



# **ALTERNATIVE DISPUTE RESOLUTION DATA SUMMARY FISCAL YEAR 2023**

MEDIATION AND CONFLICT  
RESOLUTION OFFICE  
ADMINISTRATIVE OFFICE OF  
THE COURTS

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## **I. Acknowledgments**

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## **II. Executive Summary**

This report examines the alternative dispute resolution (ADR) data collected by the District Court, circuit courts, and Appellate Court of Maryland (ACM) in fiscal year 2023. The data sets were analyzed by court, case type (domestic/family or civil, non-domestic), and the way in which ADR was held (remote or in person). Three measures of effectiveness were studied: settlement data, public experience, and the impact of technology. These measures were then compared to data collected in fiscal year 2022 to support future decision-making around the effective use of remote and in-person ADR processes in the Maryland Judiciary.

### ***Settlement Data***

Both the District Court and circuit court civil non-domestic programs reported more data in fiscal year 2023. The District Court agreement rates were nearly identical when comparing fiscal years 2023 and 2022. While there is a difference in the agreement rates for the civil non-domestic cases in the circuit courts between fiscal years 2022 and 2023, the data set from fiscal year 2022 is too small to serve as a reliable benchmark. The circuit court domestic/family cases were similar in agreement rates and data set size for both fiscal years. For domestic/family cases, fiscal year 2023 settlement rates are 79% (457 sessions) for in-person ADR and 54% (1,455 sessions) for remote.

### ***Public Experience***

The participant responses received in fiscal year 2023 indicate that participants were satisfied with their ADR session, regardless of the case type or the way in which the session was conducted. Remote and in-person participants across case types provided predominantly positive responses and indicated that they would be willing to participate in ADR in the future or recommend the process to others.

### ***Impact of Technology***

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

For several reasons, some data sets gathered in fiscal year 2023 are small. This means that the comparisons drawn in this report should be viewed as informative rather than conclusive. Additional data gathered in the coming fiscal years should provide a more complete picture of the ADR landscape in the Maryland Judiciary.

The data in this report did not indicate major areas of concern for remote or in-person ADR in fiscal year 2023. Based on this initial examination, both remote and in-person ADR processes appear advantageous for participants and the courts, however, further exploration of differences for domestic/family cases is warranted.

### III. Introduction

For decades the courts offered alternative dispute resolution (ADR) processes solely in person. In response to the COVID-19 pandemic, the courts started providing ADR processes remotely. Today we see courts providing ADR processes in both forums and continue to explore other ways to improve the ADR services provided to the public.

This report marks the second year an annual ADR Data Report has been compiled, allowing the report to look at fiscal years 2022 and 2023 data. Graphs from fiscal year 2022 have a shadow around the graph. An important addition for the 2023 fiscal year was the inclusion of the civil non-domestic annual survey of circuit courts.

#### *Data Collection Tools*

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

1. **Online Surveys | circuit courts, District Court, and Appellate Court of Maryland | fiscal year 2022-2023.** To support courts and ADR practitioners that use ADR processes, the Mediation and Conflict Resolution Office (MACRO) maintains an online, user-friendly evaluation tool to assess the effectiveness of and user satisfaction with ADR. As part of the roll-out process, MACRO provides courts with an onboarding checklist, how-to guides and video tutorials, training and continuing support for court staff, and a presentation for ADR roster members. A SurveyMonkey Enterprise account allows MACRO to directly support the courts' work, and court program managers can use the online survey tool for other court-related work. As courts have resumed offering in-person ADR sessions, some have chosen to use the online survey tool by providing a quick response (QR) code to in-person participants. Participants can use their smart device cameras to scan the code and navigate to the online survey. The District Court and 16 circuits have accounts with the online survey. The District Court and 11 circuit courts reported data for FY2023.
2. **Alternative Dispute Resolution Evaluation Support System (ADRESS) | District Court | fiscal years 2011-2023.** ADRESS provided in-depth data collection for in-person ADR processes through scannable surveys that are combined with court docket information from Maryland Electronic Courts (MDEC). Data for the District Court dates to 2010, and circuit court data collection began in 2013. For fiscal year 2023, the District Court used ADRESS surveys for in-person sessions.
3. **Juvenile and Family Services (JFS) Surveys | circuit courts | fiscal years 2018-2023.** All circuit court jurisdictional family services grant recipients report aggregate ADR data to JFS each fiscal year. JFS compiles this data and shares it



with MACRO, as well as with Judiciary leadership in its annual family jurisdictional grant reports.

4. **MACRO Grant Data | circuit courts | fiscal year 2023.** In fiscal year 2023, MACRO provided grant funding to nine circuit court civil, non-domestic ADR programs. The grantees reported quarterly ADR data directly to MACRO. While this information can provide longitudinal data for repeat grantees, it only represents 38% of the circuit courts in Maryland. To foster data collection and sharing by the remaining 62% of circuit courts, MACRO developed other tools as discussed in this summary.
5. **Civil Non-Domestic Survey | circuit courts | fiscal year 2023.** In 2024, MACRO sought a new way to gather civil, non-domestic ADR data from all circuit courts. An online survey was used to request fiscal year 2023 data from the courts. The plan is for MACRO to annually conduct this survey.
6. **MDEC ADR Tab | circuit courts and District Court.** MACRO worked closely with Judicial Information Systems (JIS) and the courts to develop a tab in MDEC focused on the collection of ADR data. If fully utilized by the courts, this tab will support case management efforts and ensure efficient and consistent ADR data collection statewide. The tab launched for circuit court use on April 1, 2022, and the District Court ADR Office started using the tab on July 1, 2023. MACRO continues to work with JIS to develop automated reports to streamline data export from the tab.

### ***Data Samples***

There is a wide range of data sample sizes from the courts. Some courts have dedicated resources and staff for ADR management and data collection and intentionally foster a culture of quality assurance among their staff and ADR practitioners. Other courts have staff that have responsibilities across many programs and have limited time and support for anything beyond minimal attempts at data collection, yet some do an excellent job of data collection. Finally, some courts do not collect any ADR data.

Additionally, the courts and the public are in a time of flux as each grapple with new technology and the courts are working through the balance of in-person and remote services; all having implications for data collection. We know that this data set is an undercount of the activity being provided to the public by the circuit courts.

The annual statewide ADR data collection will help the courts routinize the ADR data collection process. The civil non-domestic ADR survey that MACRO deployed has led to multiple meetings with court staff and leadership about ADR data collection and in one case, an expressed interest by the court to rejuvenate and expand their ADR work. MACRO will continue to provide general data collection tools such as online survey software statewide. Additionally, MACRO is refocusing on expanding our tailored one-to-one conversations with courts to foster and support the best possible ADR data collection.

All graphs display both percentages and raw count. While the percentages can be useful to facilitate comparisons and track for changes, it is important to note that in some cases the raw count is so small that the data can only provide limited tracking from year to year. Major policy decisions based on a small sample size are not ideal since the small sample may not be representative of the full program(s).

This report uses three categories for people who participate in ADR: participants, attorneys, and ADR practitioners. Each has a different role and potentially a different perspective on the ADR experience.

## **IV. Alternative Dispute Resolution Outcomes**

Alternative dispute resolution processes provide parties with the opportunity to settle their disputes in a timely, cost-effective manner. While settlement rates are not necessarily indicative of the quality of the ADR processes used by the courts or participant satisfaction, they do provide information about the impact that ADR has on court dockets. This report examines settlement data by case type (domestic/family or civil, non-domestic) and the way in which the ADR session was held (remote or in person). Settlement data from previous fiscal years will also be reviewed to determine whether there are any preliminary differences between ADR outcomes in the recent past and the remote and in-person outcomes reported in fiscal year 2023.

### ***District Court***

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

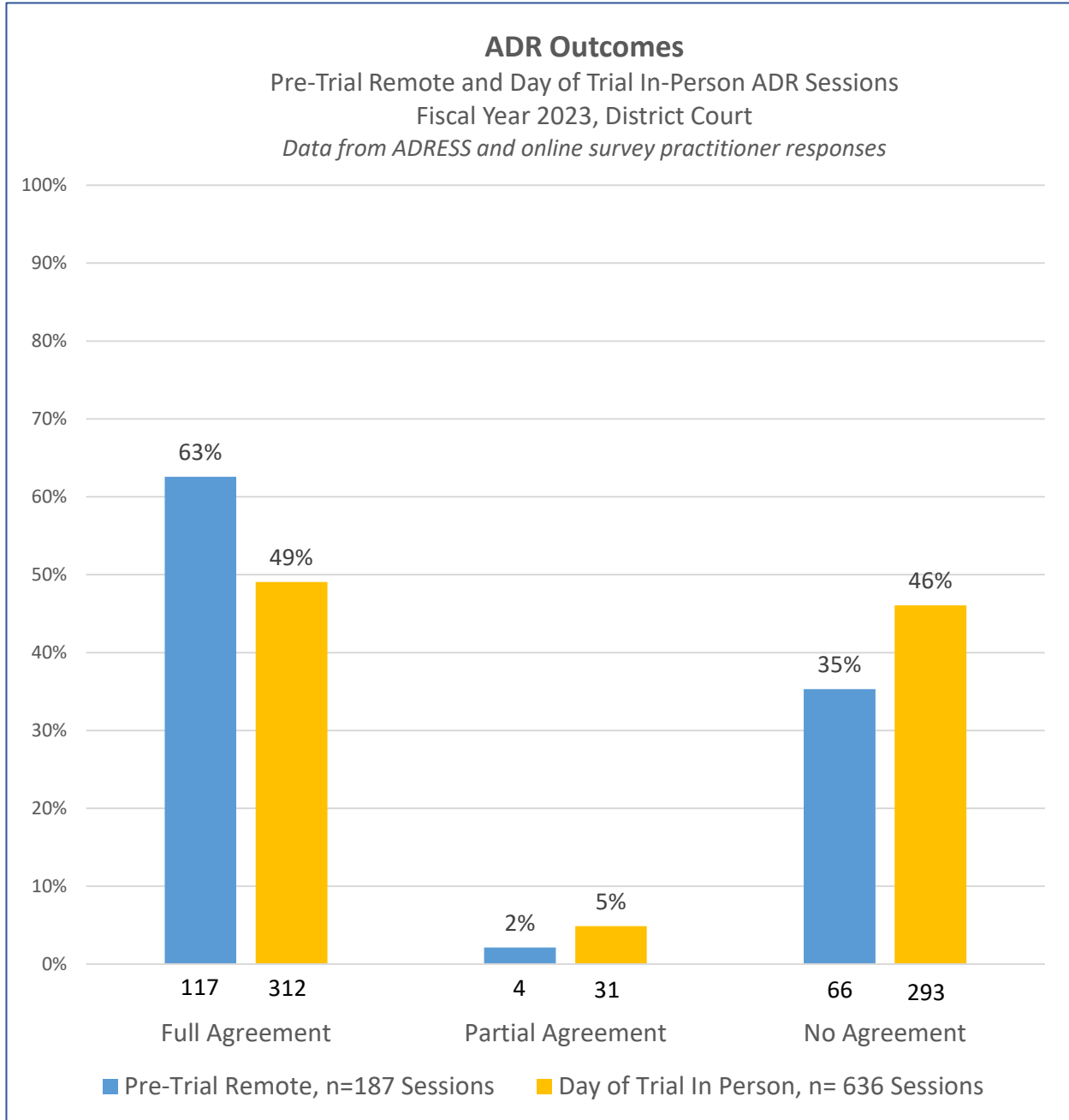
When reviewing the remote versus in-person data, it should be noted that the forum is not the only difference. Pre-Trial ADR, which can be in-person or remote, includes an intake conversation with each participant by ADR Office staff, and the ADR session occurs at a time prior to the trial date, on a date and time selected by the parties. This allows parties to participate in multiple ADR sessions prior to the trial date to extend the conversation as needed. In the Pre-Trial program, parties have a process choice between mediation and settlement conference, which is decided in consultation with the online dispute resolution (ODR) Programs Coordinator.

Day of Trial ADR, which is conducted in person, occurs when parties are sent by the judge from the courtroom to a location in the courthouse to the ADR practitioner volunteering to serve on that day. ADR Office staff or the judge may review case files before trial, but individual intake conversations are not conducted.



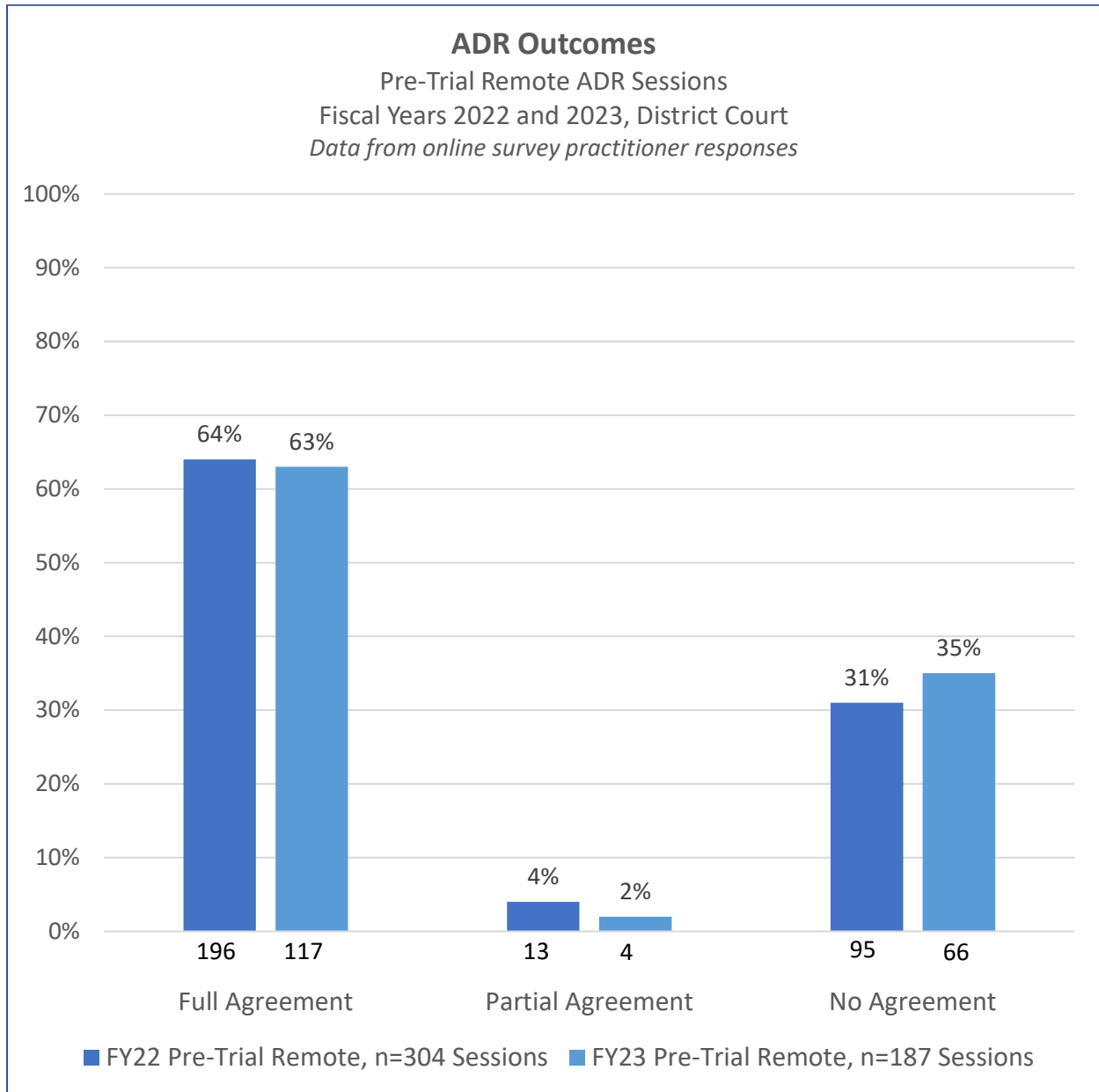
**Settlement Data**

In fiscal year 2023, the District Court ADR Office conducted ADR sessions both remotely and in person. Most sessions were held in person 636 (77%) while remote ADR accounted for 187 (23%) sessions.

