2016 Program Summary

Multi-Door
Dispute Resolution Division

Superior Court of the District of Columbia
Washington, DC

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HISTORY

During a presentation at the 1976 Pound Conference about public dissatisfaction with the justice system, Harvard Professor Frank E.A. Sander offered an innovative approach that could ease the growing demands on courts throughout the country. Calling his concept the multi-door courthouse, Professor Sander envisioned one large courthouse with multiple dispute resolution doors or programs. Cases could be diagnosed and referred through the appropriate door for resolution. The programs could be located inside or outside of the courthouse and could include, but would not be limited to, litigation, conciliation, mediation, arbitration, and social and governmental services.

After a careful study of the multi-door concept, the American Bar Association's Standing Committee on Dispute Resolution identified three experimental program sites: Tulsa, Oklahoma; Houston, Texas; and the Superior Court in Washington, D.C. The American Bar Association hoped to determine if the multi-door concept would improve the administration of justice. The goals of the multi-door experiment were to provide easy access to justice, to establish networks that would reduce or eliminate citizen frustration, and to develop and improve programs to fill service gaps, thereby making available more doors through which disputes could be resolved.

The experimental program in the D.C. Superior Court was established in 1985. Four years later, in February 1989, former Chief Judge Fred B. Ugast declared the experiment a success and designated the program as a full operating division of the court. The Superior Court continues to make the provision of dispute resolution a priority.

In 1985, the Intake and Referral Center was the first Multi-Door program established in the Superior Court. Trained Dispute Resolution Specialists are available to assist residents of the District of Columbia metropolitan area to consider options for resolution of their disputes. If the Dispute Resolution Specialist is unable to conciliate the dispute, the citizen will be referred to an appropriate legal, social service, or dispute resolution organization.

In the same year, the Small Claims Program became the first dispute resolution program offered to the public to enhance access to justice in the D.C. Superior Court. Mediators are available daily in the Small Claims Court to help parties reach a mutually satisfactory resolution of disputed claims of $5,000 or less. In 1991, Small Claims mediators began to mediate collection cases with claims of $25,000 or less. In 2016, approximately 62% of the small claims cases entering mediation were resolved with the help of a mediator.

The Family Mediation Program began operation late in 1985. Initially, cases entering family mediation came to the program on a voluntary basis and involved issues of child support, custody, visitation, spousal support, and property division. Mediation continues to be available prior to filing a formal complaint in court or at any time after filing a complaint, even on the day of trial or at the hearing. Specially-trained family mediators also mediate cases with tax and pension issues. Cases ineligible for joint mediation are those involving the use of weapons, serious injury by one party to the other, a long history of repetitive violence, or child abuse. These cases are typically referred back to court for resolution. Currently, the Division is the site of a National Institute of Justice-funded research study on the use of shuttle and videoconferencing mediation in cases involving intimate partner violence and abuse, and does offer shuttle and videoconferencing mediation only to select cases. Participation in the study is voluntary for both parties and the mediator.

Court-annexed, non-binding arbitration was initiated in 1987 through a grant from the National Institute for Dispute Resolution and the Meyer Foundation. Approximately 400 cases filed in the Civil Division were randomly assigned to arbitration during a two-phase experimental period between 1989 and 1991. The court's Research and Development Division compared arbitrated cases with a control group of similar cases that were litigated. At that time, approximately 75% of the cases arbitrated were dismissed or otherwise disposed of within 120 days, as compared with 10% of the litigated cases. In addition, litigants surveyed responded favorably to the concept of court-ordered arbitration. Presently, Multi-Door maintains a roster of arbitrators, and litigants are able to select the neutral who will arbitrate their case. With the passing of time, mediation has grown in popularity, but the option of arbitration remains open to clients of the Superior Court.

In a continuing effort to educate the legal community about ADR techniques and to reduce the number of the court's oldest pending civil cases, the court initiated another successful ADR experiment called Settlement Week. For one week each year from 1987 through 1989, all civil trials were suspended for one week during which volunteers mediated between 700 and 900 cases over a five-day period. The success of Settlement Week encouraged the court to make mediation available to civil litigants year round, even for the most complex cases. At the request of one of the parties, the court would order all parties to participate in at least one mediation session. Mediation led to settlement or resolution in 53% of these cases.

In late 1989, the court began planning a comprehensive Civil Delay Reduction Program. The court anticipated that this program would bring civil case processing in the Superior Court into compliance with the ABA's guidelines for timely disposition of civil cases. The Civil Delay Reduction Program includes the use of automated case processing, individual calendar assignments, differentiated case management, and incorporates the use of mediation, arbitration, and neutral case evaluation.

To assist with the conversion to the Civil Delay Reduction Program, the Multi-Door Division mediated approximately 3,100 of the oldest civil cases between October 1989 and January 1991, resolving approximately half of them. When the Civil Delay Reduction Program became operational in January of 1991, the Division began offering mediation, neutral case evaluation, and binding and non-binding arbitration for most civil cases filed in the court.

