

THE C-DRUM NEWS

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

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STUDENTS GRADUATE AS PROBLEM-SOLVERS AND ADVOCATES

This past May, Lisa Elder, Ayesha Yousaf, Ashley Pyle, and Joy Sam graduated with an Alternative Dispute Resolution (ADR) Concentration. The ADR Concentration at the University of Maryland School of Law provides an opportunity for students to gain specialized experience in the field of conflict resolution and explore alternatives to the traditional legal system. ADR Concentration recipients must complete a total of seventeen credits from an approved list of courses and fulfill specific writing, experiential learning, and survey course requirements. Students pursuing the ADR Concentration often participate in the law school's other dispute resolution opportunities such as Externships, the ADR Group, Mediators Beyond Borders, and Mediation Clinic. The ADR Concentration students recognize the role of the attorney as problem-solver and advocate outside of the courtroom and sought to expand their expertise in the growing field of conflict resolution. Most of the ADR Concentration graduates are mediators and graduated from law school with experience mediating and valuable connections with ADR practitioners throughout the state.

Lisa A. Elder graduated in 2009 with both an ADR Concentration and a Law and Health Care Certificate. A leader throughout her three years of law school, Lisa was a two year recipient of the Dean's Award Scholarship for Leadership and Service to the Community, Managing Editor of the Maryland Journal of International Law, and active in both the law school and university student government associations. In the summer of 2007 Lisa served as an intern for C-DRUM where she developed a comprehensive survey of Maryland ADR legal and statutory initiatives, contributed to the design of the Center's publications (including authoring a newsletter article), and provided general support for C-DRUM's programs and trainings. Through her involvement with the ADR Group, Lisa co-chaired the school's largest Intra-school Negotiation Competition in the spring of 2008. Upon graduation Lisa plans on working for a mid-size firm focusing on health



(from l to r) Joy Sam, Toby Treem Guerin, Roger Wolf, Ayesha Yousaf and Ashley Pyle (not pictured, Lisa A. Elder).

care or disability law. She aspires to apply her leadership and scholarly achievements toward developing her own practice.

Ashley S. Pyle took advantage of the various opportunities at the School of Law to gain experience and knowledge in the legal fields of dispute resolution and telecommunications. To this end Ashley completed the year-long Mediation Clinic, was co-President of the ADR Group, and participated as a member of the Negotiation Team. As a student of the Mediation Clinic, Ashley received over 40-hours of mediation training, and mediated a variety of cases including landlord-tenant, contract, and workplace disputes. Ashley applied her legal knowledge to experiences outside the classroom through internships with the Maryland General Assembly, Federal Communications Commission, and National Telecommunications Information Administration. Upon graduation she accepted a Presidential Management Fellowship in the Broadcasting Board of Governor's International Broadcasting Bureau.

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A mother of three and co-founder of Divine Fellowship Ministries, **Joy Rebecca Sam**, J.D. CPA, was inherently drawn to the field of conflict resolution. While in law school, she obtained her mediation training through the course Mediation: Theory and Practice and completed an Asper Fellowship with the Maryland Commission on Human Relations where she assisted in the scheduling and mediation of employment and housing discrimination cases. She has received the certification for Court-Appointed Lawyers representing children in cases involving child custody or child access and currently mediates for the Baltimore City Circuit Court Division of Juvenile Cases and Howard County Circuit Court. Upon graduation, Joy obtained a job as the Office Administrator for Community Mediation Maryland, the state-wide non-profit organization of community mediation centers. She is currently enrolled in the Master of Science, Pastoral Counseling Program at Loyola University in Maryland and plans to take the Maryland Bar Exam in February.

