



MARYLAND COURT OF SPECIAL APPEALS

Mediation

Mala Malhotra-Ortiz, Esq.

Director of ADR Programs

410-260-3717

mdcourts.gov/cosappeals/mediation



“

This program has been a great benefit to a significant number of parties involved in the appellate process. It has helped parties fashion outcomes that match their underlying goals, preventing further litigation on the same or related issues, as well as reduce the time and cost of appeals. To date, evaluations that we have received indicate a high rate of satisfaction with the program. We therefore encourage the citizens and attorneys of our state to consider using our mediation program in all appropriate cases before proceeding with their appeals.”



Judge Peter B. Krauser

Chief Judge Peter B. Krauser
Maryland Court of Special Appeals



Mala Malhotra-Ortiz, Esq.

“

Our mission is to provide the highest quality alternative dispute resolution services to appellate litigants while maintaining the integrity of the appellate process.”

Mala Malhotra-Ortiz, Esq.
Director of ADR Programs

Maryland Court of Special Appeals

The Court of Special Appeals (COSA) is Maryland's intermediate appellate court. It was created in 1966 in response to the rapidly growing caseload in the Court of Appeals. COSA considers any reviewable judgment, decree, order, or other action of the circuit and orphan's courts, unless otherwise provided by law.

Alternative Dispute Resolution

Alternative dispute resolution is an umbrella term used to describe processes that people use to resolve conflicts without going through formal litigation. It includes mediation, arbitration (binding/non-binding), settlement conferences, neutral case evaluation and other conciliatory processes.

The Court of Special Appeals provides dispute resolution services to litigants in the appellate court through their Alternative Dispute Resolution (ADR) office and in accordance with Maryland Rules 8-205 and 8-206.

What Is Mediation?

Mediation is an informal, confidential, and neutral process where people involved in a dispute work with one or more impartial mediators who help the parties reach their own voluntary agreement for the resolution of the dispute. A trained mediator facilitates the process.



4

Why Mediation in the Court of Special Appeals?

Mediation at the appellate level is provided in over 35 state appellate courts across the United States and in all federal courts of appeal. Mediation at the appellate level:



- Offers the potential to resolve cases more quickly than a lengthy appeals process
- Allows parties to avoid the expense and burden of preparing an appeal which includes the cost of ordering a transcript and drafting a legal brief
- Provides an opportunity for litigants to devise solutions of their own accord
- Encourages the parties involved to determine the future of their own controversy and relationships, leading to more lasting and sustainable solutions



What Cases Are Eligible for Mediation?

The Court of Special Appeals hears approximately 1,300 civil appeals each year, most of which are screened for an alternative dispute resolution conference. Although mediation is the most commonly ordered method, settlement conferences are ordered time to time to deal with procedural issues aimed at streamlining the appellate process. Cases not automatically screened for alternative dispute resolution services are juvenile causes, appeals from guardianships terminating parental rights, and applications and appeals by prisoners seeking relief relating to confinement.

Any litigant or attorney involved in an appeal may call the ADR Office to request mediation or other conciliatory service at any time during the appeal process.

How Are Cases Selected for Mediation?

The Court's mediation staff reviews all Information Reports filed with the Clerk of the Court to identify cases that may be appropriate for mediation. Thereafter, the staff communicates with attorneys and/or parties prior to recommending cases to the Chief Judge of the Court, who then directs the parties to participate in mediation or other prehearing conference. Appellants may indicate their interest in mediation in the Information Report filed at the commencement of the appeal, or they may contact the ADR Office to request mediation.



What Happens When a Case Is Ordered to or Selected for Mediation?

Once a case is ordered to mediation, requirements to submit the transcript and prepare briefs are stayed until the mediation is completed. Each party is required to submit a Confidential Pre-Mediation Information Statement, not shared with opposing parties, that provides brief information to the mediators about the conflict and options for settlement. This statement must be returned to the Office of Mediation within 10 days of the date of the Order.



Who Are the Mediators?

All cases are co-mediated by two well-trained mediators: one staff attorney from the ADR Office and one retired judge. All Court of Special Appeals mediators have extensive experience and advanced training provided by the Court.

Are Matters Discussed in Mediation Confidential?

All substantive information provided by the parties to mediators and staff of the ADR Office, whether oral or



written, is confidential and is not shared with other parties to the appeal, court staff, or judges of the Court of Special Appeals without the permission of the parties.

How Long Do Mediations Take?

Mediation is scheduled for one four-hour session, which is generally ordered very early in the process. Mediation is completed within a much shorter time than proceeding through an appeal, and possible rehearing of the case, which may take a year or longer in some instances.



Where Do Mediations Take Place?

Most mediation sessions are held at the Judicial Education and Conference Center, 2011 Commerce Park Drive, Annapolis.

How Much Does Mediation Cost?

There is no court fee for mediation in the Court of Special Appeals.

FOR MORE INFORMATION

Visit the COSA ADR website:

mdcourts.gov/cosappeals/mediation

or call 410-260-3717 to speak with Mala Malhotra-Ortiz,
Director of ADR Programs



mdcourts.gov/cosappeals/mediation

Maryland Judiciary
Office of Communications
and Public Affairs
mdcourts.gov/communications
6/2012

