

THE C-DRUM NEWS

A Publication of The Center for Dispute Resolution
at the University of Maryland School of Law (C-DRUM)

Volume 2, Issue 1

Fall 2008

EXPLORING THE UNIVERSITY OF MARYLAND SCHOOL OF LAW MEDIATION CLINIC

By Nicolle Katrivanos '08

Like the other clinics at the University of Maryland School of Law's top ranked clinical law program, the Mediation Clinic works to further the goal of maintaining high academic standards and providing services to the surrounding community. Created in 1993 with a grant from the Maryland Legal Services Corporation, the Mediation Clinic has evolved greatly over the years. Initially providing mediations for children in need of assistance (CINA) issues, the Clinic now works with a variety of state, city, and federal government agencies to provide an alternative to the often acrimonious process of litigation.

Some may argue that a mediation clinic is an anomaly to have in a law school. However, according to Professor Roger Wolf, the director of the Mediation Clinic, "Mediation captures perfectly many of the skills we are trying to teach individuals in law school. Lawyers are problem solvers. The skills required to be a good mediator are ones that will serve a lawyer well regardless of the area of practice pursued."

Professor Wolf is referring to the central skills the clinic teaches to its 12 students. In this forum students learn a variety of indispensable skills for the legal field. As one student described, "the material is very useful, not only for clinic, but also for when each of us will have to practice law and work through conflicts."

The Mediation Clinic Today

In the 2007-2008 academic year the Mediation Clinic and its 12 students handled 203 cases from referral sources such as: the Baltimore City District Court through pre-trial screening and day of trial referrals, Legal Aid, Equal Employment Opportunity Commission, individual judges, and the University of Maryland, Baltimore Office of Student Affairs. Out of the cases mediated almost 70% were able to reach an agreement which satisfied their needs. The majority of the cases mediated involved contract issues (64.4%), as well as

tort cases (14.4%) with the rest comprising a compilation of peace order, replevin, landlord/tenant and other types of cases (see pie chart on p. 2).

To expose students to different forms of mediation and diverse mediation opportunities, the Clinic has forged partnerships with a variety of organizations.



Former Mediation Clinic students

Terese Brown '06 and Joslin Monahan '07 at District Court.

- **EEOC.** The most recent referral source for the Mediation Clinic is the Baltimore Field Office of the Equal Employment Opportunity Commission (EEOC). The Clinic was approached by the EEOC to mediate both discrimination claims by federal employees against government agencies and general public EEOC complaints. With the addition of the EEOC cases, students will mediate (with supervision) cases which often involve attorneys, federal law, and larger financial claims.

cont'd on page 2

Inside . . .

Conflict Resolution
Fellows Program
Continues

An Intern's Journey:
Learning About the
Collaborative Process

C-DRUM Assists in
CINA Mediation
Program Assessments

The Power of Apology:
Finding Closure After All

Mediation Clinic

cont'd from page 1

- Baltimore City District Court—General Civil.** The Mediation Clinic first began mediating at the District Court in downtown Baltimore in 1995. Through a partnership with the District Court Alternative Dispute Resolution Office, the Clinic mediates cases on the day of trial, handles referrals from District Court judges, and contacts individuals with standing court dates to offer them the option of mediating their case before the day of trial. During the 2007-2008 academic year, Clinic students mediated 51 days of trial cases, out of which over half reached an agreement.

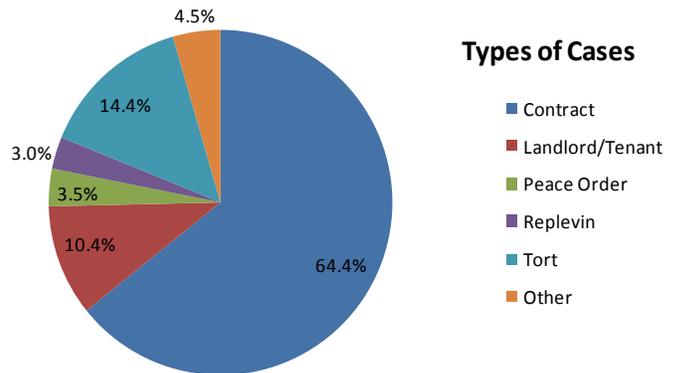
- Baltimore City District Court—Peace Orders.** Peace order mediations pose the unique challenge of offering mediation to individuals who go to court seeking a restraining order. In this new initiative, the Clinic plans on conducting mediations at the courthouse one day a week in the coming academic year. Out of the 7 peace order cases referred to the Clinic last year, 83% reached an agreement.

