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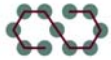


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**Bibliographic Summary of
Cost, Pace, and Satisfaction Studies of
Court-Related Mediation Programs**

2nd Edition

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INTRODUCTION

This bibliography brings together evaluations of court-related mediation programs that were conducted from the mid-1980s through 2006, with the addition of some earlier, seminal studies. The studies evaluate programs that cover a range of case types, including civil, family, small claims, victim-offender, workers' compensation, bankruptcy, and appellate cases. The evaluations vary considerably in methodology: some look only at mediated cases; some compare mediated cases to cases that were not mediated; and some examine the impact of mediation on all cases, whether mediated or not.

The evaluations also vary in quality. When reading evaluation reports, it is helpful to ask the following questions in order to determine the usefulness of the evaluation:

- What does the study sample look like? How large is it? How was the sample selected?
- If the study compared cases that went to mediation to cases that did not, what method was used to create the comparison groups? How likely is it that the comparison groups are really comparable?
- Has the connection been made between the program and the findings, or are there other possible explanations for what was found? For example, if mediated cases took longer to reach resolution than non-mediated cases, was it because of the mediation process itself or because the cases being sent to mediation were more complex?

The reliability of the evaluations – the probability that the findings would be the same if the study were done on a different set of cases in the same program or on a different program with the same characteristics – and the validity of the findings – that the findings are not mistaking external factors for program impacts and outcomes – depend upon how these and other questions are answered. This, in turn, relies on a number of components. Here, the focus will be on the make-up of the sample, the comparison groups used, and the quality of the analysis.

Although the following looks at how best to conduct studies, those courts who have taken the time and resources to conduct evaluations or to work with external evaluators should be commended for taking this essential step toward ensuring the quality of their programs. Almost any study is going to yield some valuable information. Using this information to improve their programs or to make decisions that positively affect litigants is the primary purpose of the evaluation process.

Study Sample

The size of the study sample in proportion to the total population is an important indicator of how well findings can be generalized. Take as an example a study examining, among other things, whether parties who participated in mediation felt the judicial system was fair to them. During the study period, 150 parties went to mediation. These parties were given questionnaires to fill out and mail back. In the end, 50 did so, giving a 33% response rate. Are the responses representative of all those who participated in mediation?

The quick answer is probably not. The sample is not random; it was self-selected by those who decided to return the questionnaires, so there will most likely be differences between those who responded and those who did not. Since only 1/3 responded, the differences will likely be significant. Simply stated, the higher the percentage the sample is of the total population, the more probable it is that the sample accurately reflects the characteristics of the total population. A general rule of thumb is that well-conducted mail-in surveys yield at minimum a 45% response rate. If the response rate falls much below that, generalizing the results to all mediation participants will always be questionable. However, this does not mean that the responses are not

useful. At the very least, it should be helpful to know how those in the sample viewed their experience. Well-conducted phone and in-person surveys should have higher response rates, at 65% and 75% minimum respectively. At these numbers, there still may be differences between the sample and the total population. A well-conducted study would investigate possible differences between the sample and the total population and discuss them.

If this group were to be compared to another who had not participated in mediation, the possibility of bias being created by who decided to return the questionnaire must also be kept in mind. Also important in comparative studies is how well differences between comparison groups can be detected. For this, the size of the sample is important no matter what method is used to create the groups. If the total number of cases or individuals in each group is too small, the differences may not be detected.

Comparison

In a comparative evaluation, comparison groups are created to measure the impact of an intervention (in this case mediation). The most reliable and generalizable results will be derived from a comparison of cases randomly assigned to mediation or to traditional litigation (or some other comparison group). Random assignment reduces the probability of external factors influencing the outcomes, and is the most valid method for measuring differences between the comparison groups. This method is thus always the most desirable. However, it is very difficult to use random assignment in the court setting, so it is rarely done.

Due to the difficulty in randomly assigning cases to comparison groups, evaluators have created other acceptable methods of comparison. One such method is to get a baseline comparison from a sample of cases that went through litigation before the mediation program was established. This provides information about trends prior to the program that can then help to determine if any differences between mediated and litigated cases are caused by the program.

Another method is the matching of a case that went to mediation to another case that went through litigation. To do so, the evaluator looks for a litigated case with the same characteristics as each mediated case. For example, in juvenile cases, a litigation case would be matched to a mediation case with the same type of offense, same age of the offender, the same number of previous offenses and their type, and so on. This method can lead to findings that cannot be generalized to all cases, however.

Studies that use a random sample for each group are less reliable. In this model, a sample of mediated cases (or, in some cases, the total population of cases going to mediation) is compared to a sample of litigated cases without ensuring that the cases or participants in the two groups are similar to each other. Therefore, when this method is used, the findings can be affected by self-selection of cases, such as when parties who are interested in reducing conflict select to mediate, while those who are not continue through the litigation process or, alternatively, when judges send the most complex cases to mediation while keeping the simple ones on the litigation track because they will most likely settle on their own. Nevertheless, reliability of the findings can be increased by conducting analysis of the data that examines other possible influences on the findings. Generalizability of the findings to cases not included in the evaluation can be assessed to a certain extent by comparing the sample to the general population of cases. Is there a greater percentage of some case characteristics in the sample than in the general population? Is there a greater percentage of plaintiffs in the sample than in the general population? If the answer to questions such as these is no, then the probability that the findings can be generalized is higher than if the answer is yes.

Data Analysis

Analysis of the data can also lead to invalid findings. One common error is to attribute an outcome to the intervention (in this case the mediation program) when, in fact, the outcome is due to some other factor. No matter what method is used to compare cases, analysis should be done to determine if other factors could be causing the differences in the outcomes for the comparison groups. As noted above, one possible causal factor is differences between the groups themselves. The differences maybe due to, for example, self-selection by the parties into mediation or litigation. In all comparison methods besides random assignment, there is the risk of the results being skewed by the case or party characteristics that lead to the selection of mediation or litigation. For example, it has been argued that the findings of studies that show that parties who mediate show lower levels of conflict afterwards may have been affected by the selection of mediation by parties who had less conflict in the first place.

Another common error is to see a difference in outcome between two comparison groups that does not exist. For example, if a study finds that 75% of participants in mediation are satisfied with the justice system, as compared to 60% of those who followed the traditional litigation path, this difference is often touted as demonstrating greater satisfaction with mediation. If statistical analysis is conducted on these outcomes, however, it may be found that the difference is not statistically significant – that is, it is not outside of the margin of error. Statistically, these findings are, in fact, no different.

Other Factors

One final note: the studies below do not all come to the same conclusion. Some find greater satisfaction, time savings, and cost savings for mediated cases as compared to non-mediated cases. Some do not. This is partially due to differences in the programs being studied and partially due to the quality of the studies. No matter what the quality of the study, it is important to keep in mind the characteristics of a program when looking at the findings regarding pace, cost, and satisfaction. One clear example is that a study in which cases are referred to mediation early in the litigation process may find that mediated cases are resolved sooner than litigated cases, while a study in which cases enter mediation nearer the trial date may find no difference in time to resolution. These descriptions and the actual studies should be read with a sense of the context in which the programs operate and the context of what makes a quality evaluation.

A Note Regarding the Second Edition

The second edition of this bibliography contains a number of new studies. The titles of those studies are marked with an asterisk.

An Invitation

If there is a new study that is not included here, it can be emailed to jshack@caadr.org for consideration for future editions of this bibliography.

GENERAL CIVIL

*Anderson, Heather and Ron Pi. EVALUATION OF THE EARLY MEDIATION PILOT PROGRAMS. Judicial Council of California, Administrative Office of the Courts, February 27, 2004. Available at www.courtinfo.ca.gov/reference/documents/emppt.pdf.

Type	Civil
Description of Study	Evaluation of five pilot court-annexed civil mediation programs in California - three mandatory programs (Fresno, Los Angeles, and San Diego Counties) and two voluntary programs (Contra Costa and Sonoma Counties), in which mediation was to occur earlier than in programs that had been in place.
Method	Study of cases filed 2000 to 2001. Examined court records to determine percent of cases going to trial. Looked at both time from filing to close and percent of cases that reached disposition within a specified time from filing. Used trial rate and number of pretrial hearings to determine court workload. Asked judges to estimate number of hours per event to determine time and money savings to court. Mailed questionnaires to all attorneys who filed cases during study period regarding their experience with the court and the litigation process; asked attorneys to send forms to parties as well. Also asked parties, attorneys, and insurance adjusters who participated in mediation to fill out questionnaires at the end of the session. Asked attorneys to provide information on the estimated number of hours worked for each case, as well as fees charged to litigants. Also asked them to estimate cost and work hours saved if case settled in mediation.
Comparative?	Yes
Comparison Groups	<i>San Diego</i> : cases assigned to civil departments included in the program, and cases assigned to civil departments not included in the program. <i>Los Angeles</i> : cases assigned to civil departments included in the program randomly assigned to mediation and those assigned to civil departments included in the program but randomly assigned to regular litigation, as well as cases assigned to civil department not included in the program. <i>Fresno</i> : cases randomly assigned to mediation or regular litigation. <i>Contra Costa and Sonoma</i> : cases filed before program started, and those filed after its inception, as well as comparison between those cases that stipulated to mediation and those that did not.
Sample Size	23,792 eligible cases of unlimited jurisdiction, of which 6,320 were mediated; 7,727 eligible cases of limited jurisdiction (under \$25,000, excluding small claims), of which 1,570 were mediated
Variables Examined	Trial rate, time to disposition, court workload, litigant costs, litigant and attorney satisfaction
Program Variables	<p>Pilot project began in 2000 in all courts except <i>Los Angeles</i>, which began in June 2001. However, <i>San Diego</i>, <i>Los Angeles</i>, and <i>Contra Costa</i> all had mediation programs in place before the pilots started. Statute enabling establishment of the pilots authorized initial case management conference to be earlier than in other courts (90 days as opposed to 120-150 days), at which ADR options were discussed. In practice, case management conference was 120-150 days post filing in <i>San Diego</i>, 90-150 days post filing in <i>Los Angeles</i>, 140 days post-filing in <i>Contra Costa</i>, and 120 days post filing in <i>Sonoma</i>. There was no conference in <i>Fresno</i> unless the parties wanted to contest referral to mediation. The deadline for completing mediation in <i>San Diego</i>, <i>Los Angeles</i>, and <i>Fresno</i> was 60-90 days after order or stipulation, 240 days from filing for <i>Contra Costa</i>, and as provided in the stipulation in <i>Sonoma</i>.</p> <p>In mandatory courts, court could order the case to mediation. In the voluntary courts, cases were referred to mediation if parties stipulated to referral. Parties could choose mediators from a roster or any they want. Roster mediators were paid by the court for the first few (three or four, depending on the court) hours of mediation in the mandatory programs. In <i>Contra Costa</i>, the parties paid the mediators, but the first two hours were free. In <i>Sonoma</i>, the parties paid the</p>

* Denotes study that was added for 2nd Edition.

market rate.

Findings

58% of unlimited cases and 71% of limited cases settled as a result of mediation. Looking at all cases (comparing all cases in each group, not just those that went to mediation to those that did not), the trial rate was reduced 24 to 30 percent in *San Diego* and *Los Angeles*. The number of motions and/or pretrial court events was lower for program cases in *San Diego* (2.51 total pre-trial hearings v 3.0). In the other courts there were mixed results – more case management conferences offset the lower number of motions and other pre-trial hearings. Potential savings if the pilot were expanded to all eligible cases were estimated to be 479 judge days per year (\$1.4 million) in *San Diego*, 132 judge days per year (\$395,000) in *Los Angeles*, and 3 judge days per year (\$9,770) in *Sonoma*. There was some positive impact on the time from filing to disposition for mediated cases in *San Diego* (310 days v 329 for unlimited, 247 v 272 for limited), *Los Angeles* (241 days v 264 for unlimited), and *Fresno* (348 days v 398 for unlimited), and no significant difference in *Contra Costa* and *Sonoma*.

In a comparison of the attorneys' estimates of litigation costs and attorney hours spent on the case, cost estimates were 60% lower and attorney hours were 43% lower in *Contra Costa*. In all other pilot counties, there was no significant difference in the estimates. However, if cases settled at mediation, the cost estimates were significantly lower in *Contra Costa*, *San Diego*, and *Fresno*. Attorneys' estimates of savings (as opposed to estimated costs) for cases settled at mediation ranged from 75% in *Los Angeles* to 95% in *Sonoma*.

Satisfaction of attorneys was higher in program cases than non-program cases for court services and the litigation process. There were no significant differences in satisfaction with the outcome except in *Contra Costa*, where mediated outcomes were viewed more favorably. Attorney satisfaction with the outcome was tied to whether the case settled. In post-mediation questionnaire, both parties and attorneys ranked mediation highly on fairness questions. In both satisfaction and fairness, attorneys had higher rankings than parties. Party satisfaction was correlated with whether: they believed mediation helped improve communication, the cost of mediation was seen as affordable, the mediator treated all parties fairly, and they felt they had a chance to tell their views. Attorney satisfaction was correlated with whether they believed the process to be fair, whether the outcome was seen as fair, that mediation was seen to help the case come to resolution quickly, and that the mediator treated all parties fairly.

Averill, Timothy. AN ANALYSIS OF THE ORLEANS PARISH CIVIL DISTRICT COURT PILOT MEDIATION PROGRAM. Institute for Court Management, National Center for State Courts, April 1994.

Type	Civil
Description of Study	Study of the efficacy of a one-year pilot mediation program of civil cases in New Orleans.
Method	Examined court records and mediation files of all cases completed prior to the study. Telephone interviews were conducted of both litigants and lawyers who participated in mediation, with mostly lawyers consenting to the interview.
Comparative?	No
Sample Size	37 cases; 59 attorneys and 24 litigants were interviewed (at least one interview was conducted for each case)
Variables Examined	Settlement rate, mediation rate, fairness, satisfaction of both litigants and lawyers, litigant and lawyer views of cost
Program Variables	Semi-voluntary program (if both parties chose not to mediate, the case was not referred to mediation, but if only one chose not to mediate, the judge had the authority to require it) with paid mediators.
Findings	67.5% of litigants and lawyers participating in mediations reaching settlement agreed that the costs of mediation were reasonable; of those participating in mediation that did not reach

settlement, 57.6% agreed with that statement. 82.9% of parties and lawyers agreed that the process was fair. 95% of participants were at least somewhat satisfied with the agreement. 75% of litigants in "successful" mediation were at least somewhat more satisfied with mediation than with other court experiences, as opposed to 57% of those litigants who participated in a mediation that did not reach settlement. For attorneys, these numbers were 77.8% and 53.3%, respectively.

Clarke, Stevens H., Elizabeth D. Ellen, Kelly McCormick. COURT-ORDERED CIVIL CASE MEDIATION IN NORTH CAROLINA: AN EVALUATION OF ITS EFFECTS. Institute of Government, University of Chapel Hill, 1995. Available at www.caadrs.org/studies/ncstudy.htm.

Type	Civil cases claiming in excess of \$10,000
Description of Study	Looked at efficiency and satisfaction issues in a statewide civil case pilot program in North Carolina, with in-depth analysis of mediation in Cumberland, Forsyth, Guilford and Surry Counties.
Method	All counties with programs were included in the study. Four were researched in depth, including data from court records, litigants, and attorneys. Three of these counties had random assignment to either a mediation group or to a control group that was excluded from mediation. Additional comparison was made with a pre-program group of civil cases. In another nine counties, researchers established trends in disposition times and jury trial rates.
Comparative?	Yes
Comparison Groups	Those cases eligible for mediation (mediation group) and those that were not (control group). Both were compared to a pre-program group. 49% of cases in the mediation group were mediated.
Sample Size	254 cases in the mediation group, 244 cases in the control group, and 243 cases in the pre-program group
Variables Examined	Case outcomes, disposition time, settlement/trial rate, judge time, satisfaction, litigant time and costs, compliance with the settlement, attorney attitudes
Program Variables	Voluntary program, but judge could mandate mediation for specific cases. Professional mediators paid for off-site sessions. Judge referred cases. Party participation in sessions was voluntary. At the time of study, the program had been in place for 2 years.
Findings	Processing time decreased seven weeks with mediation. The trial rate was not affected. Parties appear to have saved some money with mediation. (For plaintiffs, average attorney fees and costs were \$6,716 in mediation, \$9,667 for conventional settlement, and \$30,146 for trial; for defendants, the averages were \$4,507, \$8,702, and \$13,238, respectively.) Perception of fairness of and satisfaction with the process was positive over all for those who participated in the mediation sessions (most did not), but not different from adjudication participants. Perception of fairness of and satisfaction with the mediation outcome was negative over all, and was lower for defendant mediation participants than defendant adjudication participants (plaintiffs' perception of fairness was the same for both processes).

***Conomy, Doug and Rosario Flagg. MULTI-OPTION ADR PROJECT EVALUATION REPORT - JULY 1999-MARCH 2000. Superior Court of California, County of San Mateo, October 2000.**

Type	Civil, Family, Small Claims, Child Protection and Dependency, Probate
Description of Study	Study of type of disposition, settlement rate, session length, and satisfaction for a multi-door ADR project.
Method	A survey was sent to 600 ADR participants to determine case status and satisfaction with the selected disposition process.

Comparative?	No
Sample Size	208 questionnaires returned of 600 mailed for cases referred between July 1999 and March 2000
Variables Examined	Type of disposition, settlement rate, session-length, satisfaction
Program Variables	Program was begun in 1996. The options included a for-fee civil and probate mediation program, a for-fee family law mediation program, a free small claims mediation program, a free judicial arbitration program, and a free juvenile dependency mediation program. Roster mediators in for-fee options were paid by the parties. The program was voluntary; parties selected an ADR process and the neutral during the case management phase (which begins 120 days after filing).
Findings	<p>Survey responses indicated that 64% of cases filed participated in some form of ADR. Of those, 65% settled or partly settled in the ADR session. The most utilized method of ADR was mediation; 88% of those who reported using ADR participated in mediation. Another 6% used private settlement, 3% used early neutral evaluation, and 2% used arbitration. Most cases participated in ADR after some discovery had been conducted. Of those who responded, 76% thought that ADR reduced court time. They also overwhelmingly thought the process was fair.</p> <p>The family law program had just begun at the time of the evaluation; no data had yet been collected except resolution rate, which stood at 70%. Surveys of those involved in small claims mediation showed that 48% settled in mediation; nevertheless, 91% believed mediation was a positive experience.</p>

Daniel, Johnnie. ASSESSMENT OF THE MEDIATION PROGRAM OF THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA. Administrative Conference of the United States, April 1995.

Type	Civil
Description of Study	Survey of attorney, mediator, and party opinions of a civil case mediation program.
Method	Examined court records of mediated cases. Sent questionnaires to all participating attorneys from September 1989 to February 1994, as well as parties and mediators.
Comparative?	No
Sample Size	325 attorneys (of 1251 contacted), 31 of 86 parties and 65 of 105 mediators participated in the study
Variables Examined	Satisfaction, settlement rate, attorney attitudes regarding cost
Program Variables	Voluntary program mediated by volunteers. Judge referred. Most cases were referred at or near the end of discovery, or when the case was waiting for trial. Most mediations were completed in 1 or 2 sessions. Mediators were assigned to cases. The program was studied over its first 4 years.
Findings	49% - 52% settlement rate; 28.7% of attorneys were largely or completely satisfied with the settlement; 32.4% were largely or completely dissatisfied. 63% of parties were satisfied. Satisfaction with the settlement was related to the extent to which the mediation process helped to reduce litigation costs; the extent to which attorneys agreed or disagreed with the statement: "the mediator did not give my client a hearing"; and the degree of initial difference between the parties' bottom lines. 41.6% of attorneys thought mediation was not helpful in reducing litigant costs; 30.6% thought it was helpful. 65.6% of attorneys were satisfied with the program; 19.5% were dissatisfied.