After graduating from law school **Ayesha Yousaf** got married and moved to Chicago, where she plans on completing the Illinois Bar in February 2010, and pursue a legal career in the field of non-profit or public interest work. A committed law student, Ayesha commuted from her home in Southern Maryland to Baltimore almost daily for three years. During her time at the University of Maryland School of Law, Ayesha remained committed to public service work, volunteering at soup kitchens and women's shelters as well as assisting with the acclimation of transfer students from Turkey to St. Mary's College. Ayesha has received over 100 hours of training and is a mediator in both the transformative and facilitative mediation frameworks. A natural problem solver, she has spent several years devoting her time to interfaith work with people of Muslim, Christian, Jewish, and Hindu faiths. Ayesha clerked for a judge in La Plata, Maryland during the summer of her first year of law school and worked with Piccowaxen Middle School in Charles County throughout her year as a Mediation Clinic student.

C-DRUM PARTNERS WITH UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE

The leadership of University of Maryland University College (UMUC) recognizes that a key to serving a nontraditional and diverse student population is effective communication and a supportive culture at all levels of the University. On a daily basis, staff members field questions about enrollment requirements, answer last minute calls from students regarding credit audits, make decisions on financial aid awards, and more. And they want to do it better.

UMUC, founded in 1947, is the largest public university in the nation, with classroom locations across the United States, Asia, and Europe and a strong network of on-line learning opportunities. With almost 40,000 students enrolled overseas and the vast majority of stateside students taking at least one online class, much of the communication between students and staff occurs online rather than face-to-face.

Ensuring that these interactions are as positive as possible is in the best interest of the University and the student. C-DRUM designed a proposal for UMUC that involved a multi-faceted approach designed to change institutional culture by supporting and encouraging effective communication and collaborative resolution of disputes at all levels. UMUC decided to implement part of the proposal focusing on train-

ing key personnel in the offices of Human Resources, Financial Aid, Office of Employee Management, Student Affairs, and Student Accounts.

Based on comments from a series of focus groups and input from UMUC leadership, C-DRUM developed a four module training program designed to equip UMUC personnel with the skills and tools necessary to ensure that communications between the parties are as positive as possible and focus on the interests of the institution and the student. The interac-

tive learning modules spanned topics like Sources of Conflict and Personal Conflict Styles,

Communication Skills, Dealing with Difficult People, and Encouraging Effective Communication. To promote the utilization of the skills, C-DRUM incorporated action-planning opportunities and encouraged participants to discuss ongoing conflicts throughout the modules.

A sub-group of the initial trainees were selected to participate as future trainers. These leaders participated in a two-day train-the-trainer workshop specifically geared toward instructing the modules. The trainers subsequently conducted a second round of trainings with observation and feedback from C-DRUM staff. About 45 UMUC employees received the conflict resolution training and about 10 staff became train-



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IMPROVED RESOLUTIONS: A STUDENT'S PERSPECTIVE ON THE MARYLAND HOME IMPROVEMENT COMMISSION MEDIATION PROGRAM

Matthew Gimovsky is a second year student at the University of Maryland School of Law. He is pursuing his juris doctor with a focus on health care law. During the summer he served as an intern with the Maryland Home Improvement Commission working on their new mediation process.

Searching for summer employment as a first year law student in a complicated economy, I walked into the C-DRUM office. Not knowing what to expect, or the possibilities available, I met with Deputy Director Toby Treem Guerin to discuss my options. We discussed my desire to gain a skill set that would both complement and provide an alternative to the classic adversarial skills I learned as a 1L. C-DRUM, in turn, wanted to provide support for the recently minted mediation agreement between the Mediation Clinic at the University of Maryland School of Law, Community Mediation Maryland, and the Maryland Department of Labor, Licensing and Regulation (DLLR). Ms. Guerin connected me with Steve Smitson, Executive Director of DLLR's Maryland Home Improvement Commission (MHIC). The MHIC processes complaints and conducts investigations into allegations of faulty and unworkman-like home improvements.

A week after my initial meeting with Mr. Smitson I began outlining a plan for triaging MHIC's significant caseload. In a given year the Commission handles 5,000 complaints by homeowners against licensed and unlicensed contractors. The outline involved integrating mediation into the complaint process to relieve the understaffed investigation team, while providing a faster and more cost effective complaint resolution process. The process involved identifying which complaints could be resolved through mediation in-house, which complaints would be referred to outside mediation partners such as the Mediation Clinic and Community Mediation Maryland (CMM), and which complaints are necessary to process through traditional investigation.