Furthermore, the presiding judge of the Probate and Tax Divisions began to refer *ad hoc* probate and tax assessment matters to mediators who helped to settle more than 75% of the cases referred during the early years of these programs. In 1998, the government added an additional settlement opportunity to the procedure for handling tax assessment cases prior to court filing. As a result, many more cases are now settled at the agency level. Contested residential and commercial tax assessment cases continue to be referred to mediation following a status hearing with the judge. In 2003, 151 cases were referred to mediation. In 2013, 972 cases were scheduled to mediate. As this program continues to grow, so too does the settlement rate. In 2003, 27% of tax cases settled in mediation. In 2013, 54% of these cases were resolved through mediation.

In order to provide comprehensive ADR services, the Division has developed extensive training and educational programs for its approximately 200 volunteers. The Division has set in place numerous quality control mechanisms, such as user surveys, mentorships, and individual peer reviews.

In addition, frequent requests for technical assistance from other states and countries confirm the Court's international reputation for maintaining one of the most comprehensive court-based ADR programs. Individuals and delegations from around the world continue to visit the Multi-Door Division.

Today, the Multi-Door Dispute Resolution Division maintains a staff of 26 full-time employees and several Dispute Resolution Specialists to administer the recruitment and training of new mediators as well as its several dispute resolution programs. From its humble beginnings, the Division has grown to include the Community Information and Referral Program, Civil ADR Program, and the Small Claims, Family, Landlord & Tenant, Probate, and Tax Assessment Mediation Programs. Through these programs, the Division provided a neutral forum for dispute settlement in more than 8,000 matters in 2016.

THE DISPUTE RESOLUTION PROCESSES

Intake and Referral

"Intake" describes a process of case analysis that identifies various ways in which the case might be resolved. During an intake interview, factors about the case and the parties are discussed with the client. Following this assessment, the Dispute Resolution Specialist (DRS) and the client jointly determine the most appropriate steps to be taken in an effort to resolve the dispute. For example, an "action plan" jointly designed by the DRS and the client may begin with telephone conciliation, followed by mediation, and, if both conciliation and mediation are unsuccessful, the filing of a lawsuit. The term "intake" also refers to the screening process used to determine if a case is appropriate for a specific program. For example, private intake interviews are conducted with divorcing couples to determine if a case meets the eligibility guidelines for family mediation.

Mediation

In mediation, a neutral third party (the mediator) facilitates a discussion with the parties to explore possible solutions or settlements. The mediator does not give an evaluation or opinion of the case. Rather, the mediator prompts the parties to assess their relative interests and positions and to evaluate their own cases by the exchange of information, ideas, and alternatives for settlement. Mediations made up more than 99% of Multi-Door's case load in 2016.

Arbitration

Court-ordered arbitration, as it operates in the D.C. Superior Court, involves an impartial third party (the arbitrator) who meets with the parties, listens to presentations of both fact and law, and renders a

Members of the Multi-Door Dispute Resolution Division staff with the Director in June 2013.

decision and/or award. Arbitrators manage the case for a 120-day period and are given the power to rule on motions filed prior to the arbitration hearing. The parties may stipulate in advance that the award will be binding, in which case the award is converted to a judgment of the court. If arbitration is non-binding, either party, upon request to the court, will be granted a trial *de novo* if dissatisfied with the outcome. At the D.C. Superior Court, an arbitrator must be an attorney or a retired judge.

Case Evaluation

The civil case evaluation program is governed by court order and administrative procedures approved by the Court. As in civil mediation, the case evaluator relies on information provided in the Confidential Settlement Statement. During the ADR session, the evaluator discusses the strengths and weaknesses of the case and provides the parties with a non-binding opinion as to the probability of success at trial and the fair settlement value of the case. The parties are given an opportunity to consider settlement both before and after the evaluator renders an opinion.

Evaluators must be licensed to practice law in the District of Columbia and have at least five years of litigation experience in the area of law in which they will evaluate cases. They also must have conducted at least three trials of over four hours in length in a court of record. Evaluators with the most trial experience are selected to evaluate complex cases.

Case evaluation sessions are conducted at Multi-Door's offices; complex case evaluations may be conducted in the evaluator's office.

VOLUNTEERS

Volunteers are indispensable to the operation of the Multi-Door Division. Since the inception of the program, applicants from the metropolitan area who are interested in serving as neutrals (an all inclusive term for mediators, arbitrators, or case evaluators) have been trained to assist in the resolution of various types of disputes. Through careful screening, selection, intensive training, mentorship and ongoing evaluation of its volunteers, the Division is able to provide high-quality dispute resolution services at no cost to litigants.

The criteria for accepting volunteers vary according to the program. Many volunteers have continued to work beyond their initial commitment in Multi-Door ADR programs because of the challenge, sense of accomplishment, and satisfaction they experience as neutrals. In addition to serving as neutrals, volunteers serve in such capacities as advisors in the ongoing improvement of the dispute resolution programs, members of selection panels for new volunteers, assistants in initial and in-service trainings, mentors for new volunteers, and peer reviewers assessing the performance and development of other volunteers' skills.

Neutrals in the Civil ADR, Probate, and Tax mediation programs must be attorneys, while mediators in the Small Claims, Landlord & Tenant, Child Protection, and Family Mediation Programs have varied educational and professional experiences.

Training and Evaluation

The training manager is responsible for the basic and advanced training of neutrals, as well as the periodic assessment of the skills and progress of each neutral in the program. The Training Manager works with program supervisors to monitor, enhance and evaluate each neutral's skills and, when necessary, end a neutral's service in the program. This internal training and assessment, or "quality control" element, is unusual in court-annexed ADR programs and widely heralded in the field.