Fix, Michael and Philip J. Harter. HARD CASES, VULNERABLE PEOPLE: AN ANALYSIS OF MEDIATION PROGRAMS AT THE MULTI-DOOR COURTHOUSE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA. 1992.

Type	Civil, Family
Description of Study	Comparative study examining satisfaction and cost of litigation in domestic relations and simple civil case mediation programs in a multi-door courthouse. The findings for the civil case mediation program are reported here.
Method	Conducted telephone interviews of litigants and attorneys, both those who participated in mediation and those who did not. Looked at cases mediated in 1987-89 (approximately 100/year), drew sample of non-mediated cases randomly from cases filed in 1988-1989 and removed those not eligible for mediation.
Comparative?	Yes
Comparison Groups	Random sample of mediated cases and eligible non-mediated cases
Sample Size	102 mediated cases; 135 non-mediated cases; 200 litigants (96 mediated, 112 non-mediated) and 138 attorneys (73 mediated, 65 non-mediated) were interviewed
Variables Examined	Demographics of those who chose to mediate; satisfaction of those who participated in mediation in comparison to those who did not; satisfaction by demographics; cost of litigating divorce cases; settlement rate; compliance
Program Variables	Voluntary program. The case had to have a trial date that was at least three months away in order to be eligible for mediation.
Findings	Compliance was about the same for both mediated cases and non-mediated cases. Satisfaction was about the same for mediated and non-mediated cases. Parties and attorneys were significantly more satisfied with the outcome when they settled in mediation. Women were more likely to be satisfied with mediation than men; minorities were not more likely to be satisfied than whites.
Comments	Simple civil cases in this jurisdiction are primarily personal injury, breach of contract and negligence cases.

Georgia Office of Dispute Resolution. PARTICIPANT SATISFACTION SURVEY OF COURT-CONNECTED ADR PROGRAMS. 2000. Available at www.ganet.org/qadr/pdfs/finalsji.pdf.

Type	Civil, Family
Description of Study	A survey of participants in 15 civil mediation programs throughout Georgia, which included a large number of family cases.
Method	Surveys were either given to participants at the end of the mediation session or mailed to them after all sessions were completed.
Comparative?	No
Sample Size	70% of all cases mediated in five court programs from May to November 1999. This included 550 litigants and 331 attorneys.
Variables Examined	Satisfaction with the process and outcome, sense of time spent and cost to litigate case
Program Variables	The programs were largely voluntary, but mediation could be mandated by the court. Mediators were paid by the parties for their services.

Findings Participants did not feel that they spent less time litigating their case if they went to mediation. They also felt they were spending more money by doing so, but they were overall satisfied with the process and outcome. They were more satisfied if they chose their own mediator.

Hann, Robert G. and Carl Baar, EVALUATION OF THE ONTARIO MANDATORY MEDIATION PROGRAM (RULE 24.1): FINAL REPORT - THE FIRST 23 MONTHS. Ontario Ministry of the Attorney General, 2001.

Available at www.attorneygeneral.jus.gov.on.ca/english/courts/manmed/fullreport.asp.

Type	Civil
Description of Study	Study of the effect of Rule 24.1, which mandates mediation for non-family civil disputes that are case managed, on two courts with mediation programs already in place (Ottawa and Toronto).
Method	Two-part questionnaires were sent to lawyers and litigants. Part A was to be returned within 2 days of mediation; Part B was to be returned within 10 days of the final disposition. Time to disposition comparison was done between cases filed prior to the commencement of the program and those that were filed after the program started.
Comparative?	Yes
Comparison Groups	Mediated cases and pre-program non-mediated cases for time to disposition only
Sample	Satisfaction questionnaires were sent for 3210 cases. Lawyers returned Part A questionnaires for 35% of those cases and Part B questionnaires for 16%; litigants returned Part A questionnaires for 19% of cases and Part B questionnaires for 10%. The control group had a 72% response rate. For time to disposition, random samples of 704 mediated cases in Ottawa and 1618 in Toronto (of 2689 and 3539 cases, respectively) were selected, and 1093 cases were randomly selected for the control group (of 1437).
Variables Examined	Pace of litigation, costs to parties, satisfaction with the process, fairness of the outcome
Program Variables	Mandatory mediation conducted for a fee.
Findings	<p>The settlement rate was 41% full, 13% partial in Ottawa, and 38% full, 21% partial in Toronto.</p> <p>For each case type, a higher percentage of Rule 24.1 cases were disposed of within 6 months than for cases in the control group (in which cases were managed but only a few were mediated). Time to disposition appeared to be quicker after Rule 24.1.</p> <p>85% of litigants in both Ottawa and Toronto said mediation had a positive impact on cost, while 78% of lawyers in Toronto and 80% in Ottawa said so. Lawyers estimated cost savings to their clients to be more than \$10,000 in 38% of mediated cases, to be less than \$5000 in 34% of them, and between \$5000 and \$10,000 in 28% of them.</p> <p>Satisfaction and fairness ratings were higher in Ottawa than Toronto, with 82% of litigants in Ottawa and 65% in Toronto indicating they were satisfied with the mediation process. In addition, 41% of litigants in Ottawa and 30% in Toronto thought the settlement was fairer than without mandatory mediation, while 16% and 21%, respectively, thought it was not. Lawyer responses were similar to those of litigants.</p>

***Hartley, Roger E. ALTERNATIVE DISPUTE RESOLUTION IN CIVIL JUSTICE SYSTEMS. LFB Scholarly Publishing LLC, 2002.**

Type	Civil, Family
Description of	Comparative study of a court mediation program in "Mountain County", Georgia, undertaken

Study	with an interest in examining the manner in which ADR programs interact with the civil justice system.
Method	Examined court records and program files for data on referral rates and patterns, trial rates, and time from filing to case closure as well as referral to case closure.
Comparative?	Yes
Comparison Groups	Cases in the court system from 1989 to 1995, cases mediated between 1992-1995.
Sample Size	1400 non-mediated cases, 627 mediated cases
Variables Examined	Settlement rate, trial rate, time to disposition, court workload
Program Variables	Referrals were mainly from the superior court, and mainly for domestic relations cases. Some referrals were from the state court (which covers civil cases not under the jurisdiction of the superior court). Mediators were assigned by the ADR program director. Mediators were both attorneys and non-attorneys with 20 hours training (more if family mediators).
Findings	34% of mediated cases settled through mediation, 68% settled without judicial disposition. In non-mediated cases, 59% settled. The trial rate was higher, however, for mediated cases (11.2% v 5.4%). Time to disposition was not affected by mediation. As referral rates never exceeded 6%, there was negligible impact on the court's workload.

Kakalik, James S. et al. AN EVALUATION OF MEDIATION AND EARLY NEUTRAL EVALUATION UNDER THE CIVIL JUSTICE REFORM ACT. RAND Institute for Civil Justice, 1996.

Type	Civil
Description of Study	Evaluation of pilot mediation programs in the US District Courts of the Eastern District of Pennsylvania, the Southern District of New York, the Western District of Oklahoma, and the Southern District of Texas.
Method	In each of the four districts, 150 mediated cases were compared to 150 non-mediated cases. Cases were randomly assigned in Pennsylvania and New York and matched in Oklahoma and Texas. Data sources were court records, reports of CJRA advisory groups, case dockets, attorney and ADR provider surveys, and interviews with judges, court staff, lawyers, and ADR providers.
Comparative?	Yes
Comparison Groups	Mediated cases and non-mediated cases
Sample Size	150 mediated cases and 150 non-mediated cases in each of the four districts
Variables Examined	Time to disposition, cost of litigation (hours and fees), monetary outcomes, cost to court, satisfaction of lawyers with the process
Program Variables	Two programs were mandatory (PA, NY), two programs voluntary (OK, TX). Mediations were conducted by volunteer mediators in PA and NY and by paid mediators in OK and TX. Attendance by the parties at the mediation was voluntary in NY. Total time in mediation averaged 6 hours in NY, 1-2 hours in PA, 5 hours in OK, and 8 hours in TX. The mediation style was primarily evaluative in NY and PA and facilitative in OK and TX. The programs were in place less than three years at the outset of the study.
Findings	There was no difference in time to disposition between mediation and non-mediation groups in PA, OK, and NY, and significantly slower in mediation in TX. No evidence was found showing that lawyer work hours or fees were affected by mediation. There was no difference in satisfaction as viewed by attorneys, but attorneys were satisfied over all.

Comments For reaction to this study, see the Summer 1997 issue of *Dispute Resolution Magazine*, which has several articles about it.

Kobbervig, Wayne. MEDIATION OF CIVIL CASES IN HENNEPIN COUNTY: AN EVALUATION. Minnesota Judicial Center, 1991.

Type Civil

Description of Study Evaluation of the efficacy of a civil case mediation program in Minnesota.

Method Randomly assigned cases. Examined court records and distributed questionnaires to litigants and attorneys to gauge their satisfaction.

Comparative? Yes

Comparison Groups Cases randomly assigned to a group that could be referred to mediation and a group for which mediation was not an option

Sample Size 1186 total cases examined; questionnaires distributed in 182 mediated cases, 209 arbitrated cases, and 170 litigated cases

Variables Examined Time to disposition, costs of litigation, trial rates, number of court appearances, satisfaction with the handling of the case, perceived fairness of process, efficiency

Program Variables Voluntary program mediated for-fee. Program was just established at the time of the study.

Findings No difference in time to disposition was found. There was no real sense that costs were saved if mediation resulted in agreement, but there was consensus among lawyers and litigants that costs were greater if parties did not reach agreement in mediation. Trial rates were not affected. Mediated cases had fewer court appearances. Litigants were more satisfied with the mediation process (attorneys thought they were more satisfied with the adjudication process). Litigants perceived the mediation process to be fairer; attorneys thought adjudication was.

MacFarlane, Julie. COURT-BASED MEDIATION OF CIVIL CASES: AN EVALUATION OF THE ONTARIO COURT (GENERAL DIVISION) ADR CENTRE. University of Windsor, 1995.

Type Civil

Description of Study Evaluation of pilot mandatory civil mediation program in Ottawa.

Method Questionnaires were sent to lawyers and parties, interviews from matched and then randomly selected cases, examination of court records to compare settlement and disposition patterns of cases that went to mediation and those that did not.

Comparative? Yes

Comparison Groups Cases randomly selected from a group that had been referred to the ADR Centre and from a group that was not

Sample Size 437 lawyers and 268 parties completed questionnaires; 143 interviews were conducted (61 lawyers and 19 litigants from mediated cases, 51 lawyers and 12 litigants from non-mediated cases). 1460 cases referred to mediation and a matched group of cases not referred were compared on settlement and disposition patterns.

Variables Examined Time to disposition, cost, perceived fairness of the process, satisfaction with the process

Program Variables Voluntary, free program mediated by staff. The program was newly in place at the beginning of the study.

Findings Lawyers and parties thought processing time was shorter for mediated cases, a perception that was affirmed through court records. Attorneys reported lower fees for mediated cases (43.7% estimated a savings of \$1000-\$5000). Lawyers and parties thought the process was fair and were satisfied with the process. Those who settled were more likely to be satisfied with mediation.

Maiman, Richard C. AN EVALUATION OF SELECTED MEDIATION PROGRAMS IN THE MASSACHUSETTS TRIAL COURT. Standing Committee on Dispute Resolution of the Massachusetts Supreme Judicial Court/Trial Court, May 1997.

Type Small Claims, Civil (District and Superior Courts)

Description of Study Looked at the attitudes of parties toward mediation in 6 District Court programs and 3 Superior Court programs in Massachusetts.

Method Used exit survey data from about 80% of all district court cases and 63% of Superior Court cases.

Comparative? No

Sample Size 487 responses in District Court (at least one response from approximately 80% of all cases); 642 in Superior Court (at least one response from approximately 63% of all cases)

Variables Examined Settlement rate; satisfaction of the parties; improved relationship between parties; attitudes regarding cost, time, and fairness

Program Variables District Court programs were voluntary, mediated by volunteers, and free to participants. Superior Court programs were voluntary and mediated for a fee. The programs had been in existence several years at the time the study was conducted.

Findings 33% of District Court mediation participants believed mediation reduced their costs; 45% said it did not. In two of the Superior Court programs 47% of parties thought that mediation reduced their costs while 26% thought it did not. Only 20% of participants in the third program thought their costs were reduced by mediating their case; 49% thought they were not reduced. These results contrast with the responses of the lawyers, 40-67% of whom believed mediation reduced their clients' costs.

In District Court, 70-80% of parties were completely or mostly satisfied with the outcome; 92-100% were satisfied with the fairness of the process. However, only 40% thought mediation improved their relationship with the other party. In the Superior Court programs, 51-71% were satisfied with the outcome of their mediation, while 89-94% were satisfied with the fairness of the process. Fewer believed mediation improved their relationship with the other party, with only 23-43% believing so. There was a high correlation between satisfaction with the outcome and satisfaction with the fairness of the process.

McAdoo, Bobbi. A REPORT TO THE MINNESOTA SUPREME COURT: THE IMPACT OF RULE 114 ON CIVIL LITIGATION PRACTICE IN MINNESOTA. Minnesota Supreme Court Office of Continuing Education, 1997.

Type Civil

Description of Study Evaluation of the impact of Minnesota Supreme Court Rule 114 (requiring attorneys to consider ADR in every civil case and discuss it with their clients and opposing counsel) on the use of mediation in Minnesota.

Method In-depth personal interviews with 23 civil litigators. From this data, a questionnaire was

developed and sent to 1000 attorneys in all 10 judicial districts. The attorneys were randomly selected and proportioned according to the district's caseload.

Comparative?	No
Sample Size	748 of 1000 attorneys responded to the survey
Variables Examined	Attorney attitudes about mediation and their use of the process
Program Variables	Program was in existence more than 10 years at the time of study.
Findings	Attorneys chose mediation because it saved litigation expenses (67.9%) and because it made settlement more likely (57.4%). However, they did not think it reduced their workload. Mediation as compared to litigation process: 46.7% said it saved attorney time, 26.1% said it provided greater client satisfaction, and 9.0% said it caused attorneys to make less money.

***McEwen, Craig. AN EVALUATION OF THE ADR PILOT PROJECT: FINAL REPORT. January 1992.**

Type	Civil
Description of Study	Examination of the effect of mediation on time and cost in the York and Knox Superior Court, Maine.
Method	Randomly assigned cases to mediation or regular litigation. Allowed those who requested mediation to participate, but separated them into another group. Examined court docket records as well as records from the Administrative Office of the Courts.
Comparative?	Yes
Comparison Groups	Cases randomly assigned to mediation, cases randomly assigned to regular litigation, and cases in which parties requested mediation and then participated in the process
Sample Size	170 cases assigned to mediation, 156 assigned to regular litigation, 87 cases in the voluntary group
Variables Examined	Settlement rate, time to disposition, case activity
Program Variables	Pilot program with randomized assignment, although parties could request mediation. Mediation occurred relatively early in case, prior to most formal discovery. Discovery was suspended during the mediation process. Parties paid the court a \$250 fee for the mediation. Mediators were lawyers with three hours of training. Parties selected the mediator from a list of three provided by clerk. Mediators differed in how they conducted the mediation, with most using more evaluative techniques. In 14% of mediations at least one party was absent from the mediation. In almost all mediations, the lawyers did most of the talking.
Findings	<p>In the randomly assigned mediation group, 13% of cases settled prior to mediation, 27% settled at mediation, and 29% settled before trial (69% total). In the voluntary group, 13% settled prior to mediation, 36% in mediation, and 31% settled before trial (79% total). In the regular litigation group, 65% of cases settled.</p> <p>Cases in the assigned mediation group closed 59 days earlier than in the litigation group; cases in the voluntary mediation group closed 72 days earlier. In cases that were settled, the assigned group settled 77 days earlier than the litigation group, the voluntary group 70 days earlier. Discovery requests averaged 50% higher in the litigation group than in the assigned mediation group, and almost 100% more than in the voluntary group. Motion hearings were twice as frequent in the litigation group than in the assigned group. 20% of the voluntary group, 32% of the assigned group, and 57% of the litigation group reached the list of cases set for trial.</p>

Time from filing to case closure was not affected by mediation.

Comment Evaluative mediators (those that provided an opinion on likely court outcome, case value, or legal merits of case) were more likely to settle the case, as were those who involved the parties in the discussion.

Schildt, Keith, James J. Alfini and Patricia Johnson. MAJOR CIVIL CASE MEDIATION PILOT PROGRAM, 17TH JUDICIAL CIRCUIT OF ILLINOIS: PRELIMINARY REPORT. Northern Illinois University College of Law, 1994.

Type	Civil cases with claims greater than \$30,000
Description of Study	Survey-based evaluation of a large civil case mediation pilot program
Method	Questionnaires were given post-session to attorneys, parties and mediators. Face-to-face and telephone interviews were conducted of some participants. Archival data from cases was also examined.
Comparative?	No
Sample Size	107 cases, 124 attorney responses, 96 party responses, 70 mediator responses
Variables Examined	Participants' satisfaction with the process, perceived fairness of the process, time to disposition, legal costs to parties
Program Variables	Voluntary program mediated for-fee off-site. Mediators were experienced lawyers (primarily personal injury) with two days of introductory mediation training. Referrals were made by judges. The program was newly established at the time of the study.
Findings	65% of attorneys were satisfied with mediation and 88% thought it was fair. 81% of parties were satisfied with mediation and 85% thought it was fair. Participants who settled their cases in mediation overwhelmingly believed mediation was a quicker alternative to litigation and was less costly. They were also overwhelmingly satisfied with the agreement.

Schultz, Karl D. FLORIDA'S ALTERNATIVE DISPUTE RESOLUTION DEMONSTRATION PROJECT: AN EMPIRICAL ASSESSMENT. Florida Dispute Resolution Center, 1990.

Type	Civil
Description of Study	Looked at the impact of mediation on pace, cost and quality of case processing, as well as the impact on judges' workload.
Method	Examined all mediated cases as well as a random sample of the circuit's other civil cases. Also surveyed attorneys and made use of a survey of participants in the 6 th Judicial Circuit mediation program.
Comparative?	Yes
Comparison Groups	Mediated cases and non-mediated cases
Sample Size	702 mediated cases, 277 attorney surveys and 195 participant surveys
Variables Examined	Processing time of cases, perceived cost to the parties, the number of cases on judges' dockets, perceived fairness of the process, perceived greater access to justice
Program Variables	Voluntary program mediated for-fee off-site. The program was newly established at the time of study.

Findings Processing time decreased (but looked at mediation cases from time of referral, not from filing). Parties thought mediation saved them money. Parties perceived the mediation process to be fair, and believed they had greater access to justice than those who adjudicated their case. There was no change in judicial workload since a very small percentage of cases was mediated.

Slack, Linda. A COMPARATIVE ANALYSIS ON THE BENEFITS OF MEDIATION IN THE COBB COUNTY SUPERIOR COURT. Institute for Court Management, National Center for State Courts, May 1996.

