Symposium on Dispute Resolution in the Courts
Wednesday, April 18th
Cosponsored by the ABA Section of Dispute Resolution
and the ABA Criminal Justice Section

Pre-Symposium Meeting of the Section of Dispute Resolution Court Committee
8:15 – 9:15 am
Room: Congressional B

Welcome
9:30 am – 9:45 am
Room: Capitol A
Heather Anderson, San Francisco, CA, and Amy Wind, Washington, DC,
Symposium Co-Chairs
Hon. Royce C. Lamberth, Chief Judge, U.S. District Court for the District of Columbia

Symposium Plenary
9:45 am - 11:00 am
Court Trends Affecting the Development of ADR
Room: Capitol A
Amy McDowell, Education Program Manager with the Institute for Court Management
National Center for State Courts, Williamsburg, VA
Donna Stienstra, Senior Researcher, Federal Judicial Center, Washington, DC

Break
11:00 am – 11:30 am

Concurrent Series 1A
11:30 am – 1:00 pm
Foreclosure Mediation 2.0
Room: Capitol A
Verise V. Campbell, Deputy Director, State of Nevada Foreclosure Mediation Program, Las Vegas, NV
Annette M. Rizzo, Presiding Judge over the Philadelphia Court of Common Pleas
Residential Mortgage Foreclosure Diversion Program, Philadelphia, PA
Kahlill Palmer, Foreclosure Mediation Program Manager, Washington, DC,
Thomas H. Bateman, Civil Mediator and former Circuit Judge, Second Judicial Circuit of Florida, Tallahassee, FL
Roberta Palmer, Court Annexed Mediation Program Manager, State of Connecticut
Judicial Branch Superior Court Operations Unit, Hartford, CT
Susan Yates, Resolution Systems Institute, Chicago, IL

Concurrent Series 1B
Mediating Behind Bars: ADR Options in Prisoner Civil Rights Cases
Room: Capitol B
Denise M. Asper, Prison Litigation Project Director, Ninth Circuit Office of the Circuit Executive, San Francisco, CA
Magistrate Judge Valerie Cooke, District of Nevada, Reno, NV
Chief Magistrate Judge Candy Dale, District of Idaho, Boise, ID
Sujean Park, ADR and Pro Bono Program Director, Eastern District of California, Sacramento, CA
Paul Panther, Senior Assistant Attorney General, Inmate Litigation, Boise, ID
Symposium Lunch 1:00 pm – 1:45 pm
Grab your boxed lunch from the West Wing café, across the street from the Hyatt. You will need your lunch ticket. When you return to the Hyatt for lunch you can join a conversation about the morning programs or join a table in Congressional A for freewheeling conversation with your colleagues.

Lunch topics:
Court Trends Affecting the Development of ADR – Congressional B
Foreclosure Mediation 2.0 – Congressional A (look for table in Congressional A)
Mediating Behind Bars: ADR Options in Prisoner Civil Rights Cases (look for table in Congressional A)

Concurrent Series 2A 2:00 pm – 3:30 pm
Innovative Approach to Cost-Benefit/Effectiveness Analysis: An Evaluation of ADR in Maryland Courts
Room: Capitol A
Toby Guerin, Center for Dispute Resolution at University of Maryland Carey School of Law, Baltimore, MD
Brian Polkinghorn, Center for Conflict Resolution Salisbury University, Salisbury, MD
Lorig Charkoudian, Community Mediation Maryland, Glen Burnie, MD
E. Patrick McDermott, Center for Conflict Resolution Salisbury University, Salisbury, MD

Concurrent Series 2B Criminal Alternative Dispute Resolution and Restorative Justice Programs: Perspectives From the Field
Room: Capitol B
Rochelle Arms, New York Peace Institute, Brooklyn, NY
Roger Fairfax, George Washington University Law School, Washington, DC
Tess Lopez, Tess Lopez Sentencing Consulting, Novato, CA
John McCarthy, State’s Attorney’s Office for Montgomery Cty., Maryland, Rockville, MD
Michael O’Hear, Marquette University Law School, Milwaukee, WI

Concurrent Series 3A 3:45 pm – 5:15 pm
Strategies for Increasing Access to Mediation Services for Self-Represented Litigants
Room: Capitol A
Heather Scheiwe Kulp, Resolution Systems Institute, Chicago, IL
Bonnie O. Powell, Fulton State Magistrate Landlord/Tenant Mediation Prog., Atlanta, GA
Stacey Tutt, University of Illinois College of Law, Champaign, IL

Concurrent Series 3B Community Conferencing and the Courts: A Vibrant Partnership in Maryland
Room: Capitol B
Lauren Abramson, Community Conferencing Center, Baltimore, MD
Edward Hargadon, Circuit Court for Baltimore City, Baltimore, MD
Connie Kratovil-Lavelle, Maryland Department of Family Administration, Administrative Office of the Courts, Annapolis, MD
Rachel Wohl, Maryland Mediation and Conflict Resolution Office, Annapolis, MD
Reception 5:30 – 7:00 pm