When a homeowner files a complaint with the MHIC, it is assigned to an investigator who begins to investigate and determine whether a violation of the Home Improvement Act (COMAR 09.08.01-09.08.03 and 09.01.02-09.01.03) has occurred. The complaint process can involve the Office of the Attorney General, the Office of Administrative Hearings, and the DLLR. Each complaint costs the State thousands of dollars to process and can take upwards of three years to resolve. If the agency finds a violation of the Home Improvement Act, it can invoke its statutory enforcement power which allows it to levy monetary fines and suspend home improvement licenses; however, its statutory authority does not include the ability to order the work redone to the homeowner's satisfaction.

Choosing to pursue a complaint outside of the MHIC, through Maryland's court system, can be just as time consuming and potentially even more costly. Most homeowners cannot afford an attorney to pursue civil litigation, and those who can find their cases delayed by an already heavy docket. The process designed by C-DRUM and MHIC in partnership with CMM was created to allow homeowners and contractors to resolve their conflicts as early as possible and to their own satisfaction, while using fewer resources and providing for a wider range of resolution options.

Mediation provides an incentive to the homeowner by creating the opportunity to resolve the situation earlier than the average 1-3 years it takes to handle complaints through the investigative, legal, and administrative processes. Through mediation, the contractor can avoid a record of a formal complaint by reaching and complying with a mediated agreement. If the agreement is violated, the homeowner has 60 days in which to notify the MHIC and have the complaint reopened for a formal investigation. Although not every person offered mediation engaged in the process, I soon found that many people appreciated the opportunity and were eager to forgo the expense and time involved with traditional claim processing.

In my assessment of cases suitable for mediation, I performed an in-depth review of the complaint, looked beyond the disagreement, and focused on the parties' interests. The criteria for case selection included the value of the complaint and the complexity of the contract. Parties with a contract valued at under \$1,000 or a contract with formal warranty language were more likely to participate in voluntary mediation; whereas parties with more money at stake or with more ambiguous contracts often preferred to proceed with an investigation. The MHIC mediation program is voluntary; therefore, all participants (usually homeowner and contractor or someone with authority for the business) must agree to participate for a mediation to occur. For the people willing to sit down at a table, the spirit of cooperation and a desire for mutually acceptable solutions resulted in settlements at a speed and cost unheard of in traditional litigation. During the span of an hour, contractors and homeowners came together to solve their problems. Over the summer, I witnessed mediation succeed in complaints ranging from a dispute over the

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TRUANCY MEDIATION INITIATIVE UPDATE

C-DRUM'S truancy mediation initiative, BSMART (Baltimore Students: Mediation About Reducing Truancy) enters its third year this fall. Funded by a grant from the Charles Crane Family Foundation, the program worked with eight Baltimore City elementary and middle schools in 2008-2009 and anticipates expanding to ten schools in the coming academic year. The program also offers law students enrolled in the Mediation Clinic at the School of Law the opportunity to observe and co-mediate attendance issues with C-DRUM staff. C-DRUM brings this initiative to Baltimore at a time when school attendance is drawing increased attention. According to the Maryland State Department of Education, nine percent of Baltimore city students miss more than 36 days of school each year, a rate which is four times the state-wide average. The problem has far-reaching effects: students who miss school are more likely to drop out, engage in high risk and criminal behaviors, and become victims of violent crime. Moreover, students who drop out face a lifetime of diminished earning potential, which has a ripple effect throughout the city's economy.

The BSMART model is based on the assumption that students often miss school because of family situations which may be resolved or improved, and that early intervention through mediation can reduce the communication barriers between home and school. The student's parent and teacher are invited to mediation to discuss the attendance issue in a facilitated, private, and voluntary setting at the school. The process allows everyone to talk about the situation, develop solutions, access resources, and hopefully improve parent-school communication.

