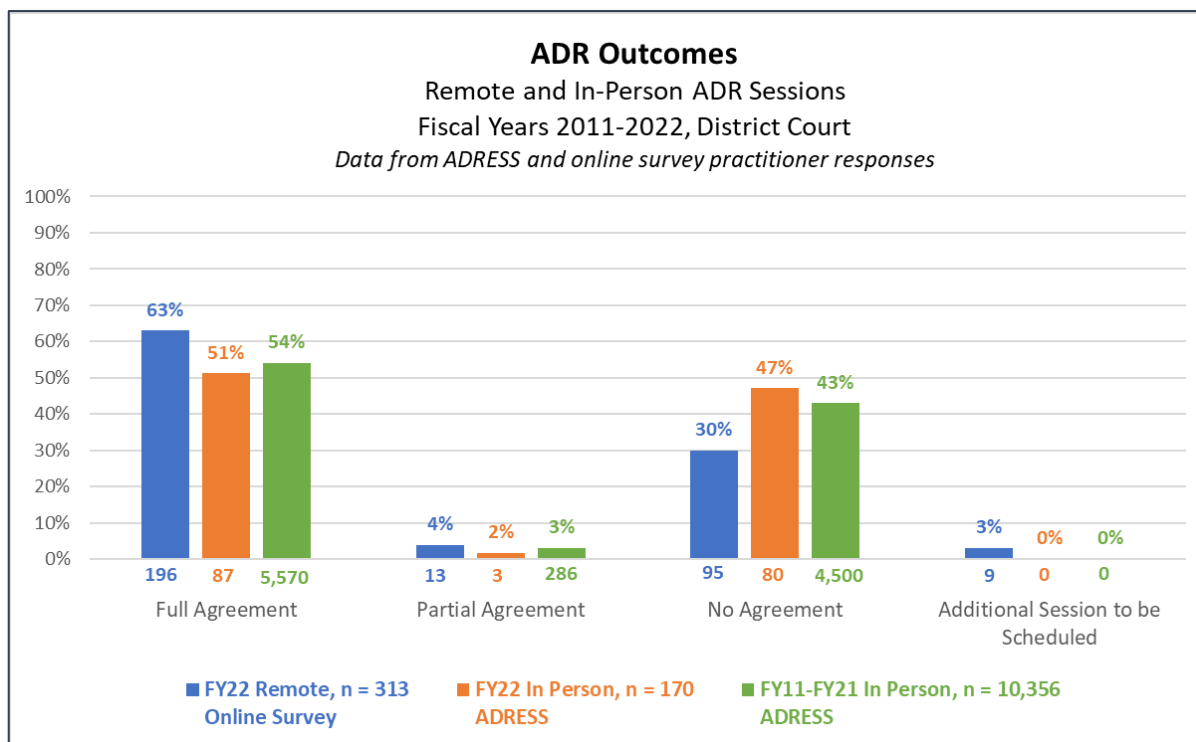
In the District Court, settlement information is provided by the ADR practitioners at the end of each session. Practitioners reported that 209 (67%) remote sessions resulted in a full or partial agreement during the ADR session. In-person sessions resulted in 90 (53%) full or partial agreements during the ADR session.



Comparison to Previous Years

As a pilot user of ADDRESS, the District Court has consistent ADR outcome data dating back to 2010. District Court ADDRESS data represents in-person ADR sessions only and provides a baseline comparison for the session data received during fiscal year 2022. Because the number of responses from fiscal year 2022 is comparatively small, this data comparison should be seen as informative, but not conclusive.

From fiscal year 2011 through fiscal year 2021, outcome data were collected from 10,356 in-person District Court ADR cases. Of those cases, 5,856 (57%) resulted in a full or partial agreement. This indicates that the session outcome data for fiscal year 2022 is comparable to the outcome data that has been reported by the District Court for the past decade.



Circuit Courts

Circuit courts in Maryland refer cases to several types of ADR, including mediation, settlement conferences, and facilitation. All 24 circuit courts in Maryland offer some form of ADR for domestic/family cases, and many offer ADR in civil, non-domestic cases as well. MACRO is actively working to increase civil, non-domestic ADR across the state and is providing grant funding to seven circuit courts offering civil, non-domestic ADR services in fiscal year 2023.

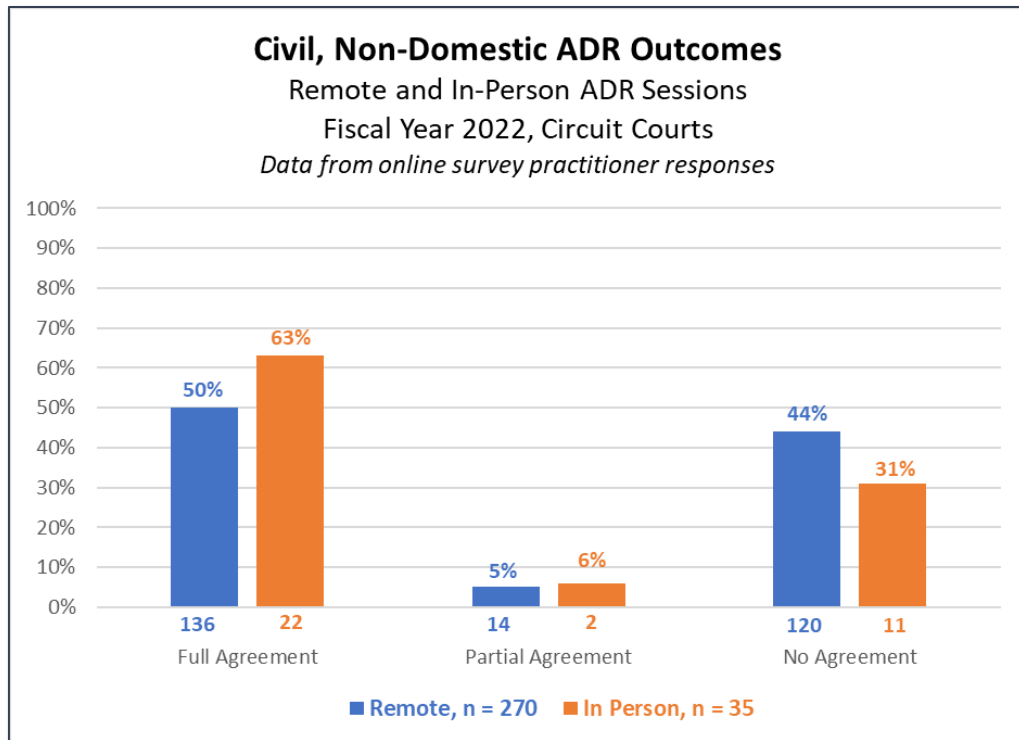
Civil, Non-Domestic Cases

A variety of civil, non-domestic case types are referred to ADR, including torts, contracts, worker's compensation and administrative agency appeals, declaratory judgments, real property cases, and employment cases. The six civil, non-domestic programs to whom MACRO provided grant funding in fiscal year 2022 reported that nearly 700 cases completed civil ADR. All six programs used an online survey developed and provided by MACRO, however not all of the programs launched the survey for the entirety of fiscal year 2022. Online survey responses were received from practitioners in 305 held ADR sessions.

At the conclusion of ADR, practitioners are asked to provide session information, such as whether and how the session was conducted (remote or in person) and the outcome of the session. The majority of held sessions for which a practitioner submitted an online survey response were conducted with at least one party participating remotely (via phone or video conference). Practitioner responses were received for 270 (89%) remote sessions and 35 (11%) in-person sessions.

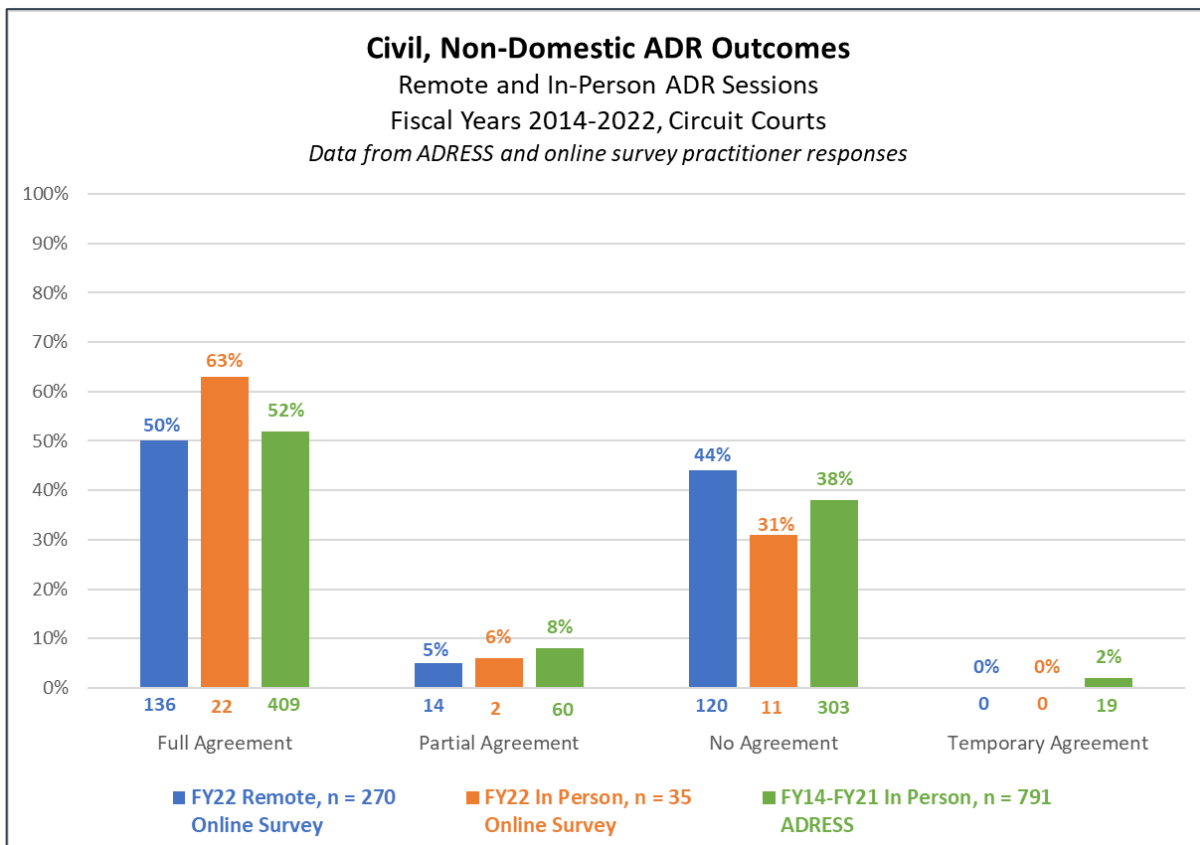
Fiscal Year 2022 Settlement Data

Practitioners reported that 150 (56%) full or partial agreements were reached in remote sessions. In-person ADR sessions resulted in 24 (69%) full or partial agreements. As more civil, non-domestic programs begin consistently participating in the online survey, these numbers will be examined to determine if the outcome disparity between remote and in-person sessions persists within a larger data set.



Comparison to Previous Years

One way to examine the outcome data from fiscal year 2022 is to look at historic data from the three civil, non-domestic ADR programs that participated in the ADDRESS survey: Baltimore City, Baltimore County, and Worcester County. Practitioners reported that a full or partial agreement was reached in 469 (59%) sessions from the ADDRESS data set.

