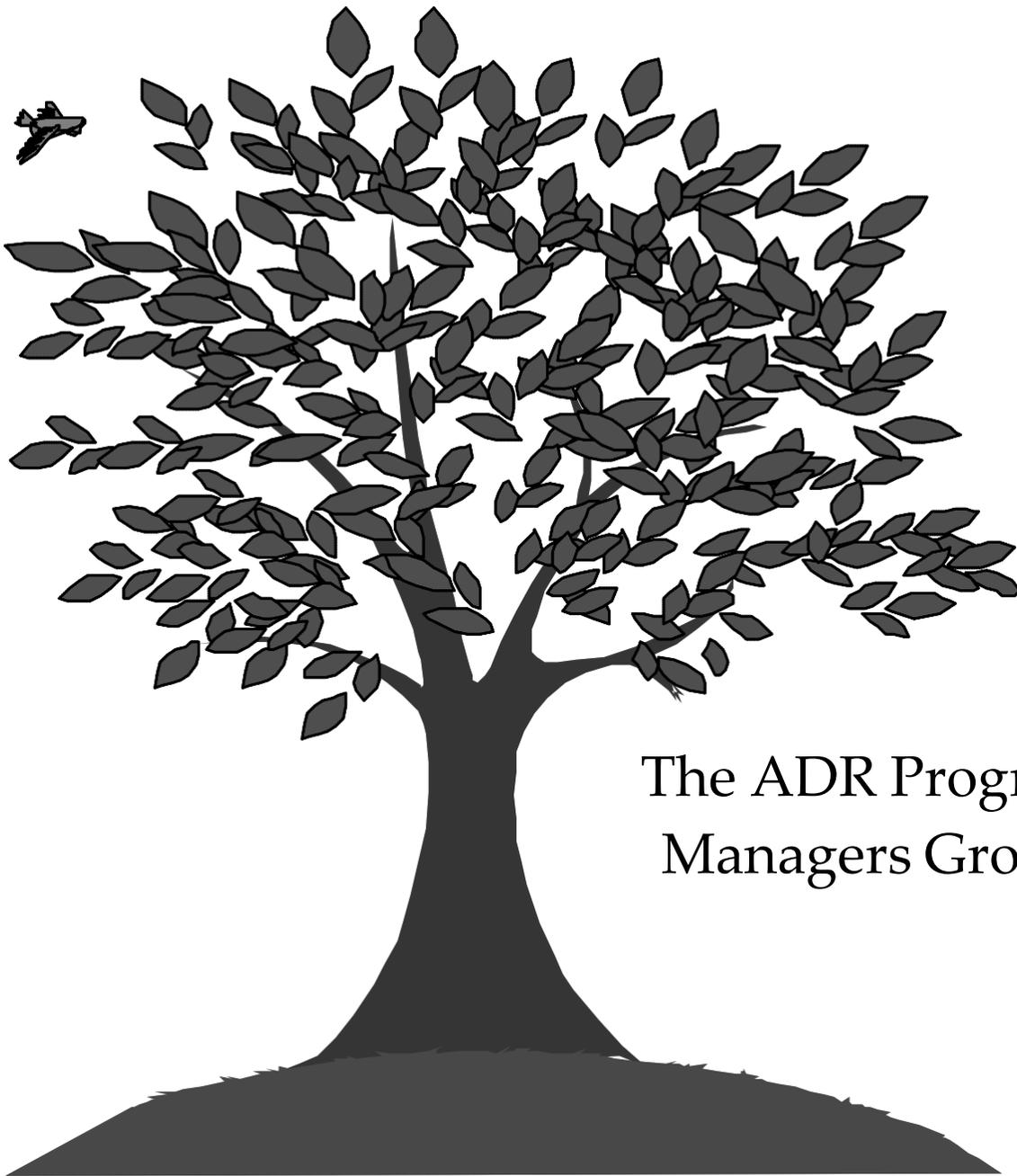


Guide for Mediation Program Managers



The ADR Program
Managers Group

Sponsored by the Maryland Program for Mediator Excellence



Published April 2011

(updates in progress- 2016)

C CONTENTS

INTRODUCTION	1
1 ASSESSING ROSTER NEEDS	3
A. Size of Roster	4
B. Types of Mediators	5
C. Mediator Demographic Characteristics	5
D. Geographic Considerations	6
2 SETTING QUALIFICATIONS FOR MEDIATORS	7
A. Mediation Training Requirements	7
B. Education Requirements	9
C. Experience Requirements	9
D. Practitioner Organization Membership Requirements	10
E. Licensing and Certifications	10
F. Geographic Requirement	11
3 BUILDING A ROSTER	13
A. Recruiting	13
B. Mediator Application	15
C. Interview	16
D. Orientation	16
E. Training for Beginners	18
F. Observation, Apprenticeship, and Mentoring	18
4 QUALITY ASSISTANCE	19
A. Apprenticeships	19
B. Observations	19
C. Mentoring	21
D. Training and Continuing Education	22
F. Staying in Good Standing—Program Expectations for Mediators	25
5 MEDIATOR ASSESSMENT AND EVALUATION	27
A. Assessing and Evaluating Mediator Performance	27
B. Improving Mediator Performance	28
6 DEALING WITH DIFFICULT MEDIATOR SITUATIONS	31

7 PROGRAM MANAGEMENT	35
A. Intake	35
B. Mediation Sites	37
C. Mediator Assignment	38
D. Scheduling Mediations	39
E. Late Arrivals, Cancellations, and No Shows	40
F. Mediation Participants	41
G. Handling Complaints from Mediation Participants	42
8 PROGRAM FEES	45
9 MEDIATOR COMPENSATION	49
A. Paid Mediators	49
B. Unpaid Mediators	50
C. Reimbursements	51
10 SHOWING A PROGRAM'S VALUE AND SUCCESS	53
A. Collecting the Data	53
B. Intake Data Collection	54
C. Session Data Collection	54
D. Mediator Data Collection	55
E. Participant Data Collection	55
F. Reporting and Analyzing Data	55
11 PROGRAM OUTREACH AND PARTNERSHIPS	59
A. Educating the Public about the Program	59
B. Developing Partnerships	61
FINAL THOUGHTS	65
RESOURCES	67

INTRODUCTION

This guide was created for your use by others in similar positions. We hope this resource will assist you in creating, improving, and managing your roster to suit the needs of your program and its constituents.

Whether you consider yourself a program manager, roster manager, administrator, coordinator, or something else, this guide will provide you with helpful information about how to create or shape a program from the ground up and develop protocols and procedures that will build a solid foundation. Created with the assistance of the Maryland Judiciary's Mediation and Conflict Resolution Office (MACRO), the guide is filled with years of experience of other program managers in Maryland who work in a wide variety of venues, including community, court, government, and business associations. In addition to offering insights as to how and why their programs operate the way they do, you also are provided with alternative choices that might better suit your program.

Mediation is an effective method of resolving disputes, and organizations have recognized its benefits for those involved in the dispute as well as for the organization or community in which the dispute is taking place. By establishing a program that meets the needs of the organization or community, and by filling a roster with capable and qualified mediators, your program is sure to be one that is useful, dependable, and beneficial for all concerned.

Whether it is setting qualifications for your mediators, dealing with difficult situations, handling complaints, or program outreach, this guide has information that you will find useful, practical, and tested in programs that currently exist around the state. And, because programs are constantly evolving based on their needs or experiences, this guide and the ADR Program Managers Group will also provide you with contacts and resources to continue to develop your program.

We are fortunate that Maryland is home to a highly skilled and diverse conflict resolution practitioner community and highly supportive champions of mediation. These resources are at your disposal, and with this guide, you now have the ability to plug in and be connected.



1 ASSESSING ROSTER NEEDS

Recruiting, selecting, and maintaining a roster of mediators that will meet the service demands of your program can be challenging. Programs need a sufficient number and perhaps specific types of mediators to handle cases in a timely manner and offer quality services. When assessing or re-assessing the roster needs for your program it is important to look at the clientele your program is serving and determine what mediator characteristics are needed to address their needs. Factors to consider when assessing your roster needs may include any or all of the following:

- A. The size of the roster
- B. The type of mediators, including mediator skill level and background
- C. Mediator demographic characteristics
- D. Geographic location of the mediators

When assessing program needs, you may want to consider what characteristics the program is looking for in its mediators, and what requirements the program has for mediators to join the roster and stay in good standing. Be clear about the scheduling requirements, mediator location, venue, and time commitment that the program needs from its mediators.

Some programs may have strict requirements for mediators to join the roster while other programs may have more flexibility in how they recruit and which mediators they choose to add to or keep on their roster. In rare instances, an existing program may not be able to recruit new mediators and instead may have to find ways to manage and educate the mediators already on their roster.

A. Size of Roster

The size of a program's roster is often influenced by the number of cases, types of mediations, scheduling and location of mediations, and mediation models (co-mediation or solo). Having too few or too many mediators can cause problems for program managers.

Too Few Mediators

When a program does not have enough mediators or enough mediators in a particular service area, the mediators may be asked to mediate too frequently. If they are volunteers, this may lead to burn out. If they are paid, mediators are usually happy to get many referrals, but then the participants may not get the diversity, variety, and choice that they could or should. Too few mediators on a roster can also lead to scheduling dilemmas where the program or the mediators may not be able to schedule mediation sessions as quickly as necessary. This can lead to greater lag time for the participants who may be better served by a quicker process. Having too few mediators can also present difficulties when it comes to busy times for the program (if and when the caseload increases) or during vacation or holiday seasons when mediators are not available to mediate.

By contrast, an advantage of having a smaller roster of mediators may be that it allows those practitioners to hone their skills by mediating often and gaining broader experience within the program. Smaller rosters might make it easier to ensure that each mediator can fulfill the prescribed number of mediations per time period, if required, or to know whether the mediators are making enough money per case or per session to make it worthwhile to mediate for the program. Programs that pay their mediators might need to balance the size of their roster and their budget with meeting the needs of the mediators.

Too Many Mediators

By having too many mediators, programs may run into quality assurance issues. There might not be adequate time for staff to observe their mediators, offer feedback, and get a feel for each mediator's strengths and areas for improvement. If there are not enough mediations for a large roster, mediators may get frustrated and feel underutilized; their skills might also get rusty if they are not practicing in other venues. A large roster can also complicate communication between staff and the mediators. The more mediators on a roster, the more people the program has to

contact when scheduling and when sending out program or policy change information. It can be difficult to oversee the actions of so many mediators.