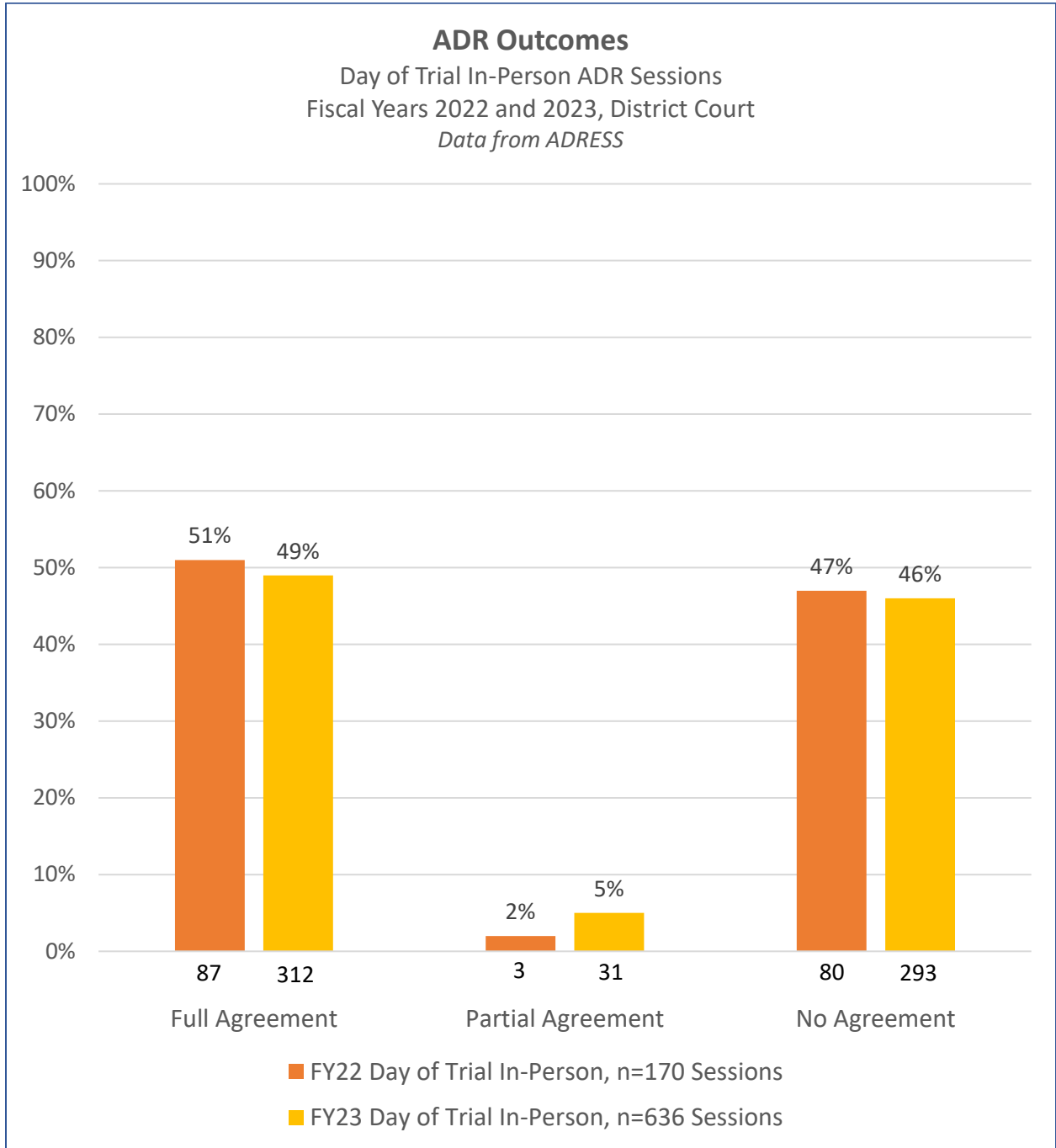


In the District Court, settlement information is provided by the ADR practitioners at the end of each session. Practitioners reported that 121 (65%) Pre-Trial remote sessions resulted in a full or partial agreement during the ADR session. Day of Trial in-person sessions resulted in 343 (54%) full or partial agreements during the ADR session. These settlement rates are nearly identical to fiscal year 2022 for both Pre-Trial remote and Day

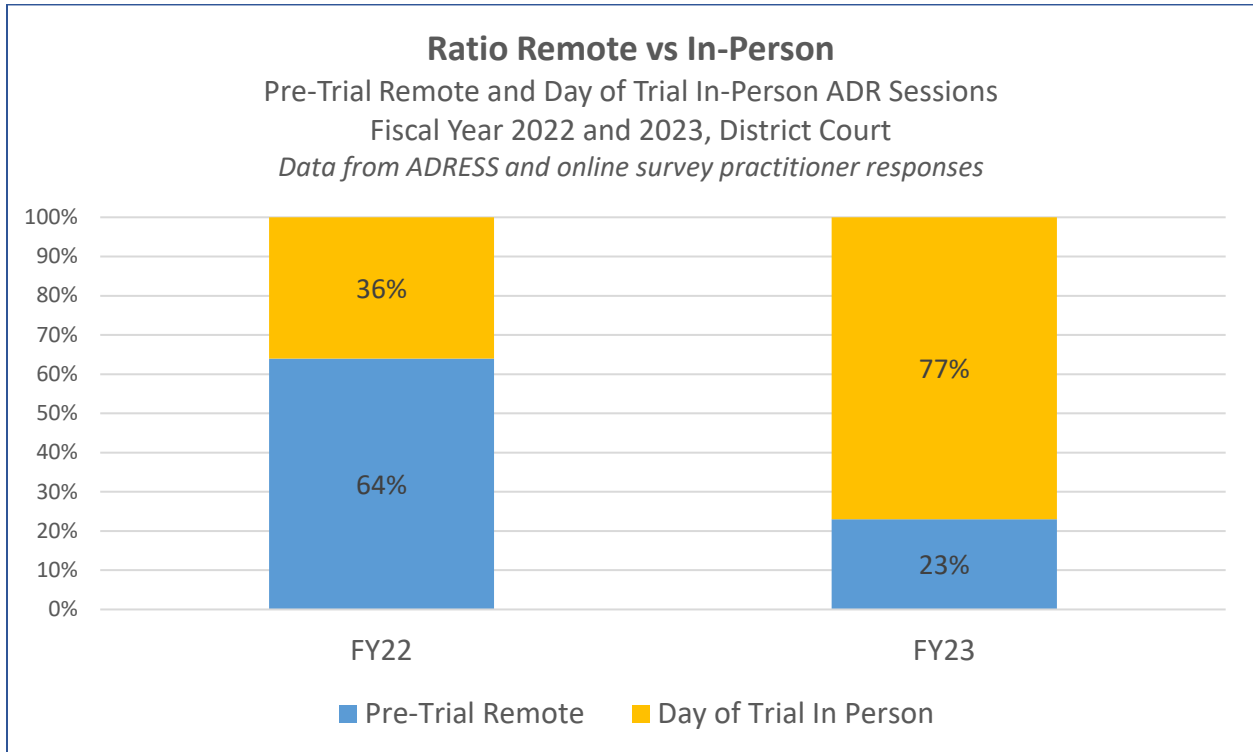
of Trial in-person sessions, as shown in the graphs below. Pre-Trial remote is 68% (FY22) versus 65% (FY23) for full or partial agreements.



Day of Trial in-person ADR has similarly close rates with 53% (FY22) versus 54% (FY23) full or partial agreements.



The data set does highlight a change when comparing fiscal year 2023 to 2022 data. While the District Court continues to provide remote ADR for almost a quarter of cases (23%), rebuilding of in-person Day of Trial ADR has occurred post-pandemic. The ratio for the two years is 491 Pre-Trial remote and 806 Day of Trial in-person sessions.



### ***Circuit Courts***

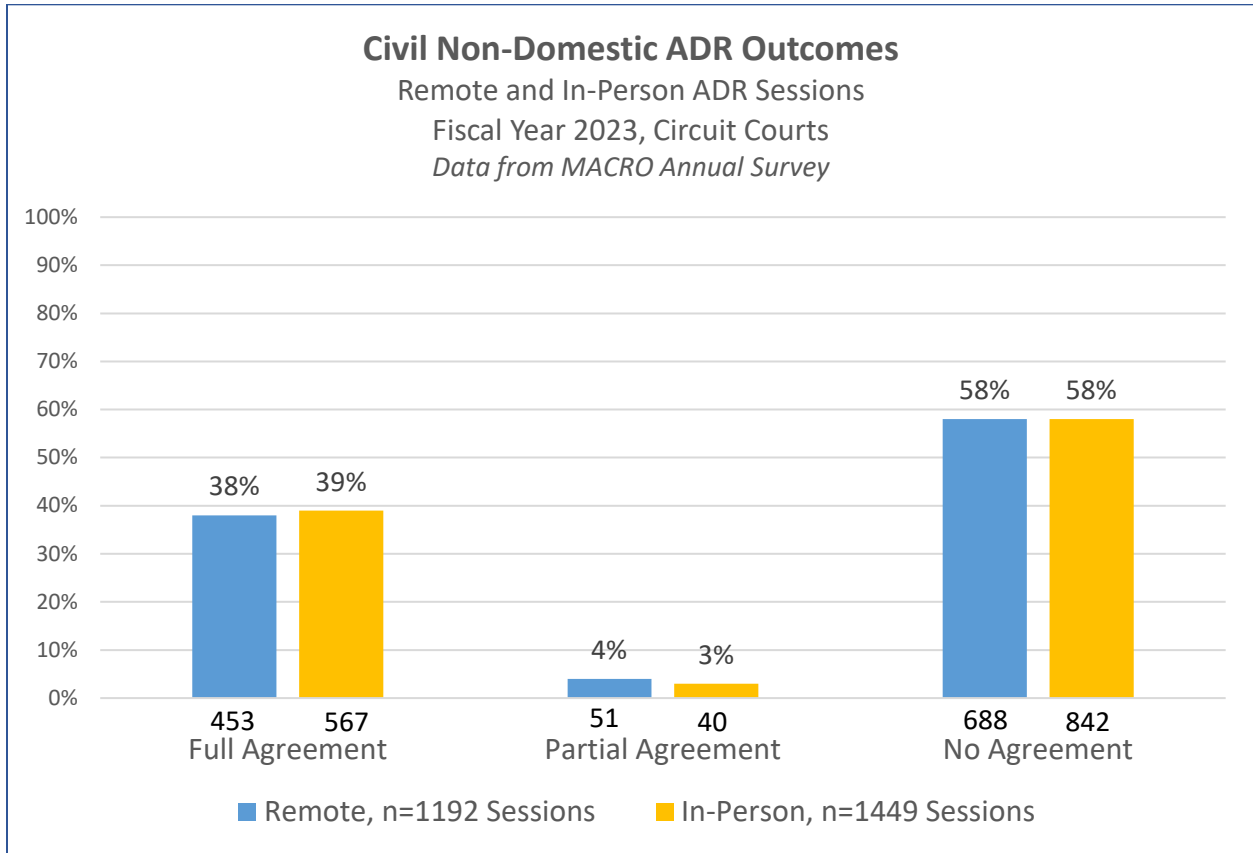
Circuit courts in Maryland refer cases to several types of ADR, including mediation, settlement conferences, and facilitation. All 24 circuit courts in Maryland offer some form of ADR for domestic/family cases, and 19 reported data indicating they offer ADR in civil, non-domestic cases as well. MACRO is actively working to increase civil, non-domestic ADR across the state and provided grant funding to nine circuit courts offering civil, non-domestic ADR services in fiscal year 2023.

### ***Civil, Non-Domestic Cases***

A variety of civil, non-domestic case types are referred to ADR, including torts, contracts, worker's compensation, and administrative agency appeals, declaratory judgments, real property cases, and employment cases. To increase the data reporting from the courts, MACRO conducted an ADR survey of every court. A survey had not been conducted since 2018. While the COVID-19 pandemic put a pause on data collection to allow the courts to focus on crucial pandemic adaptations, we are planning to resume an annual ADR survey. While it will take several years for courts to become accustomed to ADR data collection, the benefit is already clear. The Alternative Dispute Resolution Data Summary Fiscal Year 2022 report identified outcomes for 305 ADR sessions. As the graph in the next section shows, for fiscal year 2023, 2,641 outcomes for ADR sessions were identified.

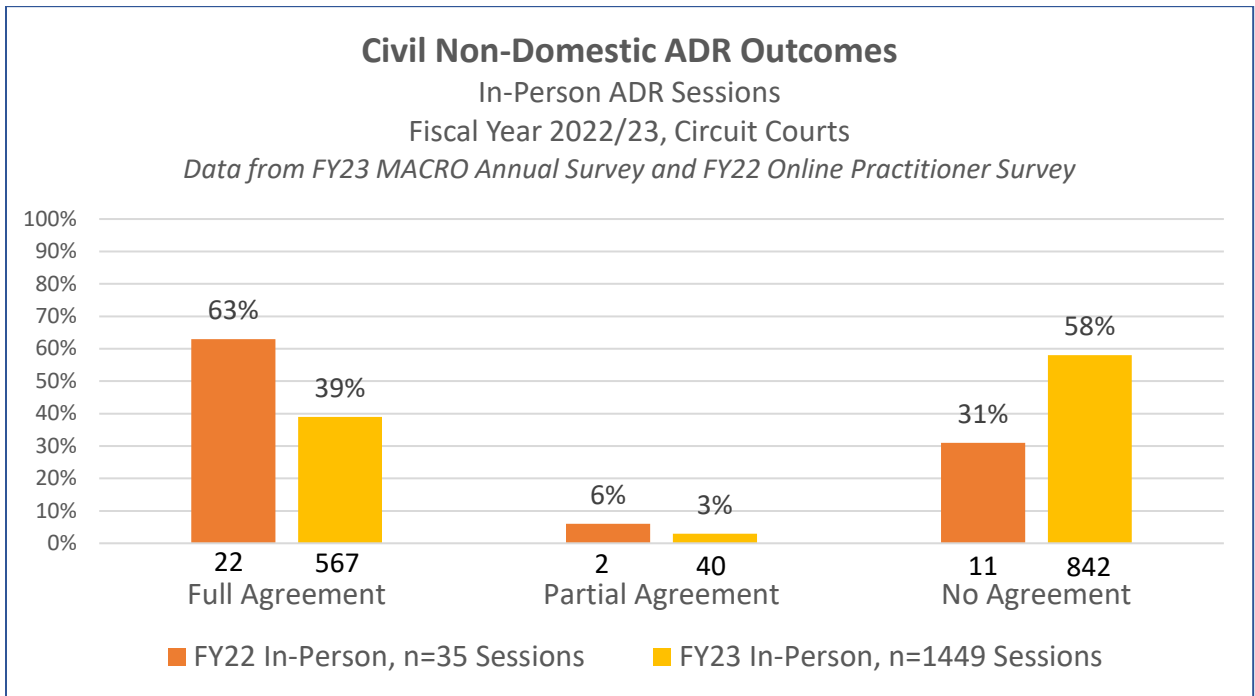
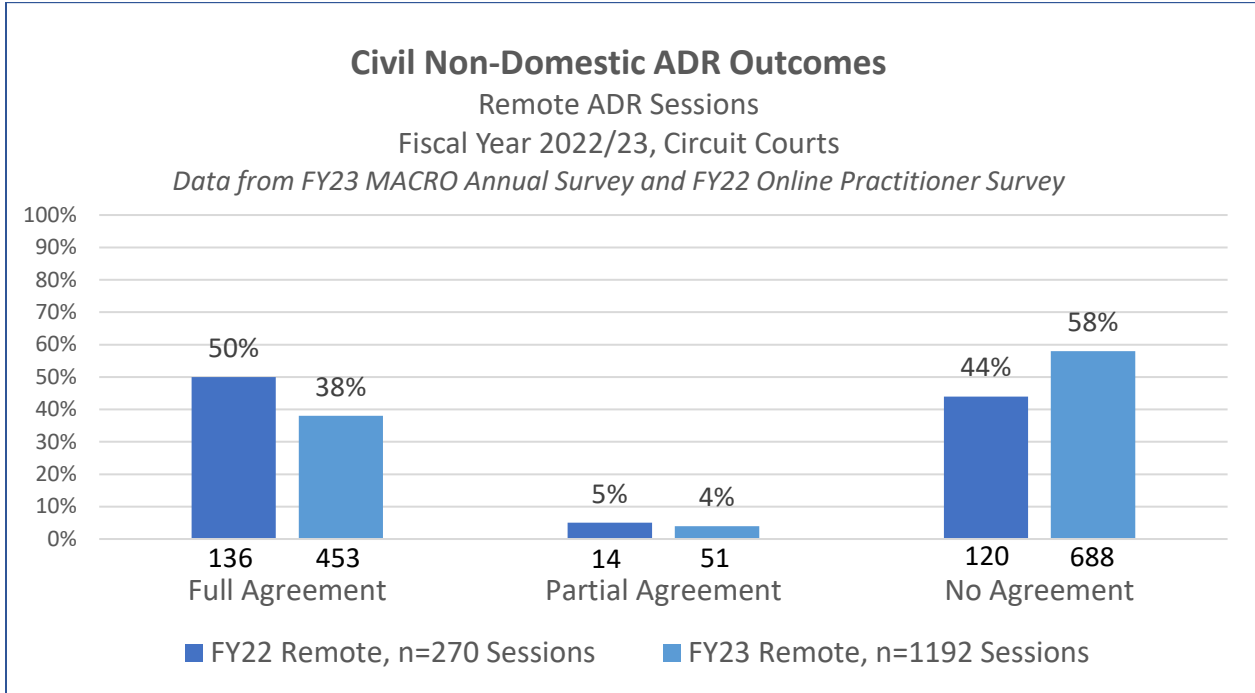
**Settlement Data**

In fiscal year 2023, remote sessions had 504 (42%) full or partial agreements. In-person ADR sessions resulted in 607 (42%) full or partial agreements. While we know these 2,341 sessions are an undercount, we now have 18 circuit courts reporting either mediation, settlement conferences, or both.

