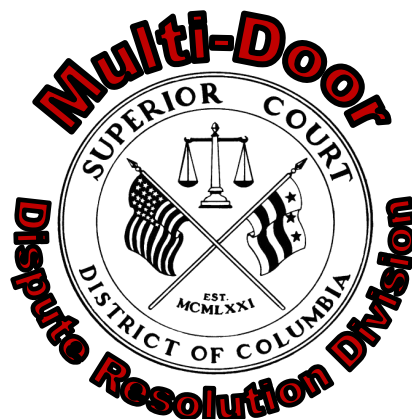


**2022 Program Summary**  
**Multi-Door**  
**Dispute Resolution Division**  
**Superior Court of the District of Columbia**  
**Washington, DC**





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Dispute Resolution Division  
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Dispute Resolution Division  
2022 Program Summary**

**TABLE OF CONTENTS**

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HISTORY	1
THE DISPUTE RESOLUTION PROCESS	3
Intake and Referral	3
Mediation	3
Case Evaluation	4
VOLUNTEERS	5
Training and Evaluation	5
Volunteer Training	5
Specialized Training	5
Selection and Training of New Mediators	6
Open Enrollment	6
Program Participation Requirements	7
Volunteer Compensation	7
Compensation Guidelines	7
Volunteer Compensation Schedule	8
PROGRAM OVERVIEWS	9
<u>The Family and Community Branch</u>	
Community Information and Referral Program	9
Family Mediation Program	10

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## 2022 Program Summary

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The Program for Agreement and Cooperation in Contested Custody Cases	10
Child Protection Mediation Program	11
<u>The Civil ADR Branch</u>	
Civil Alternative Dispute Resolution Program	12
Civil Mediation	12
Case Evaluation	12
Tax Assessment Mediation Program	13
Probate Mediation Program	13
Small Claims and Collections Mediation Program	13
Landlord and Tenant Mediation Program	14
PROGRAM STATISTICS	15
MULTI-DOOR MANAGEMENT STAFF	21

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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 options. Cases could be diagnosed and referred through the appropriate “door” for resolution. The “doors” or options 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 \$10,000 or less. In 1991, Small Claims mediators began to mediate collection cases with claims of \$25,000 or less. In 2022, approximately 40% 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 offered videoconference or shuttle mediation, but they may be referred back to court for resolution.

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. The arbitration program was governed by Superior Court mandated arbitration rules. In April 2022, the Board of Judges of the Superior Court approved the deletion of the Superior Court Arbitration Program rules ending the arbitration program.

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 2022, 684 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 2022, 56% 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 28 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 about 8,000 matters in 2022.



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## THE DISPUTE RESOLUTION PROCESSES

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### 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 2022.



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

### **Case Evaluation**

The civil case evaluation program is governed by court order and administrative procedures approved by the Court. 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.

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## VOLUNTEERS

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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, 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.

Mentorship period: 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; they also must complete 12 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 mentorship, and mediate three to five cases on a pro bono basis 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 case-load 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.

***Volunteer Compensation Schedule***

- 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.
- Truancy mediators receive \$60 per mediation session and \$60 for preparing agreements.
- 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.

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## PROGRAM OVERVIEWS

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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-eight staff and approximately 150 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. Paper usage is minimized because there is no filing of court forms, and no written agreement is required for settled disputes. Phone conciliation also allows people to participate in a location convenient for them, which reduces transportation costs and often helps reduce gas consumption and CO<sup>2</sup> emissions.