Volunteer Training

Training programs range from 40-hour courses in mediation to short, in-service trainings. Following their initial training, volunteers are given individual attention through formal instruction, mentorship, or one-on-one observation and coaching. The performance of volunteers is periodically reviewed to ensure that the public receives the highest quality service and to promote the volunteer's ongoing skills development. Participants have consistently given excellent ratings to the Division's training and mentorship programs.

The Division recruits some of its ablest volunteers to serve as members of training teams. These individuals enjoy the challenge of learning and exercising new skills and they provide a perspective that has raised the quality of all of the Division's training programs. In addition to basic training with its strong emphasis on interactive skills development, the Division offers in-service trainings to further enhance their skills and knowledge. This attention to continuing skills development is provided to ensure that mediators are prepared to deal with the ever-changing challenge of dispute resolution. In addition, neutrals must be kept informed of substantive developments in the law, court rules, and procedures.

Specialized Training

All Multi-Door Volunteers are required to have training in a specialty area. This assures that our mediators have program-specific skills and knowledge. Volunteers who come to us as new mediators receive this specialized training during the initial training course, while those who join us through Open Enrollment are required to have substantial content knowledge and experience mediating cases relevant to one of Multi-Door's programs.

Selection and Training of New Mediators

Periodically, the Multi-Door Division selects and trains volunteers to become mediators in its programs. The Division has no specific professional prerequisites for becoming a mediator in programs other than Civil, Tax, and Probate, which require admission to the bar. Because mediation requires an open environment free from judgment, the selection process for trainees incorporates all of the following components:

- Application and resume,
- Training and mentorship through Multi-Door,
- Applicant-signed commitment to attend 100% of training, and
- Completion of probationary year, starting at the conclusion of mentorship.

Application and resume: Those applicants with limited or no experience must apply to attend Multi-Door's 40 hour basic mediation training, which may include specialized, program-specific training. The application usually includes a questionnaire on the candidate's availability to mediate, and the candidate's availability during and after training, and other information pertinent to the program to which the candidate is applying. A resume is also required, giving an applicant the opportunity to outline his interest in the field of alternative dispute resolution as well as his ability to make a firm commitment to a volunteer organization. The resources required to produce a high-quality training demand that staff ensure applicants selected will be reliable and complete their commitment to the program.

Selection of trainees: As applications for training come in to the Division, the training staff reviews the applicants' responses and qualifications and prepares a master chart to display the relevant information. Each program assembles a team of staff reviewers who look for specific characteristics that lend well to the type of mediation and the typical population of disputants often seen in that mediation program. Program staff may also elect to conduct an interview if additional questions remain after reviewing the materials submitted by the applicant.

After selection and successful completion of Multi-Door training, candidates will enter into a mentorship period. During this time, candidates will co-mediate with an experienced Multi-Door mediator and take on a progressively more active role in each mediation. This period should take no longer than six months. At the end of the mentorship period, a formal assessment is made as to the trainee's skill level and comfort in conducting mediations. If the results of this assessment are favorable, a trainee begins his one-year commitment to the Multi-Door Division.

Open Enrollment Process for Experienced Mediators

The Open Enrollment process is designed to incorporate experienced mediators into Multi-Door's programs without training through the Division. Open Enrollment applicants are reviewed by Multi-Door staff on a rolling basis. A comprehensive application with at least three letters of reference is required for admission to one of Multi-Door's programs through this process. Applicants must have significant, recent experience mediating the type of case they apply to mediate in the Division. Training and continuing education must be evident on the resume of the applicant. Staff conducts an interview with a skills assessment component (detailed below). After a successful interview and skills assessment, an applicant is observed in a Division mediation by staff at least once before a determination is made regarding formal acceptance into a mediation program and being added to a neutral roster.

Skills Assessment: Each applicant participates in a performance-based evaluation in which they are given an opportunity to demonstrate their aptitude for mediation. Most often, this is carried out via a co-mediation process, during which the applicant is expected to take the lead role in a mediation, with the co-mediator available for consultation or to step in as needed.

Program Participation Requirements

In order to remain active on the roster, volunteer mediators need to meet specific requirements. Volunteers make a one-year commitment to mediate at Multi-Door when they are first selected. This generally means being on-site twice a month. After the probationary year has been completed successfully, mediators must continue to mediate at the frequency required by the program. (Most programs require mediators to mediate at least ten cases a year.) Mediators are also periodically observed and must obtain a favorable review and complete 16 hours of continuing education during each two-year term in order to remain in good standing on a program roster. Lastly, volunteers are required to attend a training on the ethical standards of conduct for mediators once every two years. The continuing education and ethics requirements can be filled through in-service training offered by Multi-Door, or mediators may attend an alternate training program. Multi-Door provides regular courses on a range of topics to keep mediators up-to-date with current trends and program expectations.

Volunteer terms are two years in length. If a volunteer would like to extend his tour of service, he must meet all program requirements during his term as outlined above, as well as comply with general program expectations. These requirements ensure that volunteers remain informed in the field and invested in their commitment to Multi-Door; additionally, the program requirements ensure a high-quality mediation experience for all Multi-Door clients.

