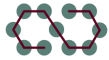




CAADRS

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

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This bibliography is a part of a larger survey of studies of court mediation programs that was undertaken as part of CAADRS' mission to assist courts in Illinois to make the most efficient and effective use of alternative dispute resolution systems. The studies were conducted within the last fifteen years, with the exception of some earlier, seminal studies. They evaluate a range of programs, including civil, family, small claims, victim-offender, workers' compensation, bankruptcy, and appellate. The analysis of these studies is forthcoming.

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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.

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	Examined 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	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. 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.

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	Looked at monetary and custody agreements 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/cfcc/resources/publications/articles.htm.

Type	Family
Description of Study	Looked at 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 – 72% 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	1699 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 that reached impasse in mediation. Perception of fairness of the outcome was highest in mediation as opposed to other methods of agreement. Mothers with mediated agreements reported the fewest problems with their children.

Camplair, Christopher W. and Arnold L. Stolberg. "Benefits of Court-Sponsored Divorce Mediation: A Study of Outcomes and Influences on Success," MEDIATION QUARTERLY 7(3): 199-213, Spring 1990.

Type	Family
Description of Study	Looked at the effect of mediation on family dynamics and psychological adjustment.

Method	76 couples in both pre- and post-decree cases completed pre-session questionnaires regarding family dynamics; mediators completed questionnaires post-session regarding family adaptive functioning.
Comparative?	No
Sample Size	76 couples
Variables Examined	Family and couple functioning
Program Variables	Voluntary program
Findings	Mediation led to psychological gains in family and couple functioning. Mothers reported greater improvements in family and couple functioning than fathers, and presented and resolved more of their primary disputes through mediation.

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 – indigent v non-indigent clients
Sample Size	29 cases
Variables Examined	Outcomes and 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.

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.

Type	Civil cases claiming in excess of \$10,000
Description of Study	Looked at efficiency and satisfaction issues in a civil case pilot program in North Carolina, with in-depth analysis of the programs 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. Only 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 can mandate mediation for specific cases. Professional mediators paid for off-site sessions. Judge refers cases. Party participation in sessions is 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).

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
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 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, and compliance.
Program Variables	Voluntary, free program mediated by volunteers.
Findings	Disposition time for all cases increased in two of three counties and stayed the same in the third. The trial rate was not affected in two of three 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, CA. 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 - both with 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.

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
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 are referred at the time the application hearing is scheduled.
Findings	Only 15% of all cases referred are being mediated. Of those, 81% are resolved at mediation. The low number of mediations limits the impact on the number of warrant application hearings held.

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	Sent questionnaires to all participating attorneys over a four-year period.
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. Mediators are 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.

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	Immediately after mediation: 310 parties and 273 attorneys. Three years after case closed: 293 parents. Data from court records of 880 cases (approximately 12% of 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. 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); 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.

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

Type	Civil
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 time of study.

Findings 57% of mediated cases reached argument or submission; only 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 appellate process: 23% more mediated cases than non-mediated appeals terminated before the filing of 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.)

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 mandatory 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 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	Voluntary mediation offered free to participants at the courthouse.
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.

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 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%.

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	Mediation was initially free, but later was for-fee. All cases were referred to an orientation about mediation in James City County; mediation was voluntary thereafter. The program in James City County was in place less than one year before study commencement.
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.
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	Domestic relations: All cases mediated and random sample of eligible non-mediated cases. Civil: Random sample of mediated cases and eligible non-mediated cases.
Sample Size	Domestic relations: 190 litigants from mediated cases, 144 from non-mediated cases; 51 attorneys from mediated cases, 64 from non-mediated cases. Civil: 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	Both programs were voluntary. In the civil case mediation program, the case had to have a trial date that was at least three months away in order to be eligible for mediation. In the domestic relations mediation program, mediations could be scheduled in advance or be conducted on the day of the trial.
Findings	Domestic relations mediation program: 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).

Simple civil case program: 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 on-line at www.ganet.org/qadr/pdfs/finalsji.pdf.

Type	Civil and 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 are largely voluntary, but mediation may be mandated by the court. Mediators are paid 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.