Type Civil (including Family)

Description of Study Examination of the effect of mediation on court backlog. Four case types were involved: divorce, custody, damages-contract, and damages-tort.

Method For time to disposition, trial rate and number of court appearances, a comparison was done between cases filed prior to the establishment of the mediation program and mediated cases. Took random samples with identical numbers of cases for each case type. Also sent out questionnaires to attorneys, parties, and mediators after the mediation session.

Comparative? Yes

Comparison Groups Pre-program cases and mediated cases

Sample Size 123 cases referred to mediation and 123 cases not referred; 84 of 250 individuals to whom questionnaires were sent

Variables Examined Time to disposition, trial rate, court appearances, settlement rate, fairness of the process, satisfaction with the process

Program Variables Voluntary program with mediations conducted off-site and for-fee. The program had been in place three years at the time of the study.

Findings Prior to the mediation program, time to disposition ranged from 37 to 1434 days, with a mean of 367.47. After the mediation program commenced, time to disposition ranged from 44 to 974 days, with a mean of 338.73.

The number of court appearances per case prior to the mediation program ranged from 0-15, with a mean of 2.45. This dropped mildly to a range of 0-9 with a mean of 2.04 after the mediation program. The number of trials dropped from 30 to 18.

97% of mediation participants thought the process was fair; 87% were satisfied with mediation as a whole.

Wissler, Roselle L. "The Effects of Mandatory Mediation: Empirical Research on the Experience of Small Claims and Common Pleas Courts," WILLAMETTE LAW REVIEW Vol 33: 565-604, 1997.

Type Civil, Small Claims

Description of Study Reports on two studies comparing mandatory and voluntary mediation: one of mediation in small claims courts and another of mediation conducted in a "settlement week" in common pleas courts.

Method *Small claims*: telephone interviews of parties in small claims cases 6-12 weeks after mediation/trial. *Civil*: questionnaires completed by mediators, attorneys, and parties.

Comparative? Intra-program only

Comparison *Small claims*: Those whose mediation was mandatory and those who voluntarily participated.

Groups	<i>Civil</i> : Voluntary cases (in which both sides asked for mediation), mandated (in which neither side requested mediation), and partially voluntary/partially mandatory (in which one side asked for mediation and the other was compelled to mediate by the court)
Sample Size	<i>Small claims</i> : 171 parties involved in 124 cases. Parties in 37 cases were mandated to mediate; parties in 87 cases participated voluntarily. <i>Civil</i> : 570 mediators, 1124 attorneys, and 646 parties involved in 610 cases completed questionnaires.
Variables Examined	Settlement rate, pressure to settle, satisfaction with the process and outcome, party perception of time and cost savings
Program Variables	Mediation on-site and provided free of charge by volunteer mediators.
Findings	The settlement rate was lower for mandated cases than for voluntary ones. There was no greater sense of pressure to settle for either group. Participants in both mandatory and voluntary mediation were satisfied with the process and outcome, but fewer mandatory participants were satisfied or perceived the process to be fair. Parties thought they were saving time; attorneys thought processing time was greater.

Wissler, Roselle. "Court-Connected Mediation in General Civil Cases: What We Know from Empirical Research," OHIO STATE JOURNAL ON DISPUTE RESOLUTION 17(3): 641-703 (2002).

Type	Civil
Description of Study	Presents the findings from three empirical studies of nine courts in Ohio: two studies involved pilot mediation programs in five courts; one involved a "settlement week" mediation program in four courts.
Method	Questionnaires were distributed to parties and attorneys at the end of the mediation session in all cases mediated during the study periods; questionnaires were completed before leaving the courthouse. Used case files and mediator logs to determine timing of referral, time to disposition, case activity, and mediation characteristics. Data for all courts was aggregated – for process, outcome, and participant perception. The mean response for all courts together was calculated. For relationships between variables (e.g. program characteristics and settlement), a meta-analysis was conducted.
Comparative?	Yes
Comparison Groups	Cases randomly assigned to mediation or not to be mediated
Sample Size	1811 cases in pilot programs (1060 assigned to mediation, 683 not assigned)
Variables Examined	Time to disposition, case activity, timing of referral, party and attorney satisfaction and perception of fairness
Program Variables	Semi-voluntary programs in which 73% of cases entered mediation through court order or request by one party. In pilot courts, recent cases were also randomly assigned. Mediation was free to the parties. Mediators in pilot courts were attorneys on staff; mediators for the settlement week program were volunteers who were attorneys. The mediation style tended to be evaluative. Cases in the pilot programs were referred approximately 4 months after filing; for settlement week, mediation occurred on average 10.5 months after filing.
Findings	Taken in aggregate, 72% of parties to mediation in all programs perceived the process to be very fair. 55% were satisfied with the mediation process. In aggregate, 89% of attorneys perceived the mediation process to be very fair. Of those parties who settled in mediation, 78% thought their settlement was very (56%) or somewhat (22%) fair. 97% of attorneys who settled their case through mediation thought the settlement was very (75%) or somewhat (22%) fair. There was no difference between mediated and non-mediated cases in the number of motions filed or decided.

Early referral led to shorter time to disposition – for both cases that settled and those that did not. Parties were more likely to believe time and money were saved if the case settled in mediation.

BANKRUPTCY

Hartwell, Steven and Gordon Bermant. ALTERNATIVE DISPUTE RESOLUTION IN A BANKRUPTCY COURT: THE MEDIATION PROGRAM IN THE SOUTHERN DISTRICT OF CALIFORNIA. Federal Judicial Center, 1988.

Type	Bankruptcy
Description of Study	Study looking at judge and attorney attitudes toward the mediation program, including whether mediation saved their clients time and money.
Method	Interviewed judges, court clerk, mediators, and lawyers. Examined case files of all cases sent to mediation over 15 months.
Comparative?	No
Sample Size?	80 cases
Variables Examined	Opinions of judges, mediators, and lawyers regarding how well the program was functioning, what cases were amenable to mediation, whether mediation saved litigants time or money
Program Variables	The program was voluntary, with cases referred by the judge. Mediators were volunteers who were experienced bankruptcy attorneys with no mediation training; attorneys chose the mediator. The program had been newly established at the time of the study. The mediation process used was evaluative, with parties present only at the opening statement.
Findings	Attorneys believed that mediation saved their and their clients' time and saved their clients money. The mediation program was found to move proceedings off the pretrial status conference calendars. Cases attorneys thought to be amenable to mediation were those involving small amounts of money, cases with limited issues that dealt with fact, and cases in which extensive discovery had not yet been done.

WORKERS' COMPENSATION

Hanson, Roger A. THE USE OF MEDIATION TO RESOLVE WORKERS' COMPENSATION CASES: A REPORT TO THE TENTH APPELLATE DISTRICT OF THE COURT OF APPEALS OF OHIO. National Center for State Courts, 1997.

Type	Workers' Compensation – Appellate
Description of Study	Study of the efficacy of the mediation of mandamus actions in workers' compensation cases.
Method	Cases were randomly assigned to mediation or control groups. Four hundred questionnaires were mailed to lawyers who handled cases that were mediated; 243 were returned.
Comparative?	Yes
Comparison Groups	Cases that were mandated to mediate and those that were not offered the opportunity to mediate
Sample Size	For time to disposition and settlement rate data, 312 cases were examined of total of 388. These included 198 mediated cases and 152 non-mediated cases. 243 of 400 attorneys responded to questionnaire

Variables Examined	Settlement rate, time to disposition, satisfaction of attorneys
Program Variables	One mediator who was an experienced workers' compensation attorney was hired. Mediation was mandatory for cases in the mediation group and was provided free to parties. The program had been in existence less than one year at the time of study.
Findings	<p>Mediation did not accelerate the timing of settlement, but increased the settlement rate. The settlement rate was 44% for the mediation group and 24% for the control group.</p> <p>The median number of days to settlement for mediated cases was 146; for non-mediated cases it was 109 (for settled cases only). For non-settled cases mediation added time to some cases that finish quickly, but had no overall effect on the pace of settlement.</p> <p>19% of attorneys were very satisfied with the outcome, while 48% were somewhat satisfied. Satisfaction was most highly related to whether the attorney thought opposing counsel was negotiating in good faith.</p>

Hanson, Roger A. REPORT ON WORKERS' COMPENSATION MEDIATION PROGRAM OF THE SUPREME COURT OF APPEALS OF WEST VIRGINIA. National Center for State Courts, 2000.

Type	Workers' Compensation – Appellate
Description of Study	Examination of the efficacy of mediation of workers' compensation cases on appeal.
Method	Attorneys completed a questionnaire after the mediation session. Time to disposition was determined from court data.
Comparative?	No
Sample	862 cases mediated of 2020 cases filed
Variables Examined	Satisfaction, time to disposition
Program Variables	Mandatory program mediated by both staff and others compensated by the court. Services were provided free to the parties. The study was conducted at the end of the program's first year.
Findings	<p>73% of attorneys were satisfied with the outcome of the mediation (27% very, 46% somewhat). Satisfaction was related to whether the attorney thought the other party was negotiating in good faith. Satisfaction was also related to whether the mediator was seen as facilitating negotiations or not. Satisfaction was NOT related to the outcome of the case.</p> <p>Prior to the introduction of mediation the average number of days to the grant or denial of appeal was 448, with another 202 days to opinion. Mediation took 60 days to move from the filing of the petition for review to mediation (some took up to 120 days).</p>

Mandell, Marvin B. and Andrea Marshall. THE EFFECTS OF COURT-ORDERED MEDIATION IN WORKERS' COMPENSATION CASES FILED IN CIRCUIT COURT: RESULTS FROM AN EXPERIMENT CONDUCTED IN THE CIRCUIT COURT FOR BALTIMORE COUNTY. Maryland Institute for Policy Analysis and Research (www.umbc.edu/mipar), June 2002.

Type	Workers' Compensation
Description of Study	Experimental design that looked at the impact of mandatory mediation on early resolution and number of notices of service of discovery filed for cases that became "at issue" between April 1, 2000 and June 11, 2001.

Method	Compared cases randomly assigned to a group for which mediation was mandated to those assigned to a group in which it was not in terms of the point in the case at which it was settled and amount of activity the case involved.
Comparative?	Yes – mandatory program as compared to voluntary program
Comparison Groups	Cases randomly assigned to a treatment group for which the scheduling order included an order to participate in at least two hours of mediation within three months from the issuing of the order, and to a control group for which the scheduling order did not include such an order, but participation in mediation was not prohibited. To be eligible, parties had to be represented by counsel and had to have requested a jury trial.
Sample	400 cases that became “at issue” during the study period and were eligible for the experiment (see comparison groups, above); 202 cases assigned to the treatment group, 198 to the control group. Ten cases in each group were not followed because of lack of data.
Variables Examined	Time to disposition, case activity
Program Variables	Mediation was mandatory for the treatment group, voluntary for the control group. Cases in the mandatory mediation group were required to complete at least two hours of mediation within three months of the issuance of the scheduling order. The program was newly established at the time of the study, although mediation had been available prior to the commencement of this experiment.
Findings	<p>The percentage of cases that was resolved prior to the discovery deadline (120 days after the case becomes “at issue”) was 24.1% for the treatment group and 11.2% in the control group. Prior to the mandatory settlement conference (scheduled for one month prior to trial), 42.5% of the treatment cases were resolved and 28.5% of cases in the control group were resolved. 82.5% of treatment cases and 70.2% of cases in the control group were resolved prior to the scheduled trial date. Looking specifically at time to resolution, 13% of cases in the treatment were resolved within 3 months (the deadline for mediation), as compared to 9% of cases in the control group. Approximately 25% of cases in the treatment group were resolved within 4 months (the deadline for discovery), as opposed to 12% of control group cases. All other date-delimited percentages were the same. Thus, the main impact of mediation on time to disposition came within the first months of the life of the case.</p> <p>An impact on discovery notices was also found – 37.0% of cases in the treatment group had two or more notices of service of discovery as compared to 56.4% of control group cases. This is statistically significant at the 1% level.</p>

APPELLATE

Eaglin, James B. THE PRE-ARGUMENT CONFERENCE IN THE SIXTH CIRCUIT COURT OF APPEALS. Federal Judicial Center, 1990.

Type	Civil Appellate
Description of Study	Comparative study examining the impact of mediation on judicial workload and the clarification of issues on appeal.
Method	Random assignment of cases to mediation. Looked at approximately 1500 cases over a 17-month period. Examined conference activities logged by conference attorneys, questionnaire data from surveys of judges and attorneys who participated in conferences, and participant-observer data from a sample of cases.
Comparative?	Yes
Comparison Groups	Cases randomly assigned to be mediated or not to be mediated

Sample Size	1016 mediated cases and 509 non-mediated cases
Variables Examined	Number of procedural and substantive motions, number of submissions and arguments, time to disposition, quality and length of briefs filed, number of issues submitted
Program Variables	Mandatory for those cases randomly assigned to mediation. Staff attorneys were mediators. 93% of mediations were conducted over the phone. The program was in place three years at the time of study.
Findings	57% of mediated cases reached argument or submission; 69% of non-mediated cases did. The mediation program diverted between 6.9% and 16.7% of eligible appeals from the court's argument calendar. Unsettled mediated cases took an average of 12 days longer to move from docketing to submission than non-mediated cases, but taken as a group all cases assigned to mediation took an average of 25 fewer days from filing to disposition. The mediation program terminated more cases at an earlier stage of the appellate process: 23% more mediated cases than non-mediated appeals terminated before the filing of the appellant's brief or joint appendix. 14.5% fewer procedural motions and 21.6% fewer substantive motions were filed for mediated cases. 57.4% of attorneys felt the program resulted in a net savings of time. (Only 8.9% believed it resulted in a net increase in time.)

Hanson, Roger A. THE USE OF MEDIATION TO RESOLVE WORKERS' COMPENSATION CASES: A REPORT TO THE TENTH APPELLATE DISTRICT OF THE COURT OF APPEALS OF OHIO. National Center for State Courts, 1997.

Type	Workers' Compensation – Appellate
Description of Study	Study of the efficacy of the mediation of mandamus actions in workers' compensation cases.
Method	Cases were randomly assigned to mediation or control groups. Four hundred questionnaires were mailed to lawyers who handled cases that were mediated; 243 were returned.
Comparative?	Yes
Comparison Groups	Cases that were mandated to mediate and those that were not offered the opportunity to mediate
Sample Size	For time to disposition and settlement rate data, 312 cases were examined of total of 388. These included 198 mediated cases and 152 non-mediated cases. 243 of 400 attorneys responded to questionnaire
Variables Examined	Settlement rate, time to disposition, satisfaction of attorneys
Program Variables	One mediator who was an experienced workers' compensation attorney was hired. Mediation was mandatory for cases in the mediation group and was provided free to parties. The program had been in existence less than one year at the time of study.
Findings	<p>Mediation did not accelerate the timing of settlement, but increased the settlement rate. The settlement rate was 44% for the mediation group and 24% for the control group.</p> <p>The median number of days to settlement for mediated cases was 146; for non-mediated cases it was 109 (for settled cases only). For non-settled cases mediation added time to some cases that finish quickly, but had no overall effect on the pace of settlement.</p> <p>19% of attorneys were very satisfied with the outcome, while 48% were somewhat satisfied. Satisfaction was most highly related to whether the attorney thought opposing counsel was negotiating in good faith.</p>

Hanson, Roger A. REPORT ON WORKERS' COMPENSATION MEDIATION PROGRAM OF THE SUPREME COURT OF APPEALS OF WEST VIRGINIA. National Center for State Courts, 2000.

Type	Workers' Compensation – Appellate
Description of Study	Examination of the efficacy of mediation of workers' compensation cases on appeal.
Method	Attorneys completed a questionnaire after the mediation session. Time to disposition was determined from court data.
Comparative?	No
Sample	862 cases mediated of 2020 cases filed
Variables Examined	Satisfaction, time to disposition
Program Variables	Mandatory program mediated by both staff and others compensated by the court. Services were provided free to the parties. The study was conducted at the end of the program's first year.
Findings	73% of attorneys were satisfied with the outcome of the mediation (27% very, 46% somewhat). Satisfaction was related to whether the attorney thought the other party was negotiating in good faith. Satisfaction was also related to whether the mediator was seen as facilitating negotiations or not. Satisfaction was NOT related to the outcome of the case. Prior to the introduction of mediation the average number of days to the grant or denial of appeal was 448, with another 202 days to opinion. Mediation took 60 days to move from the filing of the petition for review to mediation (some took up to 120 days).

***Hanson, Roger A. “Appellate Mediation in New Mexico: An Evaluation. THE JOURNAL OF APPELLATE PRACTICE AND PROCESS, Vol 4, p. 167, Spring, 2002.**

Type	Appellate
Description of Study	Examination of whether mediation could be effective at later stages of appellate process, and what the reaction of attorneys was to this mediation program.
Method	Examined court data to determine the rate of settlement in mediation as well as the amount of time spent by cases on the court docket. Also looked at questionnaires returned by attorneys between September 1998 and September 2000.
Comparative?	No
Sample	308 cases scheduled for mediation between September 1998 and June 30, 2000
Variables Examined	Satisfaction, time to disposition, settlement rate
Program Variables	Mandatory program begun in 1998. Mediations were conducted by a staff attorney trained in basic mediation methods. Services were provided free to the parties. Almost all cases that were screened into mediation had failed to resolve on the summary calendar. (A few cases were put on the regular calendar and screened in from there). Mediations were conducted by telephone. The study was conducted during the program's first two years.
Findings	Of the 308 cases screened into the program, 88 settled through mediation. Statistical analysis revealed that the only variable that had an effect on settlement was the amount of time the case remained under negotiation – the longer it remained open, the more likely it was to settle. Attorney responses indicated that 86% thought the agreement reached was fair.

Cost savings to the court were calculated by comparing the need for one mediator and part-time assistant to mediate cases to the need for one judge and one law clerk to deal with each case that is not sent to mediation. More cases were settled annually than were assigned to judge and staff.

Significant time savings were found as well. The study compared mediated cases with those that were on the regular calendar because almost all mediated cases did not settle on the summary calendar and thus would have been moved on to the regular calendar. Mediated cases resolving in 266 days and non-mediated cases on the regular calendar resolving in 450 on average. (This presupposes that all mediated cases went through 150 days on the summary calendar, which is the average number of days to disposition for summary calendar cases).

***Task Force on Appellate Mediation. MANDATORY MEDIATION IN THE FIRST APPELLATE DISTRICT OF THE COURT OF APPEAL: REPORT AND RECOMMENDATIONS. September 2001. Available at www.courtinfo.ca.gov/reference/documents/mediation.pdf.**

Type	Appellate
Description of Study	Examination of impact of mediation on litigant cost, court cost, and satisfaction with the judicial process in California appellate court.
Method	Examined data on resolution, asked attorneys to estimate cost differences caused by mediation, and asked litigants and attorneys their perspective on the mediation process.
Comparative?	No.
Sample Size	1,328 appeals, of which 288 were submitted to the program
Variables Examined	Settlement rate, estimated cost differences, satisfaction and perception of fairness
Program Variables	The program administrator selected cases for mediation; however, parties could request mediation as well. Mediation occurred as soon as possible after the filing of the notice of appeal. The mediation coordinator controlled scheduling. Mediators were attorneys, retired judges and justices, and professional mediators. The court provided training in appellate mediation. The program administrator assigned the mediator, but parties could agree to an alternate mediator.
Findings	The resolution rate was 43.2% (94/213) full settlement, with another 0.1% (4/213) partial. This compares to 32% of non-mediated cases that settled before judicial involvement. Family law and probate cases were most likely to settle. Attorneys estimated savings of \$76,298 per case if it settled in mediation, but an increase of \$7444 per case if it did not. This is an overall estimated savings for all mediated cases of \$6,231,358. There were high levels of satisfaction with the process and with the fairness of the process. Satisfaction was lower for outcomes.

