

DISTRICT COURT OF MARYLAND

Alternative Dispute Resolution (ADR) Office

ADR Volunteer Activity Policy

ADR Practitioner Status

Describes a volunteer ADR practitioner's level of activity in the Day of Trial (DOT) Program and/or Remote Pre-trial ADR Program (based on the prior calendar year).

ADR Practitioner Volunteer Commitment

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

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

What are all the possible ADR Practitioner Statuses?

Applicant, Active, Inactive, and Archive

I. STATUS: **APPLICANT**

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

II. STATUS: **ACTIVE**

A. Defined: An ADR Practitioner that has signed up to volunteer in...

- **The Remote Pre-trial ADR Program a minimum of 4 times annually; or**
 - **The Day of Trial (DOT) Program in accordance with the parameters of their home district and has appeared at the courthouse as the designated ADR Practitioner on each day the practitioner agreed to appear on the quarterly schedule; or**
 - **The Remote Pre-trial ADR Program and the DOT Program, and met the minimum requirements through a combination of sign-ups.**
1. The ADR Practitioner shall sign up and appear for the DOT program with the frequency specified in the parameters set forth in Section V (**See V. DISTRICT PARAMETERS**) or shall sign up a minimum of 4 times annually in the Remote Program.
 2. For Day of Trial ONLY: The ADR Practitioner must both sign up and appear at the courthouse on the date and time that corresponds to the quarterly schedule in order for the ADR Practitioner to maintain “Active Status” in any given calendar year.

For both programs: When the lack of appearance of the ADR Practitioner falls within one of the categories listed in either 2a or 2b below, the ADR Practitioner will also have complied with the obligation to sign up and appear at the courthouse for the scheduled date on the quarterly schedule, or for the Remote Program.

- a. ADR Practitioner is “called-off” in the DOT Program by the Regional ADR Programs Manager (RPM) or the local court staff due to a light docket, bench meeting, or court closing; or
 - b. ADR Practitioner is called-off by the ADR Roster Program Manager or Online Dispute Resolution Coordinator due to no cases being assigned to practitioner’s time slot; or
 - c. ADR Practitioner is unable to attend due to inclement weather or an emergency.
3. For both programs, if the ADR Practitioner cancels in advance of the scheduled date, or fails to appear on a given date and does not reschedule, the Practitioner will not be given credit for the missed appearance as part of the determination of whether the Practitioner met the requirements for “Active Status.”
 4. Determination of Volunteer Status is made annually, during the first quarter of the year, based on the prior calendar year activity (or orientation date, for apprentice mediators).
 5. Exceptions may be determined by the ADR Office.

III. STATUS: **INACTIVE**

A. Defined: An ADR Practitioner that did not sign up to volunteer for the minimum number of days in the DOT Program (per V. DISTRICT PARAMETERS), or did not appear on at least half of their scheduled days in the DOT program during the prior calendar year. For Remote, an ADR Practitioner that did not sign up to volunteer a minimum of 4 times annually.

1. ADR Practitioner that:
 - a. Does not sign up to volunteer during the prior calendar year according to their district's parameters or a minimum of 4 times annually for the Remote Program;
 - b. Signs up to volunteer during the prior calendar year and cancels in advance of their scheduled date or fails to appear (does not cancel in advance) for half or more of their scheduled dates;
 - c. Requests to be moved to INACTIVE status; or
 - d. Is moved to INACTIVE status at the request of a community mediation center (CMC) partner.
 - *If a CMC partner requests the practitioner be moved to INACTIVE, the ADR Office will have a conversation with the CMC and the practitioner to determine whether the practitioner will remain on the ADR Office's roster as a private practitioner.*
2. Determination of Volunteer Status is made annually during the first quarter of the year based on the prior calendar year activity.

B. Requirements to Become ACTIVE (Reactivate)

1. This policy is applicable if the inactive ADR practitioner contacts the ADR Office to reactivate (i.e., sign up on the quarterly schedule).
2. The ADR Roster Program Manager (ARPM) inquires with the Regional ADR Programs Manager (RPM) and/or the Online Dispute Resolution Coordinator to determine if the roster can accommodate (and if there is a need for) an additional ADR practitioner on the roster.

- a. If so, the ARPM schedules the inactive ADR practitioner with the RPM for an On-Site Orientation (OSO) in the Day of Trial Program, or with an RPM or the ODR Coordinator in the Remote Program, and one of the following may occur, depending on the volunteer's status at the time they became INACTIVE:
 - i. Status at time became INACTIVE: **Apprentice Mediator**
 - a. Participation in the full apprentice process from the beginning (1st Observation), regardless of when in the apprentice process s/he became INACTIVE.
 - b. The ARPM coordinates the OSO with the 1st observation so that the RPM is available to re-orient the volunteer prior to their 1st observation.
 - ii. Status at time became INACTIVE: **Panel Mediator or Panel Settlement Conference Attorney**
 - a. The reactivated practitioner mediates or conducts a settlement conference while being reviewed by an RPM (a "reactivation review").
 - b. The ARPM coordinates the OSO with the reactivation review so that the RPM is available to re-orient the volunteer prior to their reactivation review.
3. The ARPM, RPM, or ODR Coordinator will advise the Inactive practitioner of the necessary steps to reactivate, based on the practitioner's status at the time they became INACTIVE.
4. If the practitioner becomes INACTIVE twice in a five-year period, a third reactivation to the ADR Program will no longer be considered. At that point, the ADR Practitioner will move to ARCHIVE status.

IV. STATUS: **ARCHIVE**

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

- A. This policy is applicable if the ARCHIVED practitioner contacts the ADR Office to reactivate.
 1. The ARCHIVED practitioner will complete a new application.

2. The application will be reviewed by the ARPM, RPM, Director and/or Deputy Director collectively to determine if the practitioner qualifies according to the *Mediator Applicant Qualifications* policy.
 3. If the practitioner does qualify, the ARPM inquires with the RPM and/or Online Dispute Resolution Coordinator to determine if the local roster can accommodate (and if there is a need for) an additional ADR practitioner on the roster.
 - a. If so, the practitioner attends the entirety of New Volunteer Orientation and completes an apprentice process according to the current mediator and/or settlement conference attorney apprentice process standards.
- B.** If the practitioner is archived twice in a five-year period, a third application to the ADR Program will no longer be considered.

V. DISTRICT PARAMETERS

- A. Defined: The number of times a practitioner has committed to signing up to volunteer in the District Court ADR Programs. If a practitioner volunteers in multiple districts, his/her “assigned” district is based on his/her home or work address.**
1. District 1 (Baltimore City): Four times per year
 2. District 2 (Dorchester and Wicomico Counties): Two times per year
 3. District 3 (Talbot County): Two times per year
 4. District 4 (Calvert, Charles, and St. Mary’s Counties): Four times per year
 5. District 5 (Prince George’s County): Four times per year
 6. District 6 (Montgomery County): Four times per year for all dockets except the Municipal Infractions (“Code”) docket
 Municipal Infractions (“Code”) docket: Two times per year
 7. District 7 (Anne Arundel County): Four times per year
 8. District 8 (Baltimore County): Four times per year
 9. District 9 (Harford County): Four times per year
 10. District 10 (Carroll and Howard Counties): Four times per year
 11. District 11 (Frederick and Washington Counties): Four times per year
 12. District 12 (Allegany & Garrett Counties): Four times per year
 13. Remote Pre-trial ADR Program: Four times per year