

## WHY GO TO MEDIATION?

Mediation is a way to resolve disputes without going to trial. Mediation techniques have been proven effective in resolving a wide variety of conflicts, including those involving the administration of estates and inheritance issues. In fact, more than 50 percent of cases that go to mediation are resolved in mediation.

In mediation, the agreement reached is decided upon by all parties involved in the dispute, so it is more likely to be a lasting solution.

Mediation is a win-win opportunity. If you seek mediation, you do not waive your legal rights. If an agreement is not reached, parties may still go to court.

## ORPHANS' COURT FOR BALTIMORE COUNTY

For more information about mediation involving the Baltimore County Orphans' Court please contact:

Orphans' Court for Baltimore County  
Mediation Coordinator  
401 Bosley Avenue, Suite 501  
Towson, Maryland 21204  
Phone: 410-887-6516  
Fax: 410-296-5480

For more information about mediation involving other Courts in Maryland, please contact:

Maryland Judiciary's  
Mediation and Conflict Resolution Office  
(MACRO)  
900 Commerce Road  
Annapolis, Maryland 21401  
Phone: 410-841-2260  
Fax: 410-841-2261  
[www.courts.state.md.us/macro](http://www.courts.state.md.us/macro)

For more information involving the estate administration process in Baltimore County please contact:

Office of the Register of Wills for  
Baltimore County  
401 Bosley Avenue, Suite 500  
Towson, Maryland 21204  
Phone: 410-887-6680/6681/6685  
Fax: 410-583-2507  
[www.registers.state.md.us](http://www.registers.state.md.us)

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## ORPHANS' COURT FOR BALTIMORE COUNTY



# MEDIATION

A way to resolve estate disputes without going to court!



## ABOUT MEDIATION

- Your younger brother was named Personal Representative (formerly known as executor) under your mother's Will. He has never shown good business sense; as the older sister you feel you should be appointed Personal Representative instead.
- Pursuant to your father's Will, he left his estate to you and your three siblings; you want the silver and automobile but your siblings disagree.
- Your mother died without a Will; you, your brother, and sister are her legal heirs. You want to keep the family home, but your brother and sister want the property sold.
- The Personal Representative failed to disclose all of the estate assets and is not communicating with the heirs.

These are only a few of the kinds of disagreements that may arise when a family member or friend passes away. Historically people have used the court system to resolve disputes. The court is not your only solution, however, and it may not be the best solution for your situation.

**Mediation** is a way to resolve disputes before or rather than going to trial. In mediation, a trained person – a mediator – will help people in a dispute exchange information and talk about ways to reach an agreement that satisfies each person's needs. While the mediator may be a lawyer, the mediator is not working as a lawyer for either party or advocating for any one side. Instead, the mediator is a neutral person whose goal is to help the parties make informed decisions to resolve their dispute by creating their own solution.

## BENIFITS OF MEDIATION

- Mediation **puts the parties in control of the solution**. Instead of putting the decision in the hands of the court where generally one side wins and one side loses, mediation enables the parties to make decisions that work for them.
- Mediation is **confidential**. Court proceedings are a matter of public record. Instead of a public airing in a courtroom, mediation is conducted in private. If an agreement is reached, only that agreement may become part of the court record.
- Mediation is **voluntary**. All parties involved in the dispute must agree to mediate.
- Mediation **may preserve relationships**. Because it provides a private, personal, and non-adversarial environment, mediation may help preserve relationships that could be strained by going to court.
- Mediation may be **less expensive**. Mediation fees may cost less than going to court.
- Mediation may be more **flexible**. Mediation may be scheduled at mutually convenient dates, times, and locations.
- Mediation may take **less time** than court proceedings. Resolution may be reached in a single session.

## HOW MEDIATION WORKS

The Orphans' Court may refer your case to mediation, and a mediator will be assigned from a court-approved list. If you decide on your own that you would like to try mediation, the list of court-approved mediators can be made available to you, or you may choose your own mediator. The mediators on the Court's list have received training in mediation and either have experience in the field of probate law or have received special training in this area.

The mediator will set up at least one mediation session, which you will attend with the others involved in your case. If represented by an attorney, your respective lawyers may attend as well. Mediators are required to keep anything you disclose to them confidential (except disclosures required by law). If an agreement is reached, a Stipulation of Dismissal may be filed with the Orphans' Court to dismiss the case. If mediation is unsuccessful, the parties will report to the Orphans' Court on their scheduled hearing date. If some of the issues are resolved in mediation, the remaining issues may proceed to court on the scheduled hearing date.

## HOW MUCH DOES MEDIATION COST?

For mediators from the Court's list, the fee for mediation is \$150 per hour, split among all participants. Generally, the first session is scheduled for two hours. Parties may request additional sessions. Reduced fees are available based on need.