FAMILY

Bahr, Stephen J., C. Bradford Chappell, Anastasios C. Marcos. "An Evaluation of a Trial Mediation Program," MEDIATION QUARTERLY 18: 37-52, 1987.

Type	Family
Description of Study	Looked at the effectiveness of domestic relations mediation in a short-term pilot program "in an inter-mountain state."
Method	Surveyed 27 individuals from pre-program cases and compared their answers to 32 individuals from program cases who reached agreement in mediation, 28 who did not reach agreement, and 13 who did not try mediation.

Comparative?	Yes
Comparison Groups	Pre-program, non-mediated cases; mediated and settled; mediated but did not settle; did not try mediation
Sample Size	27 pre-program litigants; 60 litigants in mediated cases; 13 litigants in cases not mediated during program
Variables Examined	Post-divorce adjustment of parents and children; attitude of attorneys to mediation, including whether it saved time or money for their clients and whether their clients were satisfied with the process
Program Variables	This was a 6-month program created for the purposes of this study. It was voluntary and services were provided free of charge by a single mental health professional trained as a mediator.
Findings	Found no statistical difference in the adjustment of parents and children between mediation and litigation. Attorneys believed mediation increased time and costs, and that their clients were less satisfied with the mediation process than litigation.

Bautz, Barbara J. and Rose M. Hill. "Divorce Mediation in New Hampshire: A Voluntary Concept." MEDIATION QUARTERLY 7(1): 33-39, Fall 1989.

Type	Family
Description of Study	Examination of the relationship between the type of dispute resolution process used and the types of decisions made concerning child custody and child support, the nature of the post-divorce relationship, and satisfaction with the divorce agreement.
Method	Random sampling of cases that went through mediation and those that did not (including uncontested cases). Mail survey was sent to a sample of 500 cases; 120 (32%) were returned and useable.
Comparative?	Yes
Comparison Groups	Cases that went to mediation and cases that did not
Sample Size	120 of 500
Variables Examined	Cost to parties, durability of the agreement, outcomes, compliance, satisfaction with the agreement, post-divorce relationship
Program Variables	Voluntary program mediated by paid mediators.
Findings	<p>34% of mediation participants spent less than \$500 and 22% spent more than \$1000, as opposed to 25% and 19% of those who did not participate in mediation. Couples in mediation were significantly more satisfied with the divorce agreement than couples who did not mediate. Couples in the mediation group were more likely to describe their post-divorce relationship as harmonious or cordial than those in the control group.</p> <p>Of the mediation group, 12% had to return to court, as compared to 31% of the traditional group. Compliance was greater for the mediation group as well: 97% of these couples made all child support payments; only 63% of the couples in the traditional group did.</p>

Bohmer, Carol and Marilyn L. Ray. "Effects of Different Dispute Resolution Methods on Women and Children after Divorce," FAMILY LAW QUARTERLY 28(2): 223-245, Summer 1994.

Type	Family
Description of Study	Examination of monetary and custody agreements reached in mediated, attorney-negotiated, and judicially-assisted settlement in New York and Georgia.
Method	Used mailed questionnaires to collect data about specific terms of divorce settlements from parties.
Comparative?	Yes
Comparison Groups	Cases settled through mediation, cases settled through attorney negotiation, and cases settled with judicial assistance
Sample Size	190 individuals in Georgia were sent questionnaires (69 who participated in mediation, 51 whose settlements were attorney-negotiated, and 70 who reached settlement with judicial assistance); 83 completed them. 302 individuals were sent questionnaires in New York (135 from the mediation group, 67 from the attorney-negotiation group, and 70 from the judicial assistance group); 124 responded.
Variables Examined	Monetary and custody outcomes, compliance with the agreement
Program Variables	Programs not described.
Findings	Women (and, according to the study authors, therefore children) fared worse in mediation in New York because the compliance with joint custody agreements was lower in mediated cases (80% compared to 95% of cases with attorney-negotiated settlements and 94% of cases with judicially-assisted settlements) and 29% of mediated settlements did not include child support terms (compared to 26% of attorney-negotiated settlements and 17% of judicially-assisted settlements); there was no difference in outcome between dispute resolution methods in Georgia.

CALIFORNIA FAMILY COURT SERVICES SNAPSHOT STUDY. Administrative Office of the Courts, Judicial Council of California, 1994.

Available at www.courtinfo.ca.gov/reference/4_18fam_custvis.htm.

Type	Family
Description of Study	Examination of the short-term and long-term satisfaction of clients in family cases in 75 branch courts in 51 counties in California.
Method	Over a two-week period, surveys were given to parents and mediators to complete right after the mediation session – 82% of parents did so. Researchers compared satisfaction of clients who reached agreement to those who did not reach agreement. Follow-up interviews were conducted two years later to determine the long-term effects.
Comparative?	Yes, but peripheral
Comparison Groups	Those who mediated and those who did not
Sample Size	1669 sessions
Variables Examined	Short-term satisfaction, long-term satisfaction, perceived fairness of the outcome, post-court behavioral changes in children
Program Variables	Mandatory program of more than ten years duration.

Findings Long-term satisfaction was higher for clients who reached agreement in mediation than for those who reached impasse in mediation, or than for those who determined custody and visitation through other processes. Perception of fairness of the outcome was highest in mediation as opposed to other methods of agreement. 72% of mothers thought the mediated agreement was fair; 63% of fathers did. This compares to 56% of mothers and 54% of fathers who reached agreement through other methods. Mothers with mediated agreements reported the fewest problems with their children.

Carpez, Judith V. and Micki A. Armstrong. "A Study of Domestic Mediation Outcomes with Indigent Parents." FAMILY COURT REVIEW 39(4): 415-430, October 2001.

Type Family

Description of Study Comparison of outcomes and settlement rates for mediation with indigent couples to those for mediation with non-indigent couples.

Method Compared samples on the basis of age of parents, age of children, marital status, average number of mediation hours per case, type of case and number of court-ordered mediations versus voluntary ones.

Comparative? Yes

Comparison Groups Indigent and non-indigent clients

Sample Size 29 cases

Variables Examined Outcomes, settlement rates

Program Variables None given

Findings No significant difference in mediation outcome was found based on case type (divorce or paternity). No difference in settlement rate was found based on length of time from filing to mediation. Domestic relations mediation with indigent clients was found to be equally as effective as with non-indigent clients.

***Conomy, Doug and Rosario Flagg. MULTI-OPTION ADR PROJECT EVALUATION REPORT - JULY 1999-MARCH 2000. Superior Court of California, County of San Mateo, October 2000.**

Type Family, Small Claims, Civil, Child Protection and Dependency, Probate

Description of Study Study of type of disposition, settlement rate, session length, and satisfaction for a multi-door ADR project.

Method A survey was sent to 600 ADR participants to determine case status and satisfaction with the selected disposition process.

Comparative? No

Sample Size 208 questionnaires returned of 600 mailed for cases referred between July 1999 and March 2000

Variables Examined Type of disposition, settlement rate, session-length, satisfaction

Program Variables	Program was begun in 1996. The options included a for-fee civil and probate mediation program, a for-fee family law mediation program, a free small claims mediation program, a free judicial arbitration program, and a free juvenile dependency mediation program. Roster mediators in for-fee options were paid by the parties. The program was voluntary; parties selected an ADR process and the neutral during the case management phase (which begins 120 days after filing).
Findings	<p>Survey responses indicated that 64% of cases filed participated in some form of ADR. Of those, 65% settled or partly settled in the ADR session. The most utilized method of ADR was mediation; 88% of those who reported using ADR participated in mediation. Another 6% used private settlement, 3% used early neutral evaluation, and 2% used arbitration. Most cases participated in ADR after some discovery had been conducted. Of those who responded, 76% thought that ADR reduced court time. They also overwhelmingly thought the process was fair.</p> <p>The family law program had just begun at the time of the evaluation; no data had yet been collected except resolution rate, which stood at 70%. Surveys of those involved in small claims mediation showed that 48% settled in mediation; nevertheless, 91% believed mediation was a positive experience.</p>

Donnelly, Laura F. and Rebecca G. Ebron. THE CHILD CUSTODY AND VISITATION MEDIATION PROGRAM IN NORTH CAROLINA. North Carolina Administrative Office of the Courts, 2000.

Type	Family
Description of Study	Comparative study looking at trial rate and satisfaction in custody and visitation cases.
Method	Examined data from court records in two mediation program samples and two non-program samples. Surveyed parents in the same two program samples and one of the non-program samples three years after their cases were closed. An exit survey of parties was conducted immediately following their mediation session in 17 mediation program districts. Attorneys practicing family law in the same 17 districts were surveyed for their perspective on mediation in general.
Comparative?	Yes
Comparison Groups	Cases mediated in counties with programs and cases from counties without programs
Sample Size	<i>Immediately after mediation:</i> 310 parties and 273 attorneys. <i>Three years after case closed:</i> 293 parents. Data from court records of 880 cases (approximately 12% of the total).
Variables Examined	Trial rate, time to disposition, satisfaction with the outcome, attorney attitudes regarding client costs and time spent
Program Variables	Mandatory for contested custody and visitation disputes in pre-decree cases, by referral in post-decree cases. Individual jurisdictions differed as to whether court or attorney had control over when cases went to mediation. In court-controlled jurisdictions, cases were ordered to mediation between 45 and 60 days after filing. In attorney-controlled jurisdictions, attorneys had more input as to when mediation would occur. Program had been in place 9 years at the time of study. The mediation style was reported to be facilitative.
Findings	No difference was found in median time to disposition between mediated and non-mediated cases (which ranged from 4.9 to 6.9 months); there was no effect on trial rate; no difference was found in parties' long-term satisfaction with the outcome between mediated and non-mediated cases; long-term satisfaction with the process was greater for those who settled in mediation than for those who did not or who did not participate in mediation. 73% of attorneys who were surveyed said mediation reduced their clients' costs; another 76% indicated it reduced the amount of time they spent on a case.

Eavenson, Pamela A. MANDATORY DIVORCE MEDIATION: THE IMPACT ON THE COURTS. Institute for Court Management, The National Center for State Courts, May 1998.

Type	Family
Description of Study	Compared disposition times and court activity for cases in Cobb County, Georgia, which had a mediation program, and Gwinnett County, Georgia, which did not.
Method	Looked at a random sampling of half of all cases filed in Cobb and Gwinnett Counties during the six months prior to the Cobb County program and the year after commencement of the program.
Comparative?	Yes
Comparison Groups	Cases filed before and during the mediation program, both in Cobb and Gwinnett Counties
Sample Size	Not available
Variables Examined	Disposition times and number of post-decree filings for contempt or modifications
Program Variables	Mandatory program in which cases were mediated for a fee by mediators off-site. Study began at the program's inception and continued for one year.
Findings	While there was no significant change in time to disposition in Gwinnett County, there was a significant drop in the number of days to disposition in Cobb County during the first 6 months of the program (57 day drop). The long-term effect, however, was not significant (0.6 month drop in second 6 months). There was no significant effect on the number of post-decree filings, but the author believed it was probably too soon to tell what the effect would be.

Emery, Robert E. and Joanne A. Jackson. "The Charlottesville Mediation Project: Mediated and Litigated Child Custody Disputes," MEDIATION QUARTERLY no 24: 3-18, 1989.

Type	Family
Description of Study	Compared time to settlement, satisfaction, and psychological adjustment of participants in mediated and non-mediated cases.
Method	Cases were randomly assigned to mediation or to traditional settlement. Examined court records for agreement rates and time to settlement. Surveyed participants for satisfaction and psychological adjustment.
Comparative?	Yes
Comparison Groups	Cases randomly assigned to mediation and cases assigned to traditional settlement
Sample	35 mediated cases and 36 non-mediated cases
Variables Examined	Agreement rates, time to settlement, protection of rights, whether participants won what they wanted, effect on children, psychological adjustment of participants
Program Variables	Mandatory mediation offered free to participants at the courthouse. Mediation was a combination of problem solving and therapeutic mediation.
Findings	The agreement rate was 77% for the mediation group, 31% for the adversary group. Time to settlement was three weeks in mediation and seven weeks in adversary settlement. There was no difference in women's perception of their rights being protected in either process. Men more often felt mediation protected their rights and gave them what they wanted. Women more often

thought they won what they wanted in litigation. Both men and women thought mediation had a better effect on their children than adjudication. There was no difference in psychological adjustment for men or women based on the process used.

***Emery, Robert E. et al. "Child Custody Mediation and Litigation: Custody, Contact, and Coparenting 12 Years After Initial Dispute Resolution," JOURNAL OF CONSULTING AND CLINICAL PSYCHOLOGY, 69(2): 323-332, 2001.**

Type	Family
Description of Study	Twelve-year follow-up to Charlottesville Mediation Project Study (see above), that looked at the long-term effect of random assignment to mediation on family relationships, psychological adjustment of the parents, changes to agreements after settlement or case closure, and satisfaction over twelve years.
Method	Cases were randomly assigned to mediation or to traditional settlement. Examined court records for changes to agreements. Surveyed participants for family relationship and psychological adjustment information.
Comparative?	Yes
Comparison Groups	Cases randomly assigned to mediation and cases assigned to traditional settlement
Sample	27 mothers and 25 fathers who mediated, 25 mothers and 23 fathers who did not mediate
Variables Examined	Number of changes to agreements, family relationship dynamics, non-custodial parent's involvement with the children, satisfaction
Program Variables	Mandatory mediation offered free to participants at the courthouse. Mediation was a combination of problem solving and therapeutic mediation.
Findings	Parents who mediated made more changes to their agreement over twelve years – 1.4 v 0.3. Party satisfaction remained higher for the mediation group after twelve years than for the non-mediation group, particularly among fathers, but satisfaction had declined for both groups. Mediation led to greater contact between non-residential parents and children (30% of mediation group parents saw children 1/week or more, compared to 9% for the non-mediation group; 39% of non-residential parents in the non-mediation group saw their children one time or less in the last year as compared to 15% of mediation parents). Non-residential parents in the mediation group were significantly more likely to discuss problems with residential parents, and were significantly more likely to be involved in childrearing decisions. No difference twelve years later in the mental health of children and parents. (See above for previous findings on settlement rates, time to case closure, and compliance).

***Emery, Robert E. David Sbarra, and Tara Grover. "Divorce Mediation: Research and Reflections," FAMILY COURT REVIEW, 43(1): 22-37, January 2005.**

Type	Family
Description of Study	Twelve-year follow-up to Charlottesville Mediation Project Study (see above), that looked at the long-term effect of random assignment to mediation on family relationships, psychological adjustment of the parents, and changes to agreements after settlement or case closure over twelve years.
Method	Cases were randomly assigned to mediation or to traditional settlement. Examined court records for changes to agreements. Surveyed participants for family relationship and psychological adjustment information.
Comparative?	Yes

Comparison Groups	Cases randomly assigned to mediation and cases assigned to traditional settlement
Sample	27 mothers and 25 fathers who mediated, 25 mothers and 23 fathers who did not mediate
Variables Examined	Number of changes to agreements, family relationship dynamics, psychological adjustment of participants
Program Variables	Mandatory mediation offered free to participants at the courthouse. Mediation was a combination of problem solving and therapeutic mediation.
Findings	Parents who mediated made more changes to their agreement over twelve years – 1.4 v 0.3. Party satisfaction remained higher for the mediation group after twelve years than for the non-mediation group. Mediation led to greater contact between non-residential parents and children (30% of mediation group parents saw children 1/week or more, compared to 9% for the non-mediation group; 39% of non-residential parents in the non-mediation group saw their children one time or less in the last year as compared to 15% of mediation parents). Non-residential parents in mediation group were significantly more likely to discuss problems with residential parents, and were significantly more likely to be involved in childrearing decisions. No difference twelve years later in the mental health of children and parents. (See above for previous findings on settlement rates, time to case closure, and compliance).

Fairbanks, George C. and Iris C. Street. TIMING IS EVERYTHING - THE APPROPRIATE TIMING OF CASE REFERRALS TO MEDIATION: A COMPARATIVE STUDY OF TWO COURTS. James City County Court, June 26, 2001.

Type	Family
Description of Study	Comparison of the early intervention divorce mediation program in James City County, VA, to a post-initial hearing mediation program in York County, VA.
Method	Studied court records for all contested custody and visitation cases filed between September 1999 and August 2000.
Comparative?	Yes
Comparison Groups	Custody and visitation cases in James City County, which has an early intervention mediation program, and in York County, which offers voluntary mediation at a later point in the case
Sample	176 cases in James City County and 262 cases in York County
Variables Examined	Settlement rate, time to disposition, number of court hearings per case
Program Variables	<i>James City County:</i> Mediation was initially free, but later was for-fee. All cases were referred at filing to an orientation at which they learned about the effects of conflict on children and they met with a mediator for a domestic violence screening and information session on mediation; mediation was voluntary thereafter. Parents wanting to mediate were assigned a mediator and a mediation date at the orientation. The program was in place less than one year before study commencement. <i>York County:</i> On the day of the preliminary hearing, a court liaison from Social Services who recommended some cases for mediation. Judges generally followed the recommendation and ordered mediation. Those parents ordered to mediation attended an orientation session and then mediation. Parents were charged based on income.
Findings	The median number of days in James City County from petition for custody to final order for mediated cases was 48 days; in York County the median was 92 days. James City County averaged fewer court hearings per case and fewer mediation sessions per case. Settlement was reached in 72.4% of mediated cases in James City County and in 39.5% of cases in York County.

Comments Cases in York County were often resolved at the preliminary hearing, prior to referral to mediation.

Fix, Michael and Philip J. Harter. HARD CASES, VULNERABLE PEOPLE: AN ANALYSIS OF MEDIATION PROGRAMS AT THE MULTI-DOOR COURTHOUSE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA. 1992.

Type Family, Civil

Description of Study Comparative study examining satisfaction and cost of litigation in domestic relations and simple civil case mediation programs in a multi-door courthouse. Findings from study of domestic relations program are given here.

Method Conducted telephone interviews of litigants and attorneys, both those who participated in mediation and those who did not. Looked at cases mediated in 1987-89 (approximately 100/year), drew sample of non-mediated cases randomly from cases filed in 1988-1989 and removed those not eligible for mediation.

Comparative? Yes

Comparison Groups All cases mediated and random sample of eligible non-mediated cases

Sample Size 190 litigants from mediated cases, 144 from non-mediated cases; 51 attorneys from mediated cases, 64 from non-mediated cases

Variables Examined Demographics of those who chose to mediate, satisfaction of those who participated in mediation in comparison to those who did not, satisfaction by demographics, cost of litigating divorce cases, settlement rate, compliance

Program Variables Voluntary program. Mediations could be scheduled in advance of the trial date or be conducted on the day of the trial.

Findings Mediated cases were more complex than those that were not mediated. Parties who mediated were more likely to characterize their relationship as bitter and were much more likely to have children. Parties who mediated had higher attorney fees (\$2765 in comparison to \$1020), but 80% of mediated cases settled out of court, while only 53% of non-mediated cases did. Non-mediating parties had higher satisfaction with the process and outcome, as did non-mediating lawyers. Minorities, women, and lower income litigants were more likely to be satisfied with mediation (and to use mediation).