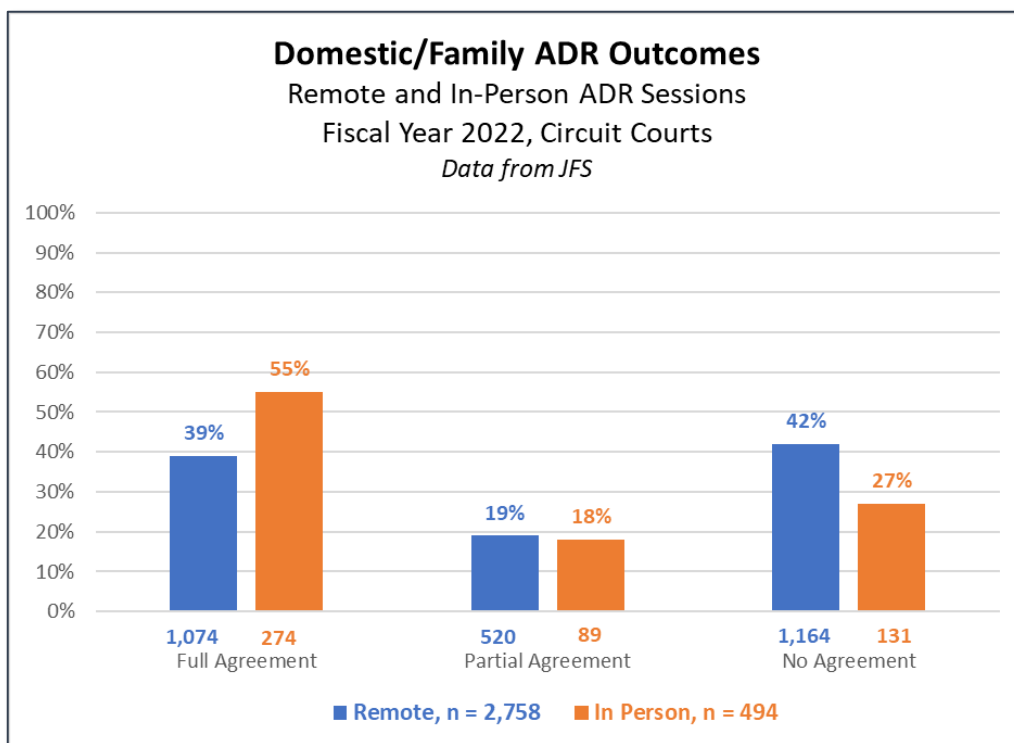


Domestic/Family Cases

Issues referred to domestic/family ADR include child access and parenting time, marital property and finances, child in need of assistance, termination of parental rights, and guardianship. The Administrative Office of the Courts provided domestic/family ADR grant funding to all 24 circuit courts in fiscal year 2022. Through the jurisdictional grant partnerships, Juvenile and Family Services (JFS) collected outcome data to provide a snapshot of domestic/family ADR statewide.

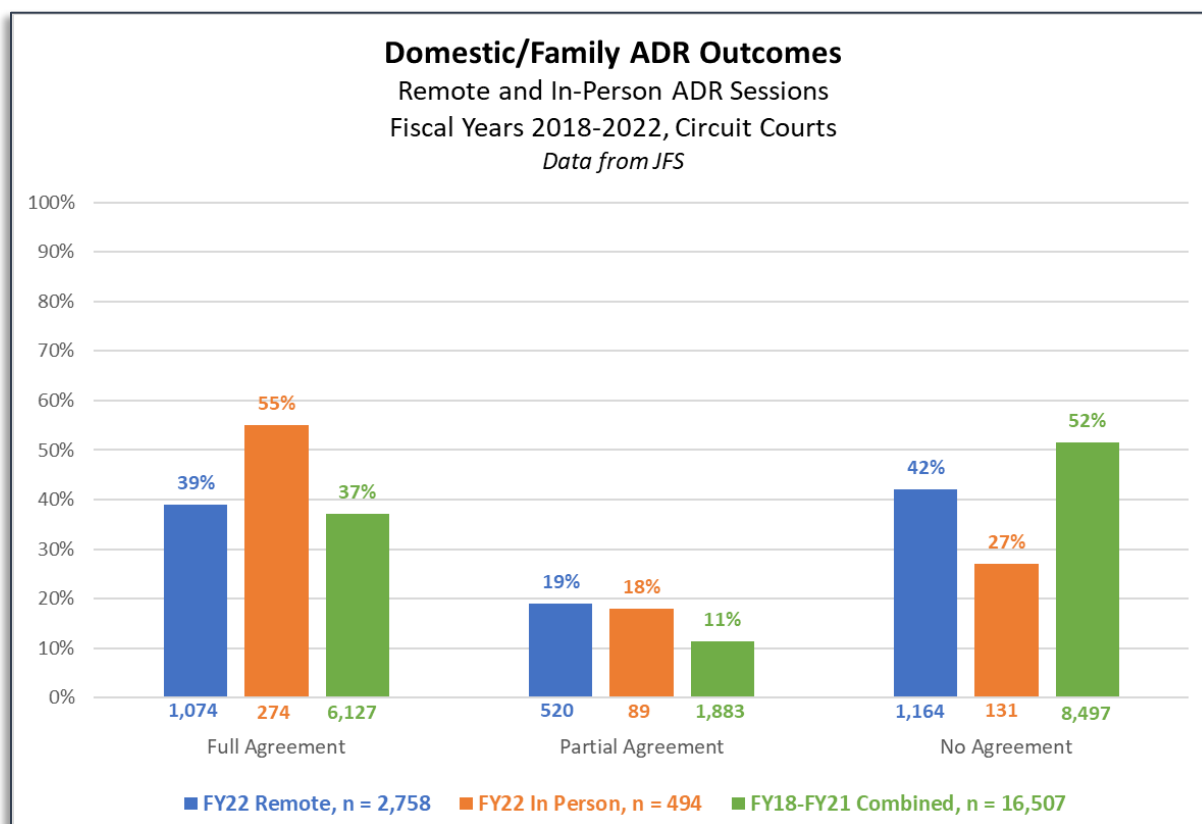
Fiscal Year 2022 Settlement Data

In fiscal year 2022, circuit court ADR practitioners conducted 2,758 domestic/family sessions remotely and 494 sessions in person. In fiscal year 2022, courts reported full or partial agreements in 1,594 (58%) remote and 363 (73%) in-person sessions.



Comparison to Previous Years

When examined next to outcome data from fiscal year 2018 through fiscal year 2021, remote session outcomes in fiscal year 2022 are above average compared to the historical data, in which courts reported 8,010 (49%) full or partial agreements. In-person session outcomes also have an above-average full or partial agreement rate in fiscal year 2022 as compared to that of recent fiscal years. The two data sets are different enough that drawing any conclusions should be done with caution. Further complicating comparability of these data, in fiscal year 2022, over one-quarter of in-person domestic/family ADR sessions that were held occurred in Carroll County, which primarily operates using an in-house ADR program, while remote sessions were more evenly spread throughout the state and with varying types of programs (in-house, practitioner referrals, settlement conferences with senior judges, etc.). As the distribution of remote and in-person sessions becomes more even and/or consistent, the data will begin to provide a clearer picture of the similarities and differences between the two.



Appellate Court of Maryland (ACM)

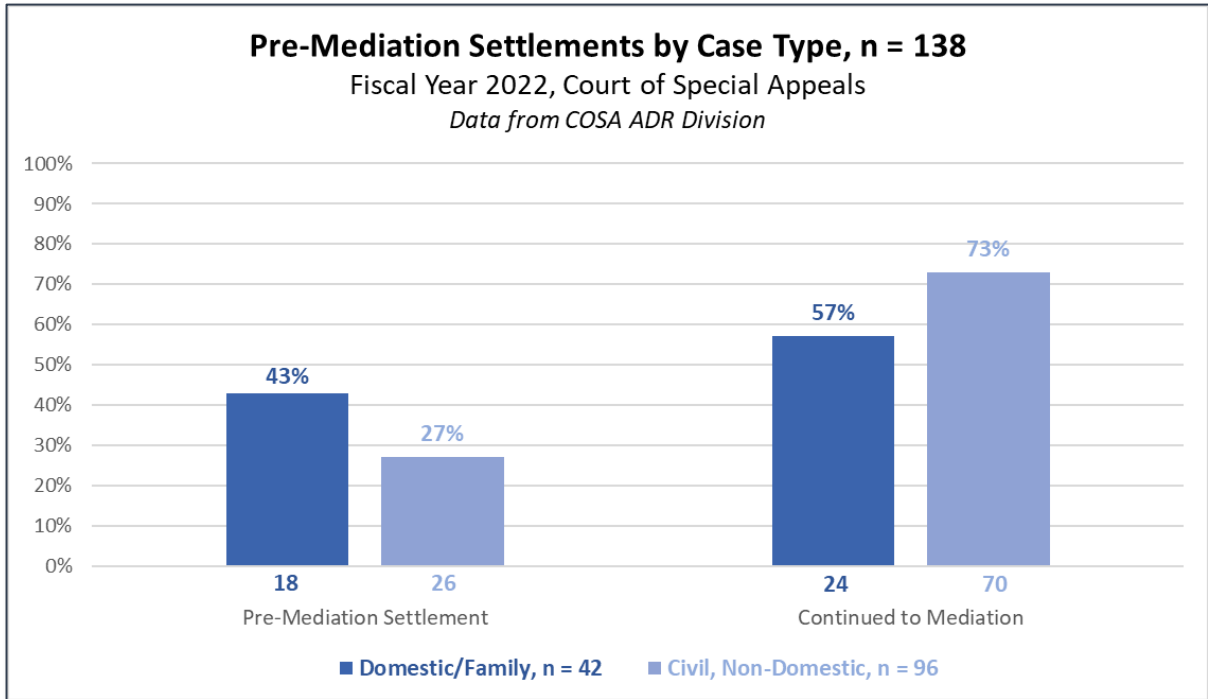
The Appellate Court of Maryland (ACM) screens most civil appeals for alternative dispute resolution. Mediation is the most commonly ordered method of ADR; however, settlement conferences may also be ordered. ACM uses a co-mediation model that includes one senior judge-mediator and one staff attorney-mediator from ACM's ADR division working together on each case. In addition, the parties' attorneys are required to be present during the session.

The Appellate Court of Maryland refers domestic/family and civil, non-domestic case types to ADR. ACM outcome data include:

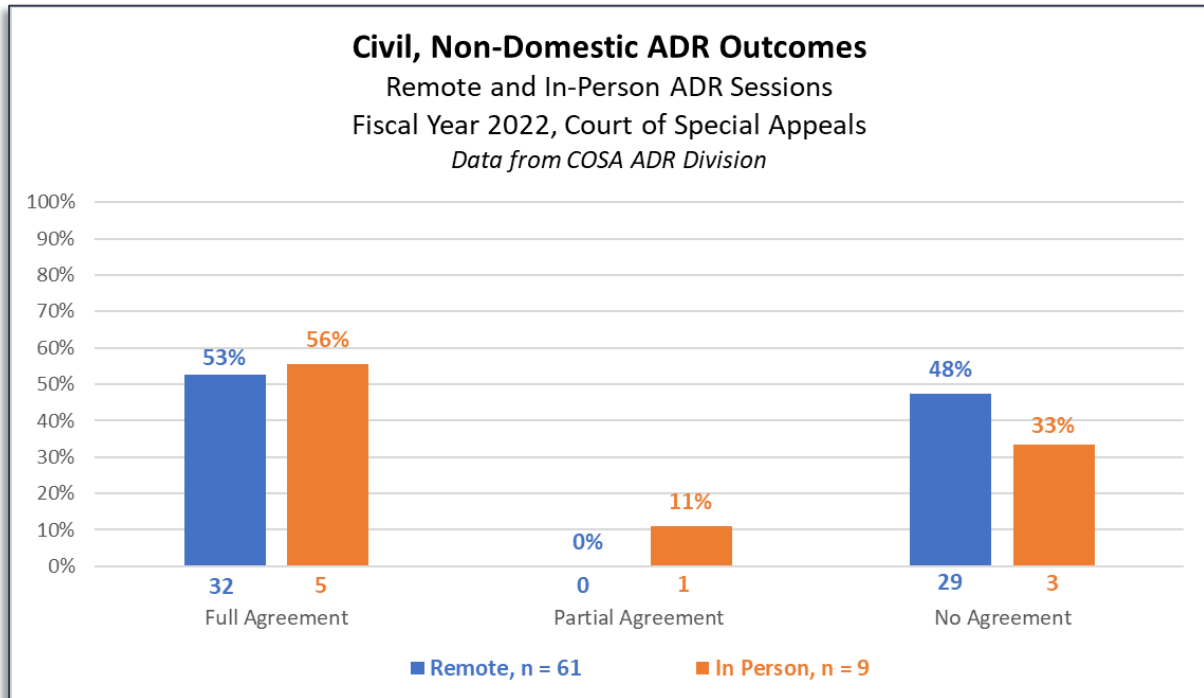
1. Referrals. The number of cases referred to ADR.
2. Pre-mediation Settlements. The number of cases that are settled during the ADR process but prior to a mediation or settlement conference being held (ACM attorney-mediators facilitate settlement discussions that result in settling the case without holding a mediation session).
3. Full Agreements. The number of cases settled by an agreement that is effectuated and results in a remand to the circuit court to enter a consent order or a dismissal of the appeal.
4. Partial Agreements. The number of cases for which a mediation session or settlement conference reduces or streamlines the number of issues in disputes without resulting in a settlement.
5. No Agreement. The number of cases for which a mediation session or settlement conference is held with no agreement reached, and the cases move back to the appellate hearing track.