On the other hand, a large roster can be helpful when it comes to scheduling quickly because it's more likely that someone will be available when needed. Also, if participants request a mediator with certain characteristics, a larger roster makes it easier to find an appropriate match. See Chapter 7: Program Management for more about special requests.

B. Types of Mediators

Programs may handle specific types of cases that make certain mediator characteristics valuable. When assessing your program's roster needs, ask whether particular mediator training, skills, experience, or education will help you serve your clients better. For example, if construction-oriented cases make up a significant portion of the program's mediations, would mediators with experience in the construction industry have specific knowledge needed to understand and more effectively handle disputes between builders and homeowners or among contractors? If so, is that knowledge necessary or simply helpful? In other words, should such a background be required or do you just want to include it as one possible aspect of your mediation pool?

If the program needs a diverse group of mediators, be creative when thinking of ways to recruit and where to recruit. See Chapter 3: Building a Roster for ideas about recruiting people with particular backgrounds, licenses, and skills.

C. Mediator Demographic Characteristics

Some programs attempt to match their mediators to the demographic characteristics of the participants. This makes it desirable to have a diverse roster of mediators in terms of age, gender, race, ethnicity, socio-economic status, education level, and language ability.

Here are some ideas for recruiting mediators with specific demographic characteristics:

- Recruit school-based peer mediators of a certain age group through flyers, assemblies, or home room presentations in the school.

-
- Recruit college age mediators from local community colleges and universities through school sponsored job fairs, flyers, orientations, presentations to students.
 - Recruit older adult mediators from local senior centers, department of aging, local chapters of AARP, flyers at local libraries.
 - Recruit multilingual mediators by using media in the targeted language

D. Geographic Considerations

Some programs may have geographical requirements or preferences for mediators to live or work in the county or city they will be mediating in. Programs may have a requirement that their mediators be willing to travel within a certain distance in order to be on their roster. It is important to be clear about any expectations the program may have for their mediators, including geographic or travel requirements.

Overall, mediation programs need to be accessible and able to offer their services in a timely manner for those seeking to resolve their disputes. At the same time, mediators on a program's roster need to have a clear understanding of how they will be employed by the program.

2 SETTING QUALIFICATIONS FOR MEDIATORS

To establish an effective roster of mediators available to handle the disputes a program addresses, you will have to set qualifications for the mediators to be included in the pool. Depending on the program, the list of qualifications may be long or short, broad or narrow, or anywhere in between.

The quality of a mediation program will hinge on, among other things, the quality of the mediators themselves. So making the determination as to what qualifications the mediators must have in any particular program is an important step to consider when establishing or revamping a program.

Initial qualifications for mediators often start with mediation training itself, which runs the gamut from no previous mediation training necessary to minimal training qualifications to advanced qualifications. Beyond mediation training, programs may require varying levels of mediation experience (a few cases through higher threshold levels) or perhaps little mediation experience but some other advantageous knowledge related to a particular subject matter. And, as will be noted, there are a variety of other considerations to keep in mind. Each of these is worthy of comment.

A. Mediation Training Requirements

For beginning as well as advanced mediation training, you have the option of requiring mediators to possess it before being added to your roster, or you can provide the training as a way for them to earn entry to or retain a spot on your roster.

For some programs, applicants must arrive with basic or beginning mediation training. Generally, that will consist of at least 40 hours of instruction. In addition, a program might require that within the basic or beginning training certain

concepts are covered. For example, to qualify for the circuit court programs, applicants must have completed a 40-hour training that meets the requirements of the Maryland Rules, which specify instruction in mediation skills and techniques, mediation theory, mediator conduct and rules, and statutes and practices governing mediation. (See *Maryland Rules of Procedure*, Rule 17-104).

Other programs, however, prefer to provide their own mediation training, sometimes even if a mediator has already had training from some other source. This might be because a program prefers consistency in the mediation style it offers, or to ensure the training received by its mediators meets a certain quality or contains certain content. For example, many community mediation programs require their mediators to take the community mediation training and follow a particular mediation model (sometimes called “inclusive mediation”). This helps the programs maintain consistency in their mediations, and, because they use co-mediation, it enables the mediators who work together to follow the same procedures and model.

You might set a higher mediation training threshold, perhaps because of the type of disputes regularly mediated within your program. The advanced training requirement might focus on skill building or a specific subject matter, such as child access issues or marital property issues. This requirement might stem from legal rights that exist within the conflicts or the complexity of the conflict and related issues. Some other types of mediations where advanced training might be helpful include the following:

- Elder law
- Workers' compensation
- Individualized Education Plans (IEP)
- Multi-party disputes
- Business and technology cases
- Marital property issues
- Health care malpractice claims

In addition, advanced training may focus on skill building and development. Such courses might address skills like these:

- Agreement writing
- Impasse strategies

-
- Working with attorneys in mediation
 - Strategic listening
 - Brainstorming
 - Mediation ethics

B. Education Requirements

Beyond training requirements, some programs choose to have threshold education requirements for their mediators. Some courts, for example, require a bachelors degree; although, that requirement may be waived under some circumstances. Other programs, such as community mediation programs, have no such formal educational requirement.

Some court programs might require that mediators have a law degree and/or be admitted to the Bar. The requirement of a law degree is based on the assumption in some courts that a mediator should have substantive knowledge of the type of cases that they mediate and that participants in cases referred to mediation may be represented by attorneys. Those attorneys may have an expectation that the mediator has experience in a particular practice area. In addition, some programs that offer family mediation require mediators that handle marital property disputes to be familiar with marital property legal issues, including retirement benefits and alimony laws.

C. Experience Requirements

Mediation programs may accept brand new practitioners or only those who have a good deal of experience mediating a variety of cases. Programs that employ entry-level mediators may want to have a hand in training those mediators to ensure they mediate in conformity with the practices of a particular program. They may require mediators to co-mediate a certain number of cases with a more experienced practitioner before they begin mediating solo, or they may require participation in an apprenticeship or mentorship process within the program. See Chapter 4: Quality Assistance for more information on mentoring.

Conversely, mediators may be required to complete advanced or extended training or have mediation or background experience with certain kinds of cases. For example, a program that mediates a specific dispute type might require its

mediators to have a particular background, degree, or specialized training so the mediators are familiar with the practices and procedures in that content area. Some programs may find that for certain types of cases it is beneficial for the mediator to understand the terminology and procedures involved in that type of case through prior experience, education, or training. These cases might include medical malpractice, workers' compensation, business and technology, or foreclosure matters.

D. Practitioner Organization Membership Requirements

Some programs require their mediators to join a mediation or ADR practitioner organization, which can accomplish several goals. First, the membership organizations might have quality assurance or quality assistance programs in place that will support their members in terms of continuing education programming, mentoring opportunities, and other ways for members to improve their practices. Second, these organizations offer a wealth of networking opportunities, which often leads to conversations and relationship building that enhance professional development. Finally, mediation and ADR membership organizations may require their members to adhere to codes of conduct or standards of practice, which benefits their members by providing an anchor for dealing with ethical or practice issues that may arise.

Some examples of professional memberships or affiliations include:

- The Maryland Program for Mediator Excellence (MPME)
- The Maryland Council for Dispute Resolution (MCDR)
- The Maryland Chapter of the Association for Conflict Resolution (ACR)
- The Maryland State Bar Association (MSBA) ADR Section

Other local, state, regional, national, and international organizations also provide valuable benefits that a program might want its members to access.

E. Licensing and Certifications

At the time of this writing, no known programs in Maryland require a license or certification for mediators to be on their rosters. However, some programs may have internal certification processes or there may be industry specific licensure required. For example, the Maryland Association of Realtors® (MAR) Mediation Program has an internal certification program. Under the MAR Program,

mediators are required to complete a basic 40-hour interest-based skills training in addition to committing to the program's internal ADR certification designed specifically for the real estate community and industry.

F. Geographic Requirement

A program may require that its mediators have an office or available meeting place in the county where the program is located so mediations can be scheduled at a convenient location for its participants. Some community mediation centers require that their mediators live in the same county where the center is located. This assures that the mediators on the center's roster will be comprised of members of the community. Part of community mediation's guidelines is to reflect a community's diversity.



3 BUILDING A ROSTER

Some actions described in this chapter might occur after recruitment efforts and prior to a mediator being permitted to mediate for the program. Each mediation program defines such terms as “entry into the program,” “orientation,” “screening,” or “apprenticeship,” in its own way. Whereas one program may orient its roster mediators after accepting them onto the list, another program may view orientation as part of the screening process so the mediator must complete the orientation before being officially accepted onto the roster.

Program managers may use any combination of tools to determine whether to add a potential mediator to a program roster. Such tools include applications, interviews, orientations, training, observation, apprenticeship, and mentoring.

A. Recruiting

Some programs only recruit experienced mediators; others bring in people who have not been trained. Whichever approach your program takes, be creative when thinking of ways to recruit and where to recruit. If the program needs mediators with a certain background or license, it is best to recruit in places where people with that specialty will notice your search.

Here are some ideas for recruiting mediators with a variety of backgrounds:

- Recruit people with specific job backgrounds or licenses from places where those people might work or live (e.g., recruit builders and contractors through trade associations or local firms; recruit social workers from practitioners’ associations, conferences, or graduate alumni associations).

-
- Recruit people from a variety of backgrounds by posting ads in local newspapers, community bulletins, library bulletin boards, non-profit associations, grocery store bulletins, on the internet, and through word-of-mouth.
 - Recruit mediators who are attorneys through legal periodicals (e.g., *The Daily Record*) and law school newsletters or websites. Reach out to the bar association's ADR committee in the county(s) where the program needs mediators or to the state bar association. Many courts maintain a roster of attorney-mediators who have been approved to mediate for the court and who might be willing to mediate for your program, too.
 - Contact local and state ADR organizations, such as the Mediation and Conflict Resolution Office (MACRO), the Maryland Program for Mediator Excellence (MPME), the Maryland Council for Dispute Resolution (MCDR), and the Maryland State Bar Association ADR Section, that might be able to assist in finding mediators with specific experience or backgrounds.
 - Recruit school-based peer mediators of a certain age group through flyers, assemblies, or home room presentations in the school.
 - Recruit multilingual mediators by advertising with media in the desired language.

