

COURTS TASK GROUP'S WORKBOOK

BACKGROUND, CLARIFICATIONS, ASSUMPTIONS AND REQUESTS

- 1) Members of the **Courts Task Group**, include people from Maryland **circuit court civil** ADR programs, **circuit court family** ADR programs, **District Court** ADR programs, **State's Attorneys' Offices** ADR programs and the **Office of Administrative Hearings'** (OAH) ADR Program. While we recognize that there are differences in these programs, because of the **similarities**, we request that you work together, at least to begin the Summit, and deal with the program differences later.
- 2) The **goal** of your **Court Task Group** here at the Summit, which we are calling **Group A**, is to **design a year-long (or less) process for a second group**, which we are calling Group B.
- 3) **Group B**, is the **statewide group of Maryland court ADR people, to be convened after this Summit**, who will collaboratively develop and implement a basically uniform system of evaluation for Maryland's court ADR programs. While Group B may actually need to be broken down into some of the separate groups listed above, at least to begin, we ask you to treat it as one Group.
- 4) **Group A is designing a proposed process for Group B's collaborative work. Group A is also giving Group B its best advice/ recommendations for each step of the process.**
- 5) **Court ADR Programs** in Maryland's Circuit (civil and family) Courts and District Court generally have **goals** similar to those of many other court ADR programs, including:

Offering litigants the possibility of better outcomes (saving time and money, customized lasting solutions, preserving relationships, achieving win/win solutions, improving conflict resolution skills, high satisfaction, etc.); and
Improving the courts (providing more options, increasing efficiency, decreasing the burden on judges, reducing delays, improved public trust and confidence, etc.).
- 6) The **goal of evaluating Maryland's court ADR Programs** is to help the courts:

Understand their ADR programs;
Improve their ADR Programs; and
Capture the benefits of their ADR Programs.
- 7) **MACRO** has the additional **goal** of being able to **talk to the Maryland Legislature**

about the benefits of ADR in Maryland's courts, statewide, **to sustain and increase monetary support** for strengthening current and creating new court ADR programs.

- 8) **MACRO** has funds to bring in needed resources as the court evaluation system is being set up (consultants, software development, possibly a centralized dump/crunch/analysis function), however, afterwards, the system will probably have to be absorbed and maintained by the courts with little or no additional funding.
- 9) When we refer to "Maryland court ADR programs," we generally mean mediation programs. Group A should consider whether Group B should include "settlement conferences" in its evaluation system.

PART I: THURSDAY AM TASKS

(TASK ONE) REVIEW THE FOLLOWING DRAFT 5 PROCESS STEPS AS A POSSIBLE PROCESS FOR GROUP B TO FOLLOW TO HELP IT DEVELOP A BASICALLY UNIFORM SYSTEM OF EVALUATION FOR MARYLAND COURT ADR PROGRAMS.

DRAFT 5 PROCESS STEPS

STEP 1. Group B should determine what it wants/needs to know about Maryland's court ADR programs. It should also determine what other Maryland stakeholders (court personnel, judges, lawyers, the public, the legislature, etc.) want/need to know about Maryland court ADR programs. Considering priorities and practicality, Group B should reach a consensus about what information all Maryland court ADR programs are going to collect in order to understand, improve and capture the benefits of their programs.

STEP 2. Group B should gather information about how court ADR programs, both locally and nationally, are already collecting the information Group B wants to collect.

STEP 3. Group B should reach a consensus about the methods and instruments all Maryland court ADR programs will use to collect the desired information. In order to create a basically uniform system, Group B must address technology and compatibility difficulties inherent in the different court jurisdictions' information systems.

STEP 4. Group B should reach consensus about how Maryland court ADR programs are going to extract, analyze and use the desired information once it has been collected. It should determine whether this needs to be done centrally, or on a court by court basis.

STEP 5. Group B should reach consensus about how the Maryland court ADR programs are going to sustain their evaluation system to ensure that it continues to be useful?

(THURSDAY AM CONTINUED)

(TASK TWO) KEEPING IN MIND THE NECESSITY FOR PRACTICALITY, IMPROVE UPON THE DRAFT PROCESS YOU (GROUP A) THINK GROUP B SHOULD FOLLOW.

PART II: THURSDAY PM TASK

(TASK THREE) TAKING ONE STEP AT A TIME, GO THROUGH YOUR IMPROVED DRAFT PROCESS STEPS FOR GROUP B, AND BASED UPON YOUR EXPERIENCE AND EXPERTISE, GIVE GROUP B YOUR BEST ADVICE/RECOMMENDATIONS FOR EACH STEP OF THE IMPROVED PROCESS. FOR EXAMPLE, TELL GROUP B WHAT INFORMATION YOU (GROUP A) RECOMMEND A GENERIC GOOD COURT ADR PROGRAM TO COLLECT FOR EVALUATION PURPOSES. TELL GROUP B WHAT INSTRUMENTS YOU (GROUP A) RECOMMEND USING, TO CREATE A DOABLE, USEFUL SYSTEM OF EVALUATION, ETC. THE MORE SPECIFIC YOU ARE, THE MORE HELPFUL YOUR RECOMMENDATIONS WILL BE.

PART III: FRIDAY AM TASKS

(TASK FOUR) FINISH GIVING GROUP B GROUP A'S BEST
ADVICE/RECOMMENDATIONS FOR EACH PROCESS STEP.

(TASK FIVE) IF YOU FINISH TASK FOUR, BRAINSTORM ABOUT OTHER RESOURCES THAT MIGHT BE HELPFUL TO GROUP B AS IT UNDERTAKES ITS WORK. DISCUSS WHAT MIGHT GO WRONG DURING GROUP B'S COLLABORATIVE PROCESS OR AFTERWARDS, AND INDICATE POSSIBLE SOLUTIONS TO PROBLEMS AND CHALLENGES.