Join the Section of Dispute Resolution Leadership for the VIP Reception on the 11th Floor, Thornton Room

Symposium on ADR in the Courts Planning Committee

Heather Anderson, San Francisco, CA

Caleb Davies, Atlanta, GA

Heather Scheiwe Kulp, Chicago, IL

Douglas Van Epps, East Lansing, MI

Amy Wind, Washington, DC
Symposium Plenary

Court Trends Affecting the Development of ADR

Room: Capitol A
9:45 am - 11:00 am

In this plenary session, Ms. Amy McDowell, one of the editors of the National Center for State Courts’ publication *Future Trends in State Courts*, and Ms. Donna Stienstra, who has conducted numerous studies on civil case management and dispute resolution for the Federal Judicial Center, will share information about trends facing the state and federal courts and give us their views about how those trends may affect court ADR programs. Recent years have witnessed severe cutbacks in the budgets of many state courts as they struggle to manage dynamic caseloads and meet community needs. Other trends in state courts include reengineering programs, demands for instantaneous access to information via social media, judicial education initiatives, the rise of specialty courts, and efforts to enhance court outreach to the community. The federal courts have not faced the severe cutbacks and crises of many state courts, but they, too, are managing their caseloads under much more difficult circumstances. Trends facing the federal courts include a changing caseload composition (including the rapidly rising prisoner and non-prisoner pro se caseloads), calls for better judicial case management, a persistent failure to create new judgeships or fill judicial vacancies, and the expected retirement of large numbers of judges and their replacement with judges who have practiced in quite different legal and technology environments. The speakers will discuss what impacts on court ADR programs can be anticipated from these court trends and how ADR programs can help courts adjust to the “new normal.”

Amy McDowell, Education Program Manager with the Institute for Court Management, National Center for State Courts, Williamsburg, VA
Donna Stienstra, Senior Researcher, Federal Judicial Center, Washington, DC
Concurrent Series 1A

Foreclosure Mediation 2.0

Room: Capitol A
11:30 am – 1:00 pm

Foreclosure mediation programs first appeared around 2008, when the housing crisis began to escalate. First connected to the courts, foreclosure mediation programs can now be found in judicial and non-judicial foreclosure states, with a plethora of processes and participants comprising the programs. This distinguished panel, which includes representatives from Nevada, Florida, D.C., Connecticut, and Philadelphia, will discuss what lessons they learned in the first few years and how new programs have incorporated best practices into their design. They will highlight recent studies about foreclosure mediation and will discuss foreclosure mediation's continued proliferation in a variety of states and municipalities. Special attention will be given to how mediation's core values play out in the foreclosure context. Participants will also discuss what the future holds for foreclosure mediation and mitigation programs.

Verise V. Campbell, Deputy Director, State of Nevada Foreclosure Mediation Program,
Las Vegas, NV
Annette M. Rizzo, Presiding Judge over the Philadelphia Court of Common Pleas Residential Mortgage Foreclosure Diversion Program, Philadelphia, PA
Kahlill Palmer, Foreclosure Mediation Program Manager, Washington, DC,
Thomas H. Bateman, Civil Mediator and former Circuit Judge, Second Judicial Circuit of Florida, Tallahassee, FL
Roberta Palmer, Court Annexed Mediation Program Manager, State of Connecticut Judicial Branch Superior Court Operations Unit, Hartford, CT
Susan Yates, Resolution Systems Institute, Chicago, IL
Mediating Behind Bars: ADR Options in Prisoner Civil Rights Cases

Room: Capitol B
11:30 am – 1:00 pm

This program provides a forum for discussing the benefits of using ADR options in federal court prisoner civil rights cases. The pro se prisoner filings in the District Courts continue to increase each year. Currently, the pro se filings in most District Courts represent 35-45% of the overall yearly filings. This program will address best practices and recommendations for a prisoner ADR program: (1) District Courts should develop mediation, early neutral evaluation, and other alternative dispute resolution methods in pro se prisoner cases; (2) District Courts should adopt a formal program for the appointment of pro bono counsel, including the use of limited representation, advisory counseling, and attorney admission funds to increase pro bono representation in prisoner ADR proceedings; and (3) District Courts should convene a quarterly meeting of representatives from state correctional departments to create a settlement authority mechanism and establish a protocol for convening ADR proceedings in prisons. Districts considering the use of a Prisoner ADR Program are encouraged to implement three prongs: (1) initial screening of prisoner pro se cases to determine the appropriate form of ADR; (2) appointment of pro bono counsel: and (3) the use of mediators who develop skills in addressing issues affecting prisoners.