SCREENING PROCESS FROM A COMMUNITY MEDIATION PROGRAM

1. Potential applicant attends an informational session
2. Program manager conducts face-to-face interview with applicant
3. Applicant submits volunteer mediator application
4. Applicant signs training and apprenticeship contract
5. Applicant attends basic mediation training provided by the program
6. New mediator observes two program mediation sessions and attends post-mediation feedback sessions with the session mediators
7. New mediator co-mediates at least twice with experienced program mediators
8. New mediator attends strategy session with program manager
9. New mediator is placed on the roster

DO YOU REALLY NEED IT?

Have a purpose for everything you request. For example, if a question asks about the applicant's criminal record or past ethical complaints, how will the responses influence the decision of whether to add the applicant to the roster? If there is no affect, is the question needed?

Regarding policies, a community mediation program might not be concerned with a mediator's educational background, but a government program might. A circuit court program must ask for educational background because the governing court rule requires mediators to have a bachelor's degree.

Overall, mediation programs need to be accessible and able to offer their services in a timely manner for those seeking to resolve their disputes. At the same time, mediators on a program's roster need to have a clear understanding of how their services will be used by the program.

B. Mediator Application

If a program uses an application form, each piece of information requested should have a specific purpose in the decision process and comply with any relevant policies.¹

Programs may require a written or on-line application, which might request the following information:

- Name and contact information
- Education
- Mediation training(s) completed
- Mediation experience (number of hours, cases, or years in practice and in what venues)
- Personal mediation philosophy or approach statement
- Geographic location
- Employment status and supervisor approval (for in-house programs)
- Special training or certification
- References (preferably persons with specific knowledge of the mediator's style and skill who have either trained, co-mediated with, observed, certified, assessed, or evaluated the mediator)

¹For examples of applications, go to the MACRO website at www.marylandmacro.org, look under the Publications section on the navigation bar on the left, and click on "Guide for Mediation Program Managers."

C. Interview

If the program will require an interview, determine the goals first and then develop interview questions accordingly. Interviews may be conducted in person or over the phone. An interview process can help the interviewer better determine if the applicant will be a good fit for the program.

Possible interview topics may address the applicant's:

- Mediation training, experience, and philosophy
- Motivation for or interest in becoming a mediator (especially if he or she is not trained already)
- Current and past volunteer involvement (for programs seeking volunteers)
- Conflict resolution experience, if any
- Availability to mediate and geographic limitations

Experience has taught us to be cautious about people who are already over committed, who have trouble communicating clearly, who fail to follow up promptly, or who seem to be seeking an advocacy or decision-making role rather than an impartial role.

D. Orientation

Orientation may provide the program manager an opportunity to offer clear guidance to potential mediators on how to conduct the program's mediations, and it gives mediators a chance to ask questions.

Some programs provide a formal group orientation that can last from one to several hours.

Others provide one-on-one orientation between the program manager or other staff member

WHAT CONSTITUTES A COMMITMENT TO CONTINUED LEARNING?

One government agency defines "an active commitment to continued learning and skills improvement" this way:

Roster mediators must be members of the Maryland Program for Mediator Excellence (MPME), in which members need to complete 10 total hours of continuing education annually, including at least 2 hours in the subject of ethics. Mediators must also attend at least one agency-sponsored workshop or training annually.

and the new mediator. Programs might also offer orientation packets or documents for the new mediator to review that explain the program's practices.

Orientation topics may include:

- Program and organization overview
- Policies and procedures
- Types of cases mediated
- Forms or other paperwork
- Program's preferred mediation style or approach, i.e., analytical, facilitative,

HOW ONE CIRCUIT COURT ADDRESSES THE CONTINUED LEARNING COMMITMENT

- › Mediator completes 4 hours of continuing mediation-related education in every calendar period as required by Maryland Rule 17-205(a)(5).
- › Mediator is open and responsive to feedback (e.g., maintains good working relationship with co-mediators, and if concerns arise regarding co-mediation or other, the mediator is willing to discuss those concerns with the co-mediator and/or the program staff).
- › Mediator renews any required program contract on a regular basis.
- › Mediator has had no participant complaints, or if there have been complaints, the mediator has been willing to work with the parties and/or program staff to resolve complaints when necessary.

inclusive (formerly community), or transformative, if relevant

- Agreement writing tips, specific language requirements, common clauses
- Examples of common agreement or contract terms
- Requirements of mediators, such as, certifications, licenses, professional memberships, continuing learning and skills education
- Expectations or guidelines for mediators, including conduct, best practices, use of ombuds program, as well as the mediator contract or program volunteer agreement
- Scheduling process
- Apprenticeship, mentorship, or observation opportunities
- Program and mediator evaluation processes
- Details on how to deal with any participant complaints or concerns
- Questions the orientation participants have
- Skill building specifically associated with the program

E. Training for Beginners

Some programs may allow applicants who have no previous mediation training to join the roster by inviting them to attend the program's basic training. Programs could hold their own mediation training for beginners, hire a trainer outside the program to conduct the training, or allow applicants to attend another training approved by the program.

F. Observation, Apprenticeship, and Mentoring

Each program may define the terms "observation," "apprenticeship," and "mentoring" differently. For some programs, apprenticeship or mentoring would include both observation and co-mediation. Other programs might not consider observations to be part of apprenticeship or mentoring. In fact, live mediation sessions might not always be available for new program mediators to observe or mediate; therefore, programs might have to offer role play or mock mediations. Live observations or role play sessions may also include post-mediation feedback or a debrief session with the mediators.

For more information on training, observation, apprenticeship, and mentoring, see Chapter 4: Quality Assistance.

SCREENING PROCESS FROM A STATE GOVERNMENT MEDIATION PROGRAM

1. Applicant who has completed basic mediation training considered compatible with the program's mediation framework or philosophy completes on-line application
2. Program manager conducts phone interview with applicant
3. Applicant submits resume
4. Applicant attends half-day orientation session
5. Applicant signs mediator contract and becomes a program mediator
6. New mediator observes two program mediation sessions and attends the debriefing sessions with the session mediator(s)
7. New mediator co-mediates with more experienced program mediators
8. New mediator is placed on the roster

4 QUALITY ASSISTANCE

Programs often include such components as apprenticeships, observations, and mentoring to ensure that clients receive the best possible mediation services. As mentioned in the previous chapter, each program may define the terms “apprenticeship,” “observation,” and “mentoring” differently. For some programs, apprenticeship or mentoring includes both observation and co-mediation. The following subsections are meant to give you ideas for maintaining the quality of your program’s services.

A. Apprenticeships

An apprenticeship may include several observations (usually one to three), co-mediation with an experienced mediator for the new program mediator’s first few cases, and strategy and evaluation sessions to review the new program mediator’s strengths and areas for improvement.

B. Observations

Programs may require a mediator who joins the program to observe one or more mediations. In programs where the staff schedules mediations, staff could either notify the mediator(s) that an observer will be attending a session, or staff could obtain approval from the mediator(s) to have an observer attend. In programs where the mediator schedules the sessions, the staff

APPRENTICESHIP PROCESS FOR MANY COMMUNITY MEDIATION CENTERS

1. Attend the basic/beginner mediation training offered by the center
2. Observe two mediations
3. Mediate with an experienced mediator for two mediations
4. Attend a 5-hour follow-up training three to four months after the initial training

might also coordinate with the mediator(s) to include observers. In any case, the staff or the mediators should ask all participants if they are willing to permit an observer in their mediation session.

Some programs contact participants or their representatives before the session to request permission for an observer to be present at a mediation session. Other programs may choose to wait until the parties arrive on the day of their scheduled session to request this permission. Some programs see an early request as one more decision for parties to make and feel that nervous parties may quickly deny the observer request. Waiting to ask until the day of the session can pressure parties to say yes. However, many programs find there are rarely objections to having observers participate, and talking with parties ahead of time gives the mediator(s) a chance to fully explain the observer's role during the session, including their shared confidentiality obligation.

Programs may want to establish practices for observations, including the following:

- Number of observers permitted in a mediation session
- Number of observations a mediator new to the program must complete, if any
- Feedback observers must give to the mediators and/or program staff
- Policy on multiple-session mediations (Are observers required to attend all sessions? Are observers required to observe any intake process?)
- Role of observers during session (Is an observer allowed to participate during session? If so, how? Must observers attend the full session or just a portion?)

Live mediation sessions might not always be available for new program mediators to observe or mediate; therefore, program managers might have to offer opportunities to observe role-play or mock mediations instead.

It can be valuable to establish a policy regarding who can be an observer for a program. If your program allows non-roster observers (e.g., students, mediators from other programs, administrators, or other persons interested in ADR processes, etc.), you should consider of any liability concerns that could arise regarding the observer's involvement, including the possibility of the observer being subpoenaed in a judicial or administrative hearing-related program. One way to protect the program and the observer is to have the observer sign the Agreement to Participate

form and/or have the observer sign a program contract that highlights the observer's role and any other program policies he or she may need to know.

Observers should always read and sign any agreement to participate form that the program uses at the beginning of the mediation session, which may include a statement that binds the observer to the same confidentiality as the mediators and/or participants.

C. Mentoring

A mentoring program may be designed to supplement theoretical training through actual experience with the guidance of a more experienced practitioner. Mentoring is most commonly used to improve a mediator's skills and techniques. You might also use the mentoring structure to help mediators who want to learn about specific types of cases or learn a different style of mediation.

Mentoring may range from a very informal process to a more structured formal process. Informal mentoring might contain the following opportunities for less experienced mediators:

- Observing more experienced mediators (not necessarily the same mediators) for one or two mediations
- Co-mediating with more experienced mediators for one or two mediations but not necessarily the same co-mediator
- Meeting with more experienced mediators to discuss challenges or ask questions

A MENTORING PROCESS

Some programs work with the Maryland Program for Mediator Excellence (MPME) to establish a mentoring process. A mentor is paired with a "learning partner" (mentee) in a minimum of four co-mediations. Prior to mediating together, the pair establishes a shared, written mentoring relationship contract that outlines the skills the learning partner wants to improve and the parameters of their relationship.

The mediations are conducted as follows:

- Mediation 1: Learning partner observes mentor
- Mediation 2: Co-mediation where mentor takes lead
- Mediation 3: Co-mediation where learning partner takes lead
- Mediation 4: Mentor observes learning partner

Most mentoring pairs meet for about 30 minutes before and after each mediation session to prepare for and discuss the mediation.