- Truancy Mediation.** The Mediation Clinic continues to partner with the Center for Dispute Resolution’s truancy mediation program, BSMART. The Clinic students partner with C-DRUM staff to conduct mediations associated with the BSMART program. The truancy mediations promote communication between the parent and schools to help improve student attendance. In the past year clinic students participated in 14 mediations all of which came to an agreement.

- University of Maryland, Baltimore.** A resource for students throughout the University of Maryland, Baltimore campus, the Mediation Clinic provides mediation services for students’ academic and non-academic disputes. Whether dealing with a landlord issue or a conflict with a fellow student, the Mediation Clinic serves as a peer mediation program, working to assist in the resolution of conflict.

Components of the Mediation Clinic

The classroom component of the Mediation Clinic focuses on training and teaching students about the role of conflict resolution and mediation in the legal field. Students receive a 40 plus hour training, engage in role playing and simulations, learn about the varying methods of conflict resolution, and explore the ethical obligations for lawyers and mediators. Guest speakers and articles are presented to students, to analyze the conflict resolution process and



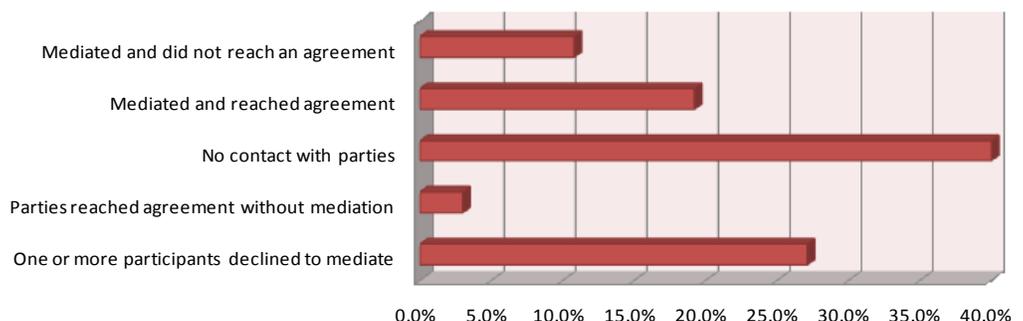
debate the ideal role of conflict resolution in the court system. Students have expressed positive feedback regarding their clinic experience describing it as “... a worthwhile pursuit ... a great hands on opportunity to develop mediation skills and interpersonal skills in general...”.

The Future of the Mediation Clinic

The Mediation Clinic strives to enable students to actively mediate and fully develop their mediation skills while simultaneously assisting the community and courts in the effective resolution of conflict. Over a decade, the Mediation Clinic has expanded its mediation practice from a focus on CINA cases to become an all-encompassing service provider. The Clinic’s assortment of cases represents the diverse community it serves, engaging disputants, and providing students the opportunity to become experienced mediators and develop skills that will prepare them to be better lawyers and members of society.

Nicolle Katrivanos interned with C-DRUM during the summer through a Maryland Public Interest Law Project grant. She will be graduating in December 2008 and plans on pursuing a career in international mediation.

Outcomes



FROM THE DIRECTOR...

This past year was a full one for C-DRUM and the year ahead promises to be even more active. Continuing with several initiatives, the Center and its staff have added three major contracts, a new research collaborative, and involvement with an increasingly active law student body. The diversity of the work fulfills C-DRUM's mission to change the way conflicts are resolved throughout the state and to meet the growing demand for skilled practitioners and the provision of conflict resolution services.