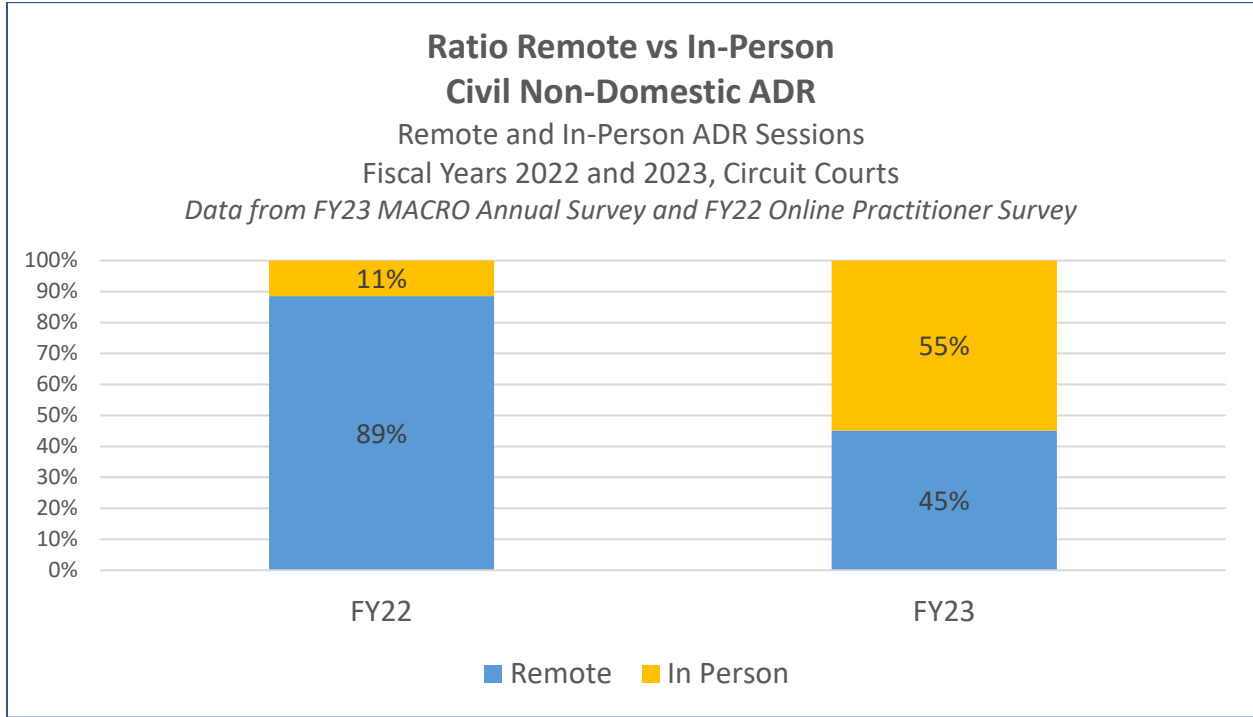


While the outcome rate is a single measurement of complex processes, the identical 42% full/partial agreement rates for the outcome of remote and in-person ADR sessions indicate that both forums have value for the courts and the public.

The two graphs below provide a comparison of remote and in-person ADR across fiscal years 2022 and 2023. While both graphs look similar, the in-person graph's percentages highlight a considerable difference between the two years (63% vs 39%), however, the full agreement rate for the fiscal year 2022 is based on 22 sessions and 2023 is 567 sessions. Both graphs show more data being reported in fiscal year 2023 compared to fiscal year 2022.



Similar to the District Court, a shift towards more in-person ADR has occurred when comparing fiscal years 2022 and 2023. While both the District Court and circuit courts shifted from predominately remote to predominately in-person ADR, the extent of the shift is different for the two court systems. For the fiscal year 2023, the District Court ratio is Day of Trial in-person 77% while Pre-Trial remote is 23%; page 10. As shown below, the circuit court ratio is 55% in-person and 45% remote.



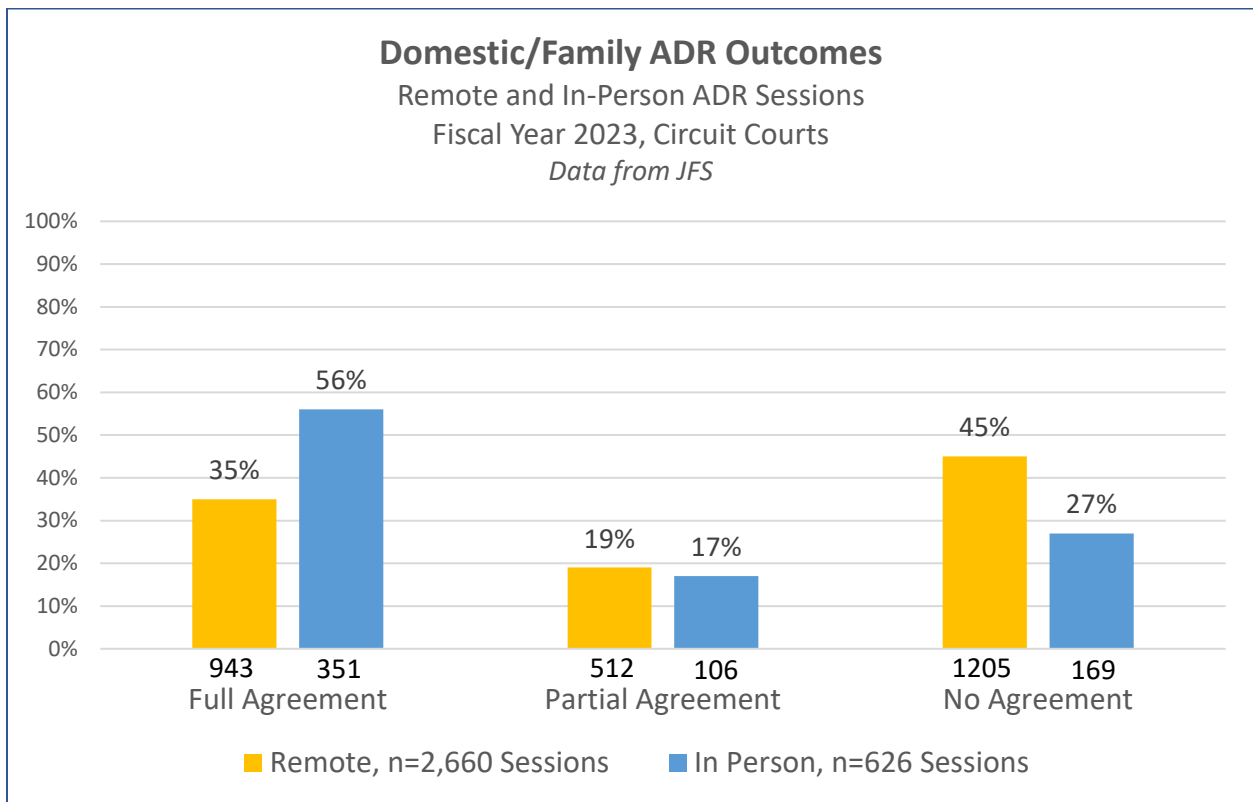


***Domestic/Family Cases***

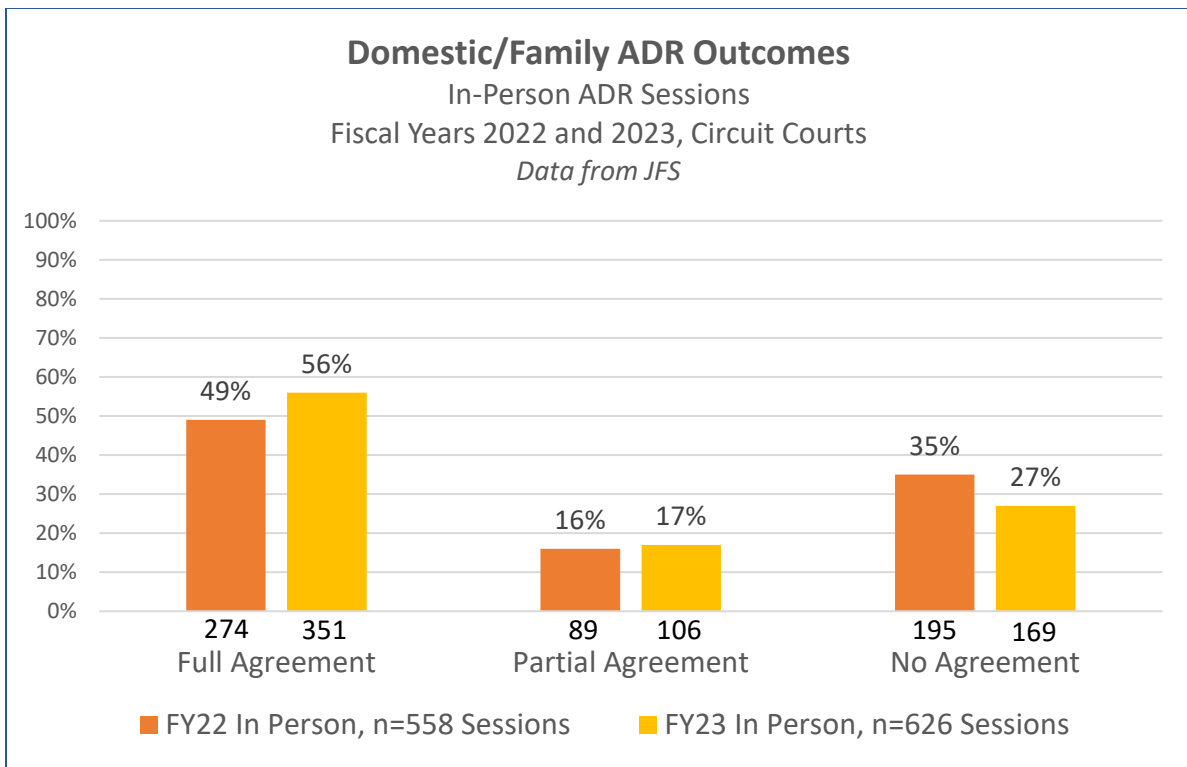
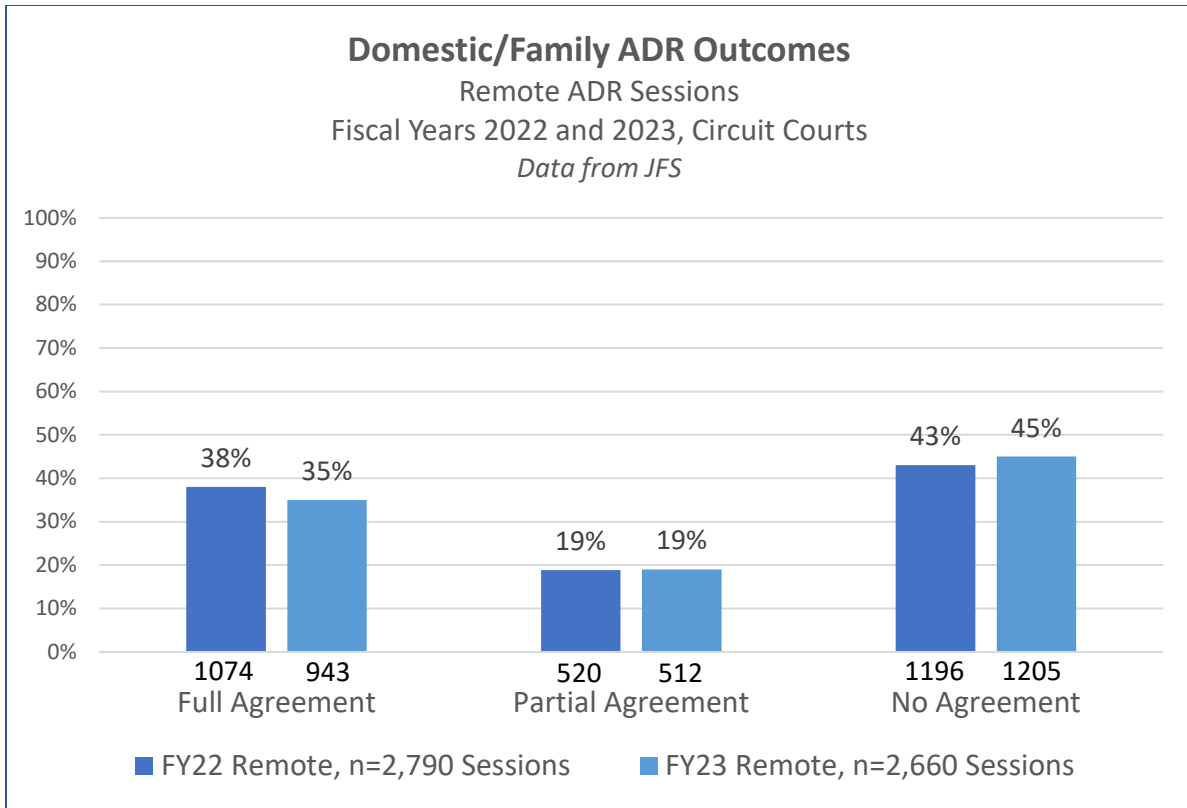
Issues referred to domestic/family ADR include child access and parenting time, marital property and finances, complete domestic mediation, child in need of assistance, termination of parental rights, and guardianship. The Administrative Office of the Courts provided domestic/family ADR grant funding to all 24 circuit courts in fiscal year 2023. Through the jurisdictional grant partnerships, Juvenile and Family Services (JFS) collected outcome data to provide a snapshot of domestic/family ADR statewide.

***Settlement Data***

In fiscal year 2023, circuit court ADR practitioners conducted 2,660 domestic/family sessions remotely and 626 sessions in person.



Looking at the agreement rates in the graph above, there does appear to be a potentially noteworthy difference between remote and in-person. The two following graphs compare fiscal year data for 2022 and 2023. While only two years of data, they provide preliminary evidence that agreement rates are holding fairly steady across years for each forum. These data sets provide an important basis for further conversations with courts and practitioners regarding the choice of forum for domestic/family cases.



### ***Appellate Court of Maryland (ACM)***

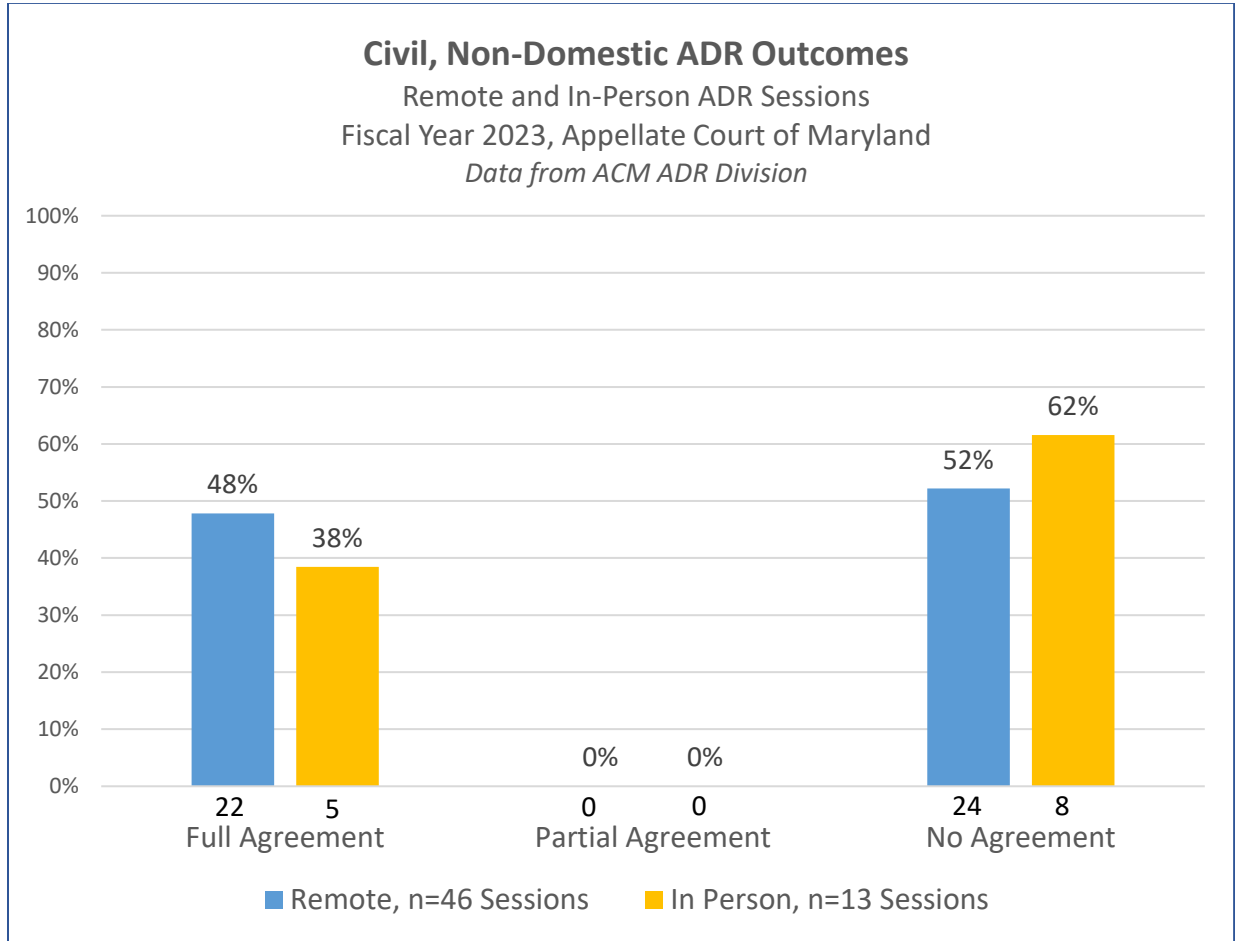
The Appellate Court of Maryland (ACM) ADR Division screens most civil appeals for alternative dispute resolution. Mediation is the most commonly ordered method of ADR; however, settlement conferences may also be ordered. ACM uses a co-mediation model that includes one senior judge mediator and one staff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

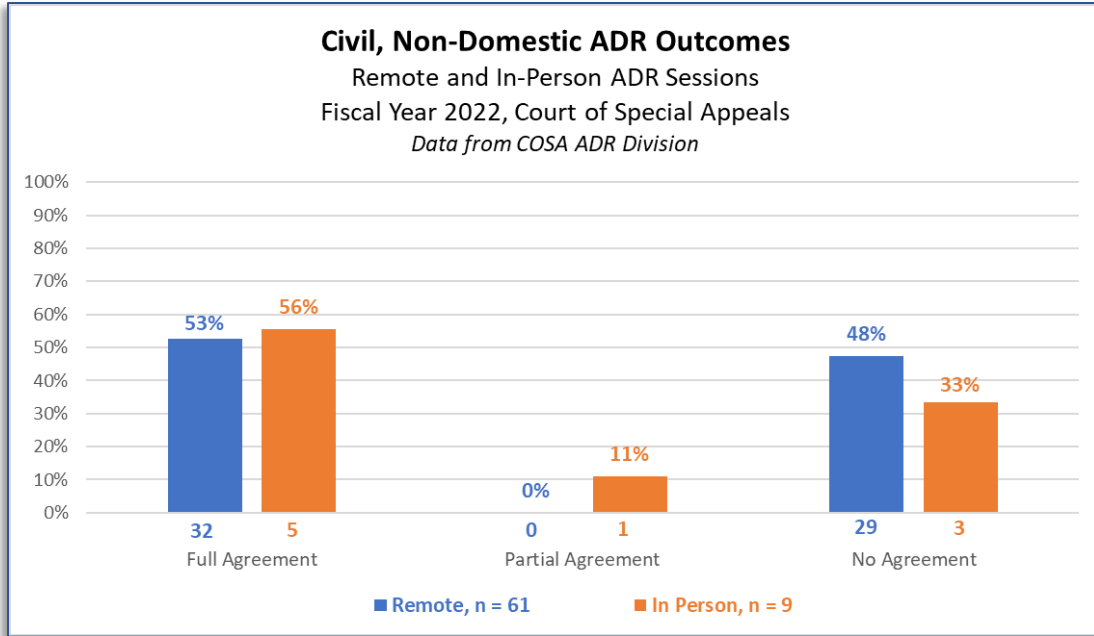
The ACM refers domestic/family and civil, non-domestic case types to ADR. ACM outcome data include:

1. Referral: Case ordered to a formal ADR process (mediation or pre-hearing conference).
2. Pre-Mediation Facilitation (PMF): Informal settlement discussions between counsel, facilitated by a staff attorney-mediator, that result in an agreement or otherwise dispose of the appeal.
3. Full Agreement: An agreement that is effectuated and results in a remand to the circuit court for entry of a consent order or a voluntary dismissal of the appeal.
4. Partial Agreement: Refers to situations in which the ADR process results in a reduction of the number of appellate issues or streamlines the appellate procedure, but does not dispose of the appeal.
5. No Agreement: No agreement is reached in a formal ADR process and the appeal moves forward.
6. Mediation: As described in Maryland Rule [17-404](#).
7. Pre-Hearing Conference (PHC): As described in Maryland Rule [17-403](#).