Georgia Office of Dispute Resolution. PARTICIPANT SATISFACTION SURVEY OF COURT-CONNECTED ADR PROGRAMS. 2000. Available at www.ganet.org/qadr/pdfs/finalsji.pdf.

Type Family, Civil

Description of Study A survey of participants in 15 civil mediation programs throughout Georgia, which included a large number of family cases.

Method Surveys were either given to participants at the end of the mediation session or mailed to them after all sessions were completed.

Comparative? No

Sample Size 70% of all cases mediated in five court programs from May to November 1999. This included 550 litigants and 331 attorneys.

Variables Examined Satisfaction with the process and outcome, sense of time spent and cost to litigate case

Program Variables	The programs were largely voluntary, but mediation could be mandated by the court. Mediators were paid by the parties for their services.
Findings	Participants did not feel that they spent less time litigating their case if they went to mediation. They also felt they were spending more money by doing so, but they were over all satisfied with the process and outcome. They were more satisfied if they chose their own mediator.

Gomez, Paul C. et al. EVALUATION OF THE IOWA ALTERNATIVE DISPUTE RESOLUTION PROGRAMS. National Center for State Courts, 1998.

Type	Family, Community, Small Claims
Description of Study	Looked at case processing time for family, small claims, and community cases in 8 mediation programs throughout Iowa that were receiving state ADR funds.
Method	Interviewed the program staff, judges, administrators, and court staff regarding the programs. Surveyed attorneys regarding the quality of the mediator. Selected a random sample of up to 20 ADR and non-ADR cases in each program to study how the cases were processed.
Comparative?	Yes
Sample Size	Up to 20 ADR and 20 non-ADR cases in each program
Variables Examined	Time to disposition; number of hearings, motions, and pre-trial conferences; attorney satisfaction
Program Variables	Programs were both mandatory and voluntary, but all used volunteer mediators and offered mediation free of charge.
Findings	The programs did not appear to affect the time to disposition or the number of pre-trial hearings or motions. They did appear to reduce the number of pre-trial conferences. Attorneys indicated a high degree of satisfaction with the programs and believed participation in the programs reduced costs to their clients.

***Hartley, Roger E. ALTERNATIVE DISPUTE RESOLUTION IN CIVIL JUSTICE SYSTEMS. LFB Scholarly Publishing LLC, 2002.**

Type	Family, Civil
Description of Study	Comparative study of a court mediation program in "Mountain County", Georgia, undertaken with an interest in examining the manner in which ADR programs interact with the civil justice system.
Method	Examined court records and program files for data on referral rates and patterns, trial rates, and time from filing to case closure as well as referral to case closure.
Comparative?	Yes
Comparison Groups	Cases in the court system from 1989 to 1995, cases mediated between 1992 and 1995
Sample Size	1400 non-mediated cases, 627 mediated cases
Variables Examined	Settlement rate, trial rate, time to disposition, court workload
Program Variables	Referrals were mainly from the superior court, and mainly for domestic relations cases. Some referrals from the state court (which covers civil cases not under the jurisdiction of superior court). Mediators were assigned by the ADR program director. Mediators were both attorneys and non-attorneys with 20 hours training (more if family mediators).

Findings 34% of mediated cases settled through mediation, 68% settled without judicial disposition. In non-mediated cases, 59% settled. The trial rate was higher, however, for mediated cases (11.2% v 5.4%). Time to disposition was not affected by mediation. As referral rates never exceeded 6%, there was negligible impact on the court's workload.

Jones, Tricia S. and Andrea Bodtker. "Satisfaction with Custody Mediation: Results from the York County Custody Mediation Program," MEDIATION QUARTERLY 16(2): 185-200, Winter 1998.

Type Family

Description of Study Examined the long-term satisfaction of mediating couples in York County, PA.

Method A mediation profile was completed by mediators at the end of the mediation process. At the end of each mediation session, parties and mediators filled out a feedback form. A mediation follow-up form was sent out to parties 6-9 months after mediation.

Comparative? Yes

Sample Size 301 litigants from 169 cases

Variables Examined Short-term and long-term satisfaction with the mediation process, outcome

Program Variables Mandatory program with mediations off-site. Mediators had at least 40 hours of training and were attorneys and family therapists.

Findings Parties were satisfied over all. Short-term and long-term satisfaction were related. Satisfaction with mediation was significantly affected by whether an agreement was reached.

Keilitz, Susan. A MULTI-STATE ASSESSMENT OF DIVORCE MEDIATION AND TRADITIONAL COURT PROCESSING. 1992.

Type Family

Description of Study Looked at the effects of mediation and traditional court processing on litigants' views of dispute resolution and outcomes of divorce cases in Florida, Nevada, New Mexico, and North Carolina.

Method Examined three sources of data: court and mediation case records, telephone interviews of disputants, questionnaires mailed to attorneys. Compared a court with a court-based mediation program with a court without one in each state. The study sample included all cases referred to mediation during selected time period from 1988-1990. Samples in comparison courts were composed of all divorce cases in which custody was an issue.

Comparative? Yes

Comparison Groups Mediated cases from counties with programs and cases from matched counties without programs

Sample Size Ranged from 65 to 196 mediated cases and 12 to 53 litigants at each program site, 73 to 137 cases and 13 to 58 litigants at each matched site

Variables Examined Perceived fairness of the process, satisfaction with the agreement, the number of hearings held, time to disposition, cost to parties (attorney fees)

Program Variables Two programs (New Mexico and Florida) were mandatory with mediations conducted by staff without charge to the parties. One program (North Carolina) was mandatory with mediations conducted by volunteers off-site without charge to the parties. One program (Nevada) was voluntary with mediations conducted by staff for a fee. All programs had been put in place

several years before the study commenced.

Findings Mediation participants (parties) were more likely to find the process to be fair (73% compared with 55%). Mediation participants (parties) were more satisfied with their agreement than those in adjudication (70% compared with 52%). Attorney responses did not significantly differ between the two processes.

Women gave more favorable ratings to mediation than to adjudication, and gave more favorable ratings to mediation over all than men did. Men's responses to mediation did not significantly differ from those to adjudication.

Mediation did not reduce the number of hearings held. Time to disposition was faster for mediated cases in 3 of 4 courts. Litigants reported lower attorney fees for mediated cases than adjudicated ones in 3 of 4 courts.

Kelly, Joan B. and Mary A. Duryee. "Women's and Men's Views of Mediation in Voluntary and Mandatory Mediation Settings." FAMILY AND CONCILIATION COURTS REVIEW 30(1): 34-49, January 1992.

Type	Family
Description of Study	Looked at gender-based views of mediation in mandatory court and voluntary private programs.
Method	Questionnaires were sent to participants in mandatory court and voluntary private mediation programs. 1020 were sent to court clients whose mediation had been completed for at least 6 months. 209 were returned.
Comparative?	No
Sample	209 men and women who participated in mediation (20.5% response rate)
Variables Examined	Satisfaction with the outcome of mediation
Program Variables	Mandatory program in existence for several years prior to the beginning of the study.
Findings	Of all women who mediated through the court program (whether the case settled or not) 67% were satisfied with the outcome and 17% were dissatisfied. Of all men who mediated, 48% were satisfied with the outcome and 43% were dissatisfied. Satisfaction rates for those who reached resolution in private mediation were 72% for women and 78% for men.

Pearson, Jessica and Nancy Thoennes. "Mediating and Litigating Custody Disputes: A Longitudinal Evaluation." FAMILY LAW QUARTERLY 17(4): 497-523, Winter 1984.

Type	Family
Description of Study	Reports on the Denver Mediation Project, in which contested custody and visitation cases were randomly assigned to mediation.
Method	Random assignment of 2/3 of the cases to mediation, 1/3 to a control group for which mediation was not an option. Participating parties were interviewed three times: by phone as soon as a custody dispute was recognized, 3 months after the final order, and 6 months after the second interview. There was a 25-60% attrition rate over the course of the study. Participants were divided into four groups – those who successfully mediated their case, those who tried mediation but did not reach resolution, those who were referred to mediation but decided against using it, and the control group.
Comparative?	Yes

Comparison Groups	Cases randomly assigned to be eligible for mediation or not to be eligible. These were split into four groups: those that mediated and settled, those that mediated and did not settle, those that were referred but did not participate, those that were not assigned to mediate.
Sample Size	435 of 880 cases: 381 of 668 cases assigned to mediation, 72 of 212 cases assigned to control group
Variables Examined	Settlement rate, compliance, relationships, court hearing rate, satisfaction, fairness, time to disposition, cost
Program Variables	Voluntary mediation provided without charge to the participants. The study began at the program's inception.
Findings	<p>Time from the initiation of the proceeding to the final order in successfully mediated cases was 9.7 months on average, 11.9 months on average for the control group, 11.1 months for those who were referred but rejected mediation, and 13.4 months for cases that were unsuccessfully mediated.</p> <p>There was a 20% court hearing rate for those who used mediation and almost 50% for those who did not. Only 4% of couples who successfully mediated had filed for modification 15 months after the final order (Compared to 11% of those who unsuccessfully mediated, 15% of those in the control group (after 18 months), and 14% of those who rejected mediation (after 20 months)).</p> <p>The average legal fee paid by parties who successfully mediated their case was \$1630. For those who tried mediation but were unsuccessful, the average legal fee was \$2000. Those who rejected mediation paid on average \$1800. Participants in the control group paid an average of \$2360.</p> <p>Successful mediation participants were more satisfied with the process than unsuccessful mediation participants, and were more likely to perceive the process to be fair than any of the other three groups. Those who successfully mediated their case were more likely to describe their relationship with their ex-partner as no worse than those in any other group. Over the long-term, these results remained relatively stable.</p>

***Richardson, C. James. COURT-BASED DIVORCE MEDIATION IN FOUR CANADIAN CITIES: AN OVERVIEW OF RESEARCH RESULTS. Department of Justice Canada, February 1988.**

Type	Family
Description of Study	Reports on the findings of two studies of three custody and visitation mediation programs and one divorce mediation program that included support and property division as well: the Winnipeg Study, and the Divorce and Family Mediation Study (Montreal, Saskatoon, St. John's).
Method	<i>Winnipeg Study:</i> administered questionnaires to participants entering mediation between November 1985 and April 1986; conducted telephone interviews 3-4 months post-mediation; examined client files, intake sheets, court files, and archival data from petitions filed in 1983. <i>DFMS Study:</i> analyzed court records on recently filed separation and divorce cases; conducted interviews with former spouses from these cases six months after the case settled.
Comparative?	<i>Winnipeg Study:</i> No. <i>DFMS Study:</i> Yes.
Comparison Groups	Those couples who used mediation and those who did not
Sample Size	<i>Winnipeg Study:</i> questionnaires administered to 282 participants, interviews with 138 participants; <i>DFMS Study:</i> data collected on 1773 court files (363 in which mediation was used), 905 parties interviewed (324 of whom participated in mediation).

Variables Examined	Satisfaction, resolution rate (both studies); outcomes, compliance, relitigation, legal fees, time to case closure (<i>DFMS Study only</i>)
Program Variables	All programs were voluntary. Winnipeg, Saskatoon, and St. John's: mediators were staff who also conducted custody evaluations (but not of same cases). Montreal: court referred cases to a mediation service. Mediation in general was facilitative to therapeutic.
Findings	<p>Across sites, 80% to 90% of respondents felt the mediator was fair; 16% felt pressured into an agreement before they were ready. The settlement rate in the <i>Winnipeg Study</i> was 65% per the mediators, 46% per the parties. The settlement rate in the <i>DFMS Study</i> was 49% full and 15% partial per court records, 38% full and 20% partial per the parties.</p> <p>The <i>DFMS Study</i> found that the average support agreed to in mediated cases was \$430/month for mediated cases, as compared to \$332 in non-mediated cases. The difference was greatest in Montreal (28% when controlled for income) and Saskatoon (11% when controlled for income). There was no evidence that mediation had an impact on compliance except in Montreal, where 97% of women who mediated reported compliance as compared to 66% of women who did not mediate. Relitigation data was available only for Montreal, where 18% of cases returned to court, of which 97% were not mediated. Custody: sole custody to mother was less likely in mediated cases (54.7% v 79.4%).</p> <p>Legal costs were higher for parties who mediated, except in Montreal, in which they were slightly lower. Time to case closure was longer for non-mediated cases. The greatest difference was seen in Montreal, in which uncontested divorce cases closed 7 weeks sooner and contested divorce cases closed 23 weeks sooner.</p>
Comments	The author concludes that Montreal's better results suggest that mediation is more effective if it doesn't have to compete with the need to provide information, intake, short-term crisis counseling, and evaluation; mediators are free to mediate financial issues; and there is a deliberate and structured approach to mediation.

Slack, Linda. A COMPARATIVE ANALYSIS ON THE BENEFITS OF MEDIATION IN THE COBB COUNTY SUPERIOR COURT. Institute for Court Management, National Center for State Courts, May 1996.

Type	Civil (including Family)
Description of Study	Examination of the effect of mediation on court backlog. Four case types were involved: divorce, custody, damages-contract, and damages-tort.
Method	For time to disposition, trial rate and number of court appearances, a comparison was done between cases filed prior to the establishment of the mediation program and mediated cases. Took random samples with identical numbers of cases for each case type. Also sent out questionnaires to attorneys, parties, and mediators after the mediation session.
Comparative?	Yes
Comparison Groups	Pre-program cases and mediated cases
Sample Size	123 cases referred to mediation and 123 cases not referred; 84 of 250 individuals to whom questionnaires were sent
Variables Examined	Time to disposition, trial rate, court appearances, settlement rate, fairness of the process, satisfaction with the process
Program Variables	Voluntary program with mediations conducted off-site and for-fee. The program had been in place three years at the time of the study.
Findings	Prior to the mediation program, time to disposition ranged from 37 to 1434 days, with a mean of 367.47. After the mediation program commenced, time to disposition ranged from 44 to 974

days, with a mean of 338.73.

The number of court appearances per case prior to the mediation program ranged from 0-15, with a mean of 2.45. This dropped mildly to a range of 0-9 with a mean of 2.04 after the mediation program. The number of trials dropped from 30 to 18.

97% of mediation participants thought the process was fair; 87% were satisfied with mediation as a whole.

Sullivan, Bryce F., Andrew I. Schwebel, and Jessica Shimberg Lind. "Parties' Evaluation of Their Relationships with Their Mediators and Accomplishments in a Court-Connected Mediation Program." FAMILY AND CONCILIATION COURTS REVIEW 35(4): 405-417, October 1997.

Type	Family
Description of Study	Examination of the impact of the parties' relationship with the mediator on success and satisfaction.
Method	A questionnaire was sent out to parties after mediation.
Comparative?	No
Sample	387 of 546 participants: 175 men and 212 women
Variables Examined	Relationship with mediator, satisfaction
Program Variables	For-fee program
Findings	64.4% of parties were satisfied or very satisfied with how they "got along with" the mediator. 51.6% thought they made progress. There was no difference in satisfaction based on the gender of the party or mediator. Satisfaction was related to a whether parties believed the fee was excessive or made problems for them or their family, a sense of accomplishment, and perceived problems with the agreement.

Wissler, Roselle. TRAPPING THE DATA: AN ASSESSMENT OF DOMESTIC RELATIONS MEDIATION IN MAINE AND OHIO COURTS. State Justice Institute, 1999.

Type	Family
Description of Study	Examined domestic relations mediation in thirteen courts in Maine and six courts in Ohio in relation to fairness and satisfaction.
Method	Maine: Participants (parties, attorneys, and mediators) were asked to fill out a survey at end of the first mediation session, which was not necessarily the final session. Ohio: Parties, attorneys, and mediators completed an evaluation at the end of the final mediation session.
Comparative?	No
Sample Size	<i>Maine:</i> 28 mediators, 951 (71%) attorneys, and 933 parties (59%) in 789 cases <i>Ohio:</i> 38 mediators, 92 attorneys (34%), and 193 parties (62%) in 154 cases
Variables Examined	Attitudes of parties and attorneys regarding time, cost, fairness of the process, satisfaction with the outcome
Program Variables	Mandatory program in Maine, with a fee of \$120, \$50 of which was paid to mediators who served as independent contractors. Attorneys attended the sessions. Mediators averaged 106 hours of training, 300 mediations, and 9 years of experience. The programs studied in Ohio

varied between voluntary and mandatory, staff-mediated and independent contractor, and as to the fee paid. Attorneys did not attend the sessions. Mediators averaged 56 hours of training and 10 mediations. In addition, they had 12 years of experience working with families.

Findings *Maine:* Parties overall perceived the process to be fair (93% thought it was very or somewhat fair). Most parties were satisfied – 83% were very or somewhat satisfied. There was little sense by parties that mediation reduced costs (15%) or time involvement (23%). Attorneys thought it reduced time and costs (about 66% for each) and 86% thought mediation was fair.

Ohio: There was an overall perception of fairness of the process (66%) and satisfaction with the outcome (70%). There was little sense by the parties that mediation reduced their costs (32%) or time involvement (22%).

Zuberbuhler, Jayne. EARLY INTERVENTION MEDIATION: THE USE OF COURT ORDERED MEDIATION IN THE INITIAL STAGES OF DIVORCE LITIGATION TO RESOLVE PARENTING ISSUES. Hamilton County Court of Domestic Relations, December 1999.

Type	Family
Description of Study	Study of 15-month pilot project in Hamilton County, Ohio, to test the efficacy of the early introduction of mediation to resolve parenting issues in divorce cases.
Method	Random assignment of 50% of divorcing parents to attend mediation 6 weeks after filing for divorce. The other 50% followed existing procedures. Satisfaction surveys were given to all couples with children. Of these, 428 surveys were returned - 144 from the mediation group, 284 from the control group.
Comparative?	Yes
Comparison Groups	Parents who attended mediation 6 weeks after filing for divorce, those who went through traditional procedures. Time to disposition was compared between those who went to mediation and those who went to custody investigation (approximately 5% of cases involving children).
Sample Size	All 178 cases ordered to mediation. For satisfaction: 428 parents responded – 144 from the mediation group, 284 from the control group (38% response rate). For time to disposition: 88 mediated cases and 44 cases referred to custody investigation. Overall case activity – 389 participating magistrates' cases (the mediation group) and 395 non-participating magistrates' cases (the control group).
Variables Examined	Time to disposition, resolution rate, litigant satisfaction with the process, perception of fairness
Program Variables	Mandatory mediation conducted by part-time contractual mediators without charge to the parties. Sessions were approximately 2 hours long. The study began at the program's outset and continued for 15 months.
Findings	No significant difference was found in time to disposition; mediated cases on average were disposed of 2 months faster than those undergoing custody evaluations (which included 5.3% of the control group). There was no significant difference in case activity (including mediation sessions); although the control group had a significantly higher average of custody conferences and a higher average of custody trials, the number of mediations was significantly higher for the mediation group. Parties in the control group were significantly more likely to be satisfied with the outcome than those in the mediation group, and to have a slightly greater sense of fairness of the process. Those in the mediation group had a slightly better attitude regarding the cost of resolving their dispute and the amount of time it took. Those in the mediation group were also more likely to say that their relationship with their former spouse improved, but those in the control group were slightly more apt to say the situation improved for their children.

Comments The author noted that the court had already fostered a cooperative, negotiation-friendly atmosphere prior to introducing the mediation program.