Volunteer Compensation

The compensation system allows the Division to retain experienced neutrals who commit substantial time to doing a number of cases and/or to selecting, training, or evaluating other neutrals. While the court is unable to compensate neutrals at a level comparable to what they would receive for providing legal or other professional services, the court provides minimum compensation as a gesture of its appreciation for the time and effort these volunteers provide in resolving pending cases.

Compensation Guidelines

- Neutrals may choose to waive the stipend.
- Neutrals must independently confer with their employers regarding their participation in the ADR program and their receipt of a stipend.
- Neutrals must satisfactorily complete the required training and a total of six hours of *pro bono* work prior to being compensated.
- Neutrals may be limited in the number of cases they are assigned and, therefore, the amount of compensation they receive for ADR services.
- The compensation schedule is set by the Chief Judge of the Superior Court of the District of Columbia and may be changed at any time. The compensation schedule may be reassessed due to caseload and/or fiscal considerations.
- Neutrals are required to complete a case close-out form for each case assigned and to comply with other rules and procedures established by the Multi-Door Division. Prior to compensation, Multi-Door Division staff verify stipend vouchers. Approved vouchers are processed for payment.

Compensation Schedule

- Civil Arbitrators receive $150 per case assigned.
- Civil Mediators and Evaluators receive $50 per case assigned.
- Civil Mediators and Evaluators of complex cases receive up to $200 per case assigned.
- Small Claims Mediators receive $50 per case mediated. Collections Mediators receive $40 per hour for the first three hours and on a prorated basis for every 15 minutes beyond three hours.
- Landlord and Tenant Mediators receive $50 per case assigned.
- Family Mediators receive $60 per mediation session and a maximum of $150 for preparing agreements.
- Child Protection Mediators receive $120 per mediation session.
- DRSs receive $25 per hour.
- Probate Mediators and Tax Mediators receive $50 per case assigned.
- All neutrals receive $50 for serving in a standby capacity.
- Neutrals serving as peer reviewers receive $25 more than the usual rate paid for serving as a neutral in that program.
- Neutrals participating in the selection of other neutrals are compensated at a rate equal to that which they would receive for mediating, arbitrating, or evaluating.

PROGRAM OVERVIEWS

All services are administered by the Multi-Door Division with the cooperation of other Operating and Support Divisions in the court and are provided at no cost to clients. Division staff is responsible for case administration; management, training, and performance evaluation; and program reporting and evaluation of volunteer neutrals. Volunteers provide direct dispute resolution services, training, and various other types of program support. Twenty-four staff and approximately 200 volunteers carry out the mission of the Multi-Door Division. The Division maintains three branches: the Civil ADR Branch; the Family and Community Branch; and the Office of the Director. The various programs operating within these branches are outlined below.

The Family and Community Branch

Community Information and Referral Program (CIRP)

Dispute Resolution Specialists (DRSs) assist the public in determining the most appropriate service available to resolve their problems. DRSs are trained to examine case-type characteristics by looking at the history and dynamics of the conflict, the existence of physical threats or possible loss of property, questions of principle or of fact, and the complexity of issues. DRSs consider the intensity of the relationship between the disputing parties and the number of parties involved, as well as financial status. They also discuss the party's willingness to participate in the resolution of the problem and any possible consequences of the proposed referral.

DRSs enter characteristics of the problem into a court-wide case management system, Court View. Referral agencies are stored within Court View, and the system suggests appropriate agencies based on the characteristics of the problem entered by the DRS. Based on the agencies Court View provides, the DRS assists the client in determining the most appropriate steps to be taken to remedy the problem. If appropriate, the DRS will contact the other party in an attempt to conciliate the dispute or to set up a mediation. The most frequent complaints heard by a Dispute Resolution Specialist involve matters between landlords and tenants, neighbors, and small claims-type disputes with family-related issues. Appointments are not necessary; a client may call or walk into CIRP during regular business hours.

Green Resolution Services

To do its part to help save the environment, the Multi-Door Dispute Resolution Division promotes the phone conciliation and community mediation services as Green Resolution. Green Resolution is the utilization of phone conciliation and community mediation to resolve disputes while positively impacting one's personal and global environment.

What Makes These Services Green?

Phone Conciliation: By electing to have a dispute resolved by phone conciliation, people can help save environmental resources and save time and money for themselves and the court. Phone conciliation is conducted entirely over the phone. This service can be accessed in the comforts of your home or on your lunch break at work. People do not have to take leave from work, there's no missed pay, and no transportation cost. Phone conciliation helps reduce gas consumption and CO^2 emissions. Paper usage is minimized because there is no filing of court forms, and no written agreement is required for settled disputes.

Community Mediations: Filing a case or coming into the Court are not necessary for participation in community mediation. Community mediation can be scheduled and conducted by phone and may help reduce gas consumption. Community mediations can save people and the court time and money.

Issues appropriate for Green Resolution

Money Related Matters	Non-money Related Matters
Consumer Landlord and tenant Family Unpaid bills Services not rendered	Family Ex-romantic partner disputes Parent with an adult child living at home Return of property Noise level in row house or condo-minium Trees Fences Driveways Human rights Workplace

There is no cost involved to use Green Resolution services. The dispute can be resolved quickly, reducing the likelihood of escalation .