On the other hand, a more formal mentoring program might include the following elements:

- A required number of observations or co-mediations
- A particular feedback mechanism that may include session feedback forms or evaluations and scheduled debriefing sessions between less experienced and more experienced mediators (mentor and mentee)
- Clearly established goals, which are determined together by the mentor and mentee and focused on in the mediation session
- Observing or co-mediating and debriefing with the same partner mediator each time
- A method of evaluating the mentoring relationship, such as a written program evaluation survey
- A method of evaluating the mentee's overall performance, such as a written evaluation or feedback

D. Training and Continuing Education

Apprenticeships, mentoring, and observations are time and labor intensive, so programs may also offer classroom training to help groups of roster mediators acquire or refresh desired skills and knowledge. Programs may provide the basic/beginner mediation training for new mediators joining a roster as well as continuing education for mediators on the roster. Programs that use co-mediation, in particular, might benefit from having their entire roster attend the same basic/beginner training so all co-mediators will share similar styles and procedures.

Program staff may provide basic/beginner mediation skills training to mediators who are new to the program for a fee, or they might offer the training at no cost to the potential mediator in exchange for volunteer service hours. For example, Community Mediation Maryland (CMM) has staff trainers who provide basic training for most community mediation centers statewide. CMM, an organization that provides support to community mediation programs, provides one training a year at no cost to the center. CMM charges the centers for additional training.

If you and your staff cannot provide the training yourselves, you could contract with external trainers to provide the basic/beginner mediation training for the new

mediators. For example, the Maryland Department of Human Resources applied for and received a grant from MACRO to hire external trainers to come to their offices to train agency employees in basic/beginner mediation skills.

Some programs require their mediators to have completed basic/beginner mediation training before joining the program. The program might even require that the training be taken from an approved list of trainers or organizations to ensure the type of training their mediators have received matches the program's philosophy or approach.

A program may offer continuing education to its roster mediators in order to improve and develop mediator skills. Two categories of continuing education are skills-based training and content-specific training. Skills-based training might include the following topics:

- Agreement writing
- Strategic questioning
- Reflection, reframing, and summarizing techniques
- Impasse strategies
- Co-mediation dynamics

Most skills courses contain role-play scenarios for participants to practice their skills. Content-based training might include such substantive topics as these:

- Parenting plans and financial issues in divorce mediation
- Legal matters, e.g., medical malpractice, workers' compensation, business, construction, or environmental issues
- Ethics
- Disability issues

Programs may also want to offer various tracks of training for their mediators, depending on the varying levels of experience or the types of cases that their mediators handle, so that mediators can get in-depth specialized training on specific case types.

There are numerous ways to offer, acquire, or sponsor continuing education for roster mediators to help improve the quality of a program. The following are some ideas:

-
- Ask a few roster mediators to create and distribute a survey to gather ideas for future training topics and to determine the availability of mediators.
 - Ask roster mediators to establish a training committee.
 - Appoint someone on the program staff as the training coordinator to offer workshops or find educational opportunities for roster mediators.
 - Partner with other mediation programs to share trainers, collaborate on training, or exchange in-kind services and training.
 - Partner with local colleges and universities that have ADR programs to seek training opportunities or invite guest speakers.
 - Get scholarships for mediators to attend conferences, workshops, and training.
 - Host or co-host a conference.
 - Hold round-table discussions periodically so that both new and experienced mediators can share their stories, problems or dilemmas; provide constructive feedback regarding the program; and have their questions or concerns answered.
 - Create a web page with links to ADR programs, research, and resources.
 - Create a newsletter highlighting certain aspects of the program or mediators within the program.
 - Distribute a calendar of upcoming training, workshops, and conferences.
 - Pay for or require membership in ADR organizations and associations.
 - Start a practitioner group.
 - Offer, host, or connect mediators to on-line courses. For certain topics, these could include tests to ensure that participants acquired the knowledge they will need to apply the training.
 - Offer, host, or connect mediators to video- and teleconferencing to allow them to listen in on training sessions, discussion groups, and lectures.
 - Videotape mediation sessions or role-play mediations and allow mediators to watch them in a training session or discuss them in an on-line post-viewing discussion group or chat room.
 - Create train-the-trainer sessions for mediators to learn to teach certain topics.

-
- Host a lending-library of ADR materials.
 - Distribute a list of recommended ADR books or videos.
 - Sponsor book discussion groups and movie nights related to conflict resolution.
 - Videotape any offered training sessions so that mediators who couldn't attend in person can borrow the video in the future.
 - Charge a nominal fee for some of the above ideas in order to create a training fund that could be used to purchase educational books or videos or to contract with trainers.
 - Offer a stipend to mediators who facilitate workshops or provide training materials for the program.

Finally, the Maryland Program for Mediator Excellence (MPME) assists Maryland mediators in providing high quality mediation services to their clients by providing participating mediators with choices for continued learning and improvement. Members of the MPME commit to (a) complete eight hours of continuing skills activities annually; (b) complete 2 hours of ethics training annually; (c) abide by the Maryland Standards of Conduct for Mediators as adopted by the MPME; and (d) to cooperate in good faith with the Mediation Ombuds Program. Some programs require their mediators to belong to the MPME, while others just encourage it. Membership is free. The ADR Program Managers Group is part of the MPME family. For more information about the MPME, visit www.MPMEonline.org.

F. Staying in Good Standing—Program Expectations for Mediators

After joining a program's roster, a mediator may need to meet certain requirements to stay in good standing or remain on the active roster. The requirements may depend on whether the program is affiliated with a court or other entity that imposes requirements, the types of cases the mediators handle, and the volume of mediations or other ADR projects managed by the program.

To remain in good standing, a mediator might be required to do some or all of the following actions:

- Adhere to all program policies, procedures, and practices.
- Understand and adhere to ethical guidelines, statutes, or standards observed by the program.

-
- Mediate regularly for the program. (“Regularly” could mean monthly, weekly, quarterly, or any frequency that meets the program’s needs.)
 - Schedule mediations in a timely manner or show up for scheduled mediations in a timely manner.
 - Use, complete, and submit any required program paperwork.
 - Agree to contact the program coordinator, mediator ombudsman, or other designated person or use the designated grievance system if complaints or program concerns arise.
 - Maintain any professional memberships, licenses, or certifications specified by the program.
 - Have positive mentor-mentee relationships within the program, if applicable.
 - Demonstrate an active commitment to continued learning and skills improvement. (You may want to establish certain activities, education, or participation to define what an “active commitment” means. See the relevant boxes in Chapter 3: Building a Roster for examples.)

5 MEDIATOR ASSESSMENT AND EVALUATION

Developing and using effective mediator assessment and evaluation tools may help programs maintain high quality services. Assuring quality is probably one of the most difficult aspects of any mediation program for a roster manager.

It may be helpful to make all program mediators aware of the program's policies regarding mediator quality and have some sort of process in place to deal with problems that may arise (e.g., grievance system, ombuds program, staff person designated to manage mediator complaints).

Here are some examples of measures you could take to assist mediators in maintaining high quality practice as well as ways to assess or evaluate roster mediators. The following ideas are not mutually exclusive, and several methods could be used together.

A. Assessing and Evaluating Mediator Performance

Information from a range of sources could be used to assess the quality of an individual mediator's performance.

For example, program staff could observe the mediator and offer verbal or written feedback to the mediator and/or to other program staff and then observe again at a later date to assess whether the mediator made the needed changes. Similarly, highly skilled and experienced mediators could observe new program mediators and offer verbal or written feedback to the mediator and/or to program staff.

Co-mediators could assess and give feedback to one another and/or to program staff. If co-mediation is not regularly used in the program, it could be employed on occasion for assessment purposes.

Programs could use some kind of written information to review after mediation, such as participant feedback forms, observer feedback forms, co-mediator feedback forms, or mediator self-assessment forms. Programs could then compare mediator self-assessment or co-mediator feedback forms to participant feedback to evaluate mediator performance.

Video assessments offer a flexible way to gather information and provide rich feedback to the mediators. These can be valuable to both new and experienced mediators.

Programs could create their own or use formal mediator critiquing or assessment tools from other practitioner groups (e.g., Maryland Council on Dispute Resolution, Maryland Program for Mediator Excellence, Community Mediation Maryland). Typically, these performance-based assessments are voluntary. The mediator is simultaneously videotaped and observed by two assessors while mediating a dispute with role players as the participants. After the role play, the actors and the assessors provide verbal feedback to the mediator. A written report is prepared and later given to the mediator with the videotape.

B. Improving Mediator Performance

Assessments prove most valuable when they are used to create a skills improvement plan for mediators based on specific feedback or critiques the mediator received. Follow-up activities can then be selected to help the mediator learn new skills, correct problems, and perform more effectively. You might combine several methods for developing your mediators' skills. Some options include the following:

- Offer one-on-one coaching or mentoring for program mediators. Ask the coach or mentor to give feedback as to whether the mediator is ready to mediate solo with the program in the future.
- Require mediators who need ongoing learning to co-mediate, at least for a time.
- Hold round-table discussion group meetings periodically so that both new and experienced mediators can share their stories, problems, or

dilemmas; provide constructive feedback regarding the program; and have their questions or concerns answered.

- Require mediators to conduct a certain number of cases per year.
- Require mediators to attend a certain number of continuing education hours per year. For more information, see “Training and Education” in Chapter 5: Quality Assistance.

In many programs, the staff members might not have any mediation training or experience or might not have the time to devote to some of the ideas above. Nevertheless, it is important to know what the program's mediators do in the mediation sessions and to have a plan in place for managing possible complaints or concerns from either the participants or the mediators. The MPME has an Ombuds Program established to manage and assist with mediator and participant complaints or grievances. More information about this program is available online at www.mpmeonline.org.



6 DEALING WITH DIFFICULT MEDIATOR SITUATIONS

When a mediator is not meeting program expectations and requirements or is the subject of complaints, you will need to address the situation, and this can be difficult. Some programs may have clear procedures and policies while others may be more informal. Certain programs, generally those affiliated with the courts, require mediators to abide by a Code of Ethics approved by the Court of Appeals, to submit to periodic monitoring of mediation sessions, and to comply with reasonable procedures and requirements prescribed in the Maryland Rules. For example, a court-approved mediator must complete in every two-year period eight hours of continuing mediation-related education, and provide proof of this, to remain on a court roster. Other programs have contracts that allow the program manager to end the contract or relationship at any time.