CHILD PROTECTION AND DEPENDENCY

***Anderson, Gary R., and Peg Whalen. PERMANENCY PLANNING MEDIATION PILOT PROGRAM: EVALUATION FINAL REPORT. Michigan State Court Administrative Office, June 2004. Online at courts.michigan.gov/scao/resources/publications/reports/PPMPEvaluation2004.pdf.**

Type	Child Protection and Dependency
Description of Study	Examines the first three years of a program in seven pilot sites spanning four counties in Michigan.
Method	Collected data from program reports, reviews of program files for cases mediated to agreement, court dockets, satisfaction surveys and mediator evaluations.
Comparative?	No
Sample Size	138 cases mediated
Variables Examined	Time from petition to permanency and from referral to permanency, compliance, fairness of result
Program Variables	Pilots established in 1999. Study conducted over the first three years. Pilots were administered by community dispute resolution program centers. Referral to mediation occurred at a variety of points in the case. Mediators were volunteers with extensive training and supervision. Cases were co-mediated. Referrals were by judges (58%), caseworkers, attorneys, family members. The dispute resolution program centers followed up on compliance 60-90 days post mediation.
Findings	<p>For all referred cases, time from petition to permanency averaged 17 months. Time from referral to permanency averaged 13 months. Cases that resulted in reunification were closed more promptly, at an average of 11 months, as compared to cases that resulted in adoption, which closed on average 15 months after petition. There was full compliance with the agreement in 73.4% of mediated cases within 60-90 days; 20.2% of cases had partial compliance.</p> <p>More mothers than fathers thought the result was fair – 77.3% of mothers as compared to 64.4% of fathers. Of professionals, 82.8% of LGALs, 85.7% of prosecuting attorneys, 78.9% of mothers' attorneys, and 71.4% of fathers' attorneys believed the outcome was fair. 82.6% of caseworkers felt the same, while only 67% of foster parents did so.</p>

***Center for Policy Research. DEPENDENCY MEDIATION IN THE SAN FRANCISCO COURTS. March 1998. Online at www.centerforpolicyresearch.org.**

Type	Child Protection and Dependency
Description of Study	Evaluation conducted between April 1995 and December 1997 of established mediation program.
Method	Quantitative data obtained from records maintained by mediators expressly for evaluation purposes and from file data drawn from court records.
Comparative?	Yes
Comparison Groups	Mediated cases and those set for contested jurisdictional hearing. Not randomly assigned.
Sample Size	227 mediated cases; 186 contested hearing cases

Variables Examined	Settlement rate, outcomes, compliance, cost
Program Variables	Almost half of referrals came from court. In another 25%, the parents' attorney requested mediation. Cases were referred at a variety of stages; however, almost half were referred post-disposition. Average number of hours in mediation was 2.5. Almost all cases were completed in one session. Participants were the case worker, the attorney for the child protection service agency, the child's attorney, and the attorney for the parents. The parents almost always attended. In 25% of cases, the child attended.
Findings	<p>Full settlement was reached in 71% of mediations. Settlement was affected by whether a party objected – if no party objected, 85% of cases settled; if one party objected, settlement occurred only 50% of the time. No case characteristics were linked to whether the case settled, except that cases involving a perpetrator who was mentally ill were less likely to settle. Outcomes of mediated and litigated cases were comparable, but visitation plans worked out in mediation were more specific than those determined in court hearings. Mediated plans also provided more visits to the parents. Cases settled in mediation were less likely to return to court with a contested review hearing 12 -24 months following the disposition hearing (11% v 28%).</p> <p>Savings were estimated to be about \$2505 per case settled in mediation. If it is assumed that each review hearing avoided also saves \$2505, the combined savings of 100 settled mediation cases would be \$293,105.</p>

***Conomy, Doug and Rosario Flagg. MULTI-OPTION ADR PROJECT EVALUATION REPORT - JULY 1999-MARCH 2000. Superior Court of California, County of San Mateo, October 2000.**

Type	Child Protection and Dependency, Family, Small Claims, Civil, Probate
Description of Study	Study of type of disposition, settlement rate, session length, and satisfaction for a multi-door ADR project.
Method	A survey was sent to 600 ADR participants to determine case status and satisfaction with the selected disposition process.
Comparative?	No
Sample Size	208 questionnaires returned of 600 mailed for cases referred between July 1999 and March 2000
Variables Examined	Type of disposition, settlement rate, session-length, satisfaction
Program Variables	Program was begun in 1996. The options included a for-fee civil and probate mediation program, a for-fee family law mediation program, a free small claims mediation program, a free judicial arbitration program, and a free juvenile dependency mediation program. Roster mediators in for-fee options were paid by the parties. The program was voluntary; parties selected an ADR process and the neutral during the case management phase (which begins 120 days after filing).
Findings	<p>Survey responses indicated that 64% of cases filed participated in some form of ADR. Of those, 65% settled or partly settled in the ADR session. The most utilized method of ADR was mediation; 88% of those who reported using ADR participated in mediation. Another 6% used private settlement, 3% used early neutral evaluation, and 2% used arbitration. Most cases participated in ADR after some discovery had been conducted. Of those who responded, 76% thought that ADR reduced court time. They also overwhelmingly thought the process was fair.</p> <p>The family law program had just begun at the time of the evaluation; no data had yet been collected except resolution rate, which stood at 70%. Surveys of those involved in small claims mediation showed that 48% settled in mediation; nevertheless, 91% believed mediation was a positive experience.</p>

***Dispute Resolution Office, Ministry of Attorney General, British Columbia. EVALUATION OF THE SURREY COURT PROJECT: FACILITATED PLANNING MEETING - FINAL REPORT. November 2003. Available at www.ag.gov.bc.ca/publications/reports/surrey-court-final.pdf.**

Type	Child Protection and Dependency
Description of Study	Examination of impact of mediation on cases in which the child had been removed in Surrey Provincial Court, British Columbia.
Method	Examined data from court records and program files. Interviewed participants in mediation, including parents, social workers, parents' lawyers, judges, and mediators; observed mediations.
Comparative?	Yes
Comparison Groups	Matched sample of cases that were and were not mediated
Sample Size	30 mediated cases and 47 non-mediated cases whose case characteristics matched those of the mediated cases
Variables Examined	Settlement rate, proportion of cases proceeding to protection hearing, time from removal to significant events, participant satisfaction
Program Variables	Voluntary program with goal of reducing time to permanency and the proportion of cases that proceed to contested hearing. Referral could be made as early as possible in the court process by a social worker, court work supervisor, parent, lawyer for the parent(s), counsel for the province, or judge. An orientation session was held individually with social workers and parents. Mediation included the parent(s), social worker, and court work supervisor, and could include the parents' lawyer, children's lawyer, counsel for the province and other relevant parties. The court work supervisor reviewed all eligible cases for referral. Average session length was 5.3 hours. Attorneys for the parents participated in 80% of mediations.
Findings	92% of all issues (348/378) were resolved, with those involving services for the parents having the highest resolution rate, and parenting the lowest. The entire case was resolved 83% of the time, while it was partially resolved in 12% of the cases. All non-mediated matched cases proceeded to the protection hearing, while 14% of the mediated cases did. In mediated case, there was an overall reduction in case duration – initial stages took longer, but time to final disposition was shorter. There was a high rate of satisfaction for both process and outcome on the part of the participants.

***Gatowski, Sophia et al. MEDIATION IN CHILD PROTECTION CASES: AN EVALUATION OF THE WASHINGTON D.C. FAMILY COURT CHILD PROTECTION MEDIATION PROGRAM. National Council of Juvenile and Family Court Judges, Permanency Planning for Children Department, April 2005.**

Type	Child Protection and Dependency
Description of Study	Comparative study of an early case child protection mediation program in the Multi-Door Dispute Resolution Division, Superior Court of the District of Columbia from January 1, 2002 to September 30, 2002. Looked at disposition time and satisfaction.
Method	Cases were tracked for 24 months through review of case files, the court information management system, and mediation program files; further data gathered through mediation program exit surveys, stakeholder interviews, and observations of traditional hearing process and mediations.
Comparative?	Yes

Comparison Groups	Cases randomly assigned to mediation and those that were randomly assigned to the traditional hearing process
Sample Size	200 cases in each group
Variables Examined	Impact of mediation on case planning, case processing timeframes, timeliness of achieving permanency, participant satisfaction (this last variable was not studied comparatively)
Program Variables	The child protection program was in place four years before initiation of the study; however, the use of mediation early in the case was in pilot phase at the time of the study. Mediation for this pilot was mandatory for purposes of the study.
Findings	<p>Average time from petition or removal was 39 days for out-of-home cases, 41 days for in-home cases. 93% of cases were settled in some manner. Mediated cases reached adjudication, disposition, and case closure significantly more quickly than non-mediated cases: 49 days v 86 days to adjudication, 69 days from first hearing to disposition v 132 days, 7.0 months from initial hearing to case closure v 8.6 months. 46% of mediated cases had closed as result of reunification, while 42% of non-mediated cases did so. 7% of mediated cases returned to court after case closure (measured through 24 months from petition), while 21% of non-mediated cases did so. Case planning was more detailed for mediated cases – with 4.4 services ordered post-mediation, compared with 2.9 for non-mediated cases.</p> <p>97% of those who responded to exit surveys believed the mediation process was “fair”.</p>

Nasworthy, Carol and Tracy Tarver. REPORT ON THE IMPLEMENTATION OF THE CHILDREN'S JUSTICE ACT MEDIATION PILOT PROJECTS. Center for Public Policy Dispute Resolution, The University of Texas School of Law, November 2000.

Type	Child Protection and Dependency
Description of Study	Examination of 12 county-wide child protection mediation programs in Texas
Method	Looked at program records, provided questionnaires and conducted interviews with at least 4 program participants at each site (chosen from court judiciary, mediators, prosecutors, attorneys ad litem, and CPS (state child welfare agency) staff).
Comparative?	No
Sample Size	795 family members, 53 professionals who participated in the programs
Variables Examined	Perception of fairness, judgment of value of mediation compared to traditional adjudication, issues dealt with in mediations, backgrounds of mediators and participants
Program Variables	Voluntary program with mediations provided by volunteers without cost to the parties. Programs had been in place 1-3 years prior to the study.
Findings	<p>Lawyers believed they worked the same amount of time as for a trial, but other interviewees said mediation would save courts money (attorneys are paid by the court).</p> <p>76% of parents, relatives, and children thought the process was fair, whereas 88% of non-relative participants thought so. 88% of parties felt understood, 89% felt listened to, 88% felt all issues were equally presented. 85% of parents, relatives and children thought mediation was more effective than a court hearing; 77% of non-relative participants thought so.</p> <p>The agreement rate was 66% full, 11% partial, and 4% full pending further information.</p> <p>Galveston County reported a savings of \$4,036,746 in 21 months.</p>

Thoennes, Nancy. "An Evaluation of Child Protection Mediation in Five California Courts." FAMILY AND CONCILIATION COURTS REVIEW 35(2): 184-195, April 1997.

Type	Child Protection and Dependency
Description of Study	Comparative study of child protection mediation in Los Angeles, Santa Clara, Tulare, Contra Costa, and Sacramento Counties in California.
Method	Reviewed court files for both mediated and non-mediated cases in all five counties. The control groups in Tulare and Santa Clara counties were made up of cases comparable to those sent to mediation and that were scheduled for hearings on days when mediation was not available; in Contra Costa and Sacramento counties, the control group was made up of cases comparable to those sent to mediation, but which were filed in the year prior to the start of the mediation program. There was no control group for Los Angeles County. Data was also collected from questionnaires completed by parents and forms completed by mediators.
Comparative?	Yes
Comparison Groups	Some programs matched case characteristics of those cases sent to mediation to those that were not; other programs matched cases of those filed prior to the program to those mediated.
Sample Size	499 parents; 968 mediator reports. Court files examined for 606 mediated cases and 223 non-mediated cases.
Variables Examined	Settlement rate, outcomes, compliance
Program Variables	In two counties, mediation occurred at the initial stages of case processing; two others referred cases to mediation at almost every stage of case processing. There was no information on mediation timing for the other county. Referral to mediation was made by the judge. The average mediation length was 90 minutes, but sessions of more than 2 hours were common. Attorneys were present for at least part of the session in all but one county, in which they were excluded.
Findings	88% of mediated cases did <i>not</i> require a contested 6-month review hearing, compared to 53% of control cases. More than 90% of parents felt they had a chance to talk about issues important to them. Most parents preferred mediation to court. At 6 months post-disposition, mediated cases showed better compliance with the treatment plan than the control group. More than 90% of cases at each site reached some form of settlement; 60-80% were full agreements.

***Thoennes, Nancy. DEPENDENCY MEDIATION IN OREGON AND THE NATION. Center for Policy Research, March 2001. Online at www.centerforpolicyresearch.org.**

Type	Child Protection and Dependency
Description of Study	Examination of the first two years of a pilot mediation program in two of the seven Oregon counties in which the program was established.
Method	Professionals (including attorneys, case workers, and others involved in the case) and family members who participated in mediation completed questionnaires. Results of mediated cases were examined.
Comparative?	No
Sample Size	11 mediated cases, 29 professional questionnaires, 17 family member questionnaires
Variables	Professionals' perception of their experience with mediation, settlement rate

Examined

Program Variables Program was established in 2000. Judges nominated experienced, skilled, domestic relations mediators to take part in pilot. Mediators were trained in dependency mediation by experienced dependency mediators from established program in California. Almost all cases were referred pre-disposition.

Findings In the 11 cases, nine reached full agreement, one partial, and one did not reach agreement.

93% of professionals said mediation was somewhat (55%) or very (38%) helpful. 88% of family members said mediation was somewhat (53%) or very (35%) helpful. 60% of professionals felt that mediation reduced the amount of time they spent on the case. 18% said it increased the amount of time they spent on the case.

Comments The report also provides a summary of the findings from other studies. Of 2070 cases in 10 jurisdictions in 3 states, compared to 457 comparable cases not mediated, the studies found that the mediated and non-mediated agreements were similar, except that mediated agreements have more detailed visitation schedules, provided more services for children, as well as more relative placement. The studies also found settlement rates ranged from 70% to 90%. Compliance was greater for mediated agreements six months after a plan was put in place. Costs were shown to be lower in one study.

Thoennes, Nancy. "Dependency Mediation: Help for Families and Courts," JUVENILE AND FAMILY COURT JOURNAL 51(2): 13-22, Spring 2000.

Type Child Protection and Dependency

Description of Study Evaluation of the efficiency of a dependency mediation program in Colorado's 4th Judicial District

Method Attorneys, caseworkers and other professionals who participated in mediation were interviewed. Data on cases was provided by mediators immediately after each mediation that was completed over an 8 month period. This was compared to data from court records of cases mediated 15 months earlier as well as data from court records of comparable cases that were not mediated.

Comparative? Yes

Comparison Groups Cases that were mediated were matched to comparable cases in a jurisdiction without mediation.

Sample Size 146 mediator reports; court records on 97 mediated cases and 48 non-mediated cases

Variables Examined Settlement rate, cost to court

Program Variables Mandatory, free program. The evaluation of the program took place three years after it began.

Findings 90% of cases at least partially resolved in mediation (70% full resolution). Mediation saves court money both for individual cases, and over all.

***Thoennes, Nancy. PERMANENT CUSTODY MEDIATION LUCAS COUNTY COURT OF COMMON PLEAS – JUVENILE DIVISION. Center for Policy Research, November 2001. Online at www.centerforpolicyresearch.org.**

Type Child Protection and Dependency

Description of Study Evaluation of the first three years of a pilot program in Ohio in which termination of parental rights was mediated.

Method	Random assignment of cases to be mediated or to follow the traditional path. Interviews with judges, magistrates, mediators, attorneys, social workers, and CASAs. Surveys distributed to attorneys, case workers, and family members following each mediation. Review of court files.
Comparative?	Yes
Comparison Groups	Cases randomly assigned to mediate or to go through traditional process.
Sample Size	79 cases assigned to mediation (52 of which were mediated), 53 cases assigned to control group, 176 questionnaires
Variables Examined	Settlement rate, outcomes, cost to court, participant perception of mediation
Program Variables	Mandatory, free program established in 1998. Mediators were attorneys with private practice in juvenile and domestic relations law. These same four mediators had already been mediating temporary custody cases. Most mediations are completed in one session; none in more than two. Time spent in mediation averaged 1.6 hours. (This declined in each of the three years studied.)
Findings	<p>The outcomes of mediated cases were: 40.4% had no agreement; 46.2% resulted in parents voluntarily relinquishing their rights; 11.5% resulted in the agency agreeing to pursue a lesser disposition; 1.9% resulted in the agency giving parents another chance at reunification. No difference in outcomes was found between the two groups.</p> <p>Factors possibly associated with settlement: race or ethnicity (cases in which the parents were white were more likely to settle), serious substance abuse by parent (decreased the probability of settlement), physical abuse as type of maltreatment (these cases were more likely to settle), and if the child was in care for more than 9 months – (led to greater likelihood of settlement).</p> <p>30% of mediated cases went to trial, while 71.2% of control group cases did. Mediated cases that settled took 2.2 months to move from permanent custody filing to entry of agreement. Mediated cases that did not settle or in which the parent failed to appear took 3.7 months. Control group cases took 4.6 months.</p> <p>68% of parents (87% of those who settled and 40% of those who did not) said mediation was better than going to court. 86.2% of parents' attorneys and 71.4% of caseworkers said the same.</p> <p>53.2% of parents' attorneys, 33.3% of county attorneys, and 61.1% of GALs said that mediation significantly reduced the amount of time they spent on the case. This compares to 8.5%, 15.2%, and 11.1%, respectively, who said their time was increased.</p>

***Thoennes, Nancy. HAMILTON COUNTY JUVENILE COURT PERMANENT CUSTODY MEDIATION. Center for Policy Research, October 2002. Online at www.centerforpolicyresearch.org.**

Type	Child Protection and Dependency
Description of Study	Evaluation between December 1, 1999, and November 30, 2001, of a pilot program in Ohio in which termination of parental rights was mediated.
Method	Random assignment of cases to be mediated or to follow traditional path. However, cases were reviewed for parent ability to participate prior to referral. Some cases were referred at the request of party or magistrate. Interviews with judges, magistrates, mediators, attorneys, social workers, and CASAs. Surveys distributed to attorneys, case workers, family members following each mediation.
Comparative?	Yes
Comparison	Cases randomly assigned to mediate or to go through the traditional process; cases referred to

Groups	mediation at the request of a party or the magistrate
Sample Size	49 mediated cases (assigned), 37 control group cases, 125 questionnaires
Variables Examined	Settlement rate, outcomes, cost to court, participant perception of mediation
Program Variables	Mandatory, free program. Mediation provided by a multi-service treatment center for children and families. The center contracted with and supervised community mediators who received extensive training on dependency issues. These mediators were a combination of attorneys, CASAs, social workers, teachers, and others. Mediation occurred at the courthouse. Most cases were mediated in single session, with an average time of 2.7 hours.
Findings	<p>38.8% of all cases reached agreement in mediation regarding custody: in 14.2% of all cases, parents agreed to termination of parental rights; 14.3% of cases resulted in permanent custody without termination of parental rights; and in 10.2% of cases the agency withdrew the motion for permanent custody.</p> <p>45% of attorneys for parents said that mediation reduced the time they needed to spend on the case. 65% of attorneys for the agency said the same. Estimated cost saving was 39% per case.</p> <p>89% of parents who settled and 57% of parents who did not (69.6% overall) said that mediation was better than court. 81.8% of social workers said the same.</p>

JUVENILE

Evje, Audrey and Robert C. Cushman. A SUMMARY OF THE EVALUATIONS OF SIX CALIFORNIA VICTIM OFFENDER RECONCILIATION PROGRAMS. The Judicial Council of California, 2000.