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:

<i>Money-Related Matters</i>	<i>Non-monetary Matters</i>
<ul style="list-style-type: none"> <li>• Consumer</li> <li>• Landlord and Tenant</li> <li>• Family</li> <li>• Unpaid bills</li> <li>• Services not rendered</li> </ul>	<ul style="list-style-type: none"> <li>• Family</li> <li>• Ex-romantic partner disputes</li> <li>• Parent with an adult child living at home</li> <li>• Return of property</li> <li>• Noise level in row house or condominium</li> <li>• Trees, fences, driveways</li> <li>• Human rights</li> <li>• Workplace</li> </ul>

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 almost 50% of mediated cases resolve during mediation, that 89% of the participants are satisfied with the process, 79% are satisfied with the outcome, and 93% are satisfied with the mediator's performance. In 2022, 93 cases were mediated through the Child Protection Mediation program, out of which 94% 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.

## **Civil ADR Branch**

### ***Civil Alternative Dispute Resolution Program***

The Civil ADR Program encompasses Civil Mediation and Case Evaluation. Mediation is the preferred method selected by attorneys for most civil cases. ADR is typically held following the close of discovery and the deadline for filing dispositive motions with the Court. The ADR date is set by the court; the date is included in the scheduling order from 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; attorneys must also complete a Mediation Readiness Certificate. 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 740 cases mediated in 2022. 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 at Multi-Door 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.

### ***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 any 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 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 at Multi-Door 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 2022, 625 tax cases were mediated, of which 56% 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***

During the initial hearing, Small Claims cases are referred and scheduled for mediation. Volunteer mediators provide a forum for dispute resolution 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, and are held remotely unless an in-person mediation is requested and agreed to by the parties. Parties do not need to be represented

by counsel to participate in small claims mediation. 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 2022, a total of 499 cases were mediated and 40% 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 three 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 Bench Trial (cases heard by a judge) and Landlord and Tenant Jury Demand (cases heard by a jury).

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.

During the initial scheduling conference, judges automatically refer and schedule Bench Trial and Jury Demand cases for mediation. Judges also regularly refer to mediation cases scheduled for trial as well as some cases scheduled for hearings on motions.

Agreements reached during Bench Trials mediations are reviewed by the judge, on the record, after they are signed by the parties or counsel. 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 40 cases each month. In 2022, a total of 457 cases completed mediation and 50% were settled.

## **PROGRAM STATISTICS**

**2019 – 2022**



**A winter scene of Building A of the DC Courts**

<b>Community Information &amp; Referral</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Clients Assisted	2,465	1,341	1,725	2,303
Cases Opened	1,430	786	1066	1,346
Small Claims	30	12	17	111
Civil	126	134	62	56
Landlord & Tenant	10	18	10	9
Domestic Relations	1,264	622	979	1,170
Referrals	78	10	26	45
Cases Mediated or Conciliated	21	8	5	10
Cases Settled	17	5	4	5
Settlement Rate	81%	63%	67%	50%
ADR Process Satisfaction	94%*	N/A	N/A	N/A
ADR Outcome Satisfaction	92%*	N/A	N/A	N/A
Neutral Performance Satisfaction	94%*	N/A	N/A	N/A

<b>Family Mediation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Cases Scheduled	1,590	895	1,126	1,396
Cases Mediated	1,154	769	996	1,156
Cases Held or Continued	534	423	575	576
Full or Partial Agreements	251	120	118	264
Overall Settlement Rate	41%	37%	27%	33%
ADR Process Satisfaction	77%	78%**	N/A	N/A
ADR Outcome Satisfaction	65%	79%**	N/A	N/A
Neutral Performance Satisfaction	92%	93%**	N/A	N/A

\*These statistics include survey data from January to September 2019.

\*\*Due to the pandemic, survey data is limited. These statistics include survey data for December 2020 only.