The ideas described below may help with developing a process or policy to address mediator performance issues.

- Specify in the program's guidelines or protocol the methodology for dealing with complaints or disputes regarding the mediator's conduct. For example, "Complaints will be handled through open dialogue with the program manager." All mediators conducting services should be aware of this protocol.
- Create a mediator contract that practitioners sign when they join the program. The contract could include language about how you will handle any complaints or concerns about mediators so that mediators expect you to approach them in the future should a problem arise. Another option is to include more formal language specifying that the you, as program manager, can terminate a contract at your discretion at any time.

-
- Be firm and clear in all new mediator orientation sessions and in other meetings or communications with mediators about the program policies and practices, including what will happen if mediators violate those policies.
 - Be consistent in applying all policies and practices.
 - Build into the protocol a method to have feedback sessions, either with groups or individuals, so that there is already a venue in which to address case issues, logistics, or mediator concerns before problems arise.
 - If the issues surround co-mediation, encourage co-mediators to debrief with one another or possibly suggest further training for one or both mediators. If problems arise between co-mediators and meetings to discuss the concerns do not resolve the issues, consider offering mediation for the mediators.
 - Put reminders in the program's office, on the website, and on program paperwork so that mediators and participants know they can contact you to address any concerns.
 - Make sure mediators know they can come to you to discuss any concerns in person, by phone, or by email.

You likely will have to make final decisions regarding mediator conduct and whether a mediator will be permitted to stay on the roster. After having a difficult conversation with a mediator about a particular situation or issue, post a write-up of that issue on the program's website, in the newsletter, or in an email to all other program mediators (without using any names to protect confidentiality) so that everyone can learn from it.

Mediators who have been removed or perhaps temporarily suspended from the roster (until they obtain additional training, for example) might participate in the program in other ways, such as conducting intakes, serving on a committee, or helping with outreach and marketing activities, administrative duties, or fund-raising.

TIPS TO CONSIDER WHEN HAVING THE "DIFFICULT CONVERSATION"

Be Specific: Give precise, clear examples of the concerns, the complaints received, or the negative feedback on evaluation forms. Do not feel compelled to name names when talking to mediators about problems, but do give them specific examples of their behavior that led to having this discussion.

Be Timely: Don't wait too long to have a difficult conversation with a mediator. Try to correct problems before they become bad habits, and don't let silence be misinterpreted as an endorsement or approval of the undesirable behavior.

Be Honest: Sometimes it can help to debate or discuss mediator styles or why a mediator chose to do a particular thing in a session. Ultimately, however, the program manager controls the quality and process that the program offers, so the manager has the right to control who may mediate on the roster. Be willing to tell mediators if their style or method of practice does not match what the program requires.

Be a Champion for the Program: Instead of commenting on how good or bad the mediator is as a practitioner, use language that focuses on the program's requirements or policies. For example, "Although I think your style would be very effective in other settings, our program requires a different skill set," or "I can see that we view this differently; I appreciate your thoughts, but I don't think that your approach works for this program."



7 PROGRAM MANAGEMENT

For the purposes of this chapter, “program management” means the process for getting disputes to mediation and assigning mediators to those disputes. Establishing protocols that describe intake procedures (accepting or rejecting requests for mediation), mediator assignment methods, scheduling policies, and expectations of mediation participants can enhance the consistency and ease of processing disputes.

A. Intake

The meaning of “intake” may vary program to program. Some programs consider intake as any and all initial information gathered from the participants before the actual mediation session. While other programs have a more narrow meaning of intake that is limited to the screening they do to determine if a case is appropriate for their particular mediation program’s services. For the purposes of this guide, the term intake refers to a screening process used by some programs to determine whether or not a case is appropriate for mediation.

Not all programs conduct intake. For example, many court programs order certain types of cases to mediation with an assigned mediator. In this situation, the mediator is required to schedule a mediation session and may or may not speak directly with the parties or attorney representatives prior to the mediation. When the mediator does not speak to the parties or attorneys before the mediation, the attorneys are required to send the mediator a Confidential Mediation Statement prior to the mediation, which informs the mediator about the facts of the case and the parties’ posture.

Programs that conduct intake may speak with the individuals who are interested in mediation by phone or in person to get a general sense of the conflict, educate the

parties about the mediation process, address questions and concerns, and if mediation is voluntary, ascertain if each party is willing to participate. The following are some examples of intake discussion points:

- What is the conflict about?
- Who are the people involved?
- Who needs to participate in the mediation session?
- Who are the decision makers?
- Can each person speak and advocate for themselves?
- Does anyone involved need assistance or accommodations in order to attend and participate in mediation?
- When and where will mediations take place?

If a program includes intake, training for staff or volunteers can provide criteria for determining whether a dispute may be appropriate for mediation within the program. These criteria may be established through discussions or memos of understanding with referral partners and reviewed periodically. Awareness on the part of the person doing intake, coupled with communication with others in the program, will help define how to get the appropriate cases into mediation and efficiently use the program's resources.

One of the best ways to screen cases may be to consistently assess each situation on a case-by-case basis using the program's established protocols. The following are some criteria to consider and establish a procedure for when they arise:

- Allegations of sexual harassment, abuse, or threats of violence
- Criminal charges filed or restraining orders obtained between or among participants
- Physical or mental disability that prevents or limits participation at a mediation session
- Whether it is necessary to have all interested people in the dispute agree to attend the mediation session

Some programs prefer that the mediator is not involved in intake and does not have contact with the participants prior to the mediation session. This may insure that there is no appearance of bias prior to the mediation session if the mediator does not talk with the parties. A program staff member often does intake for these

programs, or a volunteer at the program, who may undergo intake training can handle this task. However, for some types of cases, such as elder mediations or those with a large number of participants, it may be helpful for the mediator to do the intake so she or he can develop some understanding of a possibly complex matter before the session and can prepare accordingly.

For example, in senior mediations, it is often important for the mediator to meet face to face with the elderly person(s) to determine the person's mental capacity to participate in mediation and whether special accommodations must be arranged.

Programs may also establish intake guidelines describing the types of mediations that can be scheduled. For example, if a program does not have a mediator who can do parenting plan mediations or senior mediations, then it may be necessary to establish a procedure for handling calls or requests for these types of cases. A program might need to refer such cases elsewhere until it is able to offer this type of mediation.

Another consideration is the number of people involved in the dispute and whether the program has mediators able to conduct large group mediations or facilitations, and whether the staff or intake person has the resources to contribute to scheduling the mediation.

B. Mediation Sites

In order to remove an obstacle that may keep people from mediation, most programs require that mediation sessions be held at locations that are convenient and accessible to the participants. If a program's mediators are required to arrange for the location of the mediation, the mediators are responsible for finding a location agreeable to the participants. Often, programs require that their mediators maintain an office or have conference space available within the program's county or jurisdiction.

When a program arranges to find the sites for the mediation sessions, it seeks to maintain a list that includes locations throughout its service area. Sites are chosen that will be perceived as neutral by the participants, such as libraries, schools, and community centers. Many community mediation centers schedule and arrange for the location of mediation sessions rather than leaving it to their mediators, and they have budgetary constraints that limit sites that they can use to those that are free of charge.

To accommodate participants, some programs offer on-site mediations in the participants' homes or workplaces. For example, in elder mediation, it might be necessary to hold the mediation in the elderly person's home or a senior center to accommodate his or her particular needs. If the program offers on-site mediations, it is important to consider whether the site is, in fact, neutral for all participants. If a dispute involves a workplace issue between an employer and employee, holding the mediation at the office might not be considered a neutral space.

Some programs partner with other mediation centers to share locations or borrow space. For example, if a government program wants to offer mediation throughout Maryland, it might partner with community mediation centers in different counties to be able to offer mediation sessions at their sites.

If a program is in an area without enough qualified mediators, the program may offer suggestions for local office space to mediators who are outside of the area to encourage them to mediate for the program. They can also offer to reimburse mileage or other travel expenses as incentives for mediators to travel outside their immediate area.

C. Mediator Assignment

There are a variety of ways to assign mediators to cases. The following are some common methods that maybe useful to consider:

A program can create a standardized process for assigning mediators to cases right from their roster list in an "automatic" manner based on random assignment, alphabetical list, order of length of service to the program, or overall years of experience. There might be occasion to deviate from that list because a case has special needs or special circumstances arise that indicate a need for a very experienced practitioner that will match the needs of the case.

Another way to match mediators to cases is based on mediator availability. If the program is one in which the mediations are scheduled before the mediator is assigned to that case, then the most critical factor in determining which mediator to use may be one of mediator availability. If multiple mediators are available for a given date and time, the roster manager can revert to secondary assignment options. A roster manager may opt for a first come, first serve policy for assigning mediators to cases. Mediators who respond quickly once the call goes out and who have a good track record of being reliable would get preference.

Geography might also be a predominant factor in mediator assignment, to the extent that mediators might be selected based on how close they live or work to the location of the mediation. If the mediator will host the mediation session, then you may choose to go by their proximity to the location of the participants.

Finally, the decision might be left to either participant choice or mediator choice. The program may have a process by which the participants are asked what kind of mediator they want to mediate the dispute, or they might be given a short list of mediators with bits of biographical or experiential information, and the participants can choose from the short list. Participants could select mediators based on factors

SPECIAL REQUESTS FOR MATCHING MEDIATORS TO MEDIATIONS

Program managers may face particularly difficult challenges when participants request a particular type of mediator to be assigned to their mediation or that their mediator have a specific characteristic. Each program may have its own policy on how to handle these requests or if they even choose to consider requests like these. Program managers should consider consistency in handling these situations; procedures to put in place; if there is a responsibility to honor these types of requests from participants, and if so, whether it can be done in an unbiased way; program considerations; and other considerations for responding to this type of special request.

that may include gender, race, age, ethnicity, religion, disability status, job status, education, sexual orientation, geographic location, language, job experience, mediation experience, mediator experience with the mediation content or subject matter, mediator style, attorney-mediator or non-attorney mediator, blue collar or professional mediator, rural or city mediator, mediation skill level, writing ability, and/or personality. Conversely, the mediators may be permitted to select which cases they want to mediate.

D. Scheduling Mediations

Each program will have its own unique set of factors that influences the process by which mediations are scheduled. If one approach causes problems for you, consider modifying your scheduling procedures to find a more workable system.

Some programs have a set calendar whereby mediators are scheduled ahead of time to be available to mediate on certain days of the month. If and when a mediation session is scheduled, then the mediator assigned to that day has already planned to be available.