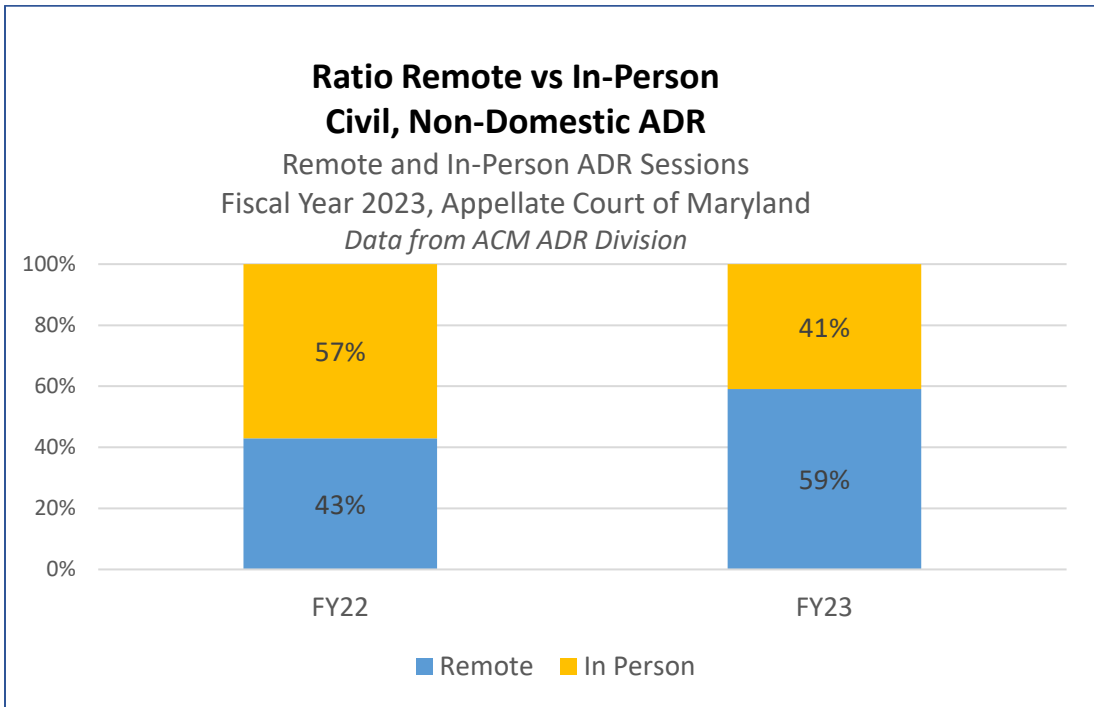
**Settlement Data**

For fiscal year 2023, 46 (78%) of the civil, non-domestic ADR sessions were remote, with an agreement rate of 22 (48%). In-person ADR represented 13 (22%) of the ADR sessions, resulting in five (38%) agreements. While an agreement rate of 48% vs 38% appears noteworthy, the data set is so small, that it is too early to read too much into the difference. If six instead of five in-person sessions had reached an agreement, the agreement rate would be 46% instead of 38%. At this stage, continued monitoring should occur given the small data sets.

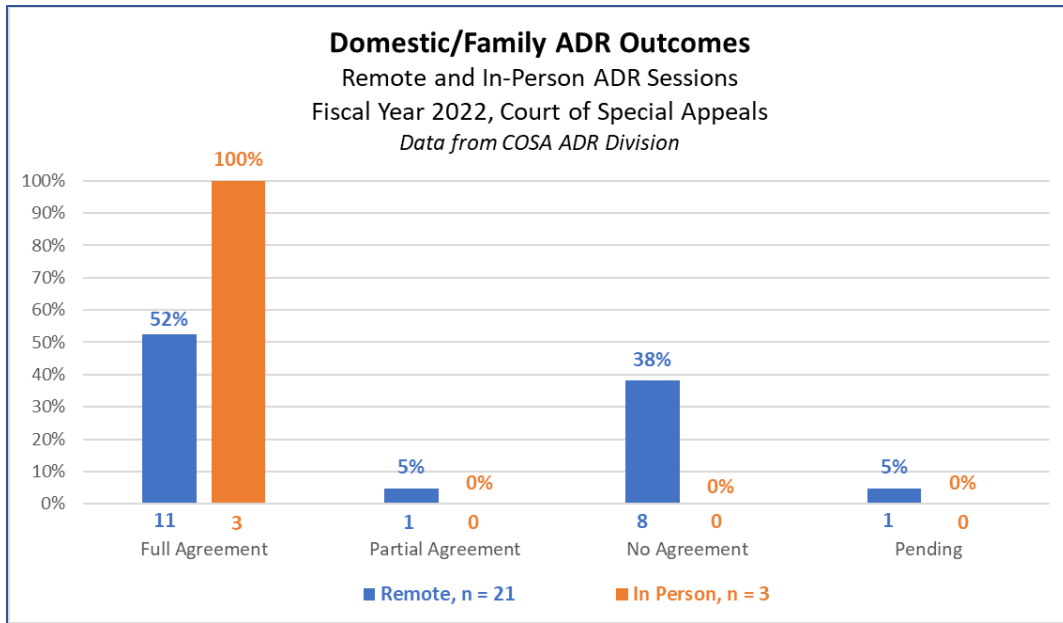
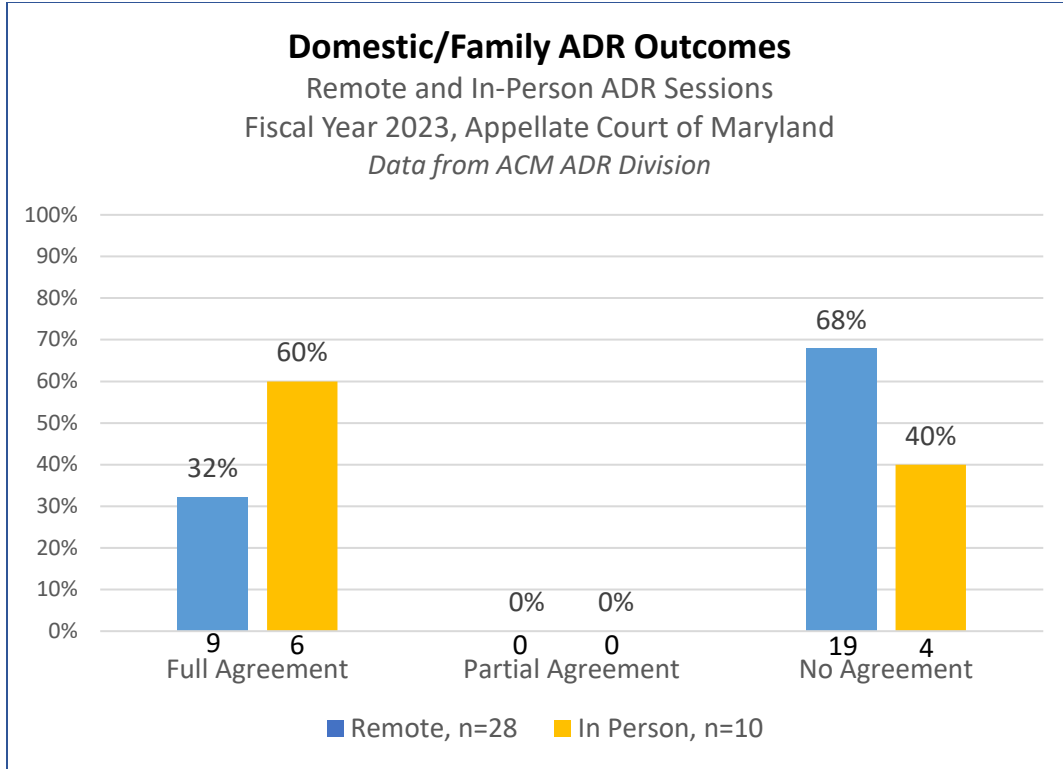




In contrast to other courts, ACM has expanded its use of remote forums in fiscal year 2023.



As with the civil, non-domestic cases in the ACM program, most domestic/family cases in the ACM program occurred remotely. Remote sessions were held in 28 (74%) of the 38 instances, with the remaining 10 (26%) occurring in person. A full or partial agreement was reached in nine (32%) remote sessions and six (60%) in-person sessions. As with civil, non-domestic, the sample size is small, so continued monitoring is important.



### ***Alternative Dispute Resolution Outcomes – Summary***

For the most part, there is not a large difference between ADR session outcomes for fiscal years 2023 and 2022. While there was some variance in session outcomes between remote and in-person sessions, particularly for domestic/family cases, the data set is small. MACRO will continue to monitor outcome data for remote and in-person processes across all of the courts.

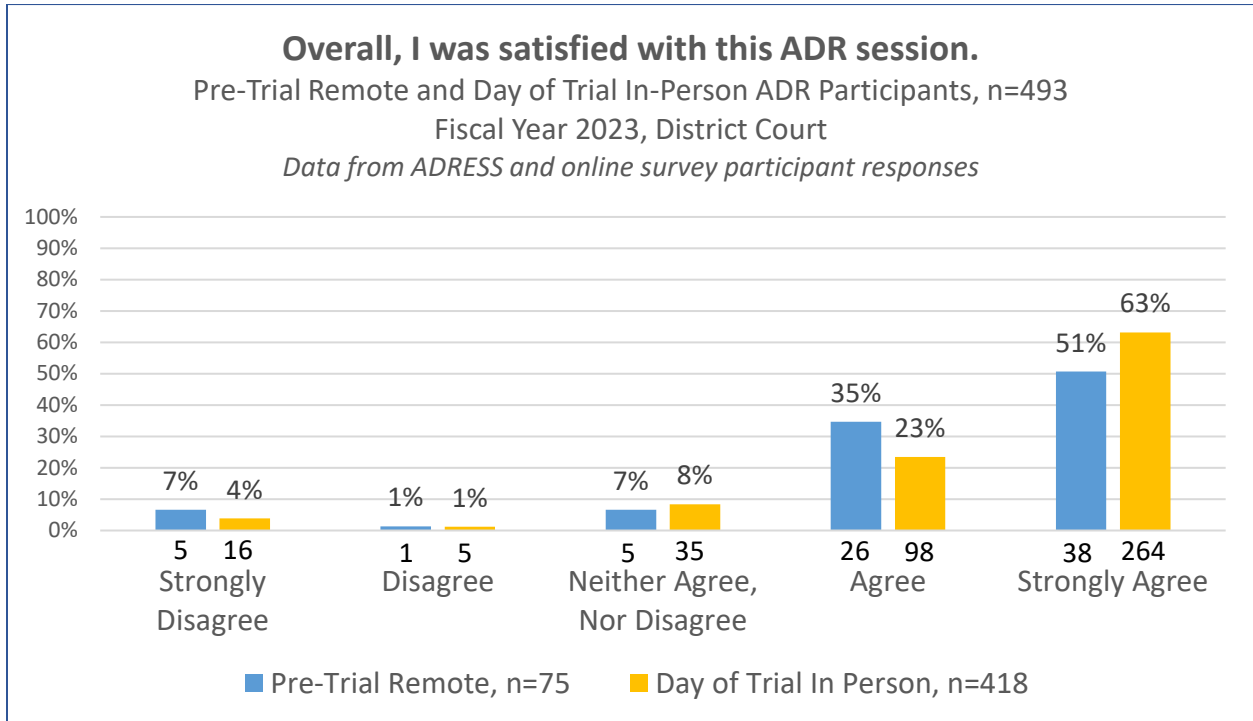
## V. Public Experience

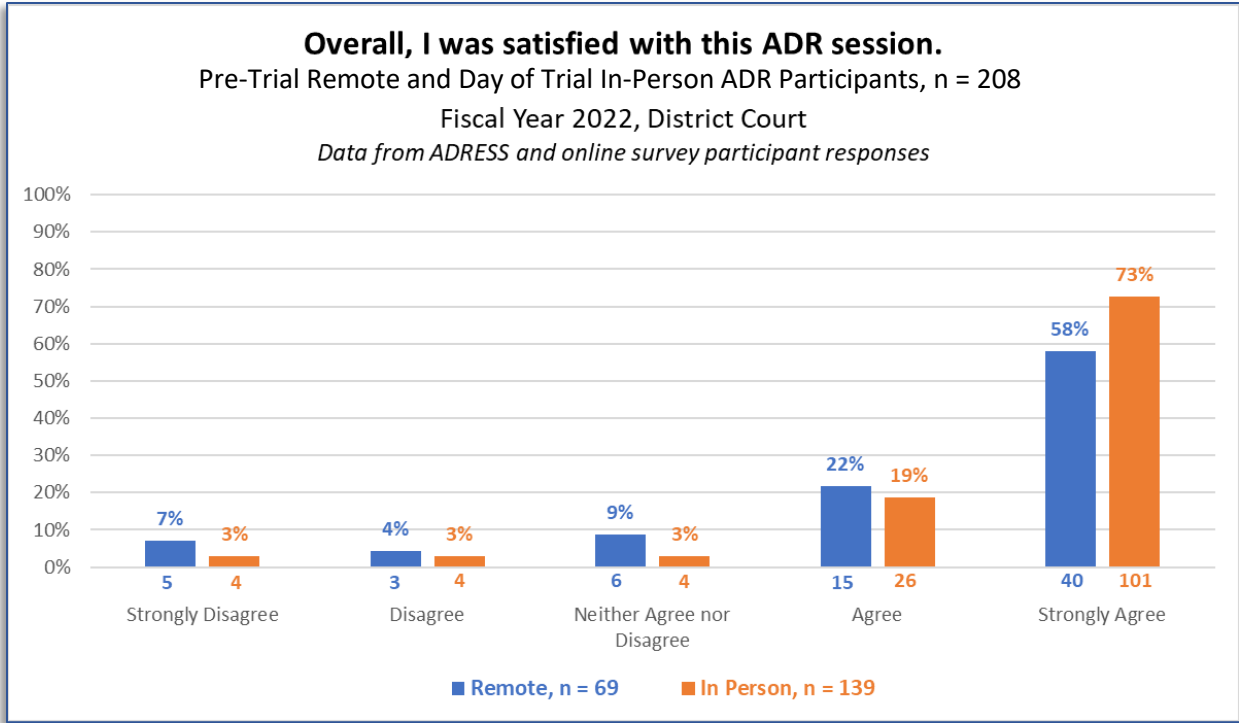
While case settlement outcomes are a measure of the effectiveness of an ADR program, there are other factors that provide important insight. Are parties satisfied with the court-ordered ADR process? Would they recommend ADR to a friend or colleague? The participant satisfaction questions in the survey help us understand the public’s perceptions of the processes and their experiences.