Olga, a bright seventh grader, had a mother who left for work at 6:30, expecting Olga to get herself to school on time. She usually did, until one day the social burdens of school seemed too much and she stayed home. And nothing bad happened. Her mother didn't know, and the school didn't contact her. By the time her mother learned her daughter was skipping school, Olga had missed over 40 days and her mother was threatened with court action. The mediation revealed that Olga had dreams of becoming a veterinarian; she was very capable, but now her absences were impacting her grades. In the mediation she heard that the school counselor was available to listen to her when the social demands of middle school became hard. Her mother learned that a check-in call in the morning was needed to keep her daughter on track. After the mediation, her attendance improved substantially.

Amanda was a first grader who hadn't come to school for several weeks after being sent home with head lice. Her parents were unemployed and had no medical insurance, so they didn't take Amanda to a physician to get the note that

would permit her return to school. In the mediation, the family learned that Amanda could receive Medical Assistance, was provided with the necessary application, and ended the session with tears and hugs from Amanda's teacher. Amanda returned to school in 2007-2008, but was placed in foster care late in the year and transferred to another school.

These are just two examples of the types of cases mediated through BSMART. During the 2008-2009 school year, C-DRUM conducted 56 mediations at the participating schools, based on 247 referrals. Attendance improved for more than one-half of the affected students and, in many cases, the families accessed important services, such as educational testing, grief counseling, schooling at home for chronically ill children, and after-school tutoring programs. Unfortunately, the lack of accurate contact information for the families continues to pose a challenge, and limits the ability to reach the parents and offer mediation as an option.

The Baltimore City Public School System, together with its public and private partners, utilizes data, technology, training and public education to reinforce the message that children belong in school every day. During this past year BSMART has been the subject of a comprehensive evaluation sponsored by the Administrative Office of the Courts, Court Research and Development, the research arm of the Maryland judiciary. This study is exploring the effectiveness of three truancy programs in the state of Maryland: the University of Baltimore's court-based program, a program based in the Eastern Shore, and BSMART. The Ruth Young Center for Families and Children at the University of Maryland School of Social Work is engaging in a comprehensive and comparative evaluation of the BSMART program with preliminary analysis anticipated in 2010. As the school year begins, BSMART will continue to offer an alternative approach to a complex problem, one family at a time, in hopes of improving school attendance.

2009-2010 Participants in the Truancy Mediation Program

- BayBrook Elementary/Middle School
- Beechfield Elementary/Middle School
- Curtis Bay Elementary/Middle School
- Francis Scott Key Elementary/Middle School
- Lakewood Elementary School
- Maree Garnett Farring Elementary/Middle School
- Morrell Park Elementary/Middle School
- Masonville Cove Community Academy
- Pimlico Elementary/Middle School

NEW FACES AT C-DRUM

As C-DRUM enters its seventh year, it continues to evolve and grow. In 2009, several new faces will join the Center and the ADR program while continuing faculty and staff engage in meaningful instruction and scholarship.

Professor Susan Leviton, Acting Director of C-DRUM and Law School Professor, currently supervises law students in the Clinical Law Program. Known throughout Maryland as an expert in representing children in special education proceedings and juvenile court, she has also written extensively on the topics of education and the juvenile justice system, most recently “Students Schooling Students: Gaining Professional Benefits While Helping Urban High School Students Achieve Success,” 38 *Journal of Law & Education* 359 (2009) (with Justin A. Browne). For the past five years Professor Leviton has worked with others committed to quality education in Baltimore City to create and oversee Baltimore Freedom Academy, a public charter school for grades 6-12. Her efforts, along with those of many others, contributed to the success of the school which most recently received the Bronze recognition as one of the best high schools in the United States from *U.S. News & World Reports*. Her tireless dedication to improving the academic and character education of students brought her to work with C-DRUM’s conflict resolution education grant program in the past. Her experience working with youth along with her years of clinical instruction will help advance C-DRUM efforts in the coming year. “The field of conflict resolution compliments much of the work conducted by me and my colleagues. In the past six years C-DRUM has made a name for itself in Maryland in the fields of conflict resolution education in primary education, ADR-related research, and dispute resolution training and education. It is with much excitement that I join the efforts of the Center and its staff in a formal capacity.”