Other programs wait until the final date and time for a mediation session is confirmed by all participants before contacting mediators on their roster to see who is available to mediate. These programs may choose to contact their mediators by phone, by email, or both.

Programs may also develop a system to offer mediators opportunities to mediate at random as cases come up, or programs may have a more formal system in place that offers a structured rotation so that all the mediators on their roster have a chance to mediate regularly.

Regardless of how sessions are scheduled, following up with participants and mediators by sending some sort of written confirmation of the date, time, and location of the scheduled mediation either by mail or email will curtail confusion and wasted time when someone forgets. Reminder phone calls one or two days before a scheduled mediation can also help to ensure that all participants and mediators show up on time on the scheduled date.

E. Late Arrivals, Cancellations, and No Shows

Even with confirmation letters and/or phone calls, last minute problems can arise. Programs may

encounter problems with scheduled mediations such as late arrivals, no shows, or cancellations by participants. It may be helpful for programs to establish a formal written policy or commonly followed procedures to address these situations and provide that information in advance to the participants.

**CIRCUIT COURT FOR HOWARD COUNTY
CANCELLATION POLICY**

Parties must provide 48-hour notice to the mediator to postpone or cancel a session. Parties are responsible for compensating the mediator for the missed session when they cancel without 48 hours' notice. Parties and attorneys are notified that failure to attend and participate in the mediation, without further court order canceling or excusing such attendance, could result in the imposition of sanctions, fees, and costs, as well as findings of contempt with resulting penalties at a court hearing.

MARYLAND ASSOCIATION OF REALTORS® PROGRAM NO-SHOW POLICY

For parties who do not fulfill their obligation to mediate by attending or showing up at the scheduled mediation conference, a status report of "NO ATTENDANCE / NO AGREEMENT" will be rendered by the mediator and will be provided to the party who does attend the mediation conference. Additionally, the attending party is expected to compensate the mediator for the reservation of his/her time. However, given the circumstances, the mediator fee will be reduced to one half of the hourly rate. If the parties agree to "reconvene or reschedule" the mediation conference, the party who canceled or did not attend the mediation conference will be responsible for the payment of reprocessing and rescheduling fees to both the program and to the mediator. Mediation conferences will not be rescheduled until these reprocessing and rescheduling fees have been paid.

For example, some programs require at least 48 hours' notice from participants if they need to cancel or reschedule a session. Programs may also establish a maximum late arrival time (e.g., 30 minutes) after which the mediators will not wait for the participants to arrive and the participants may lose the opportunity to reschedule the mediation, have to pay related program or mediator fees, and/or be subject to other sanctions by the program.

Similarly, many programs have a policy regarding participants who simply don't show up and don't give notice on their scheduled mediation date. In these cases, some programs may decide to revoke the opportunity to mediate from those participants and/or levy mediator fees or program costs against the party who did not attend the mediation.

F. Mediation Participants

Effective communication with mediation participants sets the stage for an effective mediation session. It may be helpful to provide mediation participants with the following (in writing, if feasible):

- Overview of program services
- Definition of mediation
- Role of mediator

-
- Role of participants, to possibly include
 - < Signing an agreement to mediate (affirmation of willingness to participate in the process in good faith, etc.)
 - < Confidentiality requirements
 - < Payment of fees, if any
 - < Cancellation policy
 - < Late arrival policy
 - < No show policy
 - Next steps, if no agreement
 - Projected length of session (if time frame is limited)

G. Handling Complaints from Mediation Participants

Program managers may want to develop a process and procedures for managing complaints from participants about mediator conduct and competence; the mediation process; or program elements, such as scheduling, location, intake, agreements, enforcement, and so forth. In fact, these issues may surface initially as questions or concerns from the participants instead of full-blown complaints. It is suggested that complaints be handled expeditiously and directly with the utmost care and professionalism.

One of the best ways for you to provide a quality process to manage participant concerns and complaints is to establish and follow a consistent set of procedures that are documented and understood by all staff. You might consider establishing a process where participants can confidentially discuss concerns or report complaints to either the program manager, an independent agency (e.g., the MPME's Ombuds Program), or both.

When drafting complaint policies and procedures, programs may want to consider the following:

-
- Make any policies/procedures available and easily accessible in writing for staff, mediators, and mediation participants. Some programs place their policies in a program manual or put them online for consumers.
 - Clearly identify the person to contact to ask questions or make a complaint and how to contact that person.
 - Teach staff and program volunteers how to address questions and concerns and how to offer information in an attempt to reduce the chance of a concern escalating into a formal complaint.
 - Offer written policies in multiple languages and alternative formats for non-English speaking participants or participants with disabilities.
 - Respond to concerns quickly and consistently and document when possible (e.g., some programs respond to all participant complaints within 48 hours or have the same staff member return all complaint calls).
 - Inform mediators of how the program will handle complaints regarding mediator performance or competence. See also Chapter 6: Dealing with Difficult Mediator Situations.
 - Be open to feedback and complaints from participants regarding the administration of the program itself. Often this direct feedback can lead to positive program changes.
 - Decide who will follow up and how it will be done once a complaint has been made (e.g., you might call or email the complaining party to update them on how the complaint was managed or to tell them what steps will be taken to remedy the situation).



8 PROGRAM FEES

There are mediation programs that are fee based as well as those programs that do not charge fees and are volunteer or non-fee based. Whichever version you manage, it is helpful to have policies regarding program fees and mediator compensation. For fee-based programs, the policy provides parties and their representatives complete and up-front information regarding the actual and potential charges associated with the mediation. For volunteer-based programs, it can help the staff plan and budget for alternative ways to compensate mediators for the time and effort they give.

Programs that charge fees do so to support the program's administrative costs, such as operating overhead and office space, or to provide extra incentive for parties to show up for scheduled mediation sessions. Regardless of what fee policies your program may adopt, disclosure of fees charged and any minimum time

THE MAR MEDIATION PROGRAM'S FEES

The Maryland Association of Realtors® (MAR) Mediation Program provides mediation participants and their representatives with disclosures about program fees and mediator compensation in several ways. In addition to the information included in the program's guidebook and website, participants are required to sign a party authorization form that incorporates the disclosure of fees and hourly rates charged by both the program and the mediator.

The fees for mediation are equally shared by the parties as directed in the agreement of sale. The MAR Mediation Program charges each party a non-refundable administrative fee of \$150 which is due at the initial request/response to mediation.

Once the mediation conference is scheduled, the parties are sent confirmation notices that include information on what the compensation to the mediator will be and also are provided with an invoice to pay (compensate) the mediator directly at the conclusion of the mediation conference. Like the administrative fee, the compensation to the mediator is equally shared by the parties. Mediator fees are set at \$200 per hour with a 2-hour minimum.

requirements should be made to the consumers and their representatives alike. Disclosure of program fees and mediator compensation policies might be done through program materials (either written or posted on your website) or by having all parties and the mediator sign a fee agreement prior to any mediation session. In fact, the *Maryland Standards of Conduct for Mediators* has a section specifically addressing the charging of fees, instructing mediators to provide each party or party representatives with true and complete information about mediation fees and expenses.

**AAA COMMERCIAL MEDIATION PROGRAM
FEES**

For the American Arbitration Association (AAA) Commercial Mediation Program, there is no filing fee to initiate mediation or a fee to request the AAA to invite parties to mediate. The cost of mediation is based on the hourly mediation rate published on the mediator's AAA profile. This rate covers both mediator compensation and an allocated portion for the AAA's services.

Hourly mediation rates range from \$125 to \$800 depending on the mediator selected. There is a four-hour minimum charge for a mediation conference. If a matter submitted for mediation is withdrawn or cancelled or results in a settlement after the agreement to mediate is filed but prior to the mediation conference the cost is \$250 plus any mediator time and charges incurred.

Parties are billed equally for all costs unless they agree otherwise. All expenses of the mediation, including required traveling and other expenses or charges of the mediator, are borne equally by the parties unless they agree otherwise. The expenses of participants for either side are paid by the party requesting the attendance of such participants.

Fees might be based on some combination of the following factors:

- The type and complexity of the matter
- Whether the mediator needs to have training or qualifications specific to the subject matter
- The time required
- The number of sessions required
- The distance traveled
- Other associated costs (mailing costs, extra copies, telephone conferencing)

Disclosure of participant responsibilities and expectations for program and mediator compensation might include information regarding these topics:

- If one or all of the parties are responsible for the fees

-
- If the program will collect the fees, or if the fees will be paid directly to the mediator(s)
 - If there are limits on fees when there is both a program service fee and a direct mediator fee
 - If the fees charged to the parties are authorized by regulation, statute, or other court related requirements
 - If there are any additional fees or penalties that the parties may incur due to the cancellation or postponement of a mediation within a certain time period



9 MEDIATOR COMPENSATION

Some programs are structured so they can pay the mediators on their roster or arrange for the participants to pay the mediators, while other programs operate with assistance from unpaid practitioners. For new programs, it is helpful to review the options in use across the state to make an informed choice. For established programs, managers may want to become familiar with what other programs in their area do either to consider adjustments or to at least be able to answer questions posed by sponsoring entities, mediators, and participants.

A. Paid Mediators

Programs that monetarily compensate their mediators may be required to do so according to court rule, statute or other regulation, or they may have latitude to set program policy. These regulations or policies may also dictate how much mediators are paid. Some programs can pay mediators because they have the funding available to do so and/or because

SAMPLE STATE GOVERNMENT PROGRAM COMPENSATION SCHEDULE

The Maryland Department of Agriculture's Agricultural Conflict Resolution Service pays its mediators a fee ranging from \$75 per hour to \$150 per hour. Depending upon the subject of the mediation, none or a portion of the fee may be paid by the participants.

they are making an effort to increase the professional status of mediators by paying them for the work they do. There are also some programs that employ full-time staff mediators to conduct some or all mediations as part of their job duties.

**SAMPLE CIRCUIT COURT MEDIATOR
COMPENSATION PLAN**

For the Circuit Court of Howard County, payment for mediation services is due prior to or at the initial mediation session. The parties compensate the mediator based on the court-approved rate of \$200 per hour. Additional fees are prorated for mediation time beyond two hours in civil non-domestic cases. Private mediators engaged separately by agreement of all parties are paid at the rate charged by the mediator. Costs are to be divided equally by the plaintiff(s) and defendant(s) in the case, unless agreed upon otherwise or ordered by the court. Financial assistance is available to eligible litigants in domestic cases only.