Over the coming year, C-DRUM will focus on three major contracts: (1) partnering with the permanency planning coordinators of three Maryland circuit courts to evaluate and make recommendations concerning their CINA (children in need of assistance) and TPR (termination of parental rights) mediation programs; (2) working with a State agency to integrate conflict resolution systems into the agency, including the referral of appropriate consumer complaints to mediation; (3) developing trainings for staff and administrators at a state university to enable the institution to effectively address difficult encounters and relationships within the system.

In September we graduated the second class of Maryland Public Policy Conflict Resolution Fellows, a collaboration between the Maryland Mediation and Conflict Resolution Office (MACRO), the University of Maryland at Baltimore, the University of Maryland School of Law, and C-DRUM. The class of Fellows spent three days with nationally renowned trainers and MACRO and C-DRUM staff learning new problem solving skills and exploring collaborative processes to address public policy conflicts in which they and their constituents are involved.

Through our collaboration with MACRO and the Maryland State Department of Education, the Conflict Resolution Schools Program entered its sixth year with the funding of an all time high of 26 schools. In the coming academic year these schools will implement everything from peer mediation programs to comprehensive school wide conflict resolution initiatives.

As we enter the second year of a three year grant from the Charles Crane Family Foundation, we continue to test and evaluate a pilot truancy mediation model in Baltimore City and work with a Baltimore City high school to develop a comprehensive conflict resolution program that is infused throughout all aspects of the school.

In the area of research, the Administrative Office of the Courts of Maryland (AOC) has funded C-DRUM and the School of Law to conduct research in focused areas relating to juvenile courts, problem solving courts, and ADR in family courts, hopefully initiating a longer term collaboration with the AOC and other research centers across the State.

Student interest in conflict resolution has also grown. Through the leadership of the student led ADR Group, an intra-school negotiation competition was held selecting the teams to represent the law school in the fall ABA Law Student Division's Negotiation Competition. We expect great things from the two winning teams. The ADR Group and the Law School will host the regional competition of the ABA Dispute Resolution section's Representation in Mediation Competition in February 2009. In addition, this fall will also see the formation of a student chapter of Mediators Beyond Borders (www.mediatorsbeyondborders.org).

An increasing number of students are taking advantage of opportunities to gain experience in the ADR field through externships and placements with the courts, administrative agencies, and public interest organizations. As you can see from our cover article on the Mediation Clinic, the types of cases handled by students this year continues to expand.

And speaking of expanding, on July 4th we welcomed Noah Guerin, the 7lb. 13 oz. son of Toby Treem Guerin, C-DRUM's Deputy Director.

The Center and the ADR program at the school remain active and vibrant. We welcome your thoughts and suggestions and invite you to visit our website at www.cdum.org for more information about us and our programs.

Roger Wolf
Director, C-DRUM



Roger C. Wolf
Director

Toby Treem Guerin
Deputy Director
Newsletter Editor

Barbara Sugarman Grochal
Deputy Director
School Conflict Resolution Education Programs

Anastasia W. Smith
Truancy Mediation Program Coordinator

Teresa A. Barrett
Paralegal

MARYLAND PUBLIC POLICY CONFLICT RESOLUTION FELLOWS PROGRAM CONTINUES

For the second year in a row, C-DRUM partnered with the University of Maryland, Baltimore and the Maryland Mediation and Conflict Resolution Office to host the 2008 Maryland Public Policy Conflict Resolution Fellows Program. The elite class of Fellows was invited by the Honorable Robert M. Bell, Chief Judge of the Maryland Court of Appeals; David J. Ramsay, President, University of Maryland, Baltimore; and Karen H. Rothenberg, Dean, University of Maryland School of Law. Joined by nationally renowned trainers such as Senator David Landis of the University of Nebraska, Professor Larry Susskind of the Massachusetts Institute of Technology and former Director of the Program on Negotiation at Harvard University, and Rita Callahan of Working It Out, the Fellows explored the impact of conflict resolution processes in the public policy sector and examined the roles that they can play in the effective resolution of disputes.