Denise M. Asper, Prison Litigation Project Director, Ninth Circuit Office of the Circuit Executive, San Francisco, CA
Magistrate Judge Valerie Cooke, District of Nevada, Reno, NV
Chief Magistrate Judge Candy Dale, District of Idaho, Boise, ID
Sujean Park, ADR and Pro Bono Program Director, Eastern District of California, Sacramento, CA
Paul Panther, Senior Assistant Attorney General, Inmate Litigation, Boise, ID
Maryland courts employ mediation from the lowest levels in the District Court to the second highest court in the state, the Maryland Court of Special Appeals. Despite its use, little in-depth analysis has occurred to explore the costs, benefits, and effectiveness of ADR supported by the Maryland Judiciary. In 2010 the Administrative Office of the Courts, Court Research and Development Department brought together a group of court-ADR stakeholders and researchers to define a comprehensive policy and program analysis of the costs, benefits, and effectiveness of ADR supported by the Maryland Judiciary. This groundbreaking research project addresses three goals: 1. A comprehensive cost benefit analysis of ADR in 4 settings; 2. An assessment of the efficiency and effectiveness of various ADR approaches and systems in 5 settings; and 3. An understanding of the role of ADR and ADR programs throughout Maryland and their role in promoting access to justice. This presentation will discuss the development of the research design and methodology and how the research addresses gaps in existing studies. The panel of researchers will provide information on the current status of the research, lessons learned, and data collection.

Toby Guerin, Center for Dispute Resolution at Univ. of Maryland Carey School of Law, Baltimore, MD
Brian Polkinghorn, Center for Conflict Resolution Salisbury University, Salisbury, MD
Lorig Charkoudian, Community Mediation Maryland, Glen Burnie, MD
E. Patrick McDermott, Center for Conflict Resolution Salisbury University, Salisbury, MD
Concurrent Series 2B

Criminal Alternative Dispute Resolution and Restorative Justice Programs: Perspectives From the Field

Room: Capitol B
2:00 pm – 3:30 pm

The last decade has witnessed a marked increase in the use of ADR and restorative justice tools in the criminal law arena. Community-based victim-offender mediation programs, problem-solving courts, and re-entry and rehabilitation programs all utilize ADR and restorative justice strategies to improve the criminal justice system. This panel will highlight and explore successful criminal ADR and restorative justice programs in operation in a variety of contexts across the country. Speakers will include representatives from courts, criminal justice agencies, academia, and community ADR organizations.

Rochelle Arms, New York Peace Institute, Brooklyn, NY
Roger Fairfax, George Washington University Law School, Washington, DC
Tess Lopez, Tess Lopez Sentencing Consulting, Novato, CA
John McCarthy, State's Attorney's Office for Montgomery County, Maryland, Rockville, MD
Michael O'Hear, Marquette University Law School, Milwaukee, WI
Self-represented litigants (SRLs) are a burgeoning part of modern courts. The economic downturn’s impact on personal finances, legal representation’s burgeoning cost, and decreased legal services funding contribute to this increase. Some ADR professionals and referring judges raise legitimate concerns about SRLs attending mediation: neutrals “representing” SRLs; insurmountable power imbalances; undue pressure to settle. However, pro se cases share characteristics that make mediation viable and desirable: giving SRLs a “day in court” for their stories to be heard; increasing trust in, and satisfaction with, the judicial system; and providing a context for justice that accommodates people without knowledge of the rules of procedure.

How, then, do courts ensure they are set up to provide appropriate dispute resolution services to SRLs? We will explore this question in an interactive format, focusing on best practices developed from research and experience. Leaders will share practical examples from development experiences across rural and urban Illinois, Georgia, and Washington, D.C. They will also invite participants to share expertise and troubleshoot challenges together.

Heather Scheiwe Kulp, Resolution Systems Institute, Chicago, IL
Bonnie O. Powell, Fulton State Magistrate Landlord/Tenant Mediation Program, Atlanta, GA
Stacey Tutt, University of Illinois College of Law, Champaign, IL
Richard Zorza, Self-Represented Litigant Network, Washington, DC
Community Conferencing and the Courts: A Vibrant Partnership in Maryland

3:45 pm – 5:15 pm
Room: Capitol B

Courts often struggle with their need to provide appropriate, successful interventions for juvenile offenders. In Baltimore, community conferencing is meeting this need. The practice originated with the Maori people of New Zealand; it was picked-up by the justice systems of Canada and Australia for working with juvenile offenders. Dr. Lauren Abramson became keenly interested in bringing Community Conferencing to inner-city Baltimore to bring about important system reforms (e.g., in criminal justice and education) and to empower individuals, families, and communities to resolve their own conflicts and crimes. The Maryland Judiciary and Dr. Abramson’s Community Conferencing Center have partnered to provide conferencing services for court-referred juvenile cases. These services are having a positive impact on youth and the courts. Astonishingly, agreements have been reached in 98% of the conferences in Baltimore with a 95% compliance rate. A Department of Juvenile Services (DJS) study showed that youth who participated in community conferences had a 60 percent lower rate of recidivism as compared to a matched set of youth who went through traditional DJS and juvenile court programs. Come learn more about how community conferencing can provide a valuable service to your courts as well as to young offenders, their families and communities.

Lauren Abramson, Community Conferencing Center, Baltimore, MD
Edward Hargadon, Circuit Court for Baltimore City, Baltimore, MD
Connie Kratovil-Lavelle, Maryland Department of Family Administration, Administrative Office of the Courts, Annapolis, MD
Rachel Wohl, Maryland Mediation and Conflict Resolution Office, Annapolis, MD