In general, you should be transparent with participants and mediators and notify everyone ahead of time regarding fees and payment. It may be helpful to provide compensation information in writing to mediators and participants or even have a written agreement for payment between the program and the mediator and/or the participants. As mentioned in Chapter 8, the *Maryland Standards of Conduct for*

Mediators offer additional guidance and best practices for mediators regarding setting fees and collecting payment. These standards may also be helpful for programs regarding their mediator compensation policies.

B. Unpaid Mediators

Some programs are either prevented from compensating mediators by court rule, statute, regulation, or other program policy or they do not have the funding to support mediator compensation. These programs may refer to their mediators as volunteer mediators, unpaid contract mediators, mediators who provide pro bono services, or unpaid intern mediators, or they rely heavily on paid staff to conduct the majority of the mediations.

Even though mediators for these programs may not be paid in the traditional way, there can be a variety of other ways to compensate mediators and add value to their dedication of time and service. The following are some examples of alternatives to monetary compensation that a

**COMPENSATION PLAN FOR THE
COURT OF SPECIAL APPEALS**

The Court of Special Appeals Mediation program pays its co-mediators a per diem rate or a salary. All cases are co-mediated by the director or assistant director and a retired Circuit Court, Court of Special Appeals, or Court of Appeals judge. The director and assistant director are paid a salary for mediation and management of the program. The retired judges are paid per diem through the judiciary's judge-recall program.

program may consider offering to mediators or partnering with other organizations to offer:

- Free training or continuing education
- Free or discounted attendance at conferences, workshops, etc.

SAMPLE COMMUNITY MEDIATION CENTER REIMBURSEMENT POLICY

Anne Arundel County Conflict Resolution Center does not compensate mediators, but it does reimburse mileage costs for mediations that take place outside Anne Arundel County.

- Free or discounted membership in ADR practitioner organizations

- Volunteer appreciation luncheons, dinners, or other events that recognize mediator efforts
- Mediator recognition in a newsletter, trade publication, or local newspaper
- Gifts related to the program such as pens, t-shirts, or other logo items
- Gifts, tickets, passes, or vouchers solicited from local businesses
- Networking opportunities

C. Reimbursements

Even when mediators aren't paid for mediations they conduct, some programs are able to reimburse mileage, or other travel costs when appropriate. For example, some community mediation and some state agency mediation programs do not

compensate their mediators to mediate but they do reimburse other costs related to the mediation.

SAMPLE GOVERNMENT AGENCY REIMBURSEMENT POLICY

The Maryland Commission on Human Relations does not compensate mediators but does validate for parking and reimburses mileage if a mediator has to travel more than 50 miles each way to and from a mediation site.



10 SHOWING A PROGRAM'S VALUE AND SUCCESS

Program evaluation can serve as a reflective feedback mechanism for a mediation program's development and modification. It also offers a way to determine whether a mediation program is meeting its goals and objectives.

Evaluation data can be useful in finding out what works or does not work and can be very critical in decisions to modify or expand a program. Data collection should stem from clearly defined goals and objectives both for the program as well as for the data to be gathered.

A good data collection plan should include:

- A brief description of the project
- The specific information needed
- The rationale for collecting it
- What insight the data might provide about the process or program being studied and how it will help improve the mediation program
- What will be done with the data once it has been collected
- How any personal or confidential information will be protected, if necessary

A. Collecting the Data

Programs often collect data from intake forms, reports completed by mediators about mediations, and exit surveys completed by participants. Some programs conduct follow-up interviews. (This can be a good project for interns.) Data

collection can be quantitative, qualitative, or both, with each having positive and negative attributes.

Quantitative data can be easier to manage and analyze, and some people give it greater value. However, reducing complex information to numbers forces assumptions to be made, so important nuances in the data can be lost.

Qualitative data can capture the nuances and present information in a manner familiar to many people, such as stories and quotes. On the other hand, it can be time intensive to analyze multiple interviews in a rigorous manner if the goal is to identify and understand broader themes.

B. Intake Data Collection

Intake data might show the number of people interested in the program's services, the common sources and locations of referrals, the types of conflicts coming to the program, and how participants found out about the program. Low or declining referrals from a particular location or source might indicate that the program needs to increase outreach resources there to inform or remind people of the program's services. Information about common types of conflicts might indicate the need for mediator training on those topics. For cases in court, the data collected on each case often includes the case number and type and the name of the mediator assigned or chosen by the parties.

C. Session Data Collection

To track data about mediations that have occurred, the mediator could complete a report form after the mediation, or if multiple sessions occur, after the final session. The form might include such information as the date the mediation session(s) occurred and the outcome of the mediation (i.e., whether the dispute was settled, partially settled, or not settled).

If the case did not settle in mediation or a session did not occur, mediators can report the status of the mediation session, keeping in mind their obligation to protect party and process confidentiality. Mediators might need to be taught how to report status matters without violating confidentiality. (For example, they should report that "parties could not agree on the amount" instead of "Sue would not budge from her initial offer.") A checklist of possible reasons the session was not held or agreement was not reached could be included in the form with such options as agreement reached prior to mediation, parties used other form of ADR,

mediation was held too soon or too late, and a person with settlement authority did not attend.

D. Mediator Data Collection

Programs should maintain a database with information about each mediator on the roster. Some commonly collected information is listed below.

- Contact information
- Areas of expertise
- Training
- Continuing mediation-related education
- Mediation experience
- Other office locations
- Complaints/reviews
- Availability for expedited referrals

Mediator information should be verified and updated periodically.

E. Participant Data Collection

Data is often collected from the participants by way of an exit survey. The survey might ask the participants about their past experience with ADR processes, what they experienced at their mediation, how they felt about the process, whether they were satisfied with the mediator, and how they would suggest improving the process.²

F. Reporting and Analyzing Data

To help program managers understand the data collected, a computer program may be designed to hold, aggregate, and analyze all the data from the program's intake and survey forms. It might be useful to employ an IT consultant to help develop such a program that will enable the creation of reports. Volunteer-based programs might find technical assistance among their pool of volunteers. Court or

²For examples of exit surveys, go to the MACRO website at www.marylandmacro.org, look under the Publications section on the navigation bar on the left, and click on "Guide for Mediation Program Managers."

public university researchers also might be available to help collect, analyze, and interpret the data needed to spot areas for improvement and showcase successes.

The following types of reports are often valuable to program managers:

- Number of cases mediated annually
- Type of issues or conflicts mediated
- Rate of settlements
- Referral sources
- Participant satisfaction rates

The information collected can serve numerous purposes and may be shared with diverse audiences. For example, a program might report annual activity to potential sponsors or grantors, inform potential users about the program in outreach materials, show administrators the growth of the program and identify areas for expansion, or reveal to the staff potential areas that need improvement. For community mediation programs, the number of intakes and mediations reported determines the amount of funding they receive; therefore, it is important

COURT PROGRAM DATA COLLECTION

One court mediation program received a grant specifically to hire a consultant to update and improve the program's database and reporting capabilities. The consultant identified the program's needs through interviews with staff, wrote a proposal, and then implemented the requested changes.

to have a database that tracks both the intakes and the mediations.

You will also want to collect anecdotal information from the community or organizations affected by the program. You might want to keep a file of stories related to the topics below.

- Participants who have saved time, money, or relationships by mediating
- Courts that have reduced their backlog as a result of the program
- Communities that have saved resources because people are making fewer calls to the police or other public agencies as a result of the program
- Businesses that have reduced litigation costs and increased productivity by using the mediation program

-
- Government agencies that save taxpayers' money, improve employee productivity, and enhance the quality of services provided to the public by offering employees an alternative to the formal and costly dispute-resolution processes, such as grievances, discrimination complaints, and disciplinary actions.

Success stories from mediations might be important to relay to sponsors or include in outreach materials. For example, keeping a log of mediation stories that can be used when writing a grant or pitching a story to a reporter could help promote the program. Participants may be asked if they could be quoted for your website or if they would talk to a reporter for a story. The program might want to show how it conserves resources for the community and saves participants time and money.

In court programs, it can be helpful to compare cases that have been through mediation with those that have not to determine whether mediation reduces court involvement. The collected information might help answer questions like these:

- Are fewer motions filed in cases that are mediated?
- Do mediated cases settle earlier?
- Do mediated cases cost less for parties?
- Has mediation of a particular type of case affected the number of trials that occur in those cases?

INNOVATIVE WEB-BASED SYSTEM UNDER DEVELOPMENT

The Maryland Mediation and Conflict Resolution Office (MACRO) is piloting the Alternative Dispute Resolution Evaluation Support System (ADRESS). This free system will allow programs to scan in their surveys and access reports from a Web-based database. The goal is to save the ADR program managers time in data collection, provide usable reports, and ultimately allow mediators to access their data. After the pilot phase in the courts, ADRESS will be made available to other mediation programs. For more information, call MACRO at (410) 260-3540 or email MACRO@mdcourts.gov.



11 PROGRAM OUTREACH AND PARTNERSHIPS

Outreach may be a critical component for many programs. For the purpose of this discussion, “outreach” means the sharing of information through educational activities, informational presentations, and advertisement. Outreach can also help with identifying possible partners who can assist with referrals, resources, funding, and training.

A. Educating the Public about the Program

When conducting outreach to the public, start by defining the potential customers or audience to be reached: Who will use the services? The prospective clientele may be:

- Employees or managers within a workplace
- Parties in the court system
- Individuals or groups in a geographical area
- Students in a school system
- Families
- Members of a particular profession

Effective outreach requires developing an identity for the program. Useful tools include creating a recognizable logo and tag line to use in brochures, stationery, flyers, signs, and any other materials distributed to potential customers, supporters, or funders. Materials and branding should reflect the program’s mission. Program managers who need help developing outreach materials might work with the people who support the program, the board of directors, and the mediators; apply for a grant or raise funds to hire a consultant to design the desired materials; or reach out to the mediation roster to find volunteers to help create them.

Developing and maintaining an internet presence by creating a website and posting appropriate information offers another avenue for outreach. Use a website to help attract clients; make policies available to clients, mediators, staff, and the public; identify specific points of contact; provide links to informational presentations and publications for both clients and mediators; and announce educational opportunities for mediators.