### *District Court*

#### *Participant (Party) and Attorney Satisfaction*

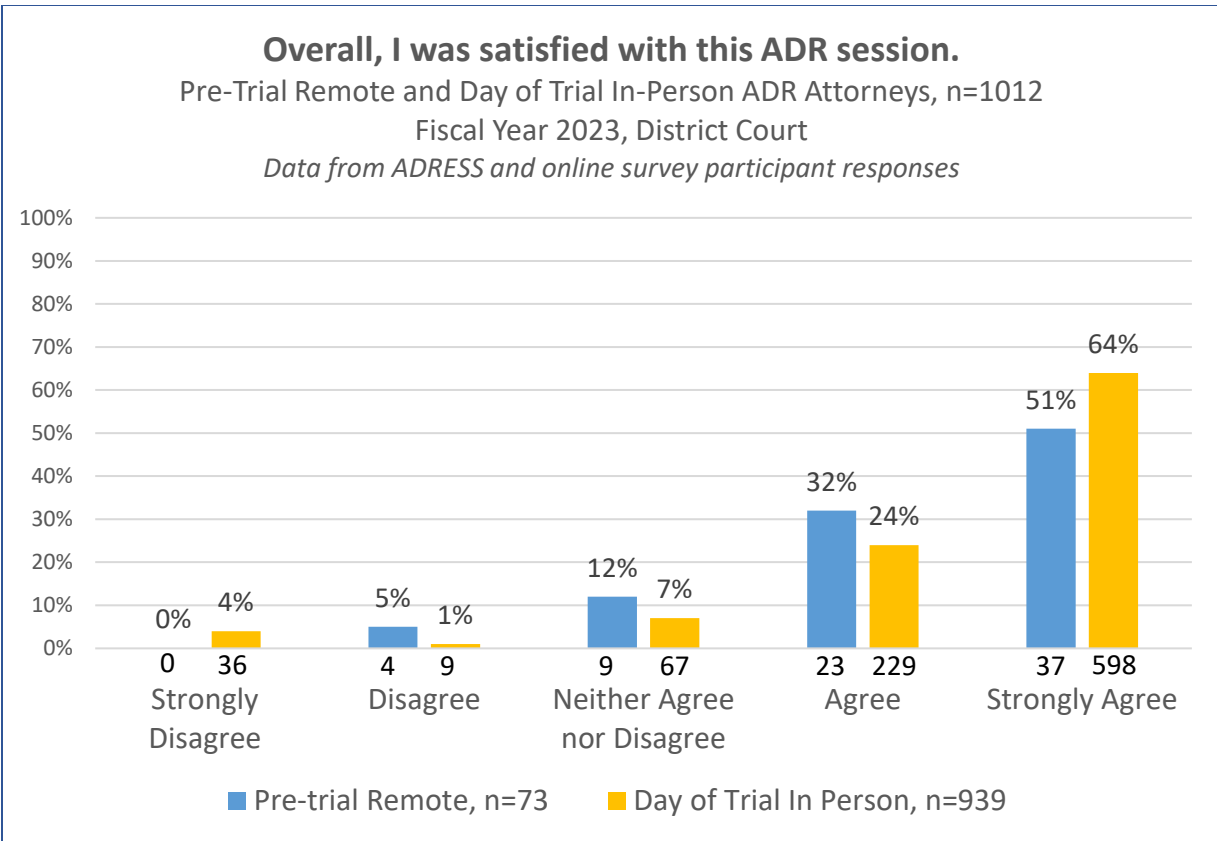
In fiscal year 2023, the District Court ADR Office received 493 participant (party) responses to the statement, “Overall, I was satisfied with this ADR session.” This is a 137% increase in response rate for the fiscal year 2022 participant response total of 208. Of those participants, 75 (15%) participated in their ADR session remotely, and 418 (85%) participated in person. Most participants had a positive response to the statement, with 64 (86%) remote participants selecting that they agreed or strongly agreed and 362 (87%) in-person participants stating the same. As can be seen in the fiscal year 2022 and 2023 graphs, the satisfaction rates are comparable. Also, similar to last year, in-person participants seemed to feel more strongly in the positive, with 264 (63%) selecting strongly agree as compared to the 38 (51%) remote participants who responded in kind.



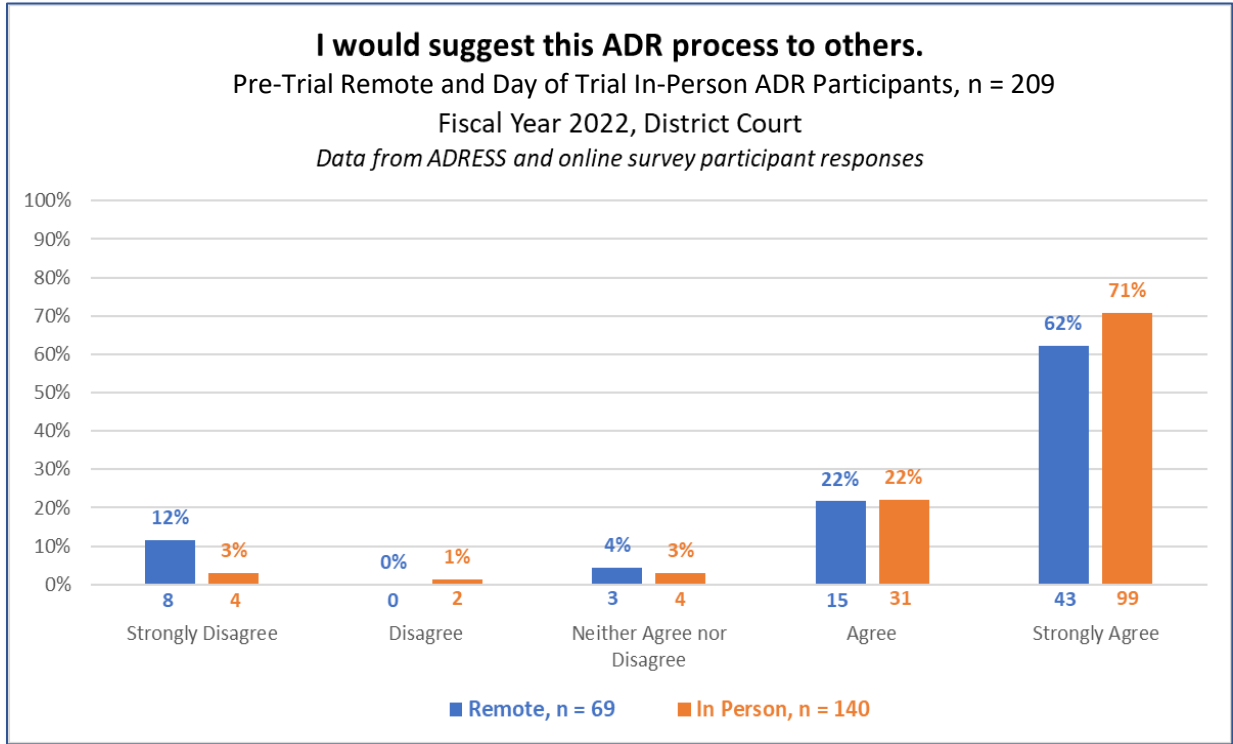
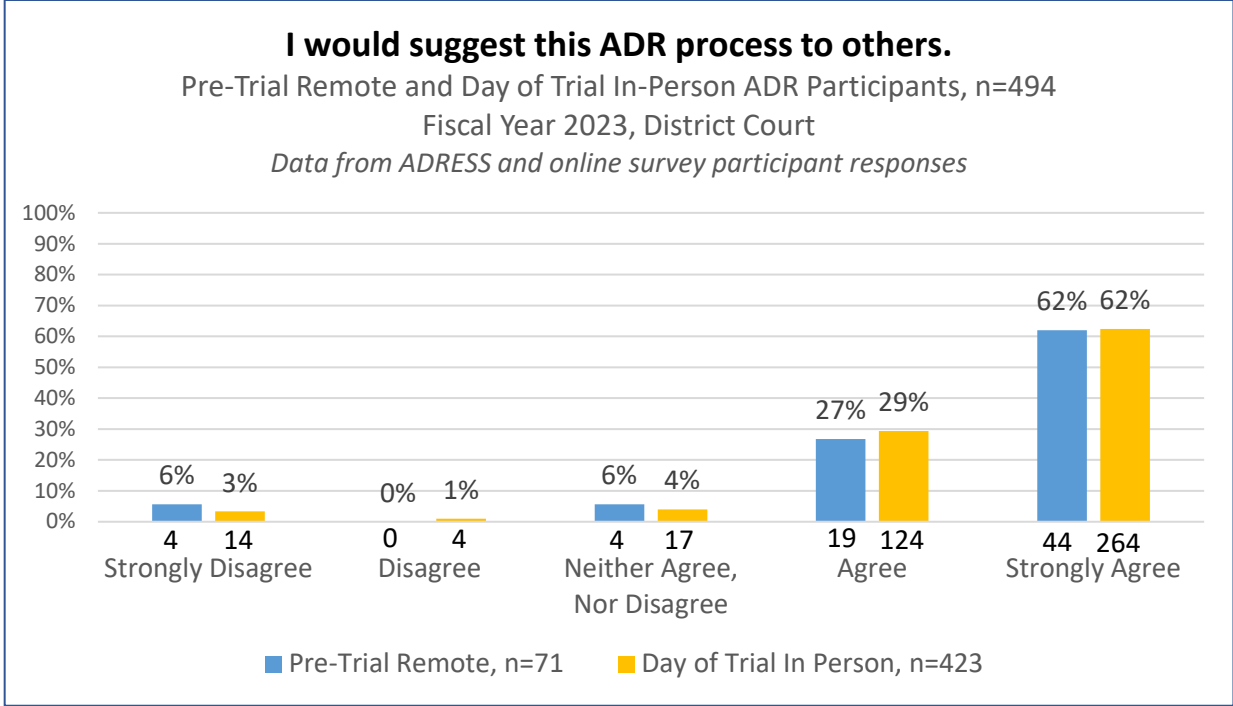


Evaluation surveys are also collected from attorneys who attend the mediation sessions. Attorneys have a similar assessment as the participants, with the overwhelming responses being positive. The graph below shows that attorneys who participated remotely in Pre-Trial ADR agreed or strongly agreed 82% of the time with the statement, “Overall, I was satisfied with this ADR session.” For in-person ADR, the combined response was 88%. This is very close to the respective 85% and 87% response rates by participants.





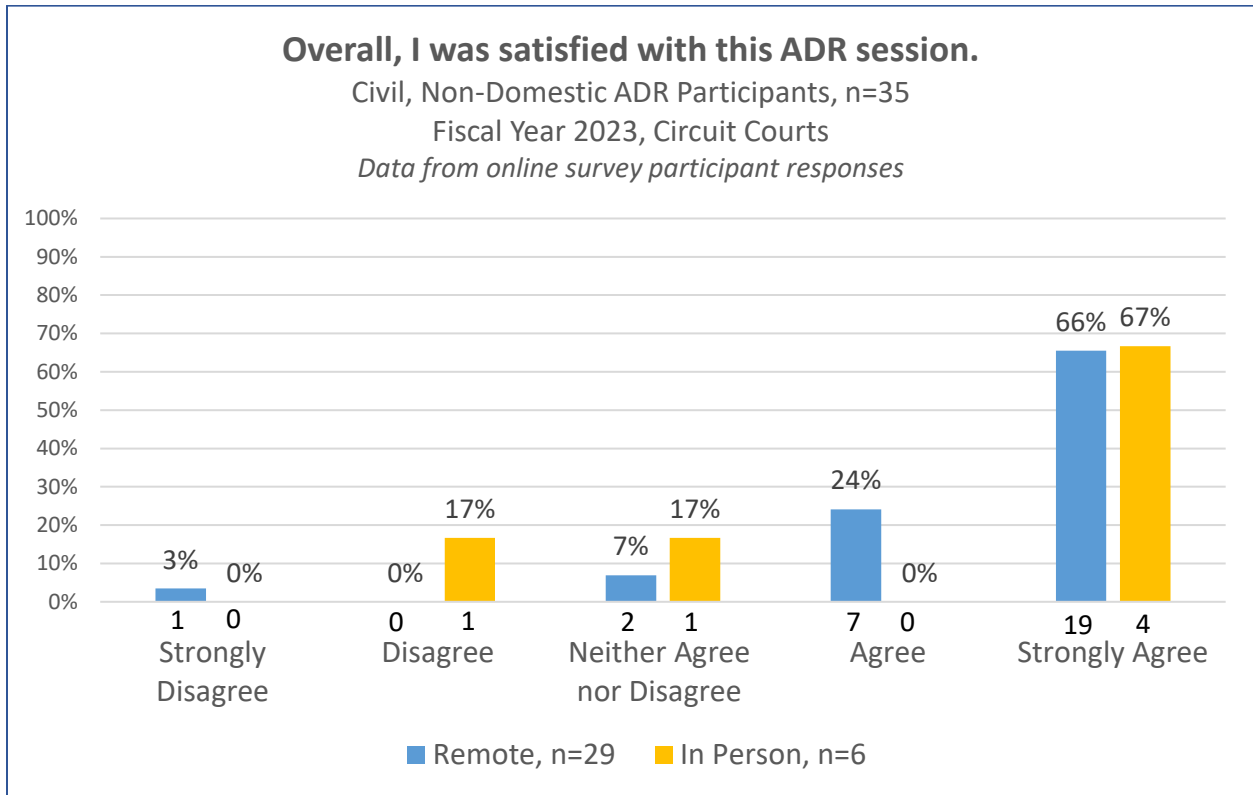
As shown in the graphs below, participant satisfaction is also measured by whether participants would recommend the ADR process to others. In fiscal year 2023, District Court ADR participants provided 494 responses to the prompt, “I would suggest this ADR process to others,” a 136% increase in response rate over fiscal year 2022. Participants in both processes were similarly positive for in-person and remote formats. Focusing on fiscal year 2023, remote participants agreed or strongly agreed, in 63 (89%) instances, and 388 (92%) in-person participants agreed or strongly agreed, that they would recommend the ADR process to others.

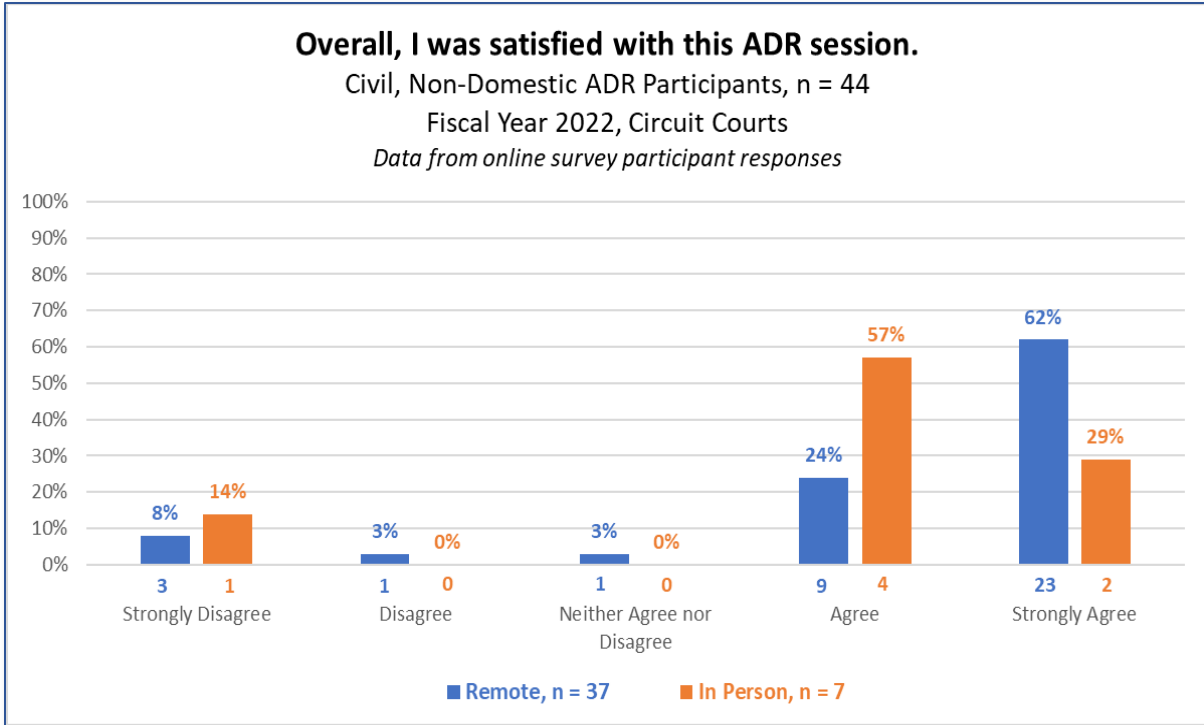


***Circuit Courts***

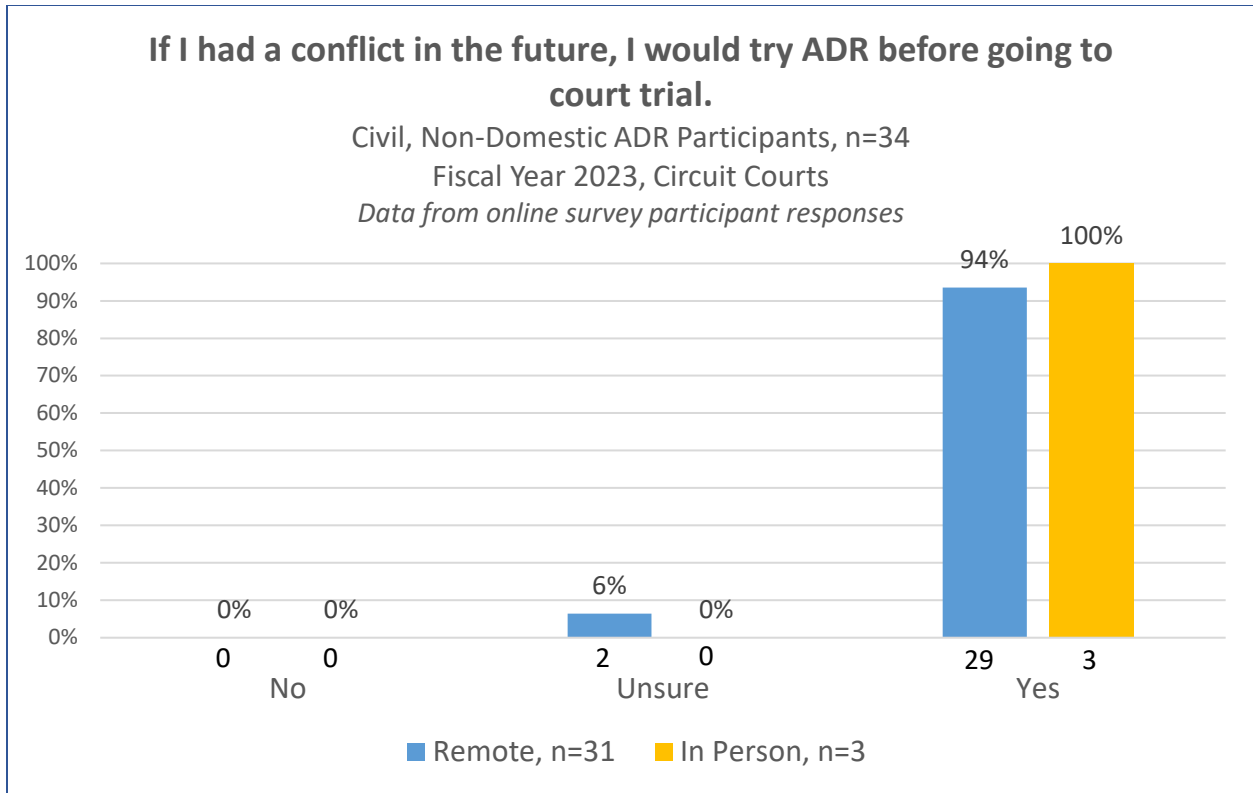
***Civil, Non-Domestic Participant Satisfaction***

In fiscal year 2023, 35 civil, non-domestic ADR participants responded to the statement, “Overall, I was satisfied with this ADR session.” Of these respondents, 29 (83%) participated in their session remotely and six (17%) participated in person. Remote participants agreed or strongly agreed with the statement in 26 (90%) instances, and in-person participants responded the same in four (67%) instances. While the graph from fiscal years 2023 and 2022 appear different, the data size of 35 and 44 spread across five response options means even a difference of one looks large. At this stage, monitoring for extreme changes is what this data set size provides.