The Class of 2008 Maryland Public Policy Conflict Resolution Fellows

Hon. Elizabeth Bobo
Maryland State Delegate
Environmental Matters Committee

Hon. Benjamin Clyburn
Chief Judge
District Court of Maryland

Hon. Brian E. Frosh
Maryland State Senator
Chair Judicial Proceedings Committee

Richard Hall
Secretary
Maryland Department of Planning

Pastor John J. Jenkins, Sr.
First Baptist Church of Glenarden

Linda Kelley
Commissioner
Calvert County Board of Commissioners

Hon. Allan H. Kittleman
Maryland State Senator
Senate Minority Whip

Diane Bell-McKoy
President and CEO
Associated Black Charities

Hon. Joseline Peña-Melnyk
Maryland State Delegate
Member Health and Government Operations Committee

Tyrone Powers
Director
Institute for Criminal Justice, Legal Studies, and Public Service
Anne Arundel Community College

Roger L. Richardson
Secretary
Maryland Department of Agriculture

J. William Satterfield
Executive Director
Delmarva Poultry Industry

Dru Schmidt-Perkins
Executive Director
1000 Friends of Maryland

Charles Strong Jr.
State's Attorney for Washington County

Shari T. Wilson
Secretary
Maryland Department of the Environment

Robert O.C. Worcester
President
Maryland Business for Responsive Government

C-DRUM STUDENT NEWS

AN INTERN'S JOURNEY: Learning About the Collaborative Process

by Allison Strudler '10

Allison Strudler is a second-year student at the University of Maryland School of Law. She is pursuing her juris doctor with a concentration in alternative dispute resolution.

In the fall of 2007, I approached Toby Treem Guerin, the Deputy Director of C-DRUM, with an interest in pursuing an internship for the following summer in the area of Alternative Dispute Resolution (ADR). As a first year law student, I attended the Alternative Dispute Resolution Group (the law school student organization dedicated to exploring alternative approaches to litigation) meetings and interacted with other students with an interest in dispute resolution. In hindsight, my meeting with Ms. Guerin was the beginning of an exciting and rewarding journey—leading to a memorable externship position with the District Court of Maryland's Alternative Dispute Resolution Office. This summer, I participated in the filming of a video presentation by the Mediation and Conflict Resolution Office (MACRO) on the collaborative process used by the Maryland ADR Commission and received mediation training.

This past summer, I was privileged to hold the position of Program Support Evaluation Intern for the District Court of Maryland's Alternative Dispute Resolution Office under the supervision of Maureen Denihan, Esq., Deputy Director and Community Outreach Director, and Jonathan Rosenthal, Esq., Executive Director of ADR Programs. As a Program Support Evaluation Intern, I helped carry out the mission statement of the ADR Office, "to educate all participants (including judges, clerks, court personnel, members of the Bar, litigants, and other ADR providers) on the uses and benefits of alternative dispute resolution programs; establish and maintain high quality alternative dispute resolution programs that empower litigants; encourage the use of ADR options early on and throughout the litigation process; and ensure that ADR options are appropriate and accessible." My responsibilities included observing mediation sessions and settlement conferences held at District Court locations in Annapolis, Glen Burnie, and Silver Spring and adminis-

tering a mediator quality assurance survey to participants. I also compiled survey responses and presented my findings to the ADR staff. At the end of the summer, the results of my work and recommendations for the future were detailed in an Evaluation Report.

Although my specific career goals are not final, I believe that the skills and techniques which I acquired at the District Court and during my mediation training at the University of Maryland School of Law—including encouraging people to feel empowered and helping parties to develop a shared understanding of conflict—will serve me well into the future. I developed a growing appreciation for the values of confidentiality, impartiality, and neutrality which will guide me in law school as well as in my personal life. Moreover, I have learned that while mediation can play an essential role in helping parties who are already involved in the court system resolve their dispute, the process of mediation can be a similarly effective tool for conflict resolution outside of the courtroom setting as well.



*Jonathan Rosenthal '91, Allison Strudler and
Maureen Denihan '04*

Congratulations to the newest members of the University of Maryland School of Law Negotiation Team: Benjamin Alpert '09, Christopher Hatcher '09, Claire McLamore '09, Ashley Pyle '09, Dennis Robinson '10, Ryan Saunders '10, Nicholas Scull '10, and Alison Silber '10.