Fiscal Year 2022 Settlement Data

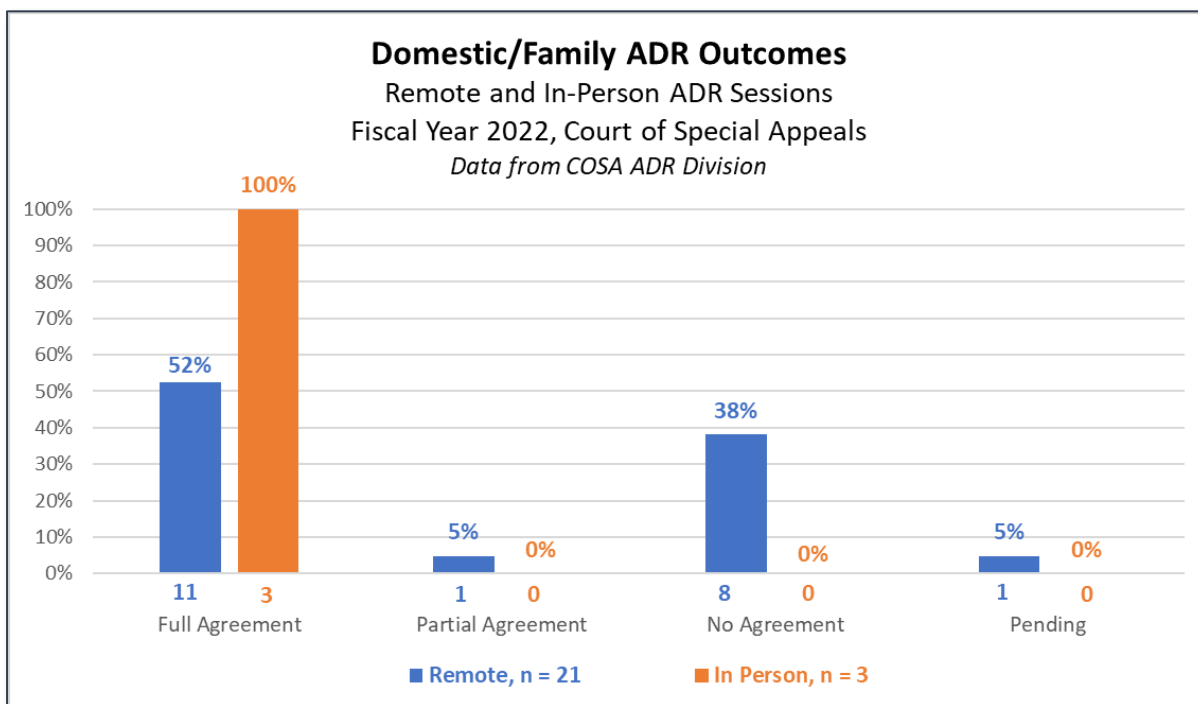
Pre-mediation settlements were reached in 18 (43%) domestic/family cases and 26 (27%) civil, non-domestic cases. All pre-mediation settlements were reached using remote means. The remaining 24 (57%) domestic/family and 70 (73%) civil, non-domestic cases in which the ADR division-initiated contact with the parties continued to mediation, both remotely and in-person.



Most of the 70 civil, non-domestic cases that proceeded to mediation occurred remotely. Remote sessions were held in 61 (87%) cases, 32 (53%) of which reached a full or partial agreement. Of the nine (13%) cases that were held in person, six (67%) resulted in a full or partial agreement.



As with the civil, non-domestic cases, most domestic/family cases occurred remotely. Remote sessions were held in 21 (88%) of the 24 instances, with the remaining three (13%) occurring in person. A full or partial agreement was reached in 12 (57%) remote sessions and all three (100%) in-person sessions.



Summary

For the most part, there is not a large difference between ADR session outcomes for fiscal year 2022 and sessions held in the past, regardless of the means through which the session was conducted. Remote session outcomes for both civil, non-domestic and domestic/family case types were consistent with session outcome data from previous years in the District Court and the circuit courts. While there was some variance in session outcomes between remote and in-person sessions in fiscal year 2022, the data sets are small. MACRO will continue to monitor outcome data for remote and in-person processes across all of the courts.

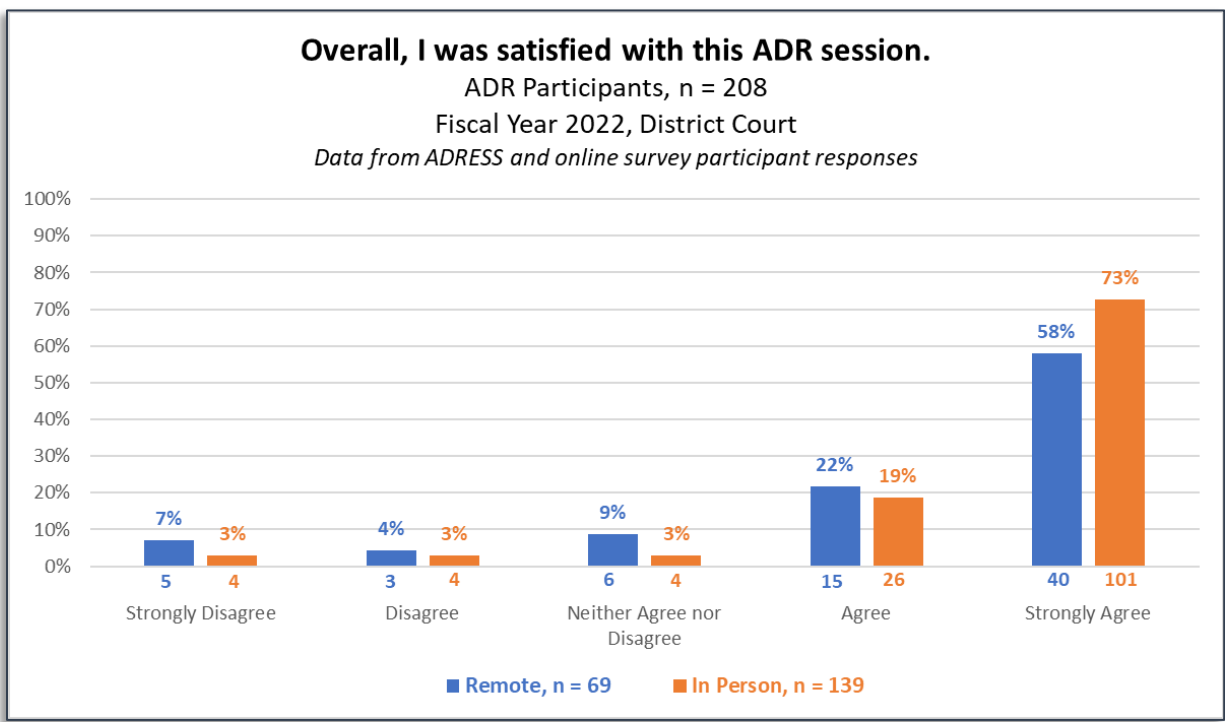
IV. Public Experience

While case settlement outcomes are a measure of the effectiveness of an ADR program, there are other factors that provide important insight. Are parties satisfied with the court-ordered ADR process? Would they recommend ADR to a friend or colleague? Previously, these questions were asked only to assist with quality assurance and program improvement. Now, with the introduction of remote ADR processes, it is especially important to examine this data and ensure that the changes made necessary by the COVID-19 pandemic are providing a valued service to the parties the courts are working to serve.

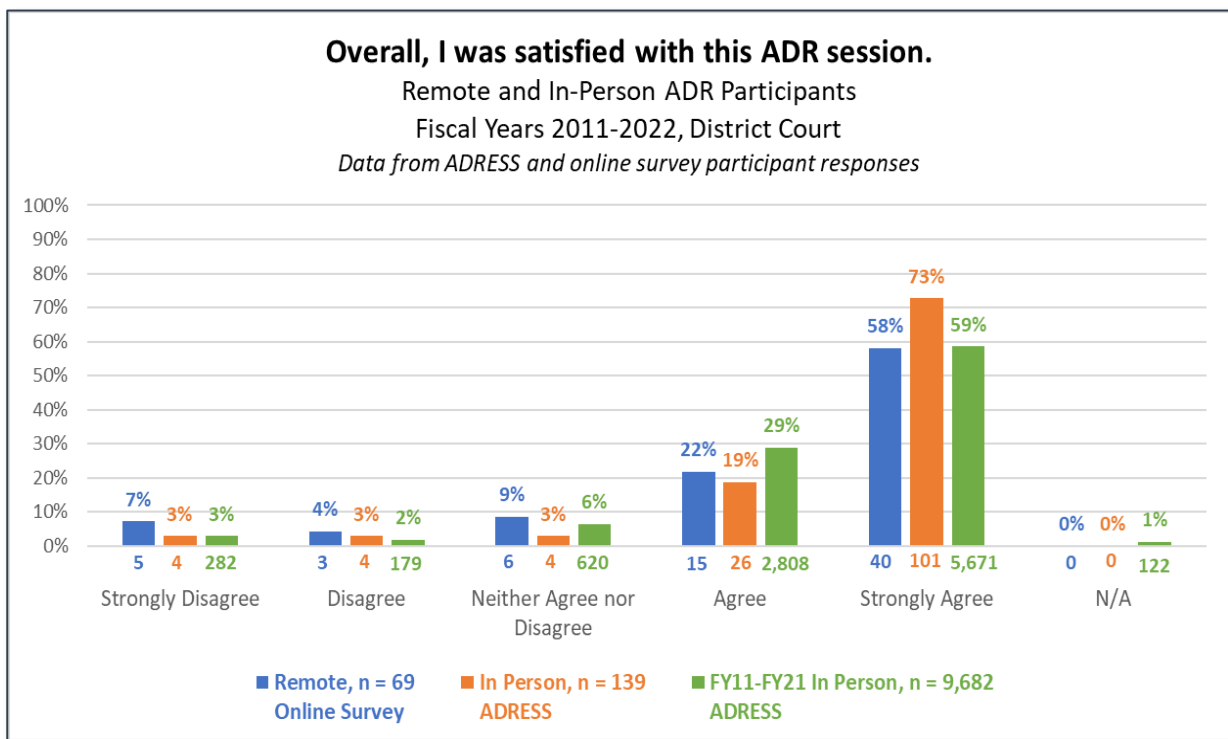
District Court

Participant Satisfaction

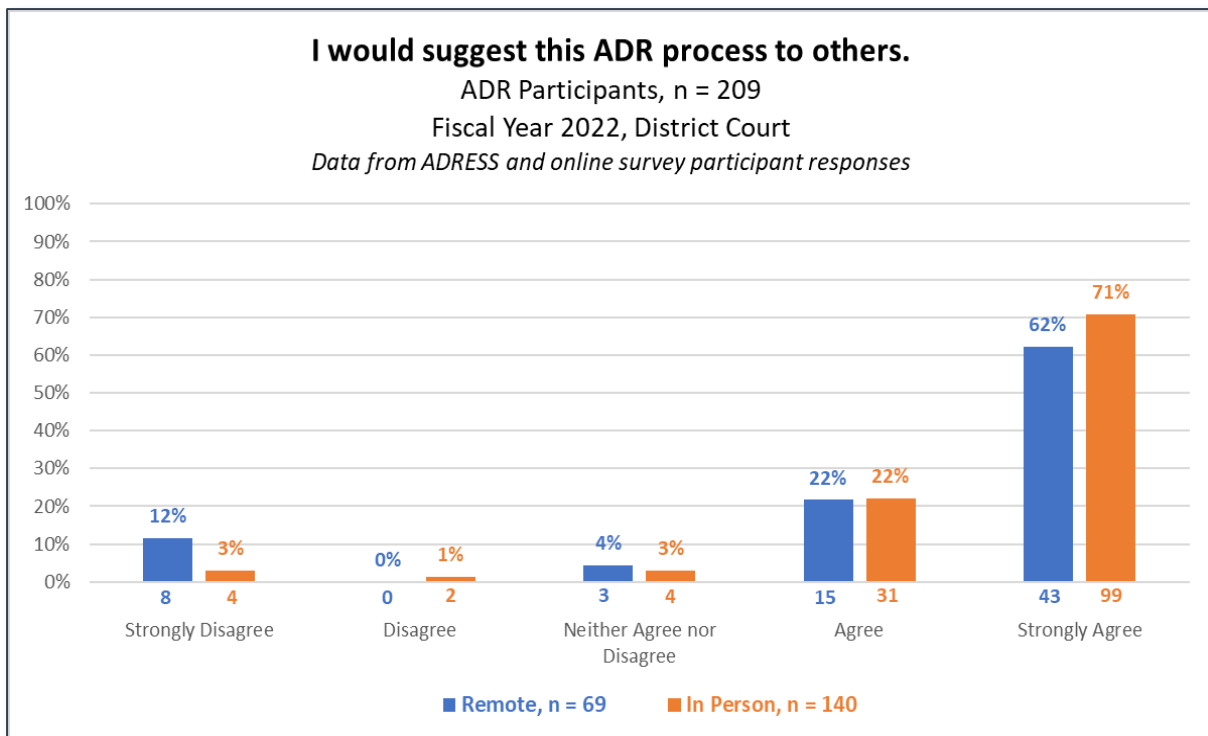
In fiscal year 2022, the District Court ADR Office received 208 participant responses to the statement, “Overall, I was satisfied with this ADR session.” Of those participants, 69 (33%) participated in their ADR session remotely, and 139 (67%) participated in person. Most participants had a positive response to the statement, with 55 (80%) remote participants selecting that they agreed or strongly agreed and 127 (91%) in-person participants stating the same. Interestingly, in-person participants seemed to feel more strongly in the positive, with 101 (73%) selecting strongly agree as compared to the 40 (58%) remote participants who responded in kind.