Family Mediation

The Family Mediation Program provides mediation as an alternate method of resolving family disputes, such as child support, custody, visitation, and issues incident to divorce such as distribution of property or debts, and spousal support. The Program emphasizes the best interests of the child, empowerment of the parties, and facilitating communication between parties. Cases may be mediated prior to or after the filing of a formal complaint in court, if at least one of the parties to the case is a resident of the District of Columbia.

Originally established in 1985, the Family Mediation Program later expanded its services for contested cases in January 1992. As a result, Family Court Judges began to routinely refer contested cases to mediation following the status hearing. Prior to mediation in each case, Multi-Door staff gather information confidentially from the principal parties to determine if mediation is appropriate. Most parties, whether they reach an agreement or not, express satisfaction with the mediation process and the mediator's assistance in that process.

In 2003, the Family Mediation Program launched a new initiative to serve clients on an expedited basis in what became known as the Same Day Mediation Program. With the additional resource of three full-time family mediators on staff, judges are encouraged to refer parties to mediation immediately following their initial court hearing. Both parties are interviewed and screened for eligibility for mediation on that day and, if eligible, may begin mediation that same day.

The Family Mediation Program actively recruits volunteers from diverse backgrounds, professions, and levels of education to become mediators. Volunteers provide mediation services to the division as a supplement to the staff mediators. Volunteers mediate three sessions per month during their first year and are paid a stipend for each session after the first three mediation sessions, which are uncompensated.

The Program for Agreement and Cooperation in Contested Custody Cases

The concept for the Program for Agreement and Cooperation in Contested Custody Cases (PAC) was developed in 2006 by the Domestic Relations & Paternity and Support Subcommittee of the Family Court of the District of Columbia (DR& PS) in consultation with the American Psychological Association.

The goal of PAC is to lessen the negative impact of divorce, separation, and custody-related matters on children. The PAC program helps families resolve conflict while building a positive, nurturing environment for children to grow up in.

Since February 2007, parents and other caretakers are required to attend a half day seminar teaching them the unique needs of their children at different developmental stages. Participants learn some of the ways children communicate their needs when they are experiencing stress or strife. In addition, they learn effective ways to communicate with each other and how to prepare for mediation. Soon after the parents and other caretakers complete the educational seminar, they are scheduled for mediation, where the parents and other caretakers have an opportunity to immediately apply what they have learned to resolve their differences. In a successful mediation, parents and other caretakers use their PAC training to focus their communication on the best interest of their children.

Additionally, children between the ages of 6 and 15 receive age-appropriate instruction through PAC. Children in the program have an opportunity to express what they are feeling in a safe environment and have the opportunity to meet other children who are in similar situations.

Child Protection Mediation

Since 1998, the Child Protection Mediation Program (CPM) has provided free mediation to families with active civil abuse and/or civil neglect cases in Family Court. Maltreatment allegations may include physical, psychological or sexual abuse, neglect, an unwilling caretaker, or abandonment.

CPM is multi-party mediation that includes parents, caretakers, attorneys, social workers, a guardian ad litem, and the assistant attorney general who is responsible for trial. Child Protection Mediation recognizes that the nature of child abuse is family violence; therefore, children never participate in mediation in cases with allegations that have resulted in separate criminal charges.

The goals of CPM are to provide an efficient process to reduce the costs and time required for the resolution of disputes, provide an effective process that yields good solutions with high compliance rates, protect children while preserving families, identify and implement strategies to enable families to work together more effectively, preserve judicial resources for those matters which require such attention, and increase participants' satisfaction with the court process and outcome.

The mediation session addresses the legal basis for court jurisdiction, the goals of the case including the case plan, future services, and where appropriate, a permanency placement for the child. Mediation may also address: visitation, custody, paternity, support, educational placement, parenting classes, therapeutic and medical evaluations, and any other services deemed necessary for reunification and/or permanency.

Survey data continue to show that the legal issues in over 40% of mediated cases resolve during mediation, that 90% of the participants are satisfied with the process, 84% are satisfied with the outcome, and 89% are satisfied with the mediator's performance. In 2016, 219 cases were mediated through the Child Protection Mediation program, out of which 89% settled partially or in full due to the mediation process. Notably, a program evaluation conducted by the Permanency Planning for Children Department of the National Council of Juvenile and Family Court Judges revealed that families who participated in mediation were less likely to return to court within 12 months after closure. The evaluation also stated that mediation had a positive result on cases that proceeded to trial because the issues were more carefully identified.

Child protection mediators receive over 65 hours of specialized subject matter training, mentoring, and evaluations before roster acceptance. They are also required to attend annual program in-service training as continuing education. The program is staffed by one program manager and two case managers.

Civil ADR Branch

Civil Alternative Dispute Resolution Program

Approximately 90-120 days after the filing of a civil complaint, the judge to whom a civil case has been assigned will conduct an initial scheduling conference with counsel and *pro se* parties. At that time, the judge and the parties will decide which ADR technique is best and when the ADR session will be scheduled.

If the case is to be referred to arbitration, the arbitrator selected must conduct the arbitration hearing within 120 days of the scheduling conference. The mediation or case evaluation session will be conducted between four and eight months after the scheduling conference, depending on the complexity of the case and the extent of discovery necessary. The ADR session is typically held following the close of discovery and the deadline for filing dispositive motions with the Court.