Throughout the summer and fall, the team has gathered to study negotiation tactics, moot negotiation simulations, and learn from each other as they prepare for the fall competition. In November, they will represent the School of Law in the 2008 Negotiation Competition sponsored by the American Bar Association Law Student Division.

C-DRUM ASSISTS COUNTIES IN CINA MEDIATION PROGRAM ASSESSMENTS

Many counties throughout Maryland offer mediation for child in need of assistance (CINA), termination of parental right (TPR), and permanency planning cases. In 2002, Montgomery County established mandatory mediation sessions prior to the Adjudicatory Hearing for all CINA cases. Howard County initiated a similar CINA/Termination of Parental Rights Mediation Program in May of 2004 and Frederick County followed shortly thereafter in October of 2004 with its Circuit Court Child Dependency Mediation Program. Each program has grown at its own pace, taking into account the differences of each county and the people involved in the programs. Throughout the summer and into the fall, C-DRUM has been working with the Montgomery County, Howard County, and Frederick County programs to conduct a thorough review of each county's mediation program.

After almost five years of experience, the program coordinators remain mindful of the need to provide quality services to the public and to explore the effectiveness of their programs. Recently, the counties received a grant from the Maryland Mediation and Conflict Resolution Office to con-

duct a facilitated program review, continuing education of the roster mediators, and the purchase of much needed computer equipment. C-DRUM was selected to work with Frederick, Montgomery, and Howard Counties to conduct a thorough review of each program.

The review will involve a series of stakeholder interviews, surveys, statistical analysis, and an examination of relevant practices in the field. The information gathered will be compiled in a report detailing each county's information and a comparison with best practices in the field. Presented at stakeholder meetings, the preliminary report will then be finalized and provided to the county program administrators.

Through this work, C-DRUM and the court mediation programs hope to identify key challenges and barriers to meaningful mediation so that they can be addressed and result in a more positive program and process for everyone involved. The programs not only plan to use the information to increase the quality and sustainability of their existing programs, but also to appropriately expand their programs.

THE POWER OF APOLOGY

by Joshua Berman '09

In 2007-2008, Joshua was a student enrolled in the Mediation Clinic, where he served as a mediator and studied the impact of apology in dispute resolution. This summer, he was able to experience the application of his theoretical studies as a summer associate in the Baltimore office of a national law firm.

With the jury waiting patiently in the next room over, the lawyers aggressively negotiate the final settlement details in the judge's chambers. Meanwhile, a tense Mrs. Markowitz (not her real name) stares into space with tired eyes. She is exhausted from the wear and tear of the three week trial and still mourning the long, painful death of her husband. A proud Navy veteran, Donald was in his mid-sixties when he was diagnosed with mesothelioma, a disease caused by exposure to asbestos and, sadly, a death sentence. Mrs. Markowitz had spent almost fifty years of her life with Donald whose health had slowly declined until he passed away barely a year after he was diagnosed. "I am here because that is what he wanted," I heard her say to herself throughout the trial.

Moments later, the judge walks into the courtroom and takes the bench. The attorneys stand before him and publicly announce the terms of their agreement. The judge, satisfied with the details of the settlement looks beyond the attorneys toward Mrs. Markowitz who is nervously waiting in the audience.

"Is this acceptable to you?"

She slowly nods her head, ending the trial with her slight gesture. The silence in the room is anti-climatic as the attorneys head to their respective benches and pack up their belongings. Mrs. Markowitz is instantly a millionaire. She sighs as she stands up and begins to walk out of the courtroom and back into her life as a grieving widow.

