

# MACROSCOPE

## Mediating at the Maryland Office of Administrative Hearings

By Judith Finn Plymyer, Administrative Law Judge



photo courtesy of Judith Plymyer

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I enter a conference room in a busy, crowded local Board of Education building. I see a nervous couple uncomfortably seated at two rectangular tables shoved together. Minutes later, a public school administrator, a classroom teacher, a speech/language therapist, and a Special Education coordinator join us, choosing the chairs across from the couple who are the child's parents. I introduce myself to the participants, ascertaining gratefully, I concede, that no attorneys will be joining us. After asking everyone to regroup in a more circular pattern, we begin with introductions.

I explain the mediation process in a Special Education dispute, looking into the eyes of each participant with warmth and empathy. I include the fact that I am a parent of a college student who received two years of speech and language services in a public elementary school in a local county. We go on to read and sign an agreement to mediate and then get to work, sharing facts, concerns, suggestions, and expectations. Often, this is the first time a parent has had the full attention of the school staff and vice versa. The parent can share his/her unique experiences and the staff can respond and explain what is possible and what is not. Happily, the mediation process usually results in a settlement agreement.

I am an administrative law judge (ALJ) at the Maryland Office of Administrative Hearings (OAH) and I am also a trained mediator. We began the mediation program in order to manage the high volume of hearing requests in the special education area. Since then, federal law mandates that mediation be offered as an alternative dispute resolution process.

For FY 2003, we received 425 special education mediation requests. 298 cases actually went to mediation and 193 of those settled for an agreement rate of 65%. Mediation is available in other types of cases, in addition to Special Education cases, by request of the parties or upon the suggestion of the administrative law judge. Mediation is particularly useful in resolving or narrowing the issues in complex multi-party cases such as environmental permitting.

All OAH administrative law judges, staff attorneys and paralegals are trained mediators and many find it very rewarding to mediate cases. While some OAH mediators are more successful than others, and not all of us enjoy mediation, the OAH strongly supports mediation. To that end, for several years, the OAH has offered a basic 40-hour mediation course and is now offering a shorter course in advanced mediation, all with the assistance of MACRO grants. Contact ALJ Laurie Bennett for more information about OAH's mediation program, 410 229-4210.

MACRO works collaboratively with stakeholders statewide to develop and expand conflict resolution services and education in courts, communities, schools, state and local government agencies, criminal and juvenile justice programs, family service programs, and businesses; and to promote quality assurance in mediation throughout Maryland.

MACRO provides conflict resolution information and assistance to mediators and conflict resolution practitioners, public officials and the general public.