Civil Mediation

The civil mediation program is governed by court order and administrative procedures. Attorneys and *pro se* parties are required to complete a Confidential Settlement Statement prior to the mediation. Cases are most often assigned to mediators based on the case type and the mediator's experience and legal expertise.

Mediators contact *pro se* parties and attorneys prior to the scheduled mediation session to ensure that the case is in the best posture for settlement discussions to begin. During the mediation, a trained mediator assists the parties and their lawyers in exploring possible options for settlement. Through a series of joint and individual meetings with all parties and attorneys, the mediator works toward a mutually acceptable agreement, typically within a two-hour period. Complex cases often require several sessions to complete mediation, and sessions may last more than the typical two hours. Mediation is conducted three days each week—Tuesday, Wednesday and Thursday—at Multi-Door. Civil mediators settled approximately 30% of the 1,269 cases mediated in 2016. This statistic includes the outcomes for civil and civil/special mediation.

Civil mediators must be licensed to practice law in any U.S. jurisdiction, complete a required training program, and be accepted by the court as a mediator. Mediators attend training and mediate the first three cases after training without compensation; a stipend is provided thereafter.

Attorney-mediators who have been trained and mediated in other programs may also apply to join the civil mediation roster through the open enrollment process.

Case Evaluation

The civil case evaluation program is governed by court order and administrative procedures approved by the court. As in civil mediation, the case evaluator relies on information provided in the Confidential Settlement Statement. During the ADR session, the evaluator discusses the strengths and weaknesses of the case and provides the parties with a non-binding opinion as to the probability of success at trial and the fair settlement value of the case. The parties are given an opportunity to consider settlement both before and after the evaluator renders an opinion.

Evaluators must be licensed to practice law in the District of Columbia and have at least five years of litigation experience in the area of law in which they will evaluate cases. They also must have conducted at least three trials of over four hours in length in a court of record. Evaluators with the most trial experience are selected to evaluate complex cases.

Case evaluation sessions are conducted in the Multi-Door Mediation Center three days each week. Complex case evaluations are usually conducted in the evaluator's office. The evaluator attends training and evaluates three cases without compensation during their first year with the program; a stipend is provided thereafter.

Cases are rarely referred to case evaluation, however the option remains available for judges or litigants who wish to make use of it.

Arbitration

The arbitration program is governed by Superior Court mandated arbitration rules. The parties choose binding or non-binding arbitration and select the arbitrator from the court's roster. The program provides biographical information on each arbitrator. The selection process usually is conducted at the conclusion of the initial scheduling conference. The arbitrator has the authority to rule on motions and manage the case from the time it is assigned to arbitration until the arbitrator files the award, which typically occurs within 120 days. The arbitrator's award is converted into a court judgment when parties choose binding arbitration. If parties find a non-binding award unacceptable, they may file a motion for a trial *de novo* within fifteen days after the award is filed. Otherwise, the arbitrator's award is converted into a court judgment.

Arbitrations are typically conducted in the office of the arbitrator. The arbitrators attend training and receive a stipend for each case handled.

In accordance with the Rules of the Civil Arbitration Program, arbitrator applicants must be members of the D.C. Bar who have been licensed to practice law in the District of Columbia for at least five years and who have participated in at least three civil trials of more than four hours in length.

The arbitration caseload is currently very small. In the early days of the Multi-Door Division, most auto accident cases were referred to arbitration. This option is no longer the preferred choice for these cases, however, and it is left to counsel and parties to choose arbitration when preferred. In 2016, no cases were referred to arbitration.

Tax Assessment Mediation

The Tax Mediation Program was initiated in 1991 when the Presiding Judge of the Tax Division began to refer commercial and residential tax assessment disputes to mediation.

Tax cases currently are referred to mediation at the initial status hearing for both residential and commercial property cases. A mediation date is scheduled at least ninety days from the date of that hearing, and a notice of the mediation date and time is mailed to the attorneys and/or *pro se* parties. When the mediation is scheduled, the case is assigned to a tax mediator by the Tax Mediation Program Officer.

Sixty days before mediation, the parties are required to submit a Settlement Offer Form, a Confidential Settlement Statement and/or any supporting documents to the Multi-Door Division as well as the Tax Unit in the Office of the Attorney General. The mediators for tax cases are attorney-mediators drawn from the civil mediation program roster who have additional experience in property tax matters. The mediators also are given additional mentoring and training before they begin mediating tax cases. Tax matters currently are mediated in the Multi-Door Mediation Center each Wednesday.

Agreements reached in mediation are tentative until a stipulation of settlement is filed in the District of Columbia's Office of Tax and Revenue. During 2016, 452 tax cases were mediated, of which 58% were settled.

Probate Mediation

In 1991, the Presiding Judge of the Probate Division began to refer selected cases to mediation. In October 1992, the Probate Mediation Program took on a more formal structure.

Cases are now referred to mediation at the initial scheduling conference as part of the standardized scheduling order in cases involving litigation; will contests, estate claims proceedings, fee disputes, and intervention matters are referred individually by the judge.

During the initial scheduling conference, the courtroom clerk sets the mediation. The case is then eligible for assignment to a probate mediator by the Probate Mediation Program Officer.