<b>Child Protection Mediation Program</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Cases Scheduled	278	181	185	185
Cases Mediated	167	120	128	128
Cases Held and Continued	3	9	2	2
Cases Fully or Partially Settled	157	100	112	112
Settlement Rate	94%	91%	88%	94%
ADR Process Satisfaction	69%	100%**	N/A	N/A
ADR Outcome Satisfaction	57%	71%**	N/A	N/A
Neutral Performance Satisfaction	87%	100%**	N/A	N/A

<b>Civil Mediation Program*</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Cases Scheduled	3,351	4,432	4,913	4,560
Cases Mediated	767	569	861	740
Cases Held and Continued	69	48	109	81
Cases Settled	227	172	255	199
Settlement Rate	33%	34%	36%	30%
ADR Process Satisfaction	76%	90%**	N/A	N/A
ADR Outcome Satisfaction	56%	80%**	N/A	N/A
Neutral Performance Satisfaction	82%	100%**	N/A	N/A

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

\*\*Due to the pandemic, survey data is limited. These statistics include survey data for December 2020 only.

<b>Landlord &amp; Tenant Mediation Program</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Cases Scheduled	1,586	871	481	611
Cases Mediated	985	465	329	457
Cases Held and Continued	107	106	145	130
Cases Settled	577	199	92	165
Settlement Rate	66%	56%	51%	50%
ADR Process Satisfaction	83%	100%*	N/A	N/A
ADR Outcome Satisfaction	69%	71%*	N/A	N/A
Neutral Performance Satisfaction	89%	100%*	N/A	N/A

<b>Probate Mediation Program</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Cases Scheduled	53	34	46	63
Cases Mediated	41	16	34	51
Cases Held and Continued	9	4	5	18
Cases Settled	15	7	9	7
Settlement Rate	47%	58%	34%	30%
ADR Process Satisfaction	67%	N/A	N/A	N/A
ADR Outcome Satisfaction	67%	N/A	N/A	N/A
Neutral Performance Satisfaction	100%	N/A	N/A	N/A

\*Due to the pandemic, survey data is limited. These statistics include survey data for December 2020 only.



<b>Small Claims Mediation Program</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Cases Scheduled	1,783	593	616	606
Cases Mediated	1,773	556	540	499
Cases Held and Continued	185	48	74	51
Cases Settled	928	253	269	178
Settlement Rate	58%	50%	42%	40%
ADR Process Satisfaction	87%	100%**	N/A	N/A
ADR Outcome Satisfaction	74%	100%**	N/A	N/A
Neutral Performance Satisfaction	94%	100%**	N/A	N/A

<b>Tax Mediation Program</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Cases Scheduled	1,007	530	561	684
Cases Mediated	900	98	378	625
Cases Held and Continued	0	0	0	0
Cases Settled	600	56	210	352
Settlement Rate	67%	57%	56%	56%
ADR Process Satisfaction	NLR*	NLR*	NLR*	NLR*
ADR Outcome Satisfaction	NLR*	NLR*	NLR*	NLR*
Neutral Performance Satisfaction	NLR*	NLR*	NLR*	NLR*

\*NLR—No longer reporting

\*\*Due to the pandemic, survey data is limited. These statistics include survey data for December 2020 only.



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**MULTI-DOOR MANAGEMENT STAFF**

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

**CONTACTS****PHONE**

M. Brad Palmore  
Director

(202) 879-1549

Indra Caudle  
Deputy Director

(202) 879-2945

Emmett Ward  
ADR Training Manager

(202) 879-0675

**Family ADR Branch**

Matthew Centeio-Bargasse  
Family ADR Branch Chief

(202) 508-1888

Shavon Brooks  
Family ADR Program Manager

(202) 879-0667

Suzanne Rose  
Family Mediation Program Officer

(202) 879-0670

Philip Dobrydnio  
Community & Intake Program Officer

(202) 879-9450

**Civil ADR Branch**

Robert Hosea  
Civil ADR Branch Chief

(202) 879-8747

Sherri Smith  
Landlord & Tenant And Probate ADR Program Officer

(202) 879-0665

Dylan Bates  
Civil Actions, Tax, Arbitration, Complex And  
Early Medical Malpractice ADR Program Officer

(202) 879-0678

Leo Pomier  
Small Claims Calendar 18, Civil Community And  
Housing Conditions ADR Program Officer

(202) 879-0679