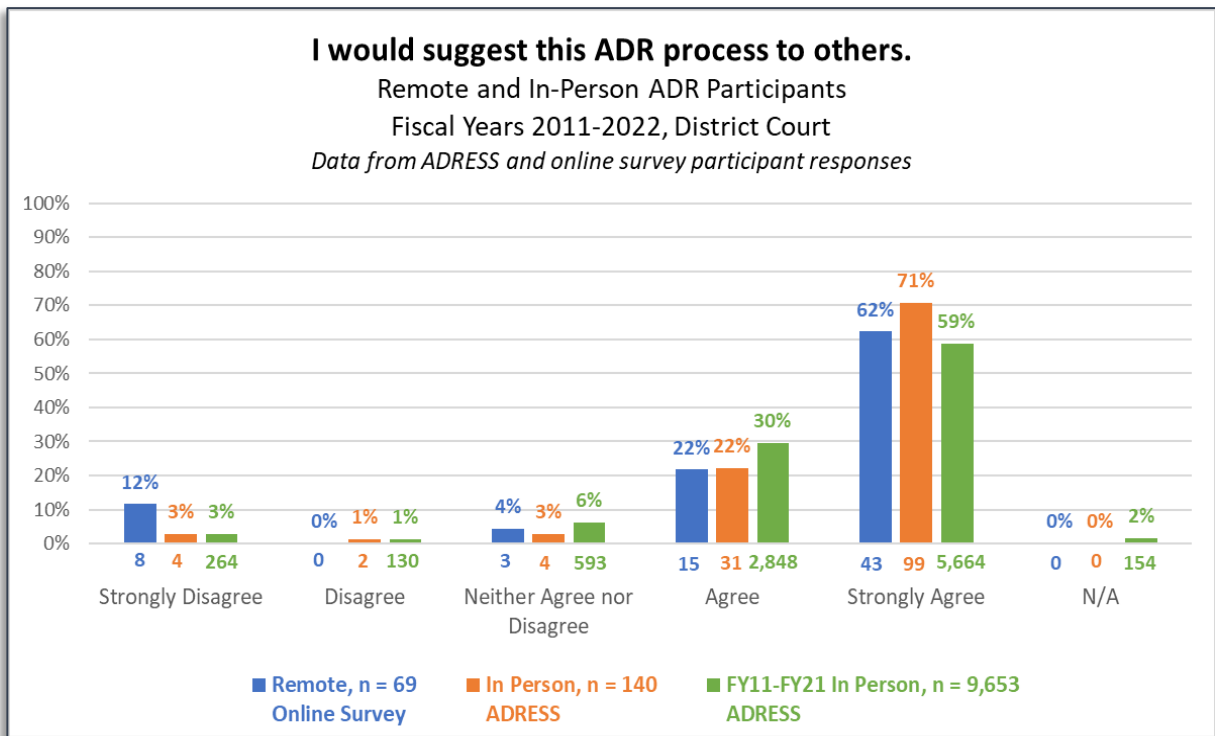
When comparing the fiscal year 2022 overall satisfaction data to the data collected in ADDRESS from fiscal years 2011 through 2021, remote participant satisfaction appears slightly below average. From fiscal year 2011 through fiscal year 2021, 8,479 (88%) District Court ADR participants agreed or strongly agreed that they were satisfied with their ADR session. While remote participant satisfaction for fiscal year 2022 is still firmly in the positive, it will be important to continue to monitor these responses. This will help identify whether there are issues that need to be addressed with remote ADR, if the disparity is due to the small fiscal year 2022 data set, or if the participant satisfaction rate seen in fiscal year 2022 is due to the learning curve courts and remote practitioners experienced during this transitional period.



In addition to the overall satisfaction metric, participant satisfaction with the ADR process is measured by whether they would recommend the ADR process to others and how they would most prefer to participate in the process in the future. District Court ADR participants provided 209 responses to the prompt, “I would suggest this ADR process to others” in fiscal year 2022. Remote participants agreed or strongly agreed in 58 (84%) instances, and 130 (93%) in-person participants responded in kind. Again, participants in both processes were generally positive, and in-person participants tended to be more positive than their remote counterparts.



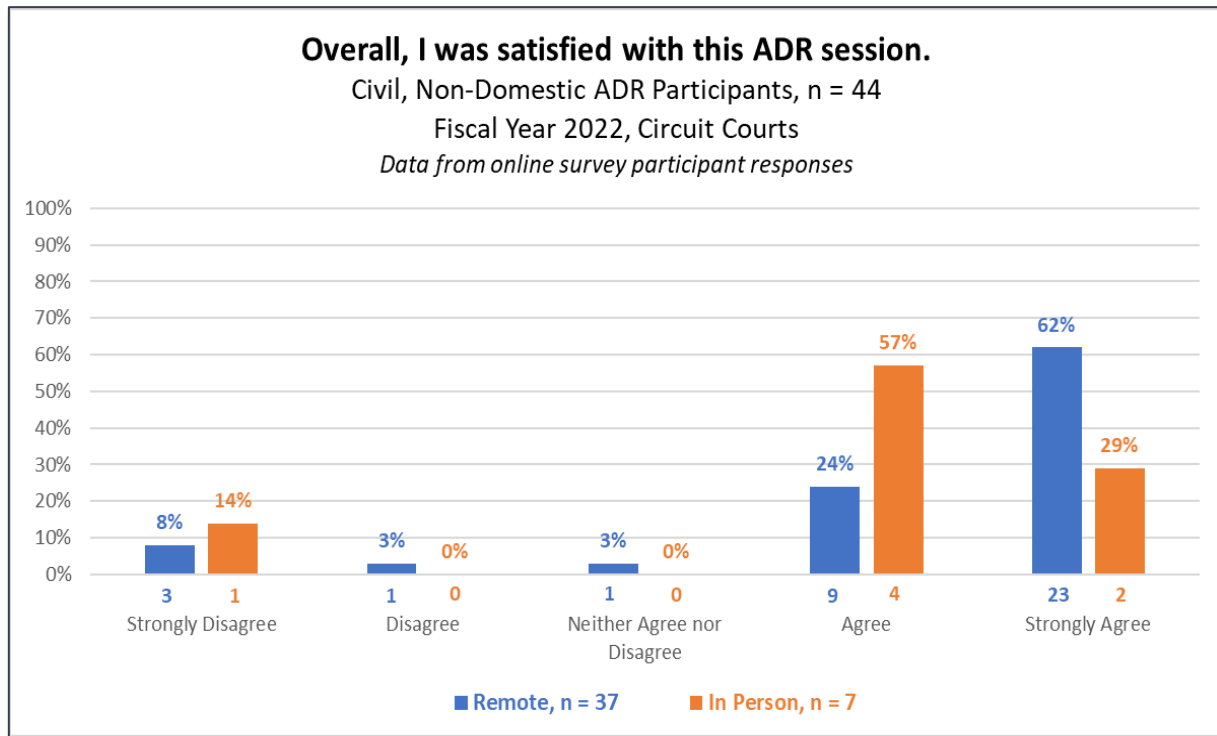
From fiscal year 2011 through fiscal year 2021, 8,512 (88%) in-person District Court ADR participants responded that they agreed or strongly agreed with the prompt, “I would suggest this ADR process to others.” This falls between the fiscal year 2022 responses from in-person and remote participants. This similarity could indicate that, regardless of the way in which the ADR process was conducted, District Court ADR participants tend to feel positively enough about the ADR process to recommend it to others. Analysis of future data will be needed in order to confirm that trend, but this provides a positive foundation from which to build.