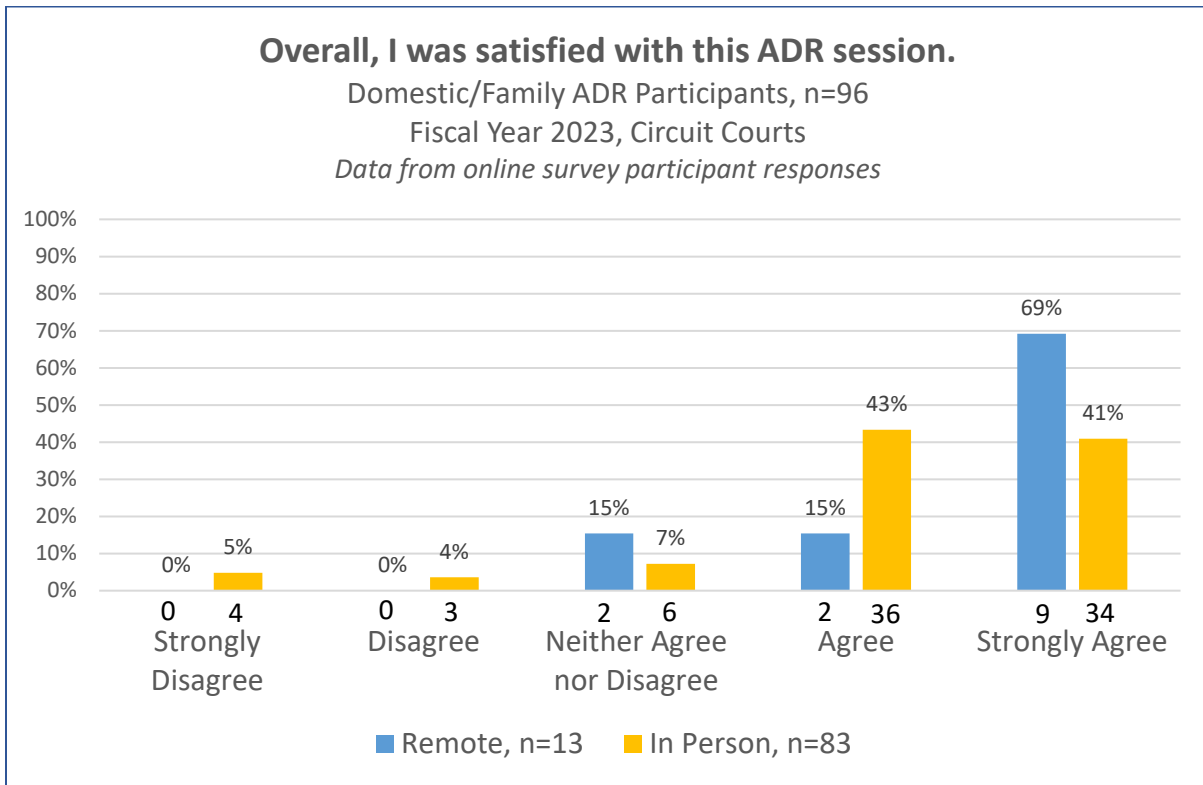


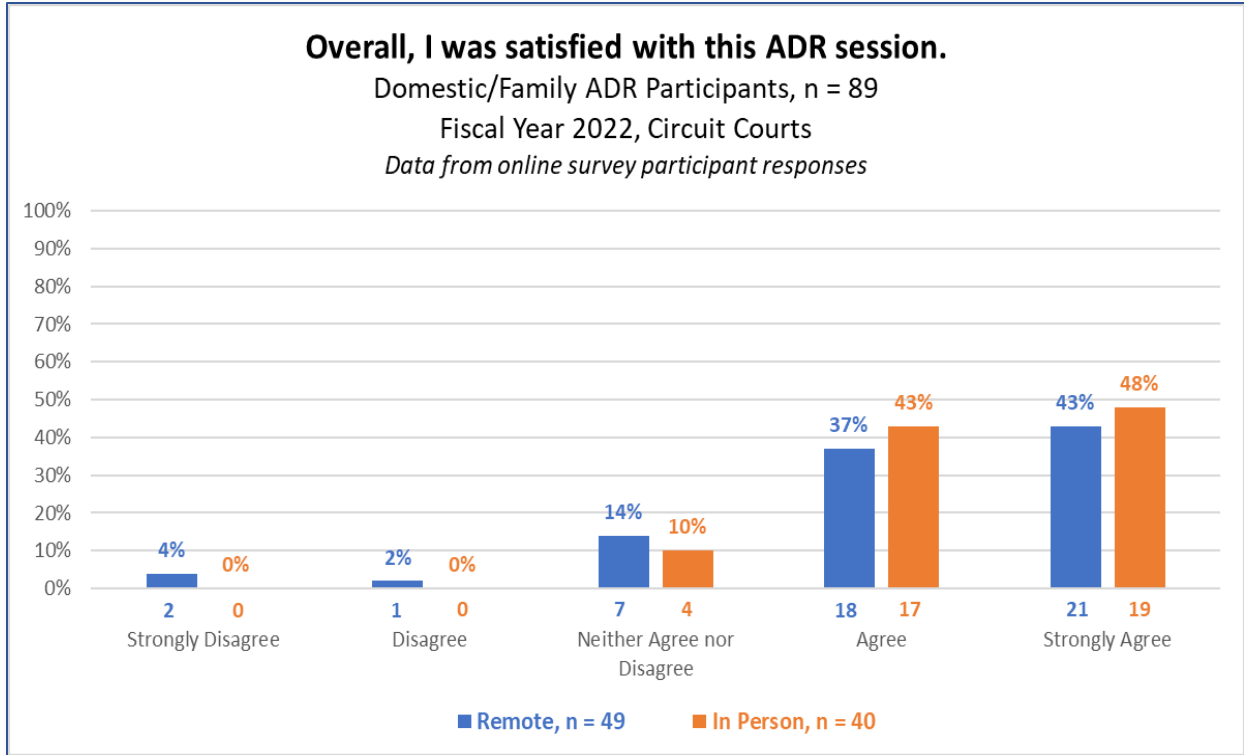
In addition to overall satisfaction, participants were asked to respond to statements around their likelihood to use an ADR process again in the future. In fiscal year 2023, 34 participants responded to the statement, “[i]f I had a conflict in the future, I would try ADR before going to court trial.” Remote participants accounted for 31 (91%) of these respondents, and in-person participants encompassed the remaining three (9%). Most participants agreed that they would be willing to try ADR in the future, with 29 (94%) remote participants selecting yes and all three (100%) in-person participants responding the same. Participants were given the option to state that they were unsure, and remote participants selected that response in two (6%) instances. No remote or in-person participants indicated that they would not be willing to try ADR before going to court trial in the future. While these numbers are limited by the data size, it is encouraging that most participants who completed a survey in fiscal years 2022 and 2023 would be willing to try an ADR process in the future after their experience.



### ***Domestic/Family Participant Satisfaction***

Slightly more domestic/family ADR participants submitted survey responses than their civil, non-domestic counterparts in fiscal year 2023. The statement, “Overall, I was satisfied with this ADR session” received 96 responses, most of which were positive. Remote participants accounted for 13 (14%) of the respondents, and 11 (85%) agreed or strongly agreed with the statement. In-person participants made up the remaining 83 (86%) respondents, with 70 (84%) agreeing or strongly agreeing with the statement. No remote participants responded negatively to the statement, with the remaining two (15%) answering neutrally with the “neither agree nor disagree” option. As a whole, the domestic/family responses are positive, continued monitoring should occur given the small data sets.

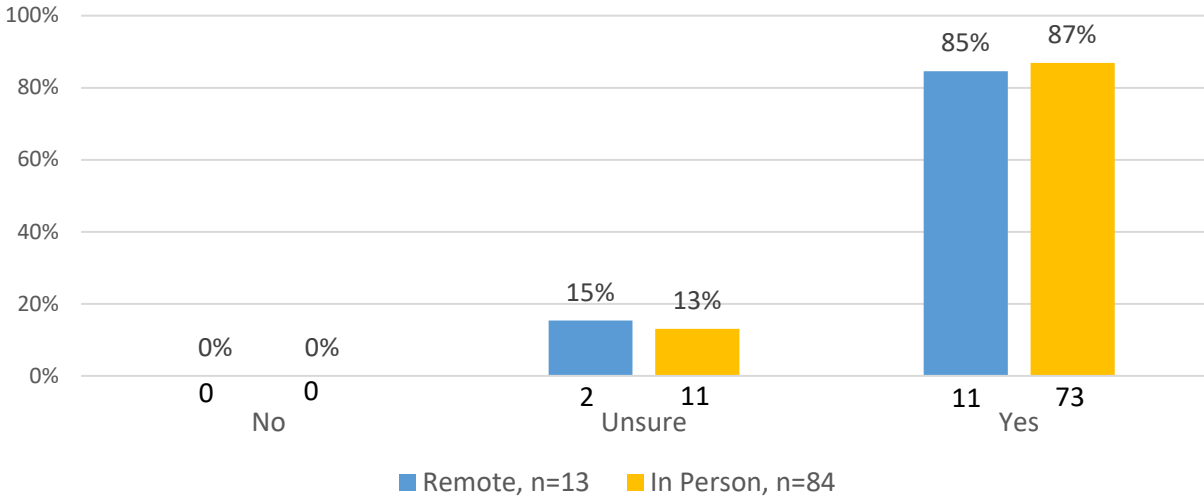




In fiscal year 2023, 97 domestic/family ADR participants responded to the statement, “If I had a conflict in the future, I would try ADR before going to court trial.” Of these respondents, 13 (13%) participated remotely and 84 (87%) participated in person. Remote respondents replied that they would try ADR in the future in 11 (85%) instances, and 73 (87%) in-person respondents agreed. No remote or in-person respondents stated that they would not try ADR before going to court trial in the future. Two (15%) remote and 11 (13%) in-person participants responded that they were unsure. Overall, the responses were consistently positive in both fiscal years.

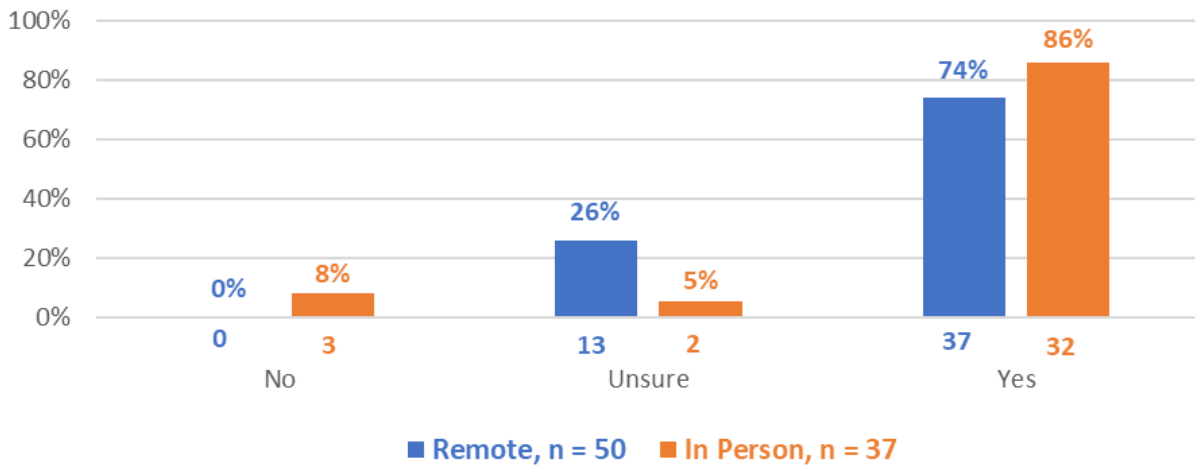
**If I had a conflict in the future, I would try ADR before going to court trial.**

Domestic/Family ADR Participants, n=97  
 Fiscal Year 2023, Circuit Courts  
 Data from online survey participant responses



**If I had a conflict in the future, I would try ADR before going to court trial.**

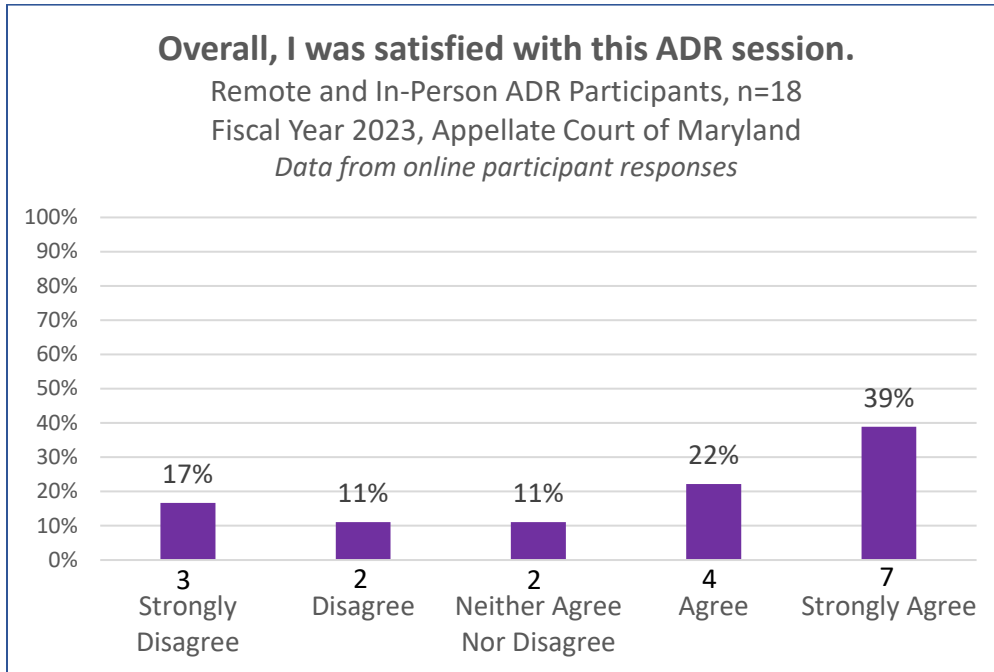
Domestic/Family ADR Participants, n = 87  
 Fiscal Year 2022, Circuit Courts  
 Data from online survey participant responses



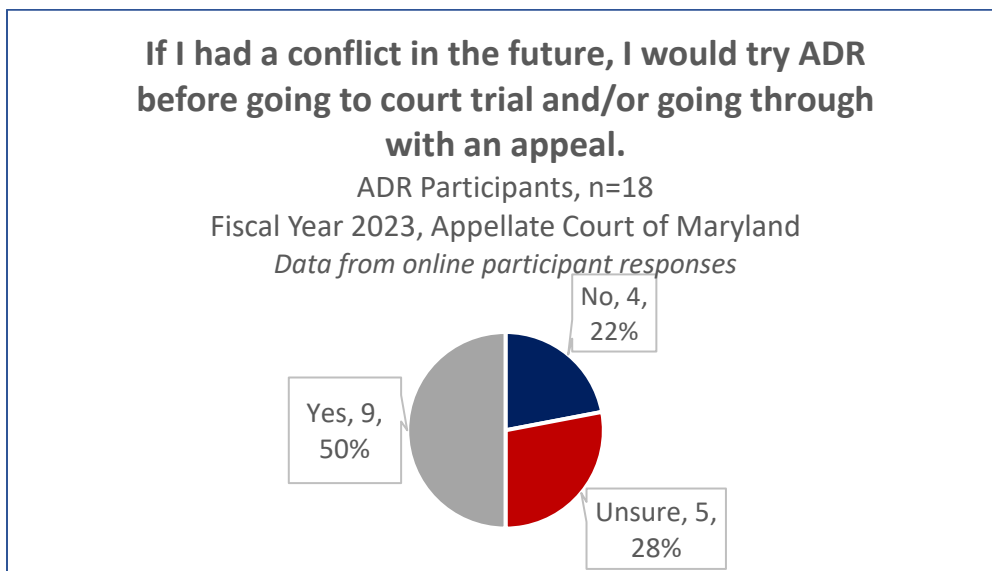


***Appellate Court of Maryland (ACM)***

The graphs below shows both remote and in-person responses. Given the small size of the data set, they were not broken down by remote and in-person forums.



