

The Sun, Baltimore, Maryland
The Evening Sun, Baltimore, Maryland
The Sunday Sun, Baltimore, Maryland

**Volunteer lawyers help erase Circuit Court backlog
Reception is held to say thank you**

by Jay Apperson
Staff Writer
THE BALTIMORE SUN

October 29, 1993 Page(s): 3B

Edition: FINAL

Section: METRO

Length: 759 words
Record Number: BSUN269596

The idea, hatched two years ago when Baltimore's Circuit Court was drowning in a backlog of civil cases, was to eliminate the mounting delays in bringing those cases to court by using volunteer lawyers to encourage settlements.

But one question nagged the organizers of the city court's fledgling civil mediation program: Would enough lawyers deign to work for free?

Now, with nearly 100 lawyers regularly volunteering their services, the 4,000-case backlog has been erased and the percentage of cases settling before trial stands at the national average of 90 percent -- and at least half those settlements are credited to the mediation program.

Accordingly, court officials marked the program's second birthday by throwing a reception yesterday in the Clarence M. Mitchell Jr. Courthouse to thank those volunteer lawyers.

"The whole point of it is to convey our appreciation to the legal community and for once take note of something very positive attorneys have done," said Ellen M. Heller, the Baltimore Circuit Court's judge in charge of civil docket and the program's coordinator.

She continues to be pleasantly surprised by the local bar's enthusiastic response to the program. "We thought we were going to have to do a hard sell and advertise around," she recalled this week.

Robert C. Murphy, chief judge of the Maryland Court of Appeals, added, "The thing that's so marvelous is these lawyers are coming forth as volunteers. It's a great cost-saver. You don't have to try cases that are settled."

The idea of encouraging settlement through mediation has been gaining favor in recent years.

Three years ago, the Maryland State Bar Association began organizing "settlement week" programs, in which lawyers in several Maryland counties mediate disputes in an effort to lop off portions of civil dockets.

A similar pro-bono program is at work in Montgomery County, Judge Murphy said.

Susan K. Gauvey, a lawyer with the Baltimore firm of Venable, Baetjer and Howard, spends a day every couple of months mediating cases. She said, "This is a '90's idea. An '80s idea was to go in like gangbusters, litigate to the end. Now people are seeing that as too expensive."

She said the program encourages settlements by giving lawyers an objective view of the strengths of their case -- and leaving a month before the trial date to iron out any deals. She said that the lawyers who act as mediators feel good about volunteering -- and also get a chance to cultivate a job skill that may be the wave of the future.

Louise Phipps Senft, a lawyer with Whiteford, Taylor and Preston, says she volunteers because she is enthusiastic about the potential for expanded roles for mediators in civil battles.

She said, "I know it's great for the docket, but to me it's the process: Empowering people."

The docket in the city was a mess when the program was kicked off two years ago. The backlog was a byproduct of the city's burgeoning criminal docket. The criminal cases have to get priority in being assigned to judges because of the constitutional right to a speedy trial. Civil cases were piling up, in part because there was no formal mechanism for setting trial dates.

"We had cases literally going to trial 10 years after they were filed. If you didn't know enough to request a trial date it just sat there," Judge Heller said.

The state provided a computer programmer to automate the civil system so trial dates were set for a year after the defendant in a case filed his response to a suit. Besides the civil mediation program, the docket has been further thinned through a renewed emphasis on settlement conferences conducted by the judges.

Ten to 15 of the court's 26 judges conduct two conferences each on any given day.

Judge Heller, seeking to streamline the system even more, is seeking a \$140,000 federal grant which would be used to set up an automated system to "differentiate" civil cases. Cases such as motor torts could be set for trial within six months while more complex cases, such as product liability cases, would be set for trial within 18 months. The judge said she expects an answer to her grant application by mid-November.