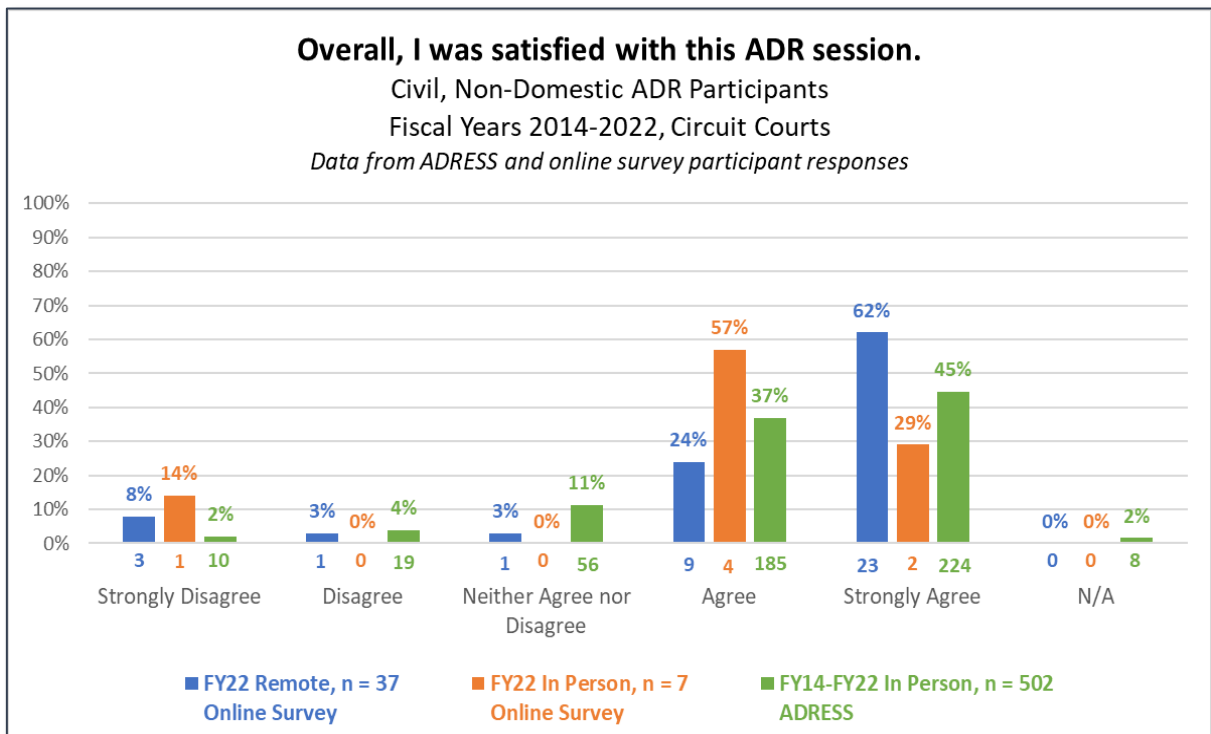
Circuit Courts

Civil, Non-Domestic Participant Satisfaction

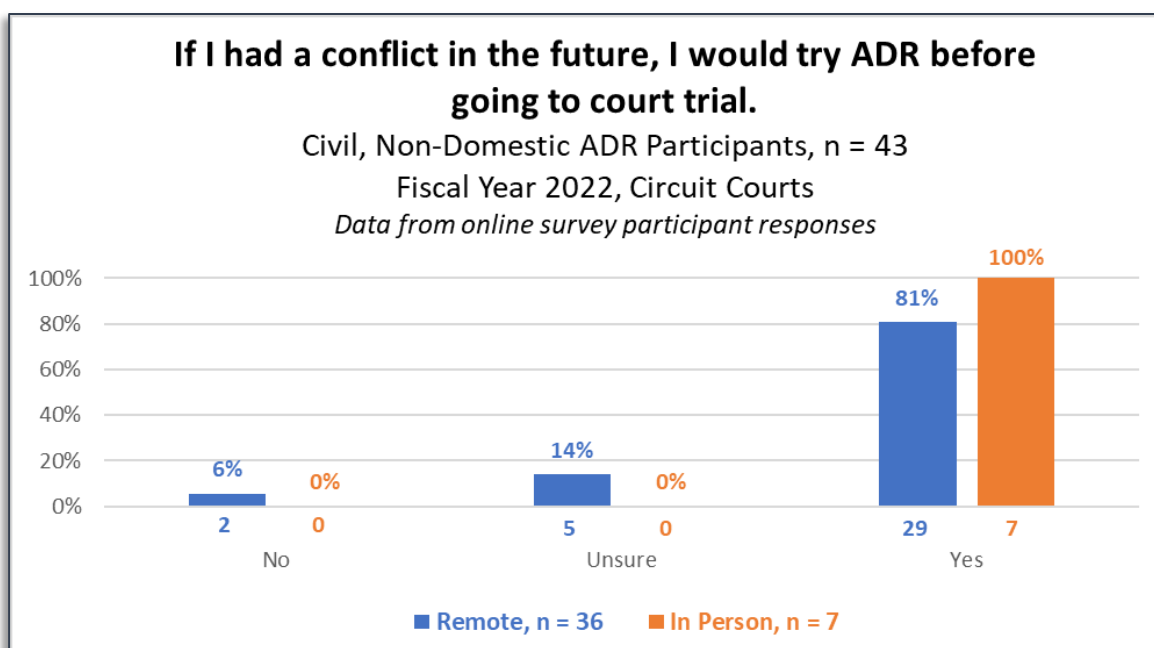
In fiscal year 2022, 44 civil, non-domestic ADR participants responded to the statement, “Overall, I was satisfied with this ADR session.” Of these respondents, 37 (84%) participated in their session remotely and seven (16%) participated in person. Remote participants agreed or strongly agreed with the statement in 32 (86%) instances, and in-person participants responded the same in six (86%) instances.



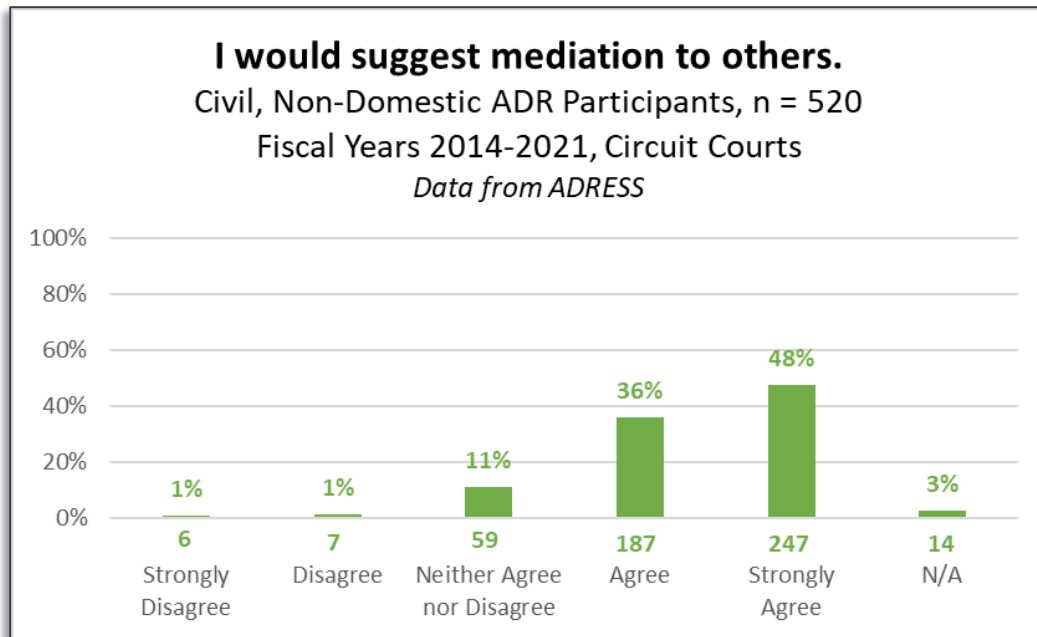
Historic data for in-person sessions collected through ADRSS shows that fiscal year 2022 participants were slightly more positive when reporting overall satisfaction than participants were in the past. From fiscal year 2014 through fiscal year 2021, 502 participants responded to the statement, “Overall, I was satisfied with this ADR session.” Of those participants, 409 (81%) agreed or strongly agreed that they were satisfied. These historic participants were more evenly divided between “agree” and “strongly agree” than their fiscal year 2022 counterparts, though there still was some variance. As with the other metrics discussed in this report, these numbers will continue to be monitored to identify emerging trends.



In addition to overall satisfaction, participants were asked to respond to statements around their likelihood to use an ADR process again in the future. In fiscal year 2022, 43 participants responded to the statement, “[i]f I had a conflict in the future, I would try ADR before going to court trial.” Remote participants accounted for 36 (84%) of these respondents, and in-person participants encompassed the remaining seven (16%). Most participants agreed that they would be willing to try ADR in the future, with 29 (81%) remote participants selecting yes and all seven (100%) in-person participants responding the same. Participants were given the option to state that they were unsure, and remote participants selected that response in five (14%) instances. Only two (6%) remote participants indicated that they would not be willing to try ADR before going to court trial in the future. While these numbers are preliminary, it is encouraging that most participants who completed a survey in fiscal year 2022 would be willing to try an ADR process in the future after their experience.

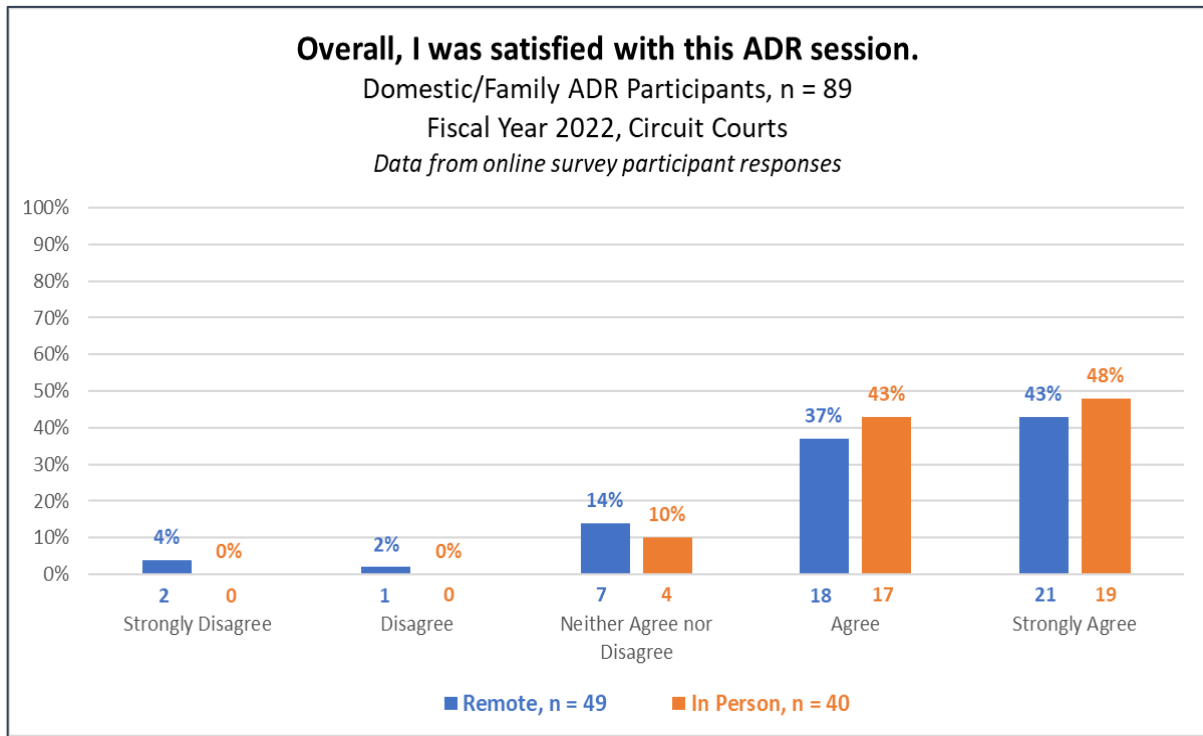


A similar measure of participant satisfaction for circuit court ADR participants completing the ADRESS survey was whether they would suggest the ADR process to others. From fiscal year 2014 through fiscal year 2021, 520 ADRESS responses to the statement, “I would suggest mediation to others” were collected from in-person participants. Participants agreed or strongly agreed with the statement in 434 (83%) instances, which is in line with the responses received to the updated fiscal year 2022 prompt.