In fiscal year 2023, 18 participants responded to the statement, “[i]f I had a conflict in the future, I would try ADR before going to court trial and/or going through with an appeal.” The graph below shows that nine (50%) of the participants agreed that they would be willing to try ADR in the future. Participants were given the option to state that they were unsure, 5 (28%) selected this option. Four (22%) indicated that they would not be willing to try ADR before going to court trial in the future.



***Public Experience – Summary***

In fiscal year 2023, ADR participants were highly satisfied with their ADR session, regardless of the case type or the way in which the session was conducted. In addition to stating that they were satisfied with the session, most participants responded that they would either suggest ADR to others or use the process again in the future. The participant responses collected in fiscal year 2023 indicate that, overall, courts and practitioners effectively provided satisfactory ADR processes to the public.

## **VI. Impact of Technology**

At the onset of the COVID-19 pandemic, court programs and ADR practitioners quickly moved to meet the needs of the public, and remote ADR became the norm across the state. Post-pandemic court programs and practitioners are exploring factors to consider when choosing remote or in-person ADR. Rule 17.106 (b) now provides guidance, identifying five factors to consider:

1. The accessibility of the format to each party.
2. The technological competency of the ADR practitioner.
3. The ability of the format to provide for confidentiality of data and communications.
4. Party preference.
5. Whether the format can be used in a manner that does not affect substantially the fairness of the proceeding.

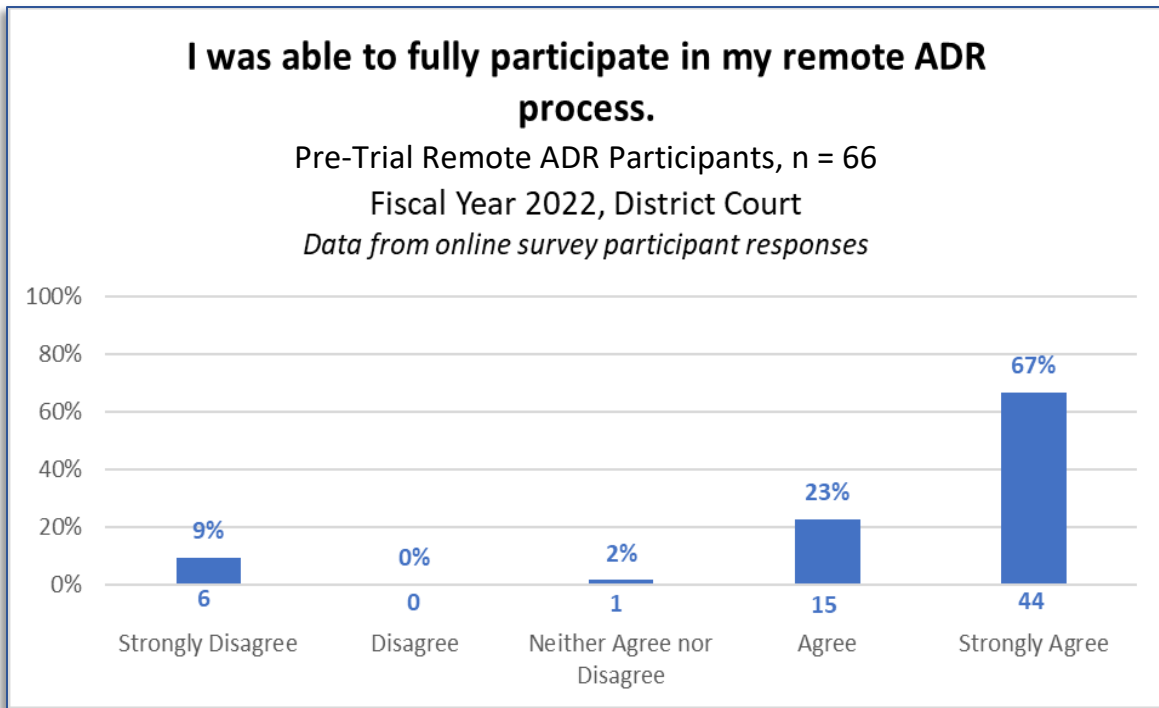
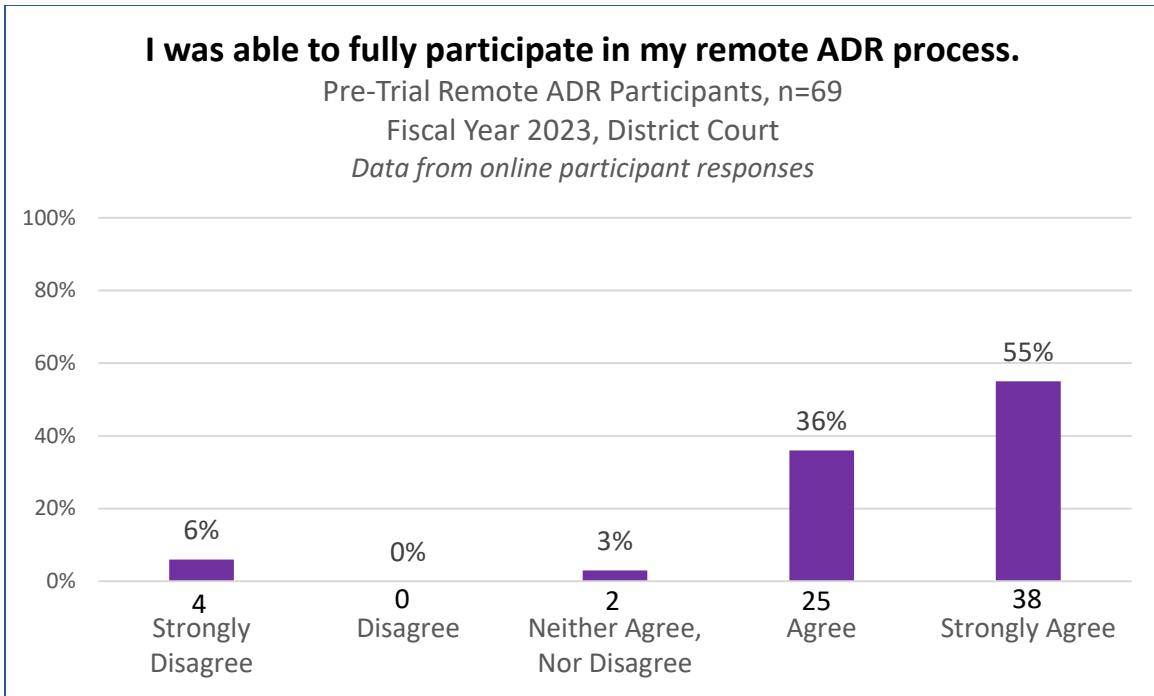
Outcomes and participant satisfaction are two ways the effectiveness of these processes has been examined. The final factors that this report will consider are how technology issues impacted courts' and practitioners' abilities to offer ADR services and whether participants have a preference for remote or in-person ADR. This section examines participant experience with technology in the District Court, circuit courts, the Appellate Court of Maryland for fiscal year 2023.

### ***District Court***

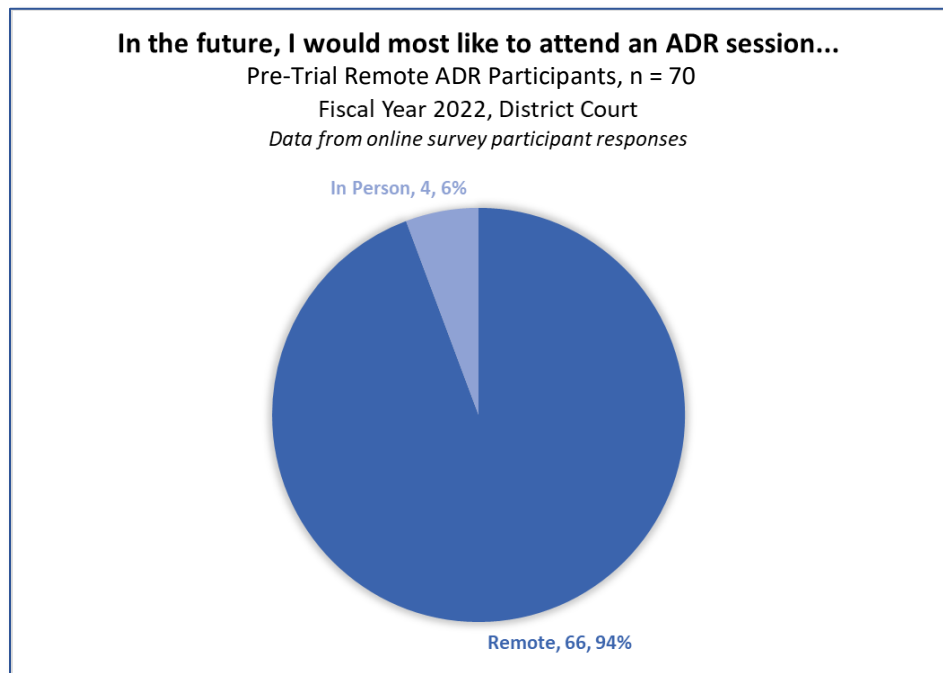
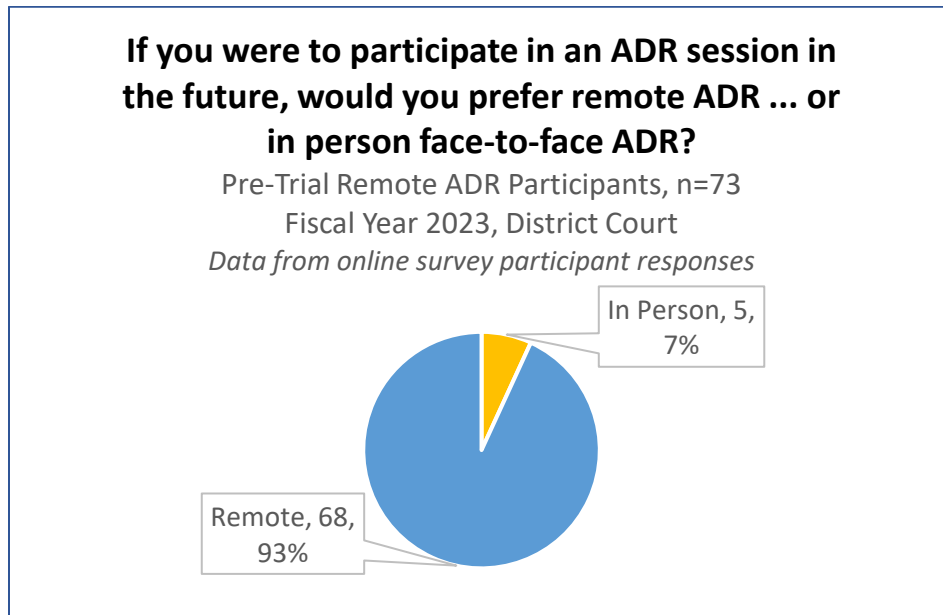
In fiscal year 2023, the District Court ADR Office conducted 194 remote sessions. When 193 practitioners submitted their survey, zero reported a technology problem that prevented the ADR session from moving forward. A dedicated ADR Office staff position (ODR Programs Coordinator) or her designee, launches every remote ADR session with the participants. The staff member is available to assist with technical difficulties throughout the session. One can infer that the measures the District Court employed to avoid a disruption in services were successful.

### ***Public Experience with Technology***

While the ability to conduct remote ADR is critical in this digitally reliant age, it is also important that the public to whom the service is provided have a positive experience using the technology. Remote ADR participants in the District Court were provided with the statement, "I was able to fully participate in my remote ADR process." In fiscal year 2023, the majority of participants responded positively, with 63 (91%) of the respondents stating that they agree or strongly agree. While the data set is small, fiscal year 2022 and 2023 reports have very similar results.

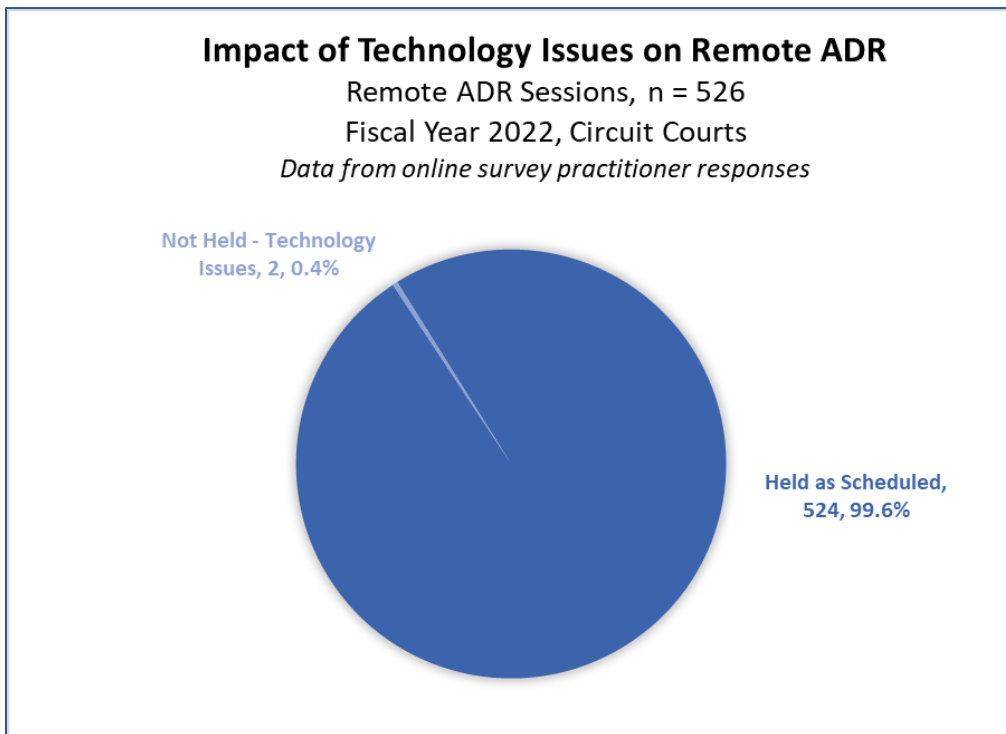
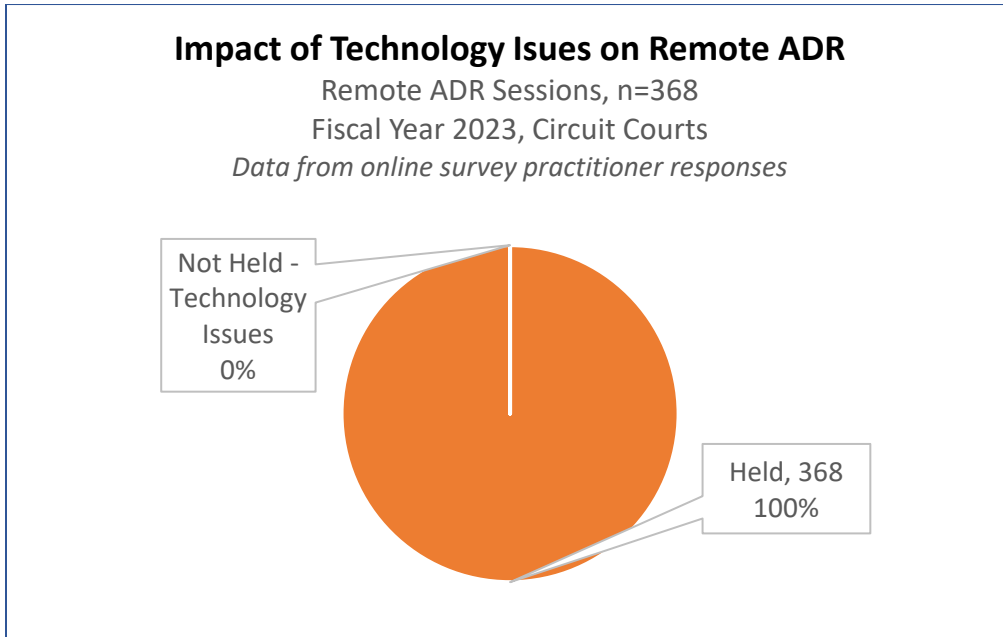


An additional way that the public experience technology was measured through the prompt, “If you were to participate in an ADR session in the future, would you prefer remote ADR (through Zoom for Government or another video conferencing platform) or in person face-to-face ADR?” Participants were provided with the option of in-person or remote ADR. Of the 73 remote participants who responded, 68 (93%) selected that they would participate in a remote ADR session in the future. This indicates that, generally speaking, remote participants are satisfied with the remote ADR platform. Fiscal years 2022 and 2023 reflect very similar feedback.