As I walk Mrs. Markowitz out of the courtroom with a comforting arm, the team of high-priced defense attorneys calls out her name. She turns and faces the men whose clients have caused the nightmare in her life for the past year and a half. Looking directly into her eyes, they extend their hands and tell her how sorry they are for her loss. They tell her how her husband sounded like he was a great man. They express regret and remorse that her husband suffered the way he did. But most importantly, they apologize. And as Mrs. Markowitz's eyes start to get heavy with tears, she extends her hand outward to meet them halfway. Without words, the look on her face says she has finally found closure.

cont'd on page 8

NEWS AND NOTES

C-DRUM HOSTS STATEWIDE “TRAIN-THE-TRAINERS” WORKSHOP

On July 14-16, C-DRUM hosted a statewide workshop to train educators in public elementary, middle and high schools in how to develop and support effective peer mediation programs in collaboration with the Citizenship Law Related Education Program (CLREP). Funded by grant monies received by the Maryland Mediation and Conflict Resolution Office (MACRO), the training was designed to provide useful information to both schools with existing programs and those seeking to launch programs. The attendees, from nine Maryland counties and Baltimore City received valuable information and materials from lead trainer, Rick Miller, Executive Director of CLREP, and Barbara Grochal and Stacy Smith of C-DRUM.

It is hoped that attendees will use the information to effectively implement peer mediation programs in their schools. As Barbara Grochal stated, “Peer mediation can be a wonderful tool for addressing many of the conflicts that result in discipline referrals, but it can also support a shift in the way schools address conflict. A school can build on a peer mediation program, adding conflict resolution components with staff training, curriculum for all students, and parent education.”



Rick Miller of CLREP provides educators with conflict exercises.

SCHOOL CONFLICT MANAGEMENT TRAINING PROVIDES STRATEGIES AND RESOURCES

For the fourth year in a row, C-DRUM provided two two-day trainings for approximately 120 educators from Maryland elementary, middle and high schools in support of their efforts to develop better conflict resolution programs in their school communities. Two nationally known trainers from Ohio, John Barnes and Carole Close, provided motivation and a framework for developing conflict management school programs, including approaches for classroom management and use of positive discipline techniques. Educators received a Resource Guide shared by the Ohio Commission on Dispute Resolution containing over 500 hands-on exercises and lessons for teaching students, staff and parents better skills for managing conflict.

The summer training is part of the support offered to the schools participating in the Schools Conflict Resolution Grant Program. In its sixth year of operation, the grant program offers funds, training, curricular materials, and support from C-DRUM staff and Mediation Clinic students from the School of Law. Funded through a MACRO grant, the Schools Conflict Resolution Program is a collaborative partnership between C-DRUM, MSDE and MACRO.



Educators at the training participate in a conflict management role playing exercise.

OTHER NEWS & NOTES:

Roger C. Wolf

Participant, Mediators Beyond Borders Inaugural Congress, St. Malo, Colorado, February 15-18, 2008.

Mediator, The Scopes Trial: Teaching Evolution in the Classroom: How the Outcome May Have Been Different if the Parties Had Participated in Court-Ordered Mediation, Maryland State Bar Annual Meeting, Ocean City, MD, June 13, 2008.

Toby Treem Guerin

Co-Presenter, Mediating High Conflict Disputes: Understanding What's at Stake, Center for Alternative Dispute Resolution's 2008 Annual Conference, Greenbelt, MD, June 20, 2008.

Barbara Sugarman Grochal

Attendee, Summit on School Safety Solutions presented by Congressman Elijah Cummings & State Superintendent Nancy Grasmick, University of Maryland, Baltimore County, June 3, 2008.

Member of the School Safety Committee for the State of Maryland.

Apology

cont'd from page 6

As Mrs. Markowitz leaves the courtroom, she knows the hundreds of thousands of dollars will not bring back Donald, nor erase the sleepless nights as she watched him fade away. But the warm, sincere apologies and the acknowledgement of her loss will help her achieve the next best thing; it will help her fill the void.

JOIN OUR CONFLICT RESOLUTION IN EDUCATION LIST SERV!

A list serv has been established for those interested in conflict resolution programs in schools (K-12), to share and exchange best practices, worst headaches, solution brainstorming, great lesson plans, and more.

To join send an email to cdrum@law.umaryland.edu and include "education list serv" in the subject line.

This list serv is not intended for book sales, trainings, or other self-promotional activities.



500 West Baltimore Street
Baltimore, MD 21201-1786
410-706-3295
cdrum@law.umaryland.edu
www.cdrum.org



Possessing more than 30 years of combined experience, C-DRUM provides mediation services, facilitation, and conflict resolution training in a variety of settings.