Type	Victim-Offender (Juvenile)
Description of Study	Evaluation of six countywide juvenile victim-offender mediation programs in California to determine if they had achieved the goals set by the state legislature.
Method	A group of juveniles in each program was compared to a comparable group of juveniles that did not go through the program. Each program conducted its own evaluation independently, with slightly different methods (some matched cases, others did not; some compared cases that went to mediation to those that did not because the victim declined mediation while others compared mediated cases to non-mediated cases regardless of the reason). All, however, used analysis of court records and opinion surveys of victims and offenders (right after mediation and six months later).
Comparative?	Yes
Comparison Groups	Mediated cases and non-mediated cases (some not mediated because victim declined). One county matched cases by specific variables.
Sample	Sample size varied between 25 and 153, depending on the county.
Variables Examined	Amount of restitution, recidivism rates, satisfaction, completion of program
Program Variables	Voluntary, free programs mediated off-site by volunteers. Referral by various sources. Programs ranged from 1 to more than 10 years in existence at the time of study.
Findings	Restitution collected from mediation participants exceeded that collected from the comparison group by more than 40% in 5 of 6 counties. The recidivism rate of mediation participants was at least 10% lower than that of comparison group in 5 of 6 counties. More than 90% of participants in all programs were very satisfied. Completion of the program ranged from 71% to 93%.

***Nelson, Sarah. EVALUATION OF THE RESTORATIVE JUSTICE PROGRAM. Lane County Department of Youth Services, 2001.**

Type	Victim-Offender (Juvenile)
Description of Study	Study of the effect of mediation on agreement completion and recidivism in Lane County, Oregon.
Method	Examined records of juveniles referred to the program between July 1996 and November 1998. Juveniles with incomplete or missing records and juveniles from out of county were excluded from the study. Compared number of offenses per juvenile before referral to the number of offenses committed per juvenile after referral, then compared those numbers across three groups of juveniles: those who participated, those who refused to participate and those who agreed to participate but who did not because the victim could not or would not participate.
Comparative?	Yes
Comparison Groups	Those juveniles who participated in mediation; those referred to program and who agreed to mediation, but did not because the victim refused; and those referred to program but refused mediation
Sample Size	198 total juveniles referred. Once incomplete or missing records were removed, the total sample was 150: 68 who participated in mediation, 44 who agreed to but could not participate, and 38 who refused to participate.
Variables Examined	Percent of agreements completed, recidivism rate
Program Variables	Voluntary program established in 1989 that was available to selected juveniles who accepted responsibility. These juveniles tended to be first- or second-time offenders. Co-mediation model with discussion focused on what happened and what type of restitution was appropriate. Agreements involved community service, restitution, a project, apology, and other actions deemed appropriate.
Findings	Of those who participated and reached agreement, 76.8% completed the agreement and 13.4% partially completed it. 9.8% did not complete any of the agreement. The average number of offenses by all juveniles referred to the program decreased by 64.6% from the year before referral. Juveniles who met with the victim had 80.8% fewer offenses; juveniles who agreed to participate but did not meet with the victim had 65.3% fewer offenses; juveniles who refused mediation had 32.2% fewer offenses.

Nugent, William and Jeffrey Paddock. "The Effect of Victim-Offender Mediation on Severity of Reoffense," MEDIATION QUARTERLY 12(4) 353-367, Summer 1995.

Type	Victim-Offender (Juvenile)
Description of Study	Looked at the impact of mediation on the recidivism rate and severity of reoffense in juvenile cases in Anderson County, TN.
Method	Examined case records. Controlled for family structure, race, age, gender, last grade completed, number of prior offenses, number of siblings. Mediated and non-mediated cases were matched on the type of crime and admission of guilt.
Comparative?	Yes
Comparison Groups	A random sample of juveniles who mediated their cases (approximately 65% of all referred cases) after admitting responsibility and a random sample of juveniles who appeared in court and pleaded guilty prior to the inception of the program
Sample Size	125 of a population of 193 mediated cases; 150 of a population of 448 non-mediated cases

Variables Examined	Frequency of reoffense, severity of reoffense
Program Variables	Voluntary, free program. Study looked at cases that were filed from the program's inception in 1986 through the end of 1988.
Findings	The reoffense rate was 19.8% in mediated cases, 33.1% in non-mediated cases. Level 3 (most severe) reoffenses were committed by 5.4% of offenders who participated in mediation, 3.8% of offenders who did not.
Comments	The authors state that the study should not be perceived to provide a causal connection between mediation and reduction of recidivism. Replication of their results is necessary in order to test their dependability.

***Roberts, Laura. VICTIM-OFFENDER MEDIATION: AN EVALUATION OF THE PIMA COUNTY JUVENILE COURT CENTER'S VICTIM-OFFENDER MEDIATION PROGRAM (VOMP). September 1998.**

Type	Victim-Offender (Juvenile)
Description of Study	Looked at victim and offender perceptions of mediation as well as restitution and post-mediation recidivism.
Method	Telephone interviews were conducted two weeks after mediations conducted in 1996 and 1997. Court records were examined for recidivism and restitution data.
Comparative?	No
Sample Size	53 offenders, unknown number of victims
Variables Examined	Fairness, recidivism rate, restitution rate
Program Variables	Voluntary program (and considered so by 83% of victims, and 74% of offenders); most crimes were against property. Offenders ranged in age from 10 to 17, with an average of 14.4 years.
Findings	Fairness: 97.9% of victims thought the mediation was fair to themselves; 100% thought it was fair to the offender. 100% of offenders thought the mediation was fair to themselves and the victim. Recidivism [defined as: a) a charge within 365 days of either mediation or interview date; b) a non-status offense; c) a non-technical charge]: 20.8% of offenders re-offended. Restitution: FY 1996 total restitution was \$7,827.55; FY 1997: \$47,949.63.

Roy, Sudipto. "Two Types of Juvenile Restitution Programs in Two Midwestern Counties: A Comparative Study." FEDERAL PROBATION 57(4): 48-53, December 1993.

Type	Victim-Offender (Juvenile)
Description of Study	Examined the impact of post-adjudication mediation and pre-adjudication diversion programs on restitution and recidivism.
Method	Files were examined for cases filed during a two-year period (January 1987 to December 1988) and data was collected on randomly selected juveniles in Indiana and Michigan.
Comparative?	Yes
Comparison Groups	Random samples of cases participating in post-adjudication mediation in Indiana and in pre-adjudication diversion program in Michigan
Sample Size	114 juveniles who participated in mediation; 109 juveniles who participated in a diversion

	program (equal to 50% of participants)
Variables Examined	Restitution rate, recidivism rate
Program Variables	Voluntary program
Findings	The recidivism rate after two years in the mediation program in Indiana was 28.7%. In the pre-adjudication program in Michigan it was 27.05%. The restitution rate was 76% in Indiana and 78% in Michigan. The programs were less effective for repeat offenders.

Umbreit, Mark S. and Robert B. Coates. VICTIM OFFENDER MEDIATION: AN ANALYSIS OF PROGRAMS IN FOUR STATES OF THE US. Citizens Council Mediation Services, 1992. Available at ssw.che.umn.edu/rjp/Resources/Documents/umbcoa92.pdf.

Type	Victim-Offender (Juvenile)
Description of Study	Comparison study of mediation programs in Albuquerque, Minneapolis, Oakland, and Austin.
Method	Conducted interviews of victims and offenders within a week before mediation and then approximately 2 months after the mediation. Comparison group interviews took place about 2 months after the case disposition date. Also examined case docket information.
Comparative?	Yes
Comparison Groups	Those who participated in mediation, those who were referred but did not participate, and those who were not referred
Sample Size	948 individuals: 531 who participated in mediation and 417 in the two comparison groups
Variables Examined	Satisfaction with the process and outcome, restitution, recidivism rate
Program Variables	Voluntary program mediated by volunteers and staff without charge to the parties. Mediators had at least 20-25 hours of training.
Findings	Participants were overall satisfied with the process and the outcome. Restitution completion was greater for mediated cases (ranging from 77% to 93% for mediated cases and 55% to 69% for those not referred) and recidivism was lower (ranging between 13% and 22% for participants compared to a range of 19% to 34% for those not referred to mediation).

Umbreit, Mark S., Robert B. Coates, and Betty Vos. JUVENILE VICTIM OFFENDER MEDIATION IN SIX OREGON COUNTIES, National Organization for Victim Assistance, July 9, 2001. Available at 2ssw.che.umn.edu/rjp/Resources/Documents/final%20report%20OR.pdf.

Type	Victim-Offender (Juvenile)
Description of Study	Study of the functioning and impact of victim-offender mediation programs at Community Dispute Resolution Centers in Clackamas, Deschutes, Jackson, Lane, Multnomah, and Polk Counties.
Method	Study took place from October 2000 to May 2001. Conducted interviews with 55 stakeholders (judges, program directors, police officers, juvenile corrections personnel, and volunteers). Interviewed victims and offenders who had participated in mediation since July 1999. Observed some mediations. Examined mediation files. Comparison was done on recidivism in 4 programs - 3 looked at referral rate of juveniles prior to and after mediation, one did a cross-county comparison.

Comparative?	Yes – for recidivism
Comparison Groups	Depends on the county. No random assignment was conducted. In one county, there was no match between groups, which were in different counties. In the others, the same group of offenders was compared one year before mediation and one year after.
Sample	For satisfaction, the sample was 104 victims and 93 offenders. For recidivism: 28 to 251 juveniles who participated in mediation were tracked in each of the four counties.
Variables Examined	Satisfaction with the outcome, satisfaction with the justice system, recidivism rates
Program Variables	All programs were voluntary for the victim. One program was mandatory for the offender, others varied from completely voluntary to authorizing the court to order mediation. Three programs conducted mediations at the courthouse, three conducted them elsewhere. All mediations were performed by volunteers without charge to the parties.
Findings	<p>The resolution rate was 86% for all programs combined.</p> <p>89% of victims and 76% of offenders were satisfied with the outcome. 93% of victims and 87% of offenders felt the agreement was fair to the offender, while 86% of offenders and 88% of victims felt it was fair to the victim. 82% of both victims and offenders were satisfied with the justice system.</p> <p>Recidivism rates showed a decrease of 64.6% - 76.6% in three counties when the number offenses committed by program juveniles during the year after mediation was compared to their offense rate during the year prior to mediation. A cross-county comparison showed a recidivism rate more than 20% lower than in the non-program county (unfortunately, comparison groups were not well matched).</p>

ADULT CRIMINAL

Clarke, Stevens H., Ernest Valente, Jr., Robyn R. Mace. MEDIATION OF INTERPERSONAL DISPUTES: AN EVALUATION OF NORTH CAROLINA'S PROGRAMS. Institute of Government, University of North Carolina at Chapel Hill, 1992.

Type	Victim-Offender (Adult), Community Mediation
Description of Study	Evaluation of the mediation of misdemeanor cases in community mediation programs in Durham, Henderson, and Iredell Counties.
Method	Compared three counties with programs to three corresponding counties without programs. Examined all cases that were eligible for mediation in both program and non-program counties. Data was gathered from court records, mediation program records, and phone interviews of complainants (1 month and 6-10 months after court disposition).
Comparative?	Yes
Comparison Groups	All cases eligible for mediation in program counties and all cases that would be eligible for mediation in matched non-program counties
Sample	237 of 810 complainants contacted from all six counties were interviewed. Data was collected from 1421 court cases and 544 cases selected for mediation.
Variables Examined	Time to disposition, reduction in trials, satisfaction of complainants with the outcome and process, compliance
Program Variables	Voluntary, free program mediated by volunteers.
Findings	Disposition time for all cases increased in two of three program counties and stayed the same

in the third. The trial rate was not affected in two of three program counties and decreased in the third. There was a high rate of satisfaction over all with both mediation and litigation. There was also a high rate of compliance with both mediated and informal agreements.

Complainant satisfaction with the case was negatively related to his or her commitment to solving the problem. Complainant satisfaction with the outcome was negatively related to the amount of money he or she spent prosecuting the defendant and was positively related to reaching agreement.

Comments The county with the most efficient method of referral to mediation showed the greatest effect on the efficiency of the program.

Davis, Angie T. THE IMPLEMENTATION OF THE COBB COUNTY MAGISTRATE COURT CRIMINAL MEDIATION PROGRAM AND ITS EFFECTIVENESS AT REDUCING THE NUMBER OF CRIMINAL APPLICATION HEARINGS CONDUCTED. Institute for Court Management, May 1999.

Type	Victim-Offender (Adult)
Description of Study	Studied the impact of the mediation program on the number of warrant application hearings being conducted.
Method	Examination of court records to determine the number of warrant application hearings and mediations being conducted.
Comparative?	No
Sample Size	Not provided
Variables Examined	Court activity (warrant application hearings)
Program Variables	Voluntary, free program in which parties were referred at the time the application hearing was scheduled.
Findings	Only 15% of all cases referred were mediated. Of those, 81% were resolved at mediation. The low number of mediations limited the impact on the number of warrant application hearings held.

Nuffield, Joan. EVALUATION OF THE ADULT VICTIM-OFFENDER MEDIATION PROGRAM SASKATOON COMMUNITY MEDIATION SERVICES: FINAL REPORT. Saskatchewan Department of Justice, February 3, 1997.

Type	Victim-Offender (Adult)
Description of Study	Comparison of recidivism rates of those who completed mediation and two groups that did not – those who were referred to mediation and refused, and those who were not referred.
Method	All cases referred in 1994 to mediation in Saskatoon area were selected for analysis. Interviews conducted with staff, mediation center board members, and volunteer mediators. Crown prosecutors, members of the defense bar, police officials, and government employees were also interviewed. Cases in Saskatoon were matched on age and gender (but not offense or prior conviction) to cases in Regina. Recidivism was examined two years after case disposition.
Comparative?	Yes
Comparison Groups	Those who had completed mediation, those who were referred to mediation and refused, and those who were not referred
Sample Size	228 cases: 115 mediated, 113 not mediated (including 18 that went to mediation and did not reach agreement)

Variables Examined	Recidivism rate
Program Variables	The program was voluntary. Adult offenders were referred if they acknowledged responsibility and had no substantial record, and would not be imprisoned if convicted. Mediators were paid staff and volunteers. The program had been in place 13 years at the time of the study.
Findings	The recidivism rate for those who completed mediation was not significantly different from the rate for those who did not.

Umbreit, Mark S., et al. MEDIATION OF CRIMINAL CONFLICT: AN ASSESSMENT OF PROGRAMS IN FOUR CANADIAN PROVINCES. Center for Restorative Justice and Mediation, School of Social Work, University of Minnesota. December 21, 1995.

Available at 2ssw.che.umn.edu/rjp/Resources/Documents/CUmb95.pdf.

Type	Victim-Offender (Adult)
Description of Study	Examination of mediation programs in British Columbia, Alberta, Manitoba, and Ontario, in which offenses were most commonly assault and property crimes.
Method	Divided groups into those who mediated and those who were referred but did not mediate, with no significant demographic differences between the two samples. A total of 610 phone interviews were conducted 2 months after the mediation session or disposition of the case (comparison group). Some mediations were observed.
Comparative?	Yes
Comparison Groups	Those who participated in mediation, those who were referred but did not participate, and those who were not referred
Sample Size	610 individuals: 323 complainants, 287 offenders
Variables Examined	Satisfaction with the outcome, settlement rate, perception of fairness in the justice system, perception of fairness of the agreement
Program Variables	Voluntary mediation provided by volunteer mediators off site without charge to the parties. The programs were operating from 2 (Ontario) to 12 years (Manitoba) prior to the study.
Findings	In the mediation group, 78% of victims and 74% of offenders were satisfied with the outcome. In comparison, only 48% of victims and 53% of offenders in the control group were satisfied with their outcome. The mediation group was also more likely to see the justice system as fair: 80% of victims and offenders in that group did so, while only 43% of the victims and 56% of the offenders in the control group did. Those who participated in mediation overwhelmingly viewed the agreement reached as fair to both themselves and the other party. Settlement rates in the programs ranged from 90-99%.

SMALL CLAIMS

***Conomy, Doug and Rosario Flagg. MULTI-OPTION ADR PROJECT EVALUATION REPORT - JULY 1999-MARCH 2000. Superior Court of California, County of San Mateo, October 2000.**

Type	Small Claims, Family, Civil, Child Protection and Dependency, Probate
Description of Study	Study of type of disposition, settlement rate, session length, and satisfaction for a multi-door ADR project.

Method	A survey was sent to 600 ADR participants to determine case status and satisfaction with the selected disposition process.
Comparative?	No
Sample Size	208 questionnaires returned of 600 mailed for cases referred between July 1999 and March 2000
Variables Examined	Type of disposition, settlement rate, session-length, and satisfaction
Program Variables	Program was begun in 1996. The options included a for-fee civil and probate mediation program, a for-fee family law mediation program, a free small claims mediation program, a free judicial arbitration program, and a free juvenile dependency mediation program. Roster mediators in for-fee options were paid by the parties. The program was voluntary; parties selected an ADR process and the neutral during the case management phase (which begins 120 days after filing).
Findings	<p>Survey responses indicated that 64% of cases filed participated in some form of ADR. Of those, 65% settled or partly settled in the ADR session. The most utilized method of ADR was mediation; 88% of those who reported using ADR participated in mediation. Another 6% used private settlement, 3% used early neutral evaluation, and 2% used arbitration. Most cases participated in ADR after some discovery had been conducted. Of those who responded, 76% thought that ADR reduced court time. They also overwhelmingly thought the process was fair.</p> <p>The family law program had just begun at the time of the evaluation; no data had yet been collected except resolution rate, which stood at 70%. Surveys of those involved in small claims mediation showed that 48% settled in mediation; nevertheless, 91% believed mediation was a positive experience.</p>

Goerdt, John A. "Small Claims Mediation in Three Urban Courts" in SMALL CLAIMS AND TRAFFIC COURTS: CASE MANAGEMENT PROCEDURES, CASE CHARACTERISTICS, AND OUTCOMES IN TWELVE URBAN JURISDICTIONS, pp. 93-109. National Center for State Courts, 1992.

Type	Small Claims
Description of Study	Comparative study looking at satisfaction and the impact of mediation on the court's time in small claims courts in Portland, Oregon; Washington, D.C.; and Des Moines, Iowa.
Method	Examined court records, surveyed a small sample of litigants who mediated and those who did not.
Comparative?	Yes
Comparison Groups	Those who participated in mediation, those who went to trial
Sample Size	167 litigants who mediated, 45 who did not
Variables Examined	Satisfaction and perception of fairness of the parties, time cost to the court
Program Variables	Mediation was mandatory in Washington, D.C. and Portland, Oregon (unless witnesses were involved); mediation was voluntary in Des Moines. Mediators in Portland and Des Moines were volunteers; those in Washington were paid \$30 per case. Mediators in Washington received 40 hours of training and were observed for 3-5 mediations. Those in Portland received 32 hours of training and were observed for 3 sessions. In Des Moines, the mediators were initially four retired businessmen who received no training. After 3 years, 20 hours of training was provided. Mediations average 60 minutes in Washington, 65-75 minutes in Portland. The session length was not provided for Des Moines.