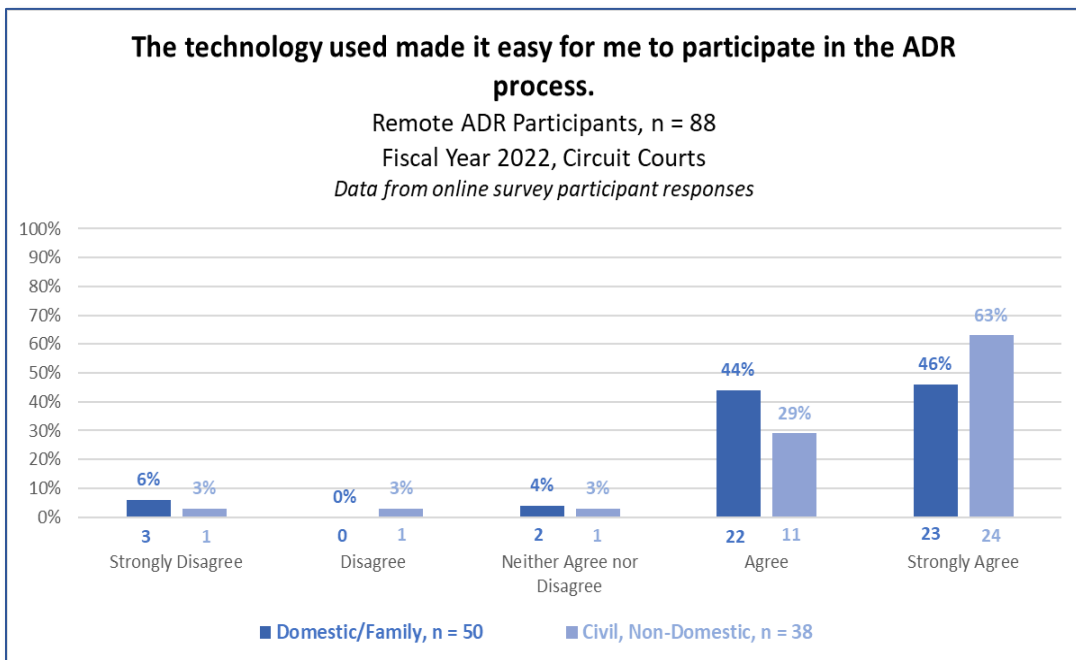
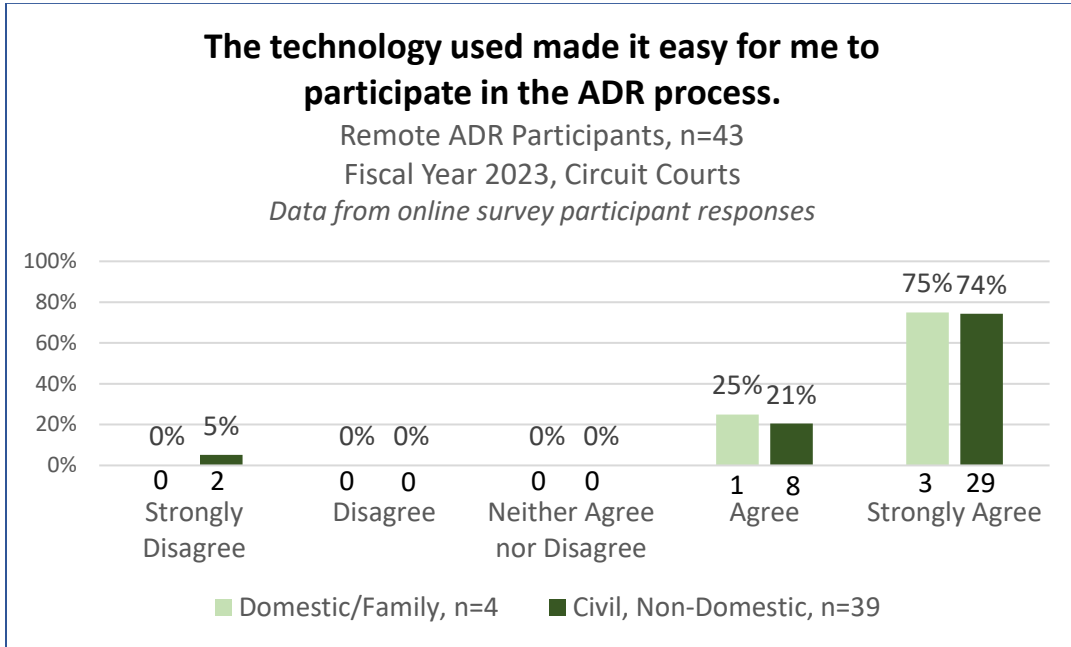
### ***Circuit Courts***

In fiscal year 2023, 368 circuit court remote ADR sessions were prepared to occur as scheduled. No technology issues were reported that prevented the ADR session from moving forward. This indicates that the measures circuit court ADR programs and practitioners took to avoid a disruption in services were successful. In fiscal year 2022, only two sessions were prevented by technology issues. Courts, practitioners, and the public have learned how to integrate remote ADR into their lives.



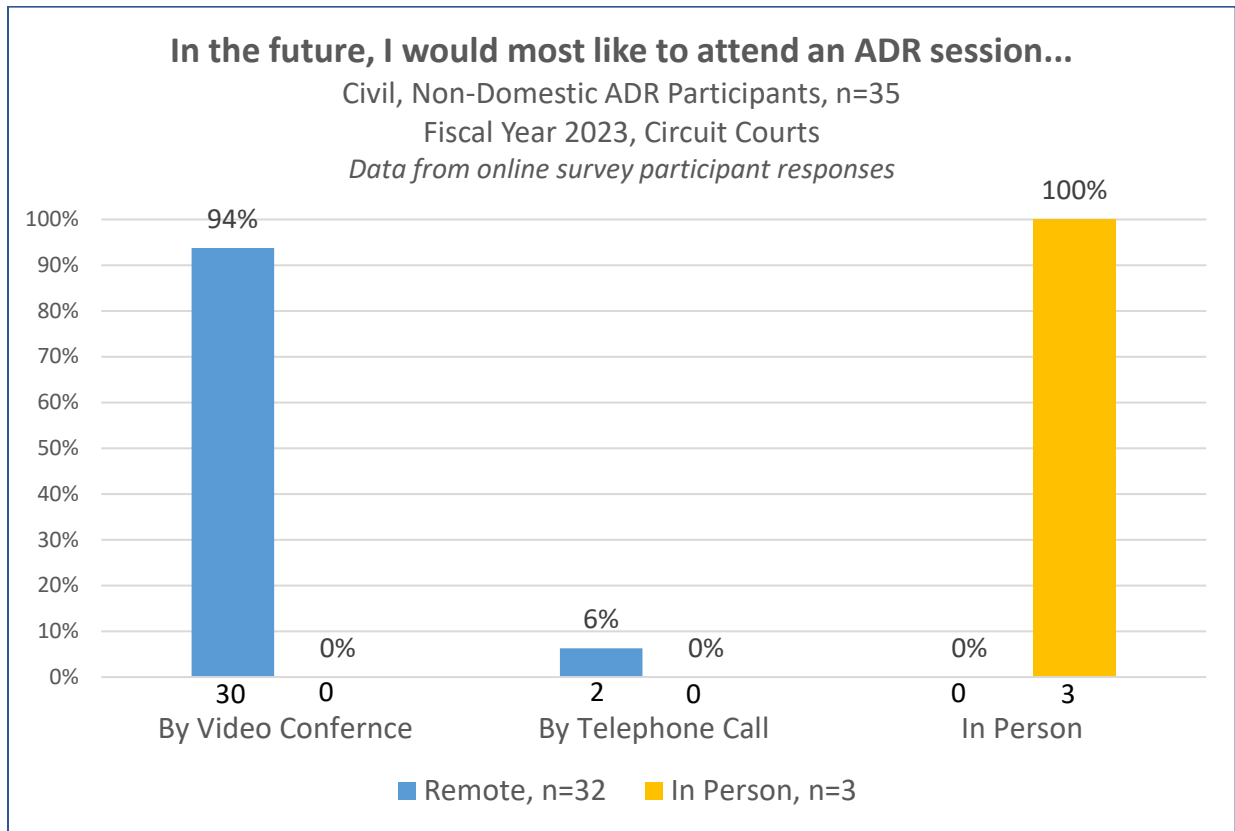
### Public Experience with Technology

Circuit court remote ADR practitioners and participants were provided with multiple prompts to determine satisfaction with their remote ADR experience. One such statement provided to remote participants was, “The technology used made it easy for me to participate in the ADR process.” Of the 43 remote participants who responded, 41 (95%) agreed or strongly agreed. Overall, these responses indicate that remote participants found that they were easily able to participate in the remote ADR process. While a small data set, the responses are consistently positive in both years.



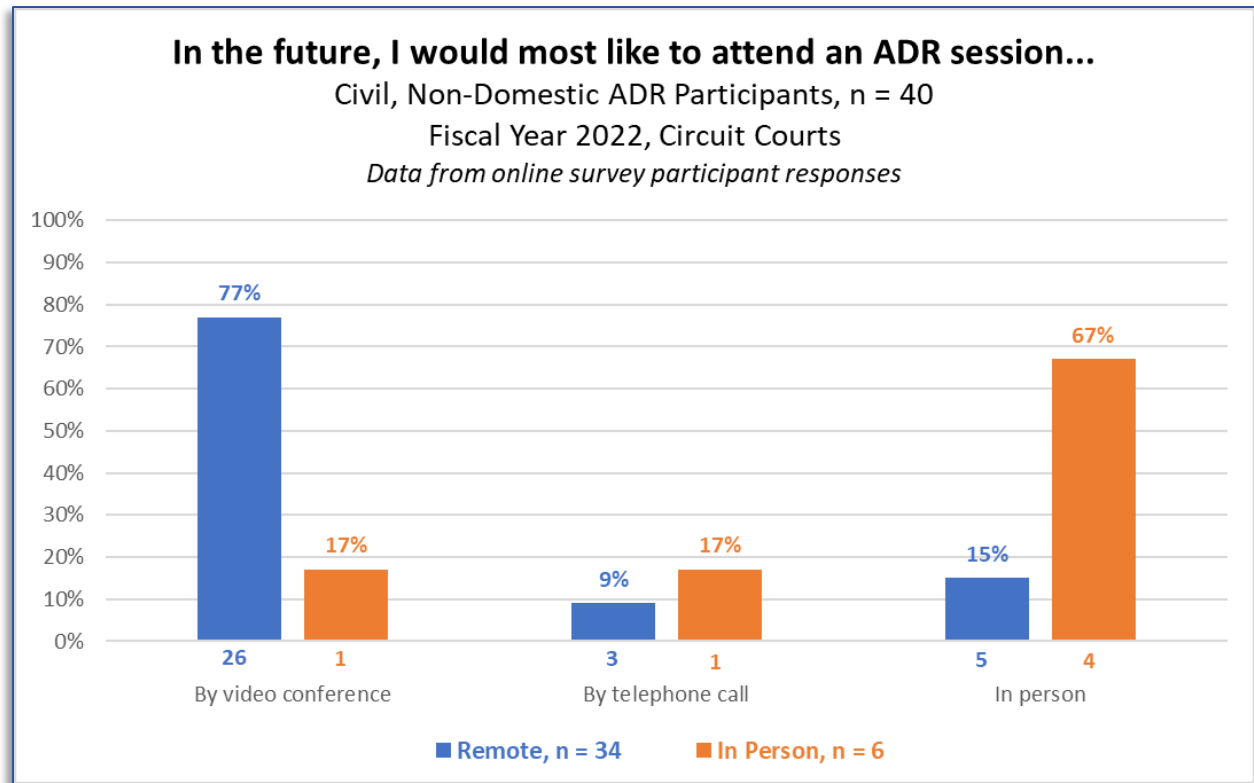
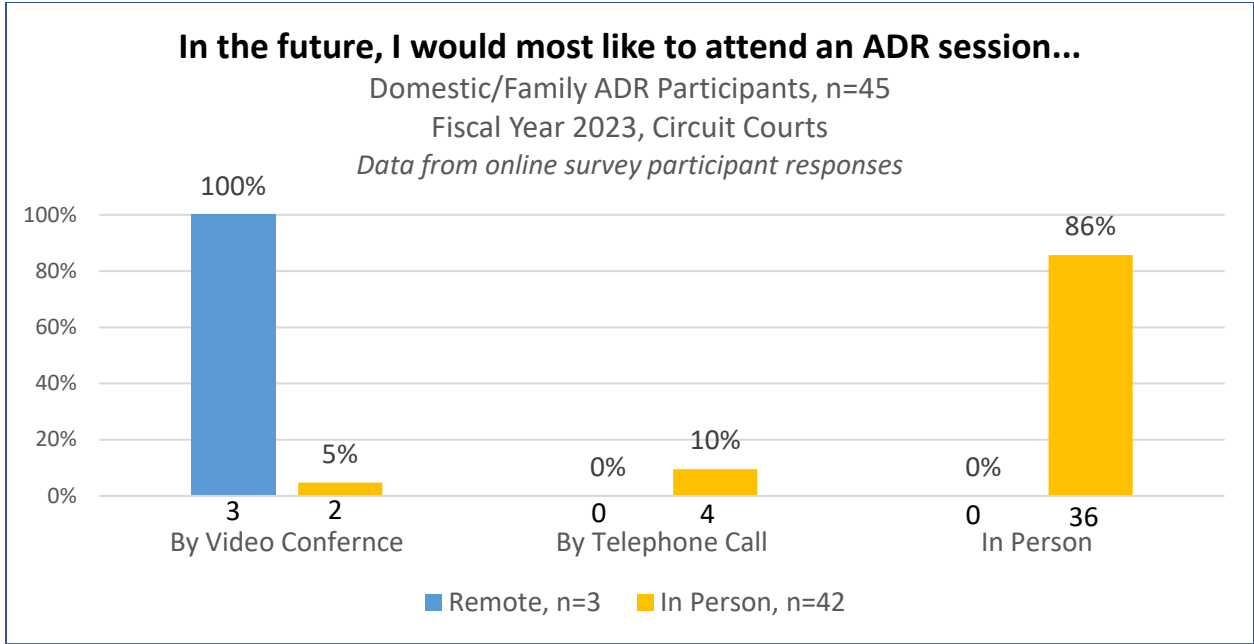
When prompted, “In the future, I would most like to attend an ADR session. . .,” civil, non-domestic and domestic/family participants were most likely to select the process in which they had already participated. Remote participants were most likely to indicate that they would prefer to participate remotely,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

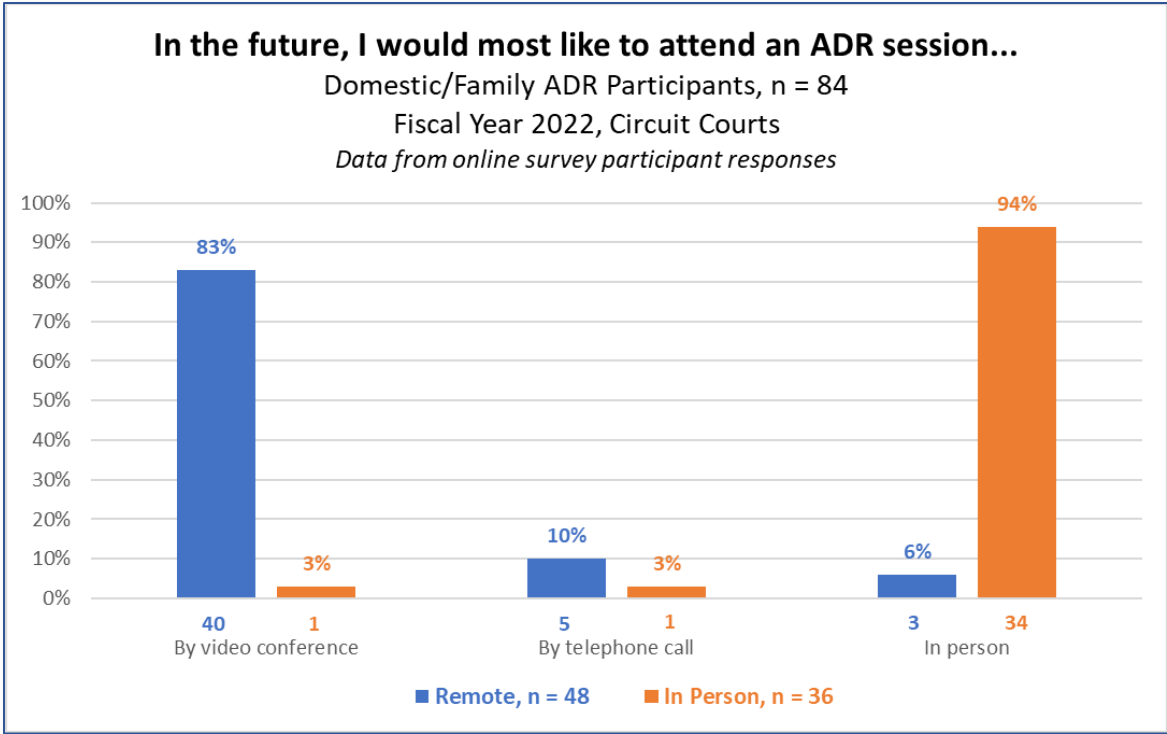
Of the 32 remote civil, non-domestic ADR participants, 32 (100%) selected one of the remote options (video conference or telephone call). All three (100%) of the in-person ADR participants selected in person. Overall, based on this data, participants are most likely to choose to participate in the future in the same manner they have already participated.



Domestic/family ADR participant responses are similar. Of the three remote participants who provided a response, three (100%) responded that they would most like to attend a remote ADR session in the future. In-person respondents selected an in-person session in 36 (86%) out of 42 instances. Fiscal year 2023 reflects a similar theme seen in 2022.







***Impact of Technology – Summary***

Based on the data gathered in fiscal year 2023, remote ADR appears to be an effective process in terms of reliability and public usability. It is encouraging that most remote ADR participants would choose a remote ADR process again in the future. Equally reassuring, in-person participants would opt to participate in person in the future. This indicates that, as courts continue to examine remote and in-person ADR, participants are generally satisfied with the processes they are receiving.

## **VII. Conclusion**

While data sets vary from the thousands to the teens, there are several themes in the data when analyzing fiscal years 2022 and 2023. Court ADR programs are removing cases from the docket with remote and in-person forums. The public's perception of their experience with both forums is very positive. Circuit courts and District Court programs overall have trended toward more in-person ADR in 2023 than in 2022. There is variance among the courts regarding the balance/ratio between remote and in-person processes that are being offered to the public. We are seeing emerging differences in outcomes for remote vs. in-person ADR for domestic/family cases. Future analysis is needed to consider additional variables that may impact these outcomes. For example, there may be differences between the cases that are selected for remote and those for in-person ADR. Courts have done an amazing job adapting and integrating remote technology with a high-quality/low-failure rate.