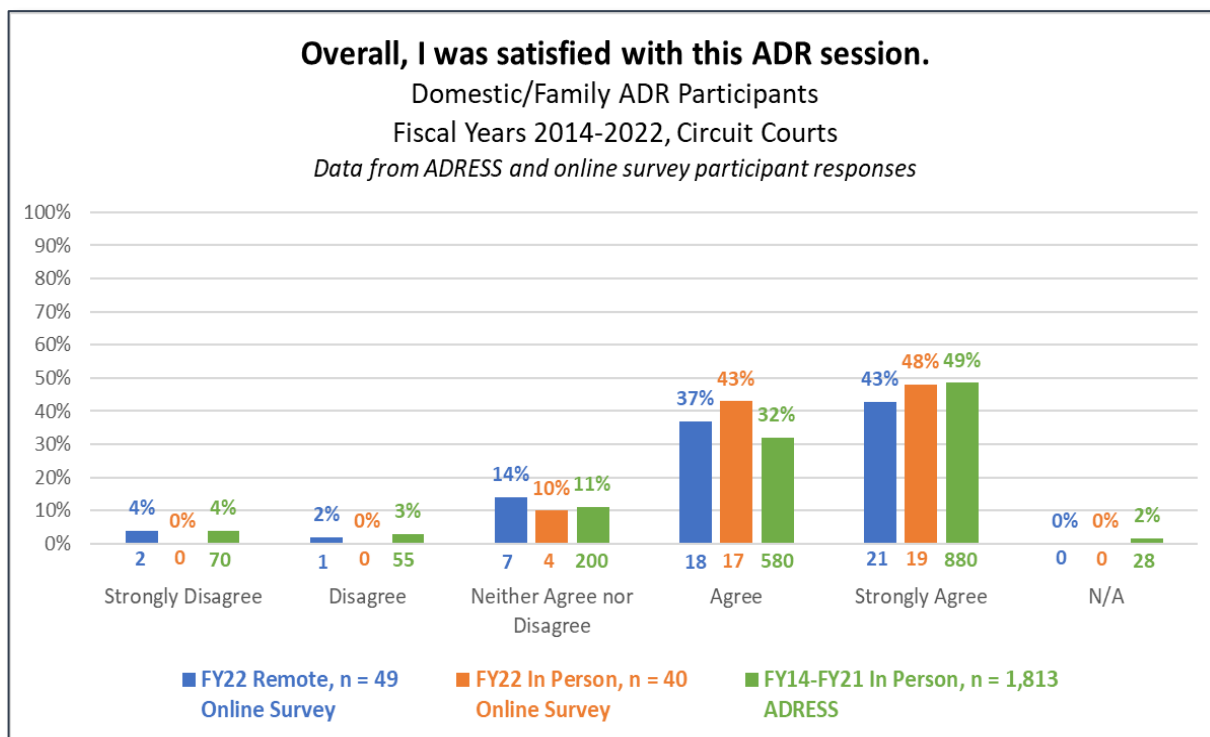


Domestic/Family Participant Satisfaction

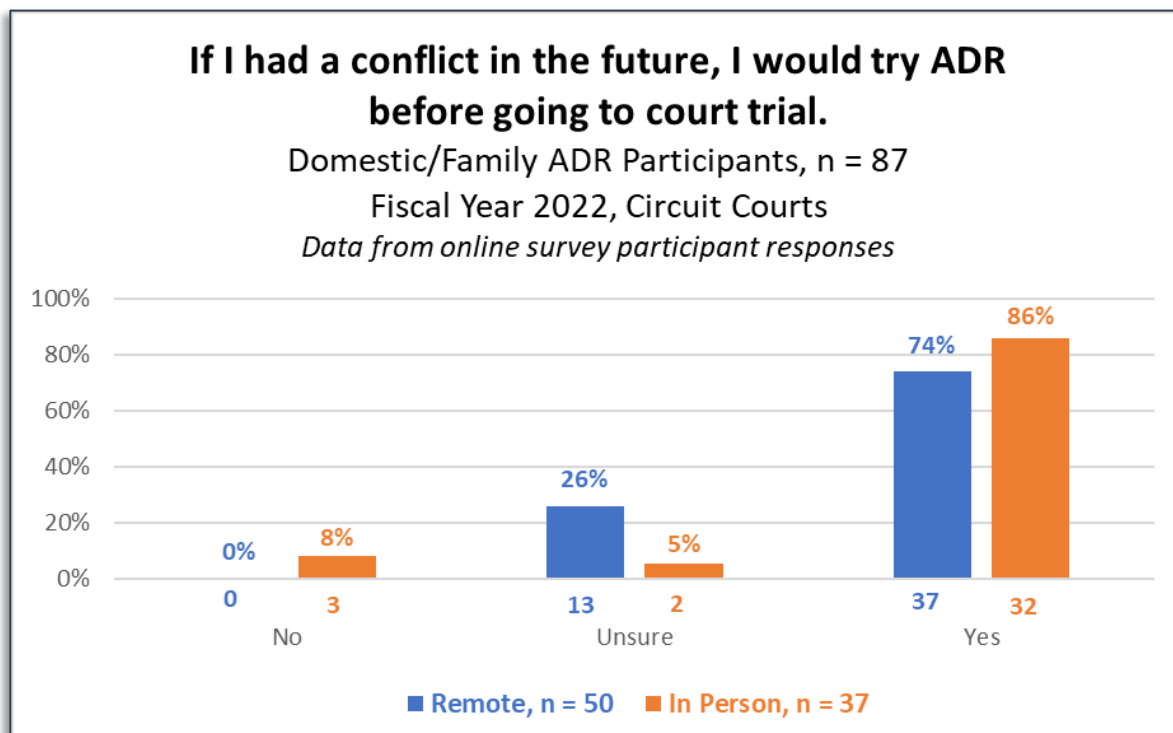
Slightly more domestic/family ADR participants submitted survey responses than their civil, non-domestic counterparts in fiscal year 2022. The statement, “Overall, I was satisfied with this ADR session” received 89 responses, most of which were positive. Remote participants accounted for 49 (55%) of the respondents, and 39 (80%) agreed or strongly agreed with the statement. In-person participants made up the remaining 40 (45%) respondents, with 36 (90%) agreeing or strongly agreeing with the statement. No in-person participants responded negatively to the statement, with the remaining 4 (10%) answering neutrally with the “neither agree nor disagree” option. As a whole, the domestic/family responses are positive, though they still differ based on how the participants attended the ADR session.



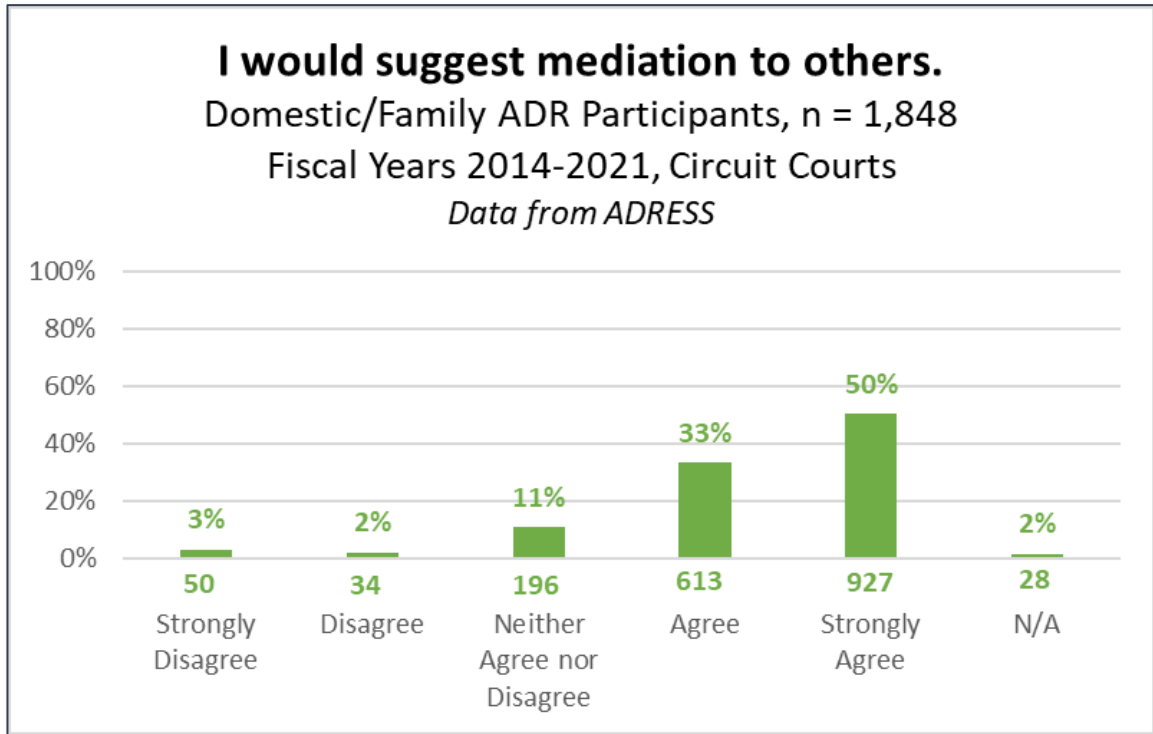
Though the remote responses were not as exceptionally positive as the in-person responses in fiscal year 2022, they very closely align with the in-person responses received from fiscal year 2014 through fiscal year 2021. Historic respondents agreed or strongly agreed with the statement, “Overall, I was satisfied with this ADR session” in 1,460 (81%) instances. This indicates that the overall satisfaction seen in fiscal year 2022 is on par with the satisfaction in previous years regardless of the mode of participation.



In fiscal year 2022, 87 domestic/family ADR participants responded to the statement, “If I had a conflict in the future, I would try ADR before going to court trial.” Of these respondents, 50 (57%) participated remotely and 37 (43%) participated in person. Remote respondents replied that they would try ADR in the future in 37 (74%) instances, and 32 (86%) in-person respondents agreed. No remote respondents stated that they would not try ADR before going to court trial in the future, with the remaining 13 (26%) indicating that they were unsure. In-person participants responded that they would be unwilling to try ADR before going to court trial in three (8%) instances, and the remaining two (5%) in-person participants responded that they were unsure.



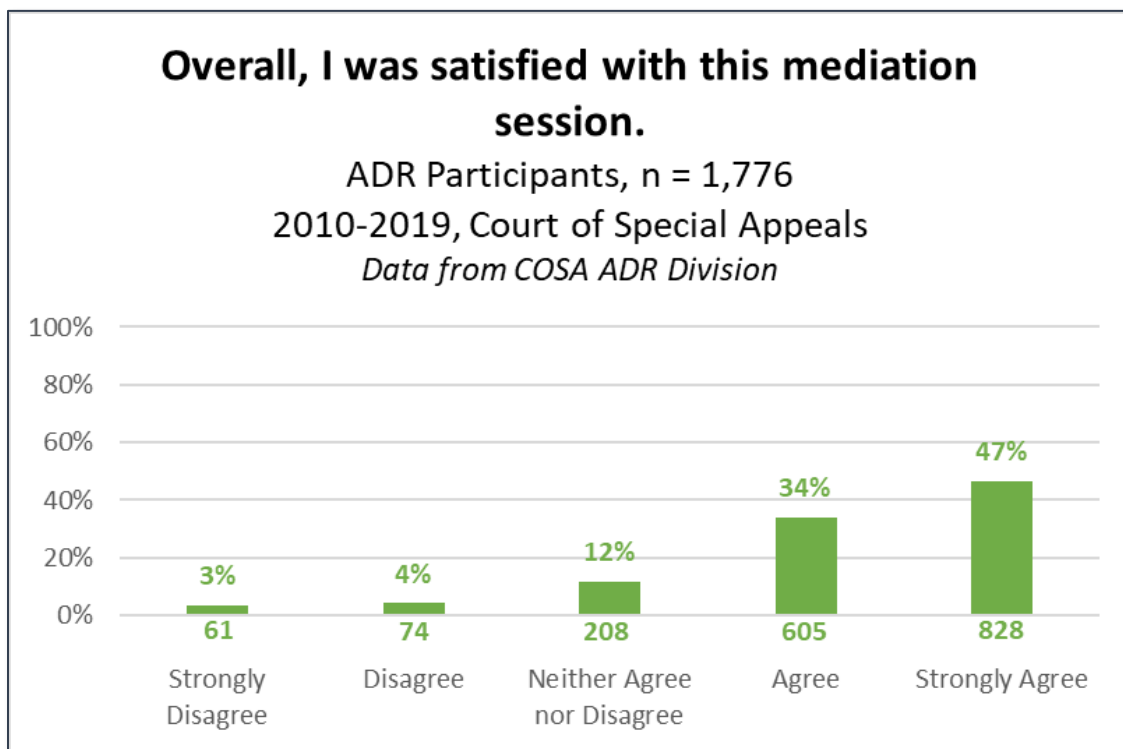
The most similar prompt provided on the ADRESS survey is, “I would suggest mediation to others.” From fiscal year 2014 through fiscal year 2021, 1,848 in-person domestic/family participants provided a response to this statement. The majority of responses were positive, with 1,540 (83%) agreeing or strongly agreeing with the statement. This falls between the remote and in-person responses from fiscal year 2022.



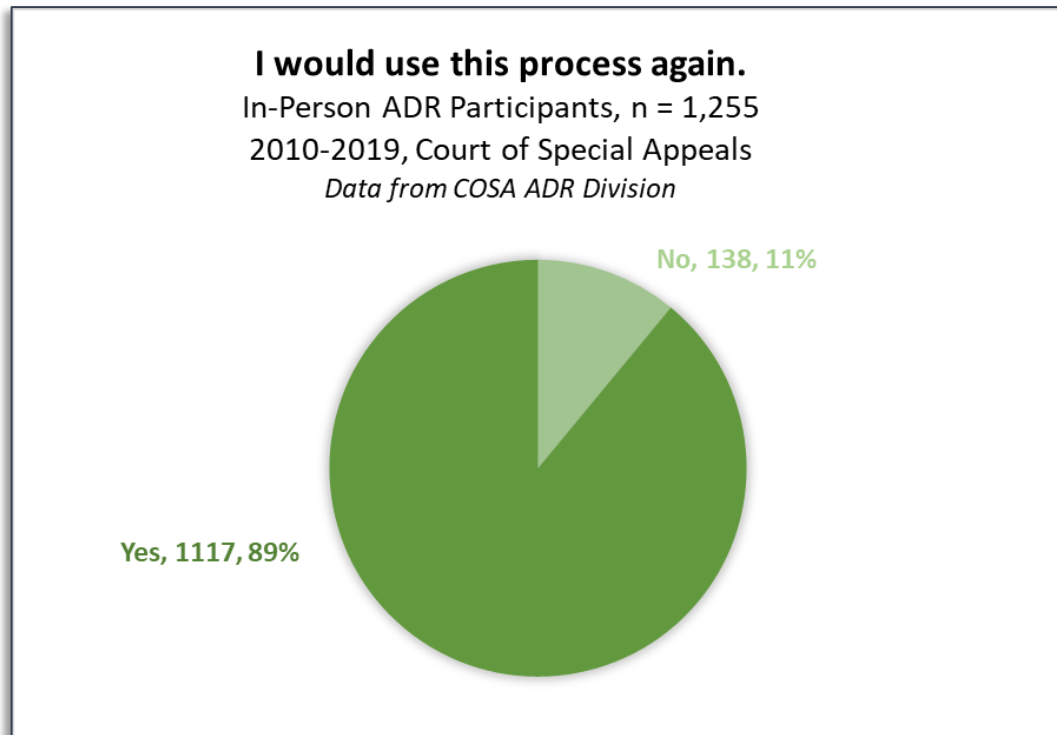
Appellate Court of Maryland (ACM)

Prior to the COVID-19 pandemic, the Appellate Court of Maryland relied on a paper-based participant feedback form. As remote services continue to be a useful tool for ACM, they have recognized the need for remote evaluation and are working with MACRO to develop such a tool. To establish a general framework through which to view the responses that will be received from participants in the future, this report analyzes the in-person participant satisfaction data from 2010-2019 collected via a component of ADRESS.