Attorneys and *pro se* parties receive a notice informing them of the mediation date and time. The parties are required to submit a pretrial statement to the Probate Division at least one week prior to

mediation; this statement is provided to the mediator as preparation for the mediation. If the pretrial statement is not submitted, the mediation is canceled and the parties are scheduled for a status hearing.

Agreements reached in mediation are approved and stamped by the Probate Mediation Program Officer and submitted to the Probate Division.

Small Claims and Collections Mediation

Volunteer mediators are available in the courtroom to mediate small claims matters on the day of trial. During a confidential session, mediators provide a forum for resolving conflicts that allows for creative and positive negotiations. Typically, small claims disputes involve consumer and service provider complaints with claims for monetary compensation of $10,000 or less; Small Claims mediators also mediate certain types of collection matters involving claims up to $25,000. Mediations in the small claims setting last about an hour, on average. Agreements between the parties are written by the mediators and then reviewed and approved by staff. The agreements are then submitted to Small Claims Branch staff, who scan the agreement to the case docket and take appropriate action to close the case. If cases are not settled in mediation, they typically proceed to trial at a later date. In 2016, a total of 1,399 cases were mediated and 62% of these were resolved.

Small claims mediators are selected from the general population of the Washington metropolitan area. Mediators donate three to four mornings per month during their first year and mediate their first six cases on a *pro bono* basis. They are paid a stipend for each case mediated, thereafter.

Landlord and Tenant Mediation

The Landlord and Tenant program began as a pilot program in March 2003. Initiated with the help of a single, full-time mediator, it transitioned to a fully volunteer-staffed program at the end of 2004. The program is now divided into two separate caseloads, *Landlord and Tenant Same-Day* and *Landlord and Tenant Jury Demand.*

Both types of cases involve claims for possession of real property (residential and commercial), past-due rent, or both. Although tenants' claims regarding the condition of the real property can be addressed in mediation, only landlords may initiate cases in this branch of the court. Tenants may file claims for housing code violations in the Civil Branch of the Civil Division of the court, an option initiated in the spring of 2010.

In Same-Day cases, mediators serve in cases in which both parties and counsel are willing to mediate. Cases are handled in the order in which they make themselves available, either by approaching the mediator(s) directly or by adding their case to the waiting list in the courtroom. The judges also regularly refer cases scheduled for trial, as well as some cases scheduled for hearings on motions.

Agreements reached in mediation are reviewed by the judge, on the record, after they are signed by the parties or counsel.

In Jury Demand cases, cases are automatically referred to mediation when a case is certified to the Civil Branch of the Civil Division because a jury trial has been requested. During the initial scheduling conference, the case is set on a "fast track" scheduling order especially designed for these cases. This track is used to set the deadline for discovery and the dates for mediation and pretrial. Once the mediation date has been set, a mediator is assigned by the Civil ADR Program Officer.

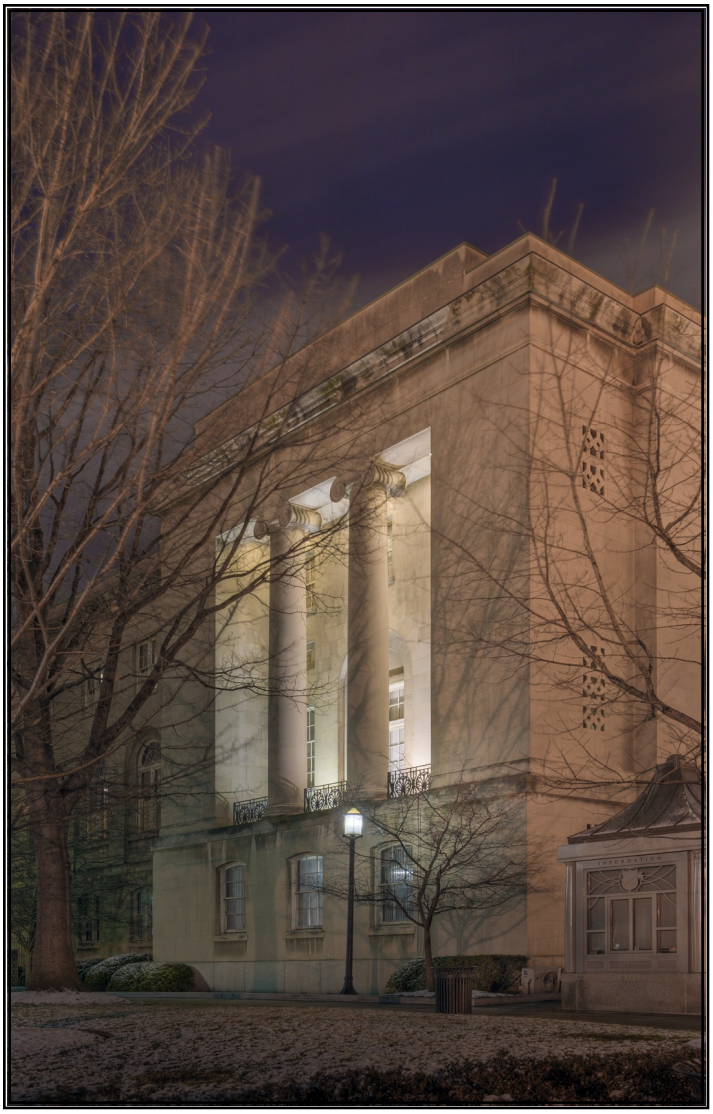
Agreements reached during Jury Demand mediations are reviewed by the Civil ADR Program Officer, after they are signed by the parties or counsel, and are then stamped and submitted to the L & T Supervisor of the Landlord and Tenant Branch.

