Article - Courts and Judicial Proceedings

[Previous][Next]

§3–1802.

(a) Except as provided in subsection (b) of this section, this subtitle applies to a mediation in which:

(1) The parties are required to mediate by law;

(2) The parties are referred to mediation by an administrative agency or arbitrator; or

(3) The mediator states in writing to any and all parties to the mediation and persons with whom the mediator has engaged in mediation communications that:

(i) The mediation communications will remain confidential in accordance with this subtitle; and

(ii) The mediator has read and, consistent with State law, will abide by the Maryland Standards of Conduct for Mediators during the mediation.

(b) This subtitle does not apply to a mediation:

(1) To which Title 17 of the Maryland Rules applies;

(2) Relating to the establishment, negotiation, administration, or termination of a collective bargaining relationship;

(3) Relating to a dispute that is pending under, or is part of the processes established by, a collective bargaining agreement unless the dispute has been filed with an administrative agency or court;

(4) Relating to an action to enforce an agreement to arbitrate under common law, the Federal Arbitration Act, the Maryland Uniform Arbitration Act under Subtitle 2 of this title, or the Maryland International Commercial Arbitration Act under Subtitle 2B of this title;

(5) Relating to an action to foreclose a lien against an owner–occupied residential property subject to foreclosure mediation conducted by the Office of Administrative Hearings under Maryland Rule 14–209.1;

(6) Arising from a referral of a matter to a magistrate, examiner, auditor, or parenting coordinator under Maryland Rules 2–541, 2–542, 2–543, or 9–205.2; or

(7) Conducted by a judge who might make a ruling on a case based on the dispute.

(c) The parties and the mediator, by a written and signed agreement made in advance of the mediation, may agree to exclude all or part of the mediation communications from the application of this subtitle.

[Previous][Next]