

CIVIL MEDIATION INSTRUCTIONS

1. **Scheduling a Mediation Conference and Completing Mediation:** Within thirty (30) days from the issuance of the Order for Mediation, each party, through counsel, is **required to contact the mediator** to establish a mediation conference date.
 - a. Scheduling the Mediation Conference without the Input of Counsel: In the event a party or attorney fails to contact the mediator as directed under the order, the mediator may schedule the conference without input of the parties or counsel. The mediator, however, must ensure actual notice of the conference is received by the parties and/or counsel. This may include, but is not limited to, fax, e-mail, registered mail, and special delivery receipts.
 - b. Rescheduling or cancelation of the mediation session: Parties are required to provide the mediator with at least two (2) business days' notice to postpone or cancel mediation. If a party fails to provide the mediator with the required notice, the responsible party is required to pay the mediator his/her fee for the time reserved for mediation.

2. **Selection of and Requests to Change Mediators:** The mediator designated by the court appears on the Order for Mediation. By agreement of all parties to the case, the parties may ask the court to appoint a mediator of their choosing. Parties must file a written "Request to Substitute Mediator," substantially in the form set forth in MD Rule 17-202(g) with the Clerk's Office, with a courtesy stamped copy sent to the Civil ADR Program at the address below, or by email or fax (see contact information below). Mediators selected by the parties are not bound by the court's fee schedule described below. See MD Rule 17-208(b). All requests must be filed within thirty (30) days from the issuance of the Order for Mediation.

If there is a conflict of interest with the mediator assigned by the court, the parties shall notify the court's Civil ADR Office within thirty (30) days from the issuance of the Order for Mediation, or within a reasonable period after the conflict is known.

3. **Mediation Fees:** Court-appointed mediators charge a fee of \$200.00 per hour for all services on an assigned case. Parties are required to share equally in paying the mediator his/her fee. Parties may, by agreement, engage a mediator other than the court designated mediator (as discussed herein) and pay a rate negotiated by the parties.

4. **Attendance at Mediation:** It is mandatory for all trial attorneys, parties, and parties' representatives having actual settlement authority to attend and participate in the mediation conference. Failure to attend and participate in the mediation may subject the parties and/or counsel to sanctions, including contempt or removal of the case from the trial docket.

5. **Late and Failure to Appear Policy:** If a party is going to be more than fifteen (15) minutes late to a mediation session, the party must inform the mediator; the mediator and the other participants are required to wait for late parties for thirty (30) minutes before the mediation is subject to cancelation. After the thirty (30) minutes, parties who have not arrived are considered to have failed to appear and are responsible for payment of the time reserved for mediation.

6. **Confidential Mediation Conference Statement:** Parties must complete and send to the mediator the Confidential Mediation Conference Statement (CMCS) form, which is enclosed with the Order for Mediation, at least **five (5) days** prior to the scheduled mediation session. Only the mediator shall have access to the CMCS. Parties should not exchange CMCSs or file them with the court. The mediator shall not share the CMCS with the court.

7. **Confidentiality:** The mediator shall maintain the confidentiality of all mediation communications and may not disclose or be compelled to disclose mediation communications in any judicial, administrative, or other proceeding, except as

provided by law. The parties may enter into a written agreement to maintain the confidentiality of all mediation communications consistent with applicable rule. See MD Rule 17-105.

- 8. Exemption from Court Ordered Mediation:** Any party may file a motion for exemption from court-ordered mediation. The motion must be filed **within 30 days** of the issuance of the Order for Mediation, or provide good cause for later filing. Parties who fail to appear at a scheduled mediation without a court order granting exemption from mediation may be subject to sanctions and/or payment of the full mediation fee. Any questions about a filed motion for exemption should be directed to the Civil ADR Office at 410-396-7374. Date-stamped copies of late filed motions should be directed to Judge Julie Rubin, ADR Supervisory Judge, in care of Jeff Trueman. Judge Rubin will not accept or consider copies of motions that do not bear a filing date stamp of the Office the Clerk of the Court.
- 9. Settlement of a Case Prior to Mediation Session:** If the case is dismissed or a settlement is reached with all parties as to all issues prior to the scheduled mediation, parties must notify the mediator, immediately, in writing.
- 10. Surveys and Data-Collection Forms:** It is essential that all data and participant surveys are completed and returned to the mediator immediately following completion of each mediation. Mediators must complete a Mediator Report for each case *whether or not mediation occurs*. All counsel and parties must complete survey forms provided by the mediator. All forms must be mailed to the Civil ADR Office within seven (7) days of the last mediation session. Failure to abide this requirement will be addressed by correspondence from ADR Supervisory Judge Julie Rubin.

Contact information for the Circuit Court for Baltimore City Civil ADR Office:

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