The current combined mediation caseload averages approximately 74 cases each month. In 2016, a total of 1,022 cases completed mediation and 64% were settled.

PROGRAM ANALYSIS

Basic Program Statistics

2013-2016



A winter scene of Building A of the DC Courts

BASIC PROGRAM STATISTICS

Community Information & Referral	2013	2014	2015	2016
Clients Assisted	1,695	1,754	1,989	1,623
Cases Opened	1,231	1,187	1,222	1,022
Small Claims	76	129	154	153
Civil	267	161	142	97
Landlord & Tenant	21	45	24	17
Domestic Relations	867	852	902	755
Referrals				
Cases Mediated or Conciliated	35	37	59	38
Cases Settled	22	31	46	33
Settlement Rate	63%	84%	78%	87%
ADR Process Satisfaction	97%	96%	100%	99%
ADR Outcome Satisfaction	96%	96%	100%	99%
Neutral Performance Satisfaction	97%	96%	100%	100%

Family Mediation	2013	2014	2015	2016
Cases Scheduled	850	818	1,063	1,021
Cases Mediated	672	664	837	821
Cases Held or Continued	331	353	443	356
Full or Partial Agreements	134	142	184	205
Overall Settlement Rate	40%	46%	47%	44%
ADR Process Satisfaction	94%	97%	81%	89%
ADR Outcome Satisfaction	91%	85%	73%	84%
Neutral Performance Satisfaction	97%	96%	91%	74%

Child Protection Mediation Program	2013	2014	2015	2016
Cases Scheduled	353	358	335	327
Cases Mediated	255	249	247	219
Cases Held and Continued	21	15	14	15
Cases Fully or Partially Settled	219	211	221	196
Settlement Rate	94%	90%	89%	89%
ADR Process Satisfaction	89%	87%	87%	90%
ADR Outcome Satisfaction	81%	79%	80%	84%
Neutral Performance Satisfaction	93%	94%	92%	89%

Civil Mediation Program*	2012	2014	2015	2016
Cases Scheduled	3,303	3,401	3,623	3,595
Cases Mediated	1,040	1,082	1,193	1,269
Cases Held and Continued	113	122	102	109
Cases Settled	236	247	289	342
Settlement Rate	25%	26%	27%	30%
ADR Process Satisfaction	80%	84%	83%	89%
ADR Outcome Satisfaction	55%	55%	59%	70%
Neutral Performance Satisfaction	90%	92%	90%	92%

*These statistics include civil mediation in special cases expedited at the scheduling conference.

Arbitration Program	2013	2014	2015	2016
Cases Scheduled	1	0	0	0
Cases Arbitrated	1	0	0	0
Cases Settled	1	0	0	0
Settlement Rate	100%	N/A	N/A	N/A

Landlord & Tenant Mediation Program	2013	2014	2015	2016
Cases Scheduled	1,308	1,222	1,163	1,423
Cases Mediated	1,046	972	884	1,022
Cases Held and Continued	94	108	82	82
Cases Settled	641	573	548	606
Settlement Rate	67%	66%	68%	64%
ADR Process Satisfaction	81%	84%	81%	87%
ADR Outcome Satisfaction	65%	67%	67%	73%
Neutral Performance Satisfaction	93%	94%	89%	97%

Probate Mediation Program	2013	2014	2015	2016
Cases Scheduled	76	65	67	116
Cases Mediated	44	40	50	83
Cases Held and Continued	9	9	8	19
Cases Settled	15	17	20	36
Settlement Rate	43%	55%	48%	56%
ADR Process Satisfaction	84%	73%	83%	100%
ADR Outcome Satisfaction	61%	60%	17%	83%
Neutral Performance Satisfaction	94%	93%	100%	100%

Small Claims Mediation Program	2013	2014	2015	2016
Cases Scheduled	1,882	1,579	1,317	1,425
Cases Mediated	1,850	1,520	1,287	1,399
Cases Held and Continued	220	154	125	127
Cases Settled	1,122	838	678	790
Settlement Rate	69%	61%	58%	62%
ADR Process Satisfaction	91%	92%	82%	95%
ADR Outcome Satisfaction	83%	78%	72%	79%
Neutral Performance Satisfaction	94%	95%	95%	94%

Tax Mediation Program	2013	2014	2015	2016
Cases Scheduled	896	489	567	567
Cases Mediated	463	349	462	452
Cases Held and Continued	3	5	3	2
Cases Settled	261	183	234	259
Settlement Rate	57%	53%	51%	58%
ADR Process Satisfaction	64%	NLR*	NLR*	NLR*
ADR Outcome Satisfaction	64%	NLR*	NLR*	NLR*
Neutral Performance Satisfaction	91%	NLR*	NLR*	NLR*

***NLR—No longer reporting**

MULTI-DOOR MANAGEMENT STAFF

For more information regarding the ADR programs of the Multi-Door Dispute Resolution Division, please call the appropriate staff person listed below:

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