HOW TO INFORM THE COMMUNITY ABOUT A PROGRAM

- › Host an open house at the program's office.
- › Participate in community activities, including fairs, festivals, and parades.
- › Participate in local career days hosted by schools or other organizations.
- › Write articles for community newspapers, magazines, and newsletters.
- › Distribute a press release to the local media outlets notifying the public about services offered to the community or about upcoming events.
- › Request a spot on the local cable television station to inform the community about mediation.
- › Create a public service announcement for the radio.
- › Issue promotional items, such as posters, pencils, pens, stickers, etc.
- › Contact other organizations, including government agencies, business groups, or other entities that might have an interest in your program and offer to provide written materials or a personal presentation.
- › Establish a personal relationship with the leaders of the targeted groups, inform the group about your program's services, and maintain regular contact with them.
- › Develop partnerships, when possible, through memoranda of agreement that define how they will support the program and what the program will do in return.
- › Develop a formal or informal advisory committee of members who represent various aspects of the community served by the program.
- › Give presentations about mediation for a partner group.
- › Provide mediation training or workshops to a partner group's members.
- › Volunteer to serve as a speaker or arrange for speakers from your program.
- › Co-host an event focused upon the primary activity of the partner organization; include the mediation program's name as a secondary sponsor and ask to distribute brochures or flyers.

The program's mediators also can serve as valuable outreach conduits. To make the most of their energy and efforts, you can engage mediators by forming a committee to work on developing outreach programs and strategies, issuing the program's business cards to roster mediators for their use, or identifying those mediators willing to serve as speakers or presenters to share information about the program.

Others who can help with outreach include the program's stakeholders, board of directors, and other program managers. Keep them informed about what is happening in the program. Give them a program overview in PowerPoint or other usable format for their reference or send a newsletter monthly or quarterly. Plan appreciation events for the mediators and stakeholders and publicize the event through the local media.

It is also helpful to stay connected with other mediation programs statewide to be informed about other initiatives and gather ideas. Stay connected with MACRO and other organizations focused on sustaining effective mediation practices and programs, join the ADR Program Managers Group, and attend and network at mediation events and conferences held throughout the state.

B. Developing Partnerships

Mediation programs strive to develop partnerships with other organizations and agencies to increase the use of their services, expand their capacity, and broaden their resources. Partners can help with referrals, resources, funding, and training. Often times these partnerships may include more than one area of assistance, so it may be helpful to explore all the possibilities of long-standing or potential partnerships.

For example, MACRO is a major funding partner for many programs throughout Maryland, and it also supports the MPME, which can serve as a training resource. Many non-profit or government agencies that are referral partners may also be valuable resource partners by allowing a mediation program to hold mediations in their conference room or other space. For community mediation centers, Community Mediation Maryland (CMM) is an excellent training resource, and it also helps centers develop referral partnerships.

SAMPLE REFERRAL PARTNERS

- › Legal entities, such as the police, courts, Family Law Administration, Department of Juvenile Services, and the State's Attorney's Office
- › Government agencies, such as the Office of Consumer Protection, Code Enforcement, Department of Landlord/Tenant Affairs, Animal Control, Department of Social Services, and the Department of Aging
- › Public officials
- › Non-profit organizations
- › Faith-based organizations
- › Community or neighborhood associations
- › Schools and universities

Partners for Referrals

Some programs have a steady source of referrals built in; for example courts may order a category of cases to mediation. Others must rely on publicity, marketing, relationship building, and word of mouth to generate referrals. Referral partnerships are formed so that agencies and organizations are aware of and use the mediation program as a place to send people in conflict. In addition, in situations where mediation may not be appropriate, the mediation program can refer people to a partner that can provide more pertinent services.

Partners for Resources

Programs may establish partnerships to share resources, such as space. For example, community mediation programs often partner with the Department of Recreation (community centers), libraries, senior centers, schools, and community organizations to use space free of charge for mediations. In exchange, the mediation program may provide training or serve as a referral partner for the organization that provides the space.

Partners for Funding

For most programs, maintaining and developing funding partners is a constant challenge. Some things to consider when identifying potential funding partnerships are whether or not there are any defined limits or restrictions for

obtaining funding from various sources. It is prudent to check with a legal advisor. In addition, you may also want to check internally for organizational support by visiting with fiscal employees to determine sources of funding within the organization. Partnering organizations often provide letters of support or appreciation summarizing their commitment to the mediation program, which can be submitted with grant applications.

Some funding sources to consider:

- Combined Federal Campaign or United Way
- State or local judiciary
- Mediation and Conflict Resolution Office (MACRO)
- County or local grant programs, sometimes through the county executive or county council
- Foundations that support mediation as part of peacemaking work
- Individual donors
- Former participants
- Grants

Competition for grants can be intense. Program managers might want to develop grant-writing skills by taking a course or seeking the assistance of others, such as MACRO, in preparing grants. Networking with successful grant recipients can generate ideas and tips for preparing grant applications, as can volunteering on

TIPS FOR WINNING GRANTS

WRITE, WRITE, WRITE many grant applications. Increase the odds of success by applying for as many grants as possible. No grant application is unsuccessful. Even a proposal that is not rewarded with funding has advertised the program to potential future sponsors.

Each grant application is specific to the requirements of the organization. Be sure to respond directly and fully to the questions, market the intended outcome, and discuss the positive impact the program will have on the granting organization and its mission.

Don't wait for organizations to request applications. Develop your own request for a grant and convince a stakeholder to fund it. Create an innovative solution for a specific problem. Network, Network, Network. Be an opportunist. Share information about your program with those in positions to help. Learn best practices from experts. Keep up with the latest developments and research through print and online newsletters, special papers, and reports.

grant review committees. An online search of federal, state, county, and public sources for grants may reveal additional opportunities for which the program is eligible.

Partners for Training

Often programs do not have the resources or time to provide mediators with all the training opportunities they would like, so partnering with organizations and individual trainers may help lessen the burden on these programs. Some mediation programs may offer paid training to partner organizations as a source of revenue or provide it free in exchange for the use of space to conduct mediations.

Some examples of training partners in Maryland include the following organizations or entities:

- Community Mediation Maryland
- Mediation and Conflict Resolution Office
- Maryland Program for Mediator Excellence
- Maryland Council on Dispute Resolution
- Private Trainers

Trainers often mediate for various programs, so it can be helpful to assess the skills your roster has beyond just mediating.

F

INAL THOUGHTS

This guide evolved over the course of more than a year. We, the members of the ADR Program Managers Group, created it collaboratively, drawing on the hard work and experiences of managers from diverse programs across the state. In the process, we learned to use some new technology, we tested the limits of color coding, and we strengthened our partnerships with and respect for one another.

We hope the guide serves as a valuable resource for you, whether you're a new program manager or an experienced one. We tried to answer the most pressing and common questions you might have (based, of course, on the most pressing and common questions we often have), but we're sure we missed something. Feel free to contact any of us if you want to brainstorm possible solutions to puzzles not solved here.

We sincerely appreciate the ongoing support provided by the Maryland Judiciary's Mediation and Conflict Resolution Office. In particular, the Maryland Program for Mediator Excellence sponsors the ADR Program Managers Group, giving us an online home, helping us host our conferences and events, and printing this guide.

Jennifer Bowman, Circuit Court for Howard County, jennifer.bowman@mdcourts.gov
Lisa Cameron, Maryland Association of Realtors, mdrealtors@mediate.com Jennifer
Cassel, Circuit Court for Anne Arundel County, ctcass00@aacounty.org Linda
Deming, Anne Arundel Conflict Resolution Center, lindademing@aacrc-md.us Leona
Elliott, District Court of Maryland, leona.elliott@mdcourts.gov
Andrew Gange, Circuit Court for Baltimore County, agange@baltimorecountymd.gov
Ronna Jablow, Circuit Court for Baltimore City, Ronna.Jablow@mdcourts.gov Mae
Johnson, Maryland Department of Agriculture, johnsoMC@mda.state.md.us Joy
Keller, Circuit Court for Baltimore County, jkeller@baltimorecountymd.gov Julie
Linkins, MACRO Court ADR Resources Director, julie.linkins@mdcourts.gov Mala
Malhotra-Ortiz, Court of Special Appeals, mala.ortiz@mdcourts.gov
Donnie Meurer, Conflict Resolution Center of Montgomery County, donnie@crcmc.org
Suzanne Rose, Anne Arundel Conflict Resolution Center, suerose@aacrc-md.us
Jonathan Rosenthal, District Court of Maryland, jonathan.rosenthal@mdcourts.gov
Patricia Ryan, Carroll County Community Mediation Center, PRyan@carrollcc.edu
Tara Taylor, Maryland Commission on Human Relations, ttaylor@mail.mchr.state.md.us



R ESOURCES

The American Arbitration Association ® (AAA) serves people and organizations who wish to resolve conflicts out of court.	www.adr.org
The American Bar Association Section of Dispute Resolution provides information and technical assistance to members, legislators, government agencies, and the public on all aspects of dispute resolution.	www.abanet.org/dispute
The Association for Conflict Resolution (ACR) is a professional organization dedicated to enhancing the practice and public understanding of conflict resolution.	www.acrnet.org
Community Mediation Maryland (CMM), a non-profit group, advances community mediation by educating the public, training, networking, researching, and creating new centers.	www.marylandmediation.org
The International Institute for Conflict Prevention & Resolution (CPR Institute), a membership-based nonprofit, promotes excellence and innovation in dispute resolution, serving as a major multinational resource for handling business-related disputes.	www.cpradr.org
The Maryland Council for Dispute Resolution (MCDR) is a vibrant nonprofit organization devoted to the personal and professional growth of dispute resolution practitioners statewide.	www.mcdr.org
The Maryland Mediation and Conflict Resolution Office (MACRO) is a court-related agency that serves as an alternative dispute resolution (ADR) resource for the state.	www.marylandmacro.org
The Maryland Program for Mediator Excellence (MPME) offers members valuable opportunities to hone their mediation skills, to network, and to help improve Maryland's mediation community.	www.mpmeonline.org
Maryland Rules, Ethics and Standards for Mediators	www.mdcourts.gov/macro/rules_standards.html
The Maryland State Bar Association has an active Dispute Resolution Section.	www.msba.org
Mediate.com is a website that offers research links, articles, videos, and other resources related to the field of ADR.	www.mediate.com
Northern Virginia Mediation Service (NVMS) is an affiliate of the Institute for Conflict Analysis and Resolution at George Mason University.	www.nvms.us