From 2010-2019, 1,776 in-person ADR participants responded to the statement, “Overall, I was satisfied with this mediation session.” Most of those participants responded positively, with 1,433 (81%) agreeing or strongly agreeing. As participant responses are recorded in the future, this information will be used as a baseline for examining remote ADR processes.



ACM ADR participants were also provided with the prompt, “I would use this process again” and provided with “yes” and “no” options. Of the 1,255 participants who responded, 1,117 (89%) indicated that they would. Again, this information will be used as a baseline for future responses collected by the online survey.



Summary

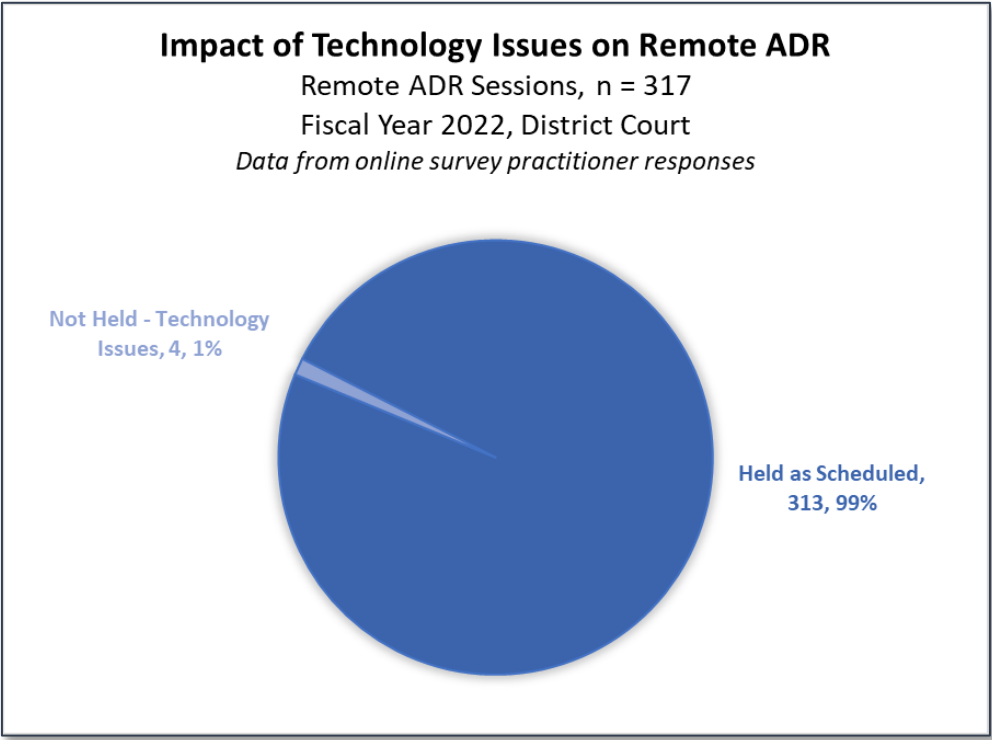
In fiscal year 2022, ADR participants were highly satisfied with their ADR session, regardless of the case type or the way in which the session was conducted. In addition to stating that they were satisfied with the session, most participants responded that they would either suggest ADR to others or use the process again in the future. The participant responses collected in fiscal year 2022 indicate that, overall, courts and practitioners effectively provided satisfactory ADR processes to the public.

V. Impact of Technology

At the onset of the COVID-19 pandemic, court programs and ADR practitioners quickly moved to meet the needs of the public, and remote ADR became the norm across the state. While some counties have since shifted back to a primarily in-person ADR program, many have continued to rely heavily on remote services. Outcomes and participant satisfaction are two ways the effectiveness of these processes has been examined. The final factors that this report will consider are how issues with technology impacted courts' and practitioners' abilities to offer ADR services and whether participants would want to partake in remote ADR when presented with an in-person alternative. This section examines participant experience with technology in the District Court and circuit courts. The Appellate Court of Maryland does not have data for participant experience with remote ADR for fiscal year 2022.

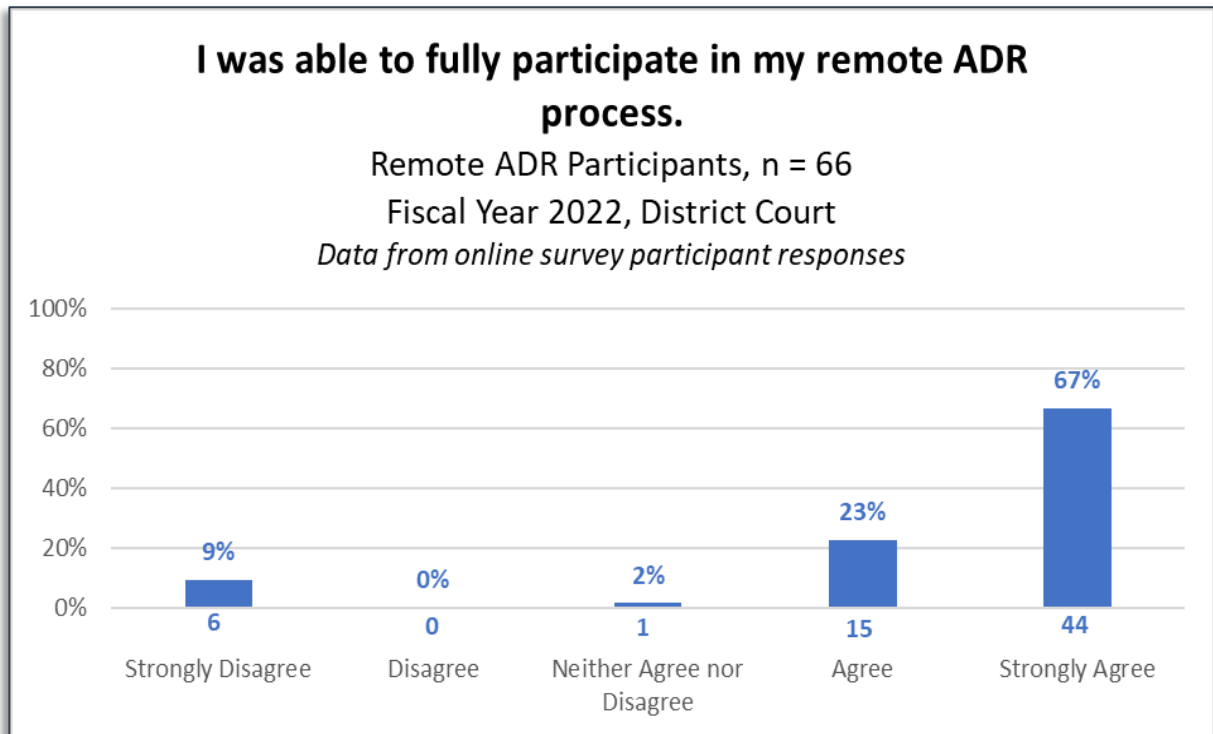
District Court

In fiscal year 2022, the District Court ADR Office had 317 remote sessions that were prepared to occur as scheduled. Only four (1%) of those sessions were not able to be held due to technology issues. The remaining 313 (99%) sessions were held as scheduled. This indicates that the measures the District Court employed to avoid a disruption in services were successful.

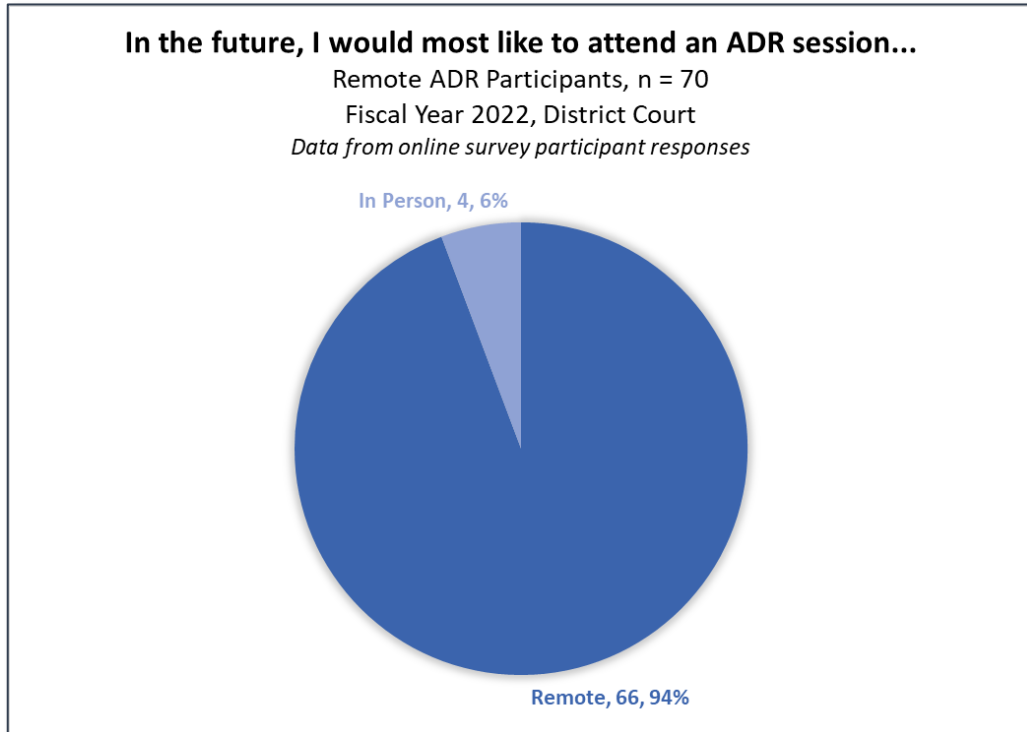


Public Experience with Technology

While the ability to conduct remote ADR is critical in this new, digitally reliant age, it is also important that the public to whom the service is provided have a positive experience using the technology. Remote ADR participants in the District Court were provided with the statement, “I was able to fully participate in my remote ADR process.” The majority of participants responded positively, with 59 (89%) of the respondents stating that they agree or strongly agree.

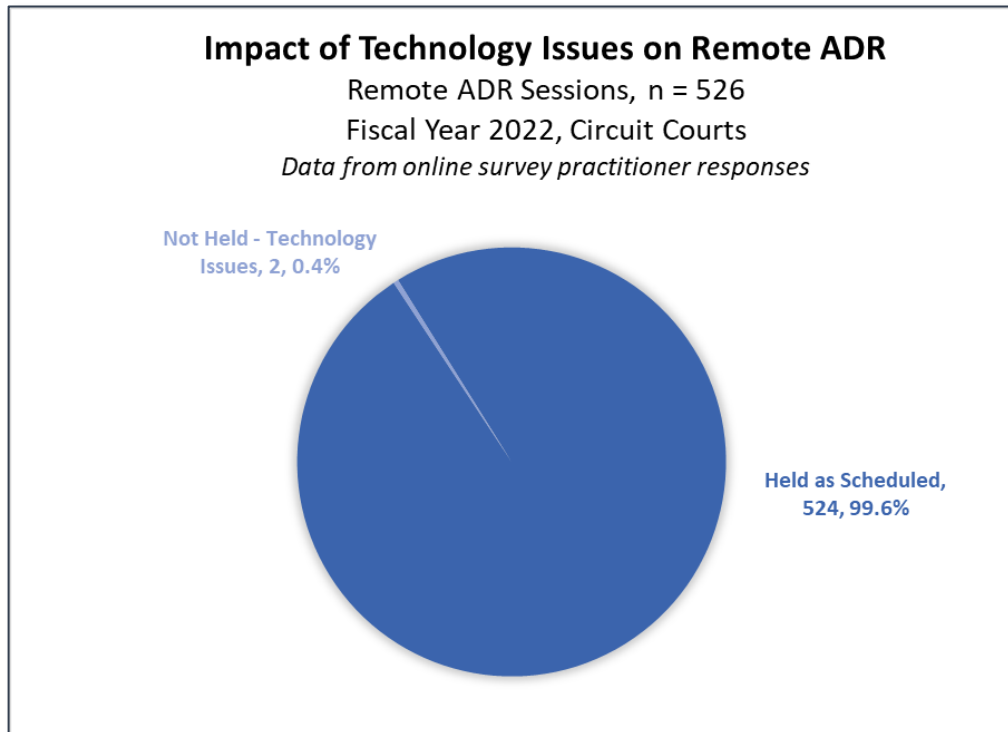


An additional way that public experience with technology was measured was through the prompt, “In the future, I would most like to attend an ADR session. . .” Participants were provided with the option of in person or remote. Of the 70 remote participants who responded, 66 (94%) selected that they would most like to attend a remote ADR session in the future. This indicates that, generally speaking, remote participants are satisfied with the remote ADR platform.