Findings Satisfaction with the outcome was higher for mediated cases in Washington and Portland; it was the same in Des Moines. Satisfaction with the process was higher for mediated cases in Washington, the same in Portland, and lower in Des Moines. The author estimated that each case settled saved 30-45 minutes of judge time. In both Washington and Des Moines more than 1000 cases were settled in mediation in 1990.

Maiman, Richard C. AN EVALUATION OF SELECTED MEDIATION PROGRAMS IN THE MASSACHUSETTS TRIAL COURT. Standing Committee on Dispute Resolution of the Massachusetts Supreme Judicial Court/Trial Court, May 1997.

Type Small Claims, Civil (District and Superior Courts)

Description of Study Looked at the attitudes of parties toward mediation in 6 District Court programs and 3 Superior Court programs in Massachusetts.

Method Used exit survey data from about 80% of all district court cases and 63% of Superior Court cases.

Comparative? No

Sample Size 487 responses in District Court (at least one response from approximately 80% of all cases); 642 in Superior Court (at least one response from approximately 63% of all cases)

Variables Examined Settlement rate; satisfaction of the parties; improved relationship between parties; attitudes regarding cost, time, and fairness

Program Variables District Court programs were voluntary, mediated by volunteers, and free to participants. Superior Court programs were voluntary and mediated for a fee. The programs had been in existence several years at the time the study was conducted.

Findings 33% of District Court mediation participants believed mediation reduced their costs; 45% said it did not. In two of the Superior Court programs 47% of parties thought that mediation reduced their costs while 26% thought it did not. Only 20% of participants in the third program thought their costs were reduced by mediating their case; 49% thought they were not reduced. These results contrast with the responses of the lawyers, 40-67% of whom believed mediation reduced their clients' costs.

In District Court, 70-80% of parties were completely or mostly satisfied with the outcome; 92-100% were satisfied with the fairness of the process. However, only 40% thought mediation improved their relationship with the other party. In the Superior Court programs, 51-71% were satisfied with the outcome of their mediation, while 89-94% were satisfied with the fairness of the process. Fewer believed mediation improved their relationship with the other party, with only 23-43% believing so. There was a high correlation between satisfaction with the outcome and satisfaction with the fairness of the process.

Gomez, Paul C. et al. EVALUATION OF THE IOWA ALTERNATIVE DISPUTE RESOLUTION PROGRAMS. National Center for State Courts, 1998.

Type Small Claims, Community, Family

Description of Study Looked at case processing time for family, small claims, and community cases in 8 mediation programs throughout Iowa that were receiving state ADR funds.

Method Interviewed the program staff, judges, administrators, and court staff regarding the programs. Surveyed attorneys regarding the quality of the mediator. Selected a random sample of up to 20 ADR and non-ADR cases in each program to study how the cases were processed.

Comparative? Yes

Sample Size Up to 20 ADR and 20 non-ADR cases in each program

Variables Examined	Time to disposition; number of hearings, motions, and pre-trial conferences; attorney satisfaction
Program Variables	Programs were both mandatory and voluntary, but all used volunteer mediators and offered mediation free of charge.
Findings	The programs did not appear to affect the time to disposition or the number of pre-trial hearings or motions. They did appear to reduce the number of pre-trial conferences. Attorneys indicated a high degree of satisfaction with the programs and believed participation in the programs reduced costs to their clients.

Hermann, Michele et al. THE METROCOURT PROJECT FINAL REPORT. University of New Mexico Center for the Study and Resolution of Disputes, 1993.

Type	Small Claims
Description of Study	Looked at whether women and minorities achieved different results than males and non-minorities in both adjudicated and mediated small claims cases in Albuquerque, NM.
Method	Collected three data sets: a "civil" sample that was drawn from the Court's Civil Division records for cases filed during the year of the study; a "random sample" that represented "randomly selected cases from which the mediated cases eventually emanated"; and a "study sample" made up of mediated and adjudicated cases from the main part of the study. The civil sample was used to determine the characteristics of civil cases. The random sample was used to compare characteristics of cases that went to mediation to those of cases that did not. The study sample was the sample for which the comparison of satisfaction and outcomes was conducted. For the study sample, telephone interviews of parties were conducted as soon as possible after mediation or trial. Follow up questionnaires were sent six months later. The true monetary outcome was derived from Vidmar's formula: final award minus admitted liability divided by amount claimed minus admitted liability.
Comparative?	Yes
Comparison Groups	Cases that went to mediation and those that did not
Sample Size	603 total cases from the "study sample": 323 adjudicated and 280 mediated
Variables Examined	Satisfaction with the outcome, satisfaction with the process, monetary outcome, long-term satisfaction with the case, perceived fairness of the outcome
Program Variables	Voluntary, free program mediated by volunteer co-mediators on-site.
Findings	Minority claimants paid more and minority respondents received less in mediation than non-minorities, but had the highest rates of satisfaction. White women paid less in mediation, but had the lowest rate of satisfaction. The disparity between minorities and non-minorities was eliminated when two minority mediators were involved. Over all, claimant satisfaction with the outcome and the process was the same for adjudication and mediation; respondent satisfaction was higher for mediation than for adjudication, and higher than that for claimants in mediation. Long-term satisfaction with the outcome was greater for mediation respondents than for adjudication respondents. The same percentage of claimants in both processes reported long-term satisfaction. Parties who reached agreement in mediation were far more likely to express satisfaction with mediation outcomes than those who did not reach agreement.

McEwen, Craig A. and Richard J. Maiman. "Small Claims Mediation in Maine: An Empirical Assessment," MAINE LAW REVIEW Vol 33: 237-268, 1981.

Type	Small Claims
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Description of Study	Comparative study that looked at the impact of mediation in small claims cases on compliance and satisfaction.
Method	Compared 3 courts with programs with 3 corresponding courts without programs. Interviewed litigants from randomly sampled cases 4-8 weeks after the case was tried or mediated, observed mediation and court sessions, and analyzed court dockets and mediation reports.
Comparative?	Yes
Comparison Groups	Cases in courts with a mediation program and cases in courts without one
Sample Size	Of 403 cases selected, 97% had at least one party participate in the interview and 75.6% had both parties participate. More than 70 mediation sessions and 30 small claims court sessions were observed. Information on more than 18,000 cases was gleaned from court dockets from all six courts over a five-year period.
Variables Examined	Satisfaction with overall experience, perceived fairness of the outcome, compliance
Program Variables	Voluntary, free program mediated by volunteers at the courthouse. Often, voluntariness of the process was not clear, or the judge ordered the parties to mediation (13.9% of cases). In 32.6% of cases, mediation was not available at the time the case was called.
Findings	Satisfaction with mediation was 80% if the parties had continuing relationships, 65% if they did not – over all, 66.6% of parties were mostly or completely satisfied, as compared to 54% of those who adjudicated their cases. 67.1% of mediation participants thought the final settlement was fair, as opposed to 59% of those in adjudication. The correlation between percent the settlement was of the original claim and the parties' sense of fairness in mediation was weaker than in adjudication. Both parties thought the settlement was fair in 44% of mediation cases, and in 23.5% of adjudicated cases. Compliance was greater in mediated cases that settled – with 70.6% paid in full, as compared to 33.8% of adjudicated cases and 52.8% of mediated cases that did not settle.
Comment	This study led to those by Vidmar (1985) and Wissler (1995), which had differing findings. For analysis of the compliance data, see "Mediation in Small Claims Court: Achieving Compliance through Consent," LAW & SOCIETY REVIEW Vol. 20: 439-447, by McEwen and Maiman.

Vidmar, Neil. "An Assessment of Mediation in a Small Claims Court." JOURNAL OF SOCIAL ISSUES, 41(2): 127-44, 1985.

Type	Small Claims
Description of Study	Examined the reasons for compliance in small claims cases in an Ontario court - focusing on the extent of admitted liability by the defendant.
Method	<p>Took random sample of mediated cases. Conducted interviews with parties prior to mediation, observed mediations and trials, conducted follow-up interviews with parties 6-12 weeks after the case was resolved (by mediation or adjudication). The sample consisted of 180 cases filed from September 1, 1981 to April 30, 1982.</p> <p>Divided the cases in terms of amount of liability admitted by the defendant: none, partial, and full. Examined variables based upon these different groupings.</p>
Comparative?	Intra-program only
Sample Size	180 cases: 89 classified as no-liability cases, 73 as partial-liability cases, and 18 as full-liability cases
Variables	Compliance, settlement rates, satisfaction with the outcome

Examined

Program Variables

This was a voluntary service provided by staff "referees" without charge to the parties. The process was called a hearing, not mediation, and the referee was highly evaluative; however, the author found the process to be very similar to mediation.

Findings

The settlement rate for no liability cases was 43%. Partial liability cases settled 69% of the time and full liability cases 89% of the time. These results are statistically significant. There were also more all-or-nothing results for no liability cases than for partial or full liability cases. There was significantly greater compliance in partial liability cases than those in which the defendant admitted no liability. The sample was too small to statistically check compliance differences between mediation and adjudication. Mediation compliance was 93-100% (full or partial compliance). Admitted liability may complement the consensus hypothesis (see McEwen and Maiman, 1984) regarding reasons for greater compliance in mediation.

Satisfaction with the outcome was *not* correlated with whether the case was settled or later adjudicated, the form of liability admission (partial or none), or compliance. It was correlated with the perception that the hearing or trial was fair and with the percentage of the amount in dispute won by the plaintiff.

Wissler, Roselle L. "Mediation and Adjudication in the Small Claims Court: The Effects of Process and Case Characteristics." LAW & SOCIETY REVIEW 29(2): 323-357, 1995.

Type

Small Claims

Description of Study

Examined the claims of McEwen and Maiman (1981, 1984) and Vidmar (1985) as to the reasons for compliance in mediation. Also looked at the hypothesis that differences in results between mediation and adjudication were not the result of differences inherent in the processes, but were due to other factors.

Method

Interviewed 3 groups of small claims litigants in 4 courts in the Boston area - those that mediated and settled, those who mediated and then went to trial, and those who only went to trial. Interviews were conducted 6-12 weeks after the court date.

Comparative?

Yes

Comparison Groups

Litigants who mediated and settled, those who mediated and then went to trial, and those who only went to trial

Sample Size

281 litigants in 221 cases: 72 cases that reached agreement in mediation (60% response rate), 53 cases that went to trial after reaching impasse (64% response rate), and 96 cases that only went to trial (36% response rate in 2 courts, 16% in 2 courts)

Variables Examined

Likelihood of settlement, compliance, perceived fairness of the process, satisfaction with the process, whether the outcome was seen to be fair and satisfying

Program Variables

Voluntary program mediated by volunteers without charge to the parties.

Findings

Litigants were significantly more likely to view the mediation process as fair: fairness ratings were 77% for those who successfully mediated, 76% for those who mediated but did not reach agreement, and 62% for those who only went to trial. Of those who went to trial after mediation, only 56% found the trial to be fair.

Those who reached agreement in mediation were significantly more likely to be satisfied with the process than the other groups: 79% of parties in that group were satisfied, compared to 60% of those who did not reach agreement, 61% who only experienced trial, and 56% of those who went to trial after mediation (regarding the trial only). There was no statistical difference in participant attitudes toward the outcome. Of those who reached agreement in mediation, 57% felt the outcome was fair and satisfying, compared to 48% of those who only went to trial and

49% of those who went to trial after mediation.

Contrary to Vidmar's (1985) findings, the degree of admitted liability did not significantly affect settlement or choice of procedure. Disputants with past or ongoing relationships were not more likely to choose mediation or reach agreement. Successful mediation and adjudication groups can be distinguished with 85% accuracy on the basis of 10 process characteristics. Unsuccessful mediation participants described their mediations and trials differently on 5 of 6 measures - thus, mediation and adjudication are different processes. Compliance was only marginally more likely in mediated cases than adjudication cases. Like McEwen & Maiman (1981), this study finds that process differences lead to differences in the participants' evaluation.

Wissler, Roselle L. "The Effects of Mandatory Mediation: Empirical Research on the Experience of Small Claims and Common Pleas Courts," WILLAMETTE LAW REVIEW Vol 33: 565-604, 1997.

Type	Small Claims, Civil
Description of Study	Reports on two studies comparing mandatory and voluntary mediation: one of mediation in small claims courts and another of mediation conducted in a "settlement week" in common pleas courts.
Method	<i>Small claims:</i> telephone interviews of parties in small claims cases 6-12 weeks after mediation/trial. <i>Civil:</i> questionnaires completed by mediators, attorneys, and parties.
Comparative?	Intra-program only
Comparison Groups	<i>Small claims:</i> Those whose mediation was mandatory and those who voluntarily participated. <i>Civil:</i> Voluntary cases (in which both sides asked for mediation), mandated (in which neither side requested mediation), and partially voluntary/partially mandatory (in which one side asked for mediation and the other was compelled to mediate by the court).
Sample Size	<i>Small claims:</i> 171 parties involved in 124 cases. Parties in 37 cases were mandated to mediate; parties in 87 cases participated voluntarily. <i>Civil:</i> 570 mediators, 1124 attorneys, and 646 parties involved in 610 cases completed questionnaires.
Variables Examined	Settlement rate, pressure to settle, satisfaction with the process and outcome, party perception of time and cost savings
Program Variables	Mediation on-site and provided free of charge by volunteer mediators.
Findings	The settlement rate was lower for mandated cases than for voluntary ones. There was no greater sense of pressure to settle for either group. Participants in both mandatory and voluntary mediation were satisfied with the process and outcome, but fewer mandatory participants were satisfied or perceived the process to be fair. Parties thought they were saving time; attorneys thought processing time was greater.

COMMUNITY MEDIATION

Clarke, Stevens H., Ernest Valente, Jr., Robyn R. Mace. MEDIATION OF INTERPERSONAL DISPUTES: AN EVALUATION OF NORTH CAROLINA'S PROGRAMS. Institute of Government, University of North Carolina at Chapel Hill, 1992.

Type	Community Mediation, Victim-Offender (Adult)
Description of Study	Evaluation of the mediation of misdemeanor cases in community mediation programs in Durham, Henderson, and Iredell Counties.
Method	Compared three counties with programs to three corresponding counties without programs.

Examined all cases that were eligible for mediation in both program and non-program counties. Data was gathered from court records, mediation program records, and phone interviews of complainants (1 month and 6-10 months after court disposition).

Comparative?	Yes
Comparison Groups	All cases eligible for mediation in program counties and all cases that would be eligible for mediation in matched non-program counties
Sample	237 of 810 complainants contacted from all six counties were interviewed. Data was collected from 1421 court cases and 544 cases selected for mediation.
Variables Examined	Time to disposition, reduction in trials, satisfaction of complainants with the outcome and process, compliance
Program Variables	Voluntary, free program mediated by volunteers.
Findings	Disposition time for all cases increased in two of three program counties and stayed the same in the third. The trial rate was not affected in two of three program counties and decreased in the third. There was a high rate of satisfaction over all with both mediation and litigation. There was also a high rate of compliance with both mediated and informal agreements. Complainant satisfaction with the case was negatively related to his or her commitment to solving the problem. Complainant satisfaction with the outcome was negatively related to the amount of money he or she spent prosecuting the defendant and was positively related to reaching agreement.
Comments	The county with the most efficient method of referral to mediation showed the greatest effect on the efficiency of the program.

Cook, Royer F., Janice A. Roehl and David I Sheppard. NEIGHBORHOOD JUSTICE CENTERS FIELD TEST: FINAL EVALUATION REPORT. U.S. Department of Justice, National Institute of Justice Office for Program Evaluation, February 1980.

Type	Community
Description of Study	Study of the first 15 months of pilot community mediation programs in Atlanta, Kansas City, and Venice/Mar Vista, California. The study sought to determine the efficacy of these programs in terms of the impact on the disputants, the courts, and the community.
Method	File data and interviews with at least one party in 1301 cases about 6 months after contact with the Neighborhood Justice Center - with both those who mediated their dispute and those who did not.
Comparative?	Yes – on time to disposition and compliance
Comparison Groups	Cases referred to community mediation centers and those that were not (in Atlanta and Kansas City only)
Sample Size	1301 of 2990 (44%) cases handled by the three NJCs. 149 of 2501 cases originally tracked for processing data were tracked to final disposition. The 2501 cases were culled from a total of 8040 cases filed.
Variables Examined	Settlement rate, satisfaction of the parties, compliance, the effect of mediation on the parties' relationship, time to disposition, cost
Program Variables	Voluntary programs mediated mainly off-site by volunteers. Referrals were from police and court clerks at the time of filing, and from judges at the time of trial. The programs had just been established when the study began.

Findings	<p>35% of all cases referred went to mediation, of which 82% ended in agreement. This was an overall agreement rate of 45% for all cases referred. Time to disposition was significantly lower for cases that were mediated than for those that were not.</p> <p>84% of mediation participants were satisfied with the process, 33-42% of those who adjudicated their case were. 86% of mediation participants were satisfied with the agreement; 33% of those who went through adjudication were satisfied with the outcome.</p> <p>69-90% of those who mediated reported the other party complied with the agreement. 70% of those who went to trial reported that the dispute was resolved.</p>
Comments	This study was the first major study of community mediation in the United States.

Gomez, Paul C. et al. EVALUATION OF THE IOWA ALTERNATIVE DISPUTE RESOLUTION PROGRAMS. National Center for State Courts, 1998.

Type	Community, Small Claims, Family
Description of Study	Looked at case processing time for family, small claims, and community cases in 8 mediation programs throughout Iowa that were receiving state ADR funds.
Method	Interviewed the program staff, judges, administrators, and court staff regarding the programs. Surveyed attorneys regarding the quality of the mediator. Selected a random sample of up to 20 ADR and non-ADR cases in each program to study how the cases were processed.
Comparative?	Yes
Sample Size	Up to 20 ADR and 20 non-ADR cases in each program
Variables Examined	Time to disposition; number of hearings, motions, and pre-trial conferences; attorney satisfaction
Program Variables	Programs were both mandatory and voluntary, but all used volunteer mediators and offered mediation free of charge.
Findings	The programs did not appear to affect the time to disposition or the number of pre-trial hearings or motions. They did appear to reduce the number of pre-trial conferences. Attorneys indicated a high degree of satisfaction with the programs and believed participation in the programs reduced costs to their clients.

Pruitt, Dean G., et al. "Long-Term Success in Mediation." LAW AND HUMAN BEHAVIOR 17(3): 313-330, 1993.

Type	Community
Description of Study	Examined the antecedents of long-term success (see "Findings" for a definition of long-term success) in community mediation, focusing on features of the agreement and features of the process.
Method	Seventy-three mediation sessions at a community mediation center in Buffalo were recorded and analyzed. The participants were interviewed immediately after mediation and 4-8 months later.
Comparative?	No
Sample Size	73 mediated cases
Variables Examined	The effect of agreement and process features on long-term success

Program Variables

Not given

Findings

There were agreements in 63 of the 73 cases. Long-term compliance with the agreement by the other party was reported by 59% of complainants and 62% of respondents. 76% of complainants and respondents said no new problems had developed. An equal number of parties said their relationship with the other party was pleasant as those who said it was unpleasant. Compliance was related to relationship quality and new problems, and relationship quality was related to new problems. Short-term success, as measured by “the extent to which they solved immediate problems,” was not linked to long-term success, measured in this study as compliance, improved relations between the parties and the absence of new problems.