Professor Wendy Seiden, Visiting Assistant Professor of Law, has ventured across town to the University of Maryland School of Law to teach the Mediation Clinic. The former Coordinator of the Family Mediation Clinic at the University of Baltimore School of Law, Professor Seiden previously taught Children and



the Law at Golden Gate University School of Law and spent most of her legal career representing children and parents in child welfare, education, immigration, and domestic violence cases. Professor Seiden brings the perspective of the mediator, and the advocate in mediation, to the Mediation Clinic, and sees her role as building the capacity of law students to successfully traverse the many forums of dispute resolution that exist within and outside the legal arena. She has contributed to Jane Murphy and Robert Rubinson’s, *FAMILY MEDIATION: THEORY AND PRACTICE* textbook (2008), serves as an expert consultant on child victims of crime for the American Bar Association’s (ABA) Victims Committee, and is a member of the ABA ADR Legal Education Committee. Professor Seiden looks forward to instructing new mediators and continuing the excellent services provided by the Mediation Clinic.

A partner at DLA Piper US LLP in its Baltimore office, **Neil Dilloff** specializes in complex commercial civil litigation, including professional liability defense, construction litigation, and insurance litigation. In Spring 2009 he will teach Alternative Methods of Dispute Resolution as an Adjunct Professor. In his perspective, “negotiation is effectively what attorneys do, given the number of cases that settle before trial. At some point every litigation or transactional attorney will encounter mediation or arbitration. Knowledge of these practices and how to interact with different constituencies is essential for law students.” Currently, Mr. Dilloff serves as a civil case mediator on the Baltimore City Circuit Court’s Mediation Panel where he has mediated hundreds of cases. He also serves as an arbitrator in large construction cases. He has been ranked by Chambers USA: America’s Leading Lawyers for Business in their first tier of Maryland business litigators for years and has been named to Best Lawyers in America since 2006 in the categories of legal malpractice, commercial litigation, construction litigation and personal injury litigation.



This summer, **Toby Treem Guerin** was promoted to Clinical Law Instructor and will co-teach the Mediation Clinic with Wendy Seiden in the coming year. She is also a new member of the ABA ADR Legal Education Committee and recently completed an Ombudsman training through the International Ombudsman Association.



FACULTY PROFILE: PROFESSOR JANA SINGER

With the publication of an essay on family dispute resolution (“Dispute Resolution and the Postdivorce Family: Implications of a Paradigm Shift,” 47 Family Court Review 363 (July 2009)) and the co-editorship of a book on family conflict (RESOLVING FAMILY CONFLICTS (Ashgate 2008)), Professor Jana Singer continues to explore the nature of conflict within families and the resolution of that conflict within the legal system. Professor Singer joined the faculty at the University of Maryland School of Law in 1985 after serving as a Revson fellow in women’s law and public policy and adjunct clinical professor at the Georgetown University Law Center’s Sex Discrimination Clinic. During her fellowship, she represented victims of domestic violence and became interested in family law. Since then, she has taught courses on Family Law; Contracts; Constitutional Law, Children, Parents and the Law; and most recently, International and Comparative Law in Aberdeen, Scotland this past summer.

Professor Singer’s work explores the continuum of court-connected dispute-resolution processes deployed in family matters. In particular, she is interested in how various ADR procedures can be effectively targeted to address the needs of different types of families and family issues. She continues to engage in conversations with peers and practitioners through her work with the Montgomery County Divorce Roundtable



and membership on the Editorial Board of the Family Court Review (the interdisciplinary journal of the Association of Family and Conciliation Courts).