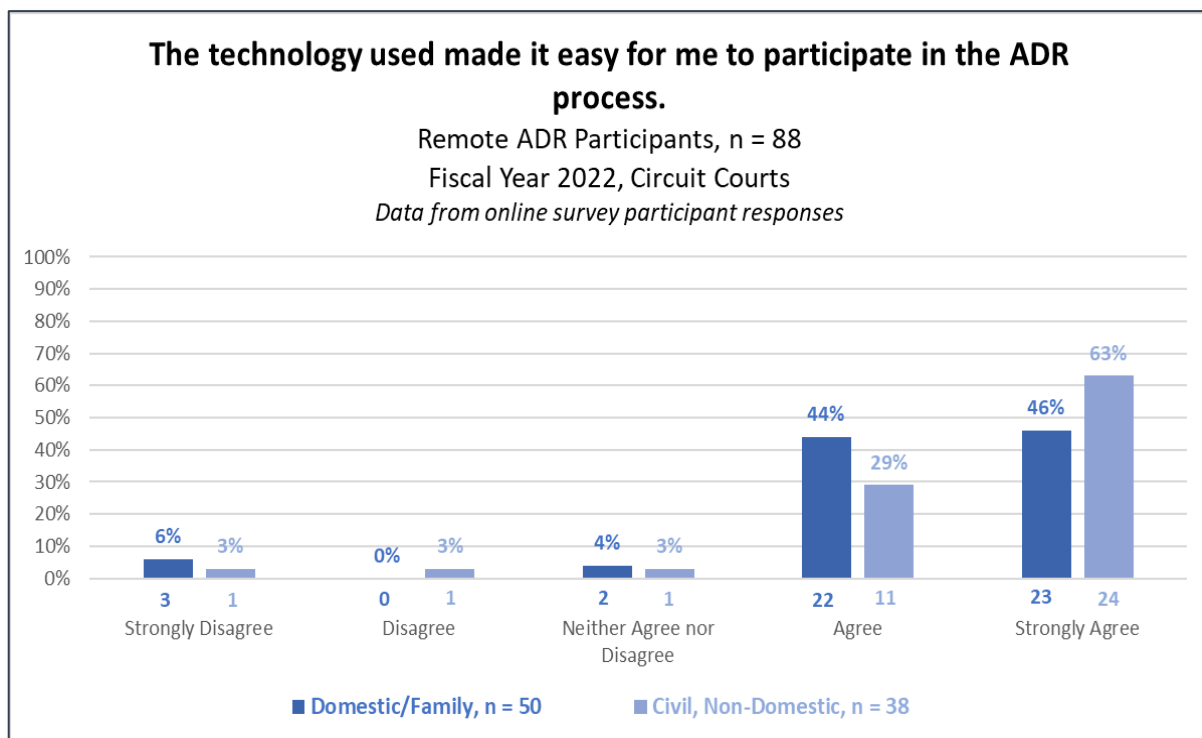
Circuit Courts

In fiscal year 2022, 526 circuit court remote ADR sessions were prepared to occur as scheduled. Only two (0.4%) of those sessions were not able to be held due to technology issues. The remaining 524 (99.6%) sessions were held as scheduled. This indicates that the measures circuit court ADR programs and practitioners took to avoid a disruption in services were successful.



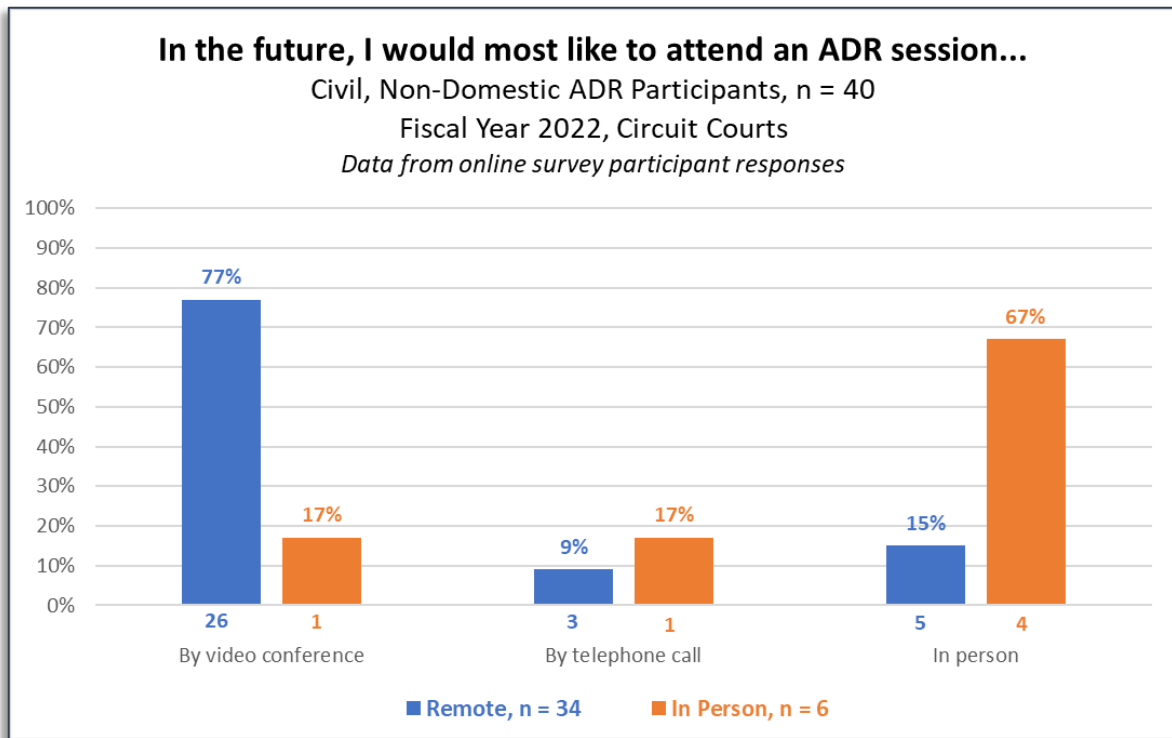
Public Experience with Technology

Circuit court remote ADR practitioners and participants were provided with multiple prompts to determine satisfaction with their remote ADR experience. Once such statement provided to remote participants was, “The technology used made it easy for me to participate in the ADR process.” Of the 88 remote participants who responded, 80 (90%) agreed or strongly agreed. Civil, non-domestic remote ADR participants were more likely to strongly agree with the statement, with 24 (63%) selecting that option and 11 (29%) responding that they agree. Domestic/family remote ADR participants were more evenly distributed, with 23 (46%) selecting “strongly agree” and 22 (44%) choosing “agree.” Overall, these responses indicate that, despite case type, remote participants found that they were easily able to participate in the remote ADR process.

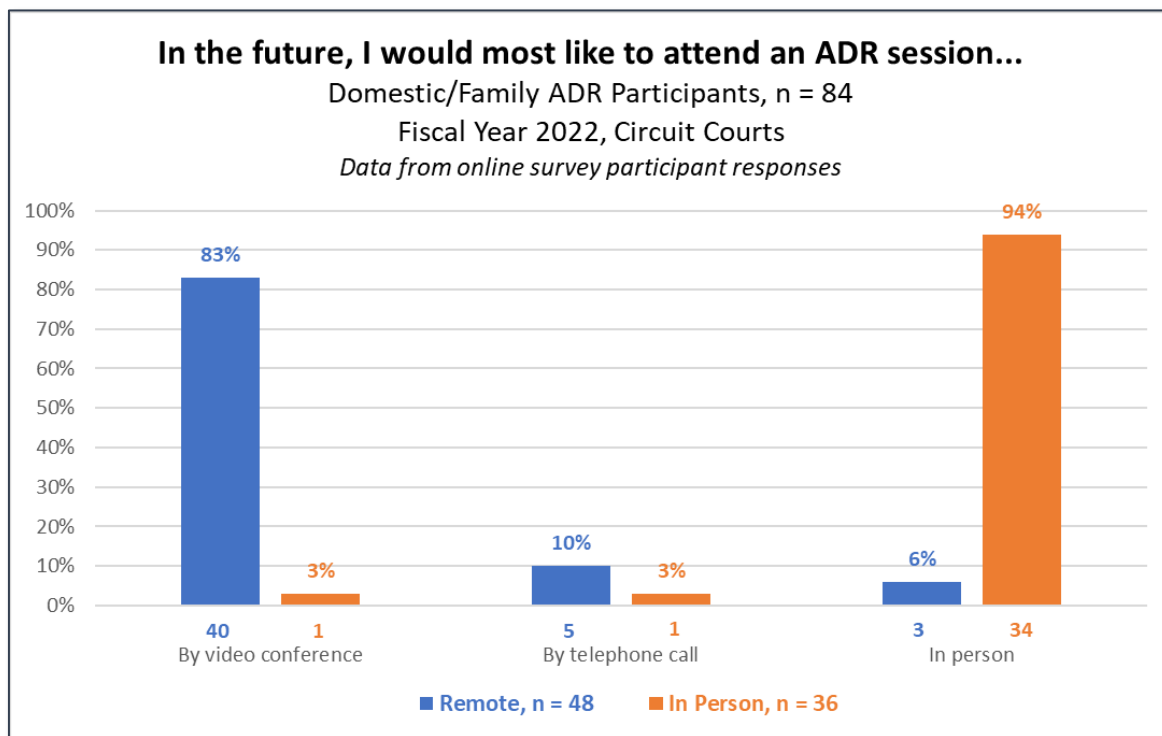


When prompted, “In the future, I would most like to attend an ADR session. . .,” civil, non-domestic and domestic/family participants were most likely to select the process in which they had already participated. Remote participants were most likely to indicate that they would prefer to participate remotely, and in-person participants were most likely to indicate that they would prefer to participate in person.

Of the 34 remote civil, non-domestic ADR participants, 29 (85%) selected one of the remote options (video conference or telephone call). Four (67%) out of the six in-person ADR participants selected in person, and the remaining two (33%) were evenly split between the two remote options. The number of respondents is so small that the responses do not necessarily indicate that in-person participants are more likely to choose remote ADR than remote participants are to choose an in-person session. Based on this data, participants are most likely to choose to participate in the future in the same manner they have already participated.



Domestic/family ADR participant responses are similar. Of the 48 remote participants who provided a response, 45 (94%) responded that they would most like to attend a remote ADR session in the future. In-person respondents selected an in-person session in 34 (94%) out of 36 instances.



Summary

Based on the preliminary data gathered in fiscal year 2022, remote ADR appears to be an effective process in terms of reliability and public usability. It is encouraging that most remote ADR participants would choose a remote ADR process again in the future. Equally reassuring, in-person participants would opt to participate in person in the future. This indicates that, as courts continue to examine remote and in-person ADR, participants are generally satisfied with the processes they are receiving.

VI. Conclusion

As stated throughout this report, the comparisons shown should not be viewed as conclusive evidence for or against the use of remote or in-person ADR in the District Court, circuit courts, and Appellate Court of Maryland. At this time, the central learning from the data collected in fiscal year 2022 is that neither remote nor in-person processes are raising red flags in terms of settlement data or participant satisfaction when compared to data from recent fiscal years. Additionally, technology does not appear to have been an impediment to sessions being held as scheduled.

The data reviewed in this report indicate that, as courts explore how remote ADR may be incorporated into their processes moving forward, this shift will likely not be to the detriment of the participants in the process. As the data sets for remote and in-person ADR continue to grow over the next few fiscal years, it will be possible to begin analyzing trends and the impact of remote and in-person ADR on different case types. At this time, it appears that both remote and in-person ADR processes are providing participants with functional, efficient, and effective opportunities to resolve their disputes without trial.