Goerd, John A. "Small Claims Mediation in Three Urban Courts" in SMALL CLAIMS AND TRAFFIC COURTS: CASE MANAGMENT 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. All cases were referred to mediation in Washington, 75% of all cases were mediated in Portland, 65% of all cases were mediated in 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.

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

Type	Community, Small Claims, and Family programs
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.

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 on-line at www.attorneygeneral.jus.on.ca/html/MANMED/pilotproject.htm.

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, a random sample of 704 mediated cases in Ottawa and 1618 in Toronto (of 2689 and 3539 cases, respectively), and 1093 cases 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>

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 does not accelerate the timing of settlement, but increases 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 adds time to some cases that finish quickly, but has 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>

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, and 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.

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 represents "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.

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 and 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.

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. Style was primarily evaluative in NY and PA and facilitative in OK and TX. 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 lawyer work hours or fees were affected. There was no difference in satisfaction as viewed by attorneys, but attorneys were satisfied over all.

Comments This study is perhaps the most thorough examination of mediation in court programs yet done. For reaction to it, see the Summer 1997 issue of *Dispute Resolution Magazine*, which has several articles about it.

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, mailed questionnaires 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, and 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	<p>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.</p> <p>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.</p> <p>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.</p>

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.

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	Surveys 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. 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 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. Programs had been in existence several years at the time the study was conducted.
Findings	<p>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.</p> <p>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</p>

only 23-43% believing so. There was a high correlation between satisfaction with the outcome and satisfaction with the fairness of the process.

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>

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

Type	Small Claims
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 case 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 80% if 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, 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.

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	Dependency
Description of Study	Examination of 12 county-wide child dependency 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	546 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>Agreement rate was 66% full, 11% partial, and 4% full pending further information.</p> <p>Galveston County reported savings of \$4,036,746 in 21 months.</p>

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 Mediation
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	Recidivism rate for those who completed mediation was not significantly different from the rate for those who did not.

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 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.

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	<p>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 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.</p> <p>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.</p>
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 were referred but did not participate, those that mediated and did not settle, 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>

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 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.

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 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 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.

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

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.

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
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 group in Tulare and Santa Clara counties was made up of cases comparable to those sent to

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

Type	Child Protection
Description of Study	Evaluation of the efficiency of a dependency mediation program in Colorado's 4 th 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 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. Evaluated program 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.

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 on-line at ssw.che.umn.edu/rjp/Resources/Documents/umbcoa92.pdf.

Type Victim-Offender (juvenile)

Description of Study Comparison study of VORPs 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., 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 on-line at ssw.che.umn.edu/rjp/Resources/Documents/Cumb95.pdf.

Type Victim-Offender

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 by 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 the 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%.

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 online at www.odrc.state.or.us/toc.htm.

Type Victim Offender Mediation (VOM)

Description of Study Study of the functioning and impact of VOM 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 VOM 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 another, 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 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 The resolution rate was 86% for all programs combined.

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.

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).

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	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.
Comparative?	Divided the cases in terms of amount of liability admitted by the defendant: none, partial, and full. Examined variables based upon these different groupings. 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 Examined	Compliance, settlement rates, satisfaction with the outcome
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	<p>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.</p> <p>Satisfaction with the outcome was <i>not</i> 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.</p>

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 and Vidmar 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	<p>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.</p> <p>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.</p> <p>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. such as...? 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.</p>

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 and Civil
Description of Study	Article 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 Groups	Small claims: Those whose mediation was mandatory and those who voluntarily participated. Civil: 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	Small claims: 171 parties involved in 124 cases. Parties in 37 cases were mandated to mediate; parties in 87 cases participated voluntarily. Civil: 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 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. 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, and 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	<i>Maine:</i> 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. <i>Ohio:</i> 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%).

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. Mediation style tended to be evaluative. Cases in the pilot programs referred approximately 4 months after filing; for settlement week, mediation occurred on average 10.5 months after filing.
Findings	<p>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.</p> <p>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.</p>

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

Seems that court had already fostered a cooperative, negotiation-friendly atmosphere prior to introducing the mediation program.