As an instructor, Professor Singer urges students to “understand that most family conflict has both legal and non-legal components and that part of being an effective family lawyer is the ability to deal with both aspects.” Her classes focus on all of the tools in the “family lawyer’s toolbox”, from traditional adversarial processes to emerging alternatives such as collaborative law and team decision making. In November, 2009 she will serve as a facilitator at the conference on Collaborative Law: Opportunities, Challenges and Questions for the Future, at which scholars and practitioners will discuss the proposed Uniform Collaborative Law Act.

Professor Singer’s work will inform the recent research collaborative spearheaded by the Maryland Administrative Office of the Courts to explore the use of ADR processes in the Division of Family Administration. Through this exploration, researchers at C-DRUM and partner institutions aim to identify and evaluate the various ADR processes used in family cases, thus shedding light on the ADR continuum as it currently operates in Maryland.

C-DRUM Partners with UMUC

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ers. The trainees provided overwhelmingly positive evaluations of the training, and many felt that it would be beneficial to others.

Since the trainings, UMUC has met internally to determine how to best utilize the modules. The modules were modified to accommodate the time constraints of the participants and now include more UMUC specific situations. The trainers intend to conduct another round of trainings in October and November of this year and incorporate a module specifically relevant for front-line personnel (call center, email query monitors, and walk-in help desk employees). According to Heather Schalk, Director, Human Resources and Organization Development Consulting at UMUC, “We could

not have developed the materials without the assistance of C-DRUM. The foundation established through the modules and train-the-trainer materials furthered our internal capacity to conduct the trainings and reinforce an institutional culture that begins to view conflict as an opportunity, not a challenge. We know that this will further build positive relationships with students and staff.”

NEWS AND NOTES

General News

Summer Conflict Management Training for Schools, Baltimore, Maryland (June 28 - 29, 2009) and Annapolis, Maryland (July 1 - 2, 2009).

Basic 40-Hour Civil Mediation Training conducted in partnership with the Maryland Institute for Continued Professional Education of Lawyers, Inc., Baltimore, Maryland (June 22-26, 2009).

Peer Mediation Train-the-Trainers Workshops, Annapolis, Maryland (October 28-29 and November 5, 2009).

Toby Treem Guerin

Co-presenter, "MPME's Skills Based Mentoring Program: A Peek Inside," Center for Alternative Dispute Resolution Annual Conference, Greenbelt, Maryland, (June 19, 2009).

Advanced Mediation Training, District of Columbia Office of Administrative Hearings, Washington, D.C. (August 31, 2009).

Member, Legal Education Committee, American Bar Association Section on Dispute Resolution (2009-2010).

Barbara Sugarman Grochal

Co-presenter, School Safety Summit Action Planning Committee, "Restorative Methods and Relationship Management in Schools", Maryland State Department of Education, Baltimore, Maryland (April 20, 2009)

Presenter and Planning Team Member, "Restorative Methods Seminar: Bringing Restorative Methods to Maryland Schools", Catonsville, Maryland (May 27, 2009)

Presenter, "Restorative Practices", Maryland State Department of Education, Directors of Student Services, Baltimore, Maryland (October 22, 2009)

Stacy Smith

BSMART Orientation, Baltimore City Public School System, Baltimore, Maryland (September 11, 2009)



Participants David Spence, Dexter Sutton, and Lucy Wase engage in a role-play simulation during the June 40-Hour Civil Mediation Training.



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

MHIC

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workmanship performed on a pool to the straightforward enforcement of mediation provisions in contract.

Part of the mission at the DLLR is to “protect and empower Marylanders.” The integration of mediation into MHIC furthers this mission by providing an impartial party, opportunity to safeguard relationships, and the ability for the participants to develop their own resolutions. The introduction of mediation has resulted in a more efficient screening and settlement process, both for the MHIC and for homeowners. As the mediation program at MHIC lays its roots, I fully anticipate it will be able to handle even more cases, and continue to offer the citizens of Maryland the ability to resolve their complaints through a variety of methods.

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.