

EVALUATING ALTERNATIVE DISPUTE RESOLUTION PROGRAMS

Review and
Recommendations for
Mediation in Virginia



DISPUTE RESOLUTION SERVICES



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Dispute Resolution Services



**Centralized ADR
resource office**



**Provides dispute
resolution options
within the court
system**



**Oversees
certification of
mediators and
training programs**



**Enforces
standards of ethics
& training
guidelines**



**Evaluates
effectiveness of
programs**

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Statement of Problem

Currently, DRS is not satisfied with their monitoring and evaluating system. DRS wants to find a better approach in assessing mediation sessions and mediators.

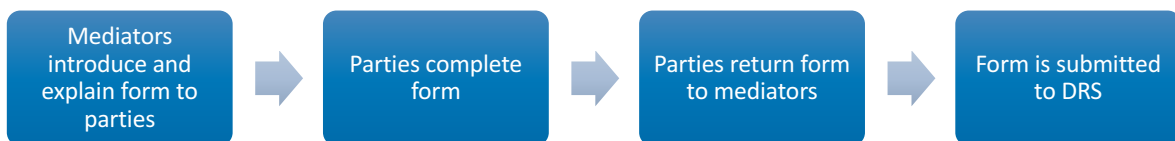
Research Questions

1. How can DRS's current mediation and mediator data collection and evaluation/monitoring processes be improved to better align with best practices in court-connected mediation program monitoring and evaluation?
2. What are DRS's and stakeholders' perceptions of the current mediation and mediator data collection and evaluation/monitoring processes?

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Program Evaluation in Virginia

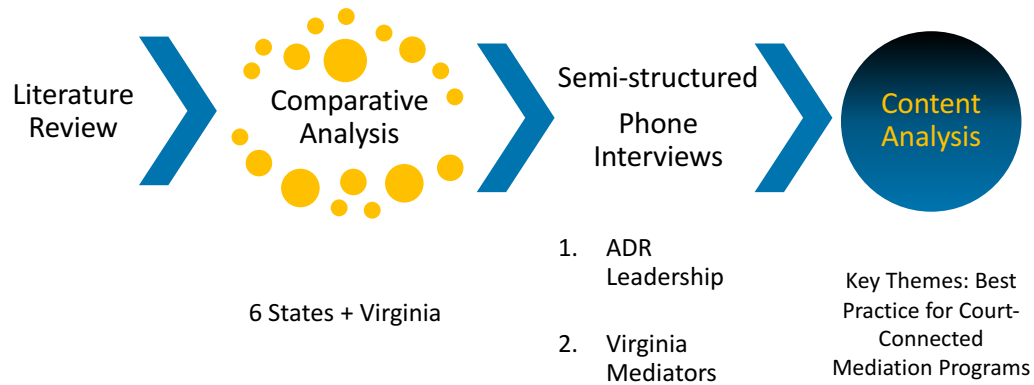
What are mediators doing?



- DRS does not know when a mediation is occurring
- Feedback process is not confidential for parties
- Not a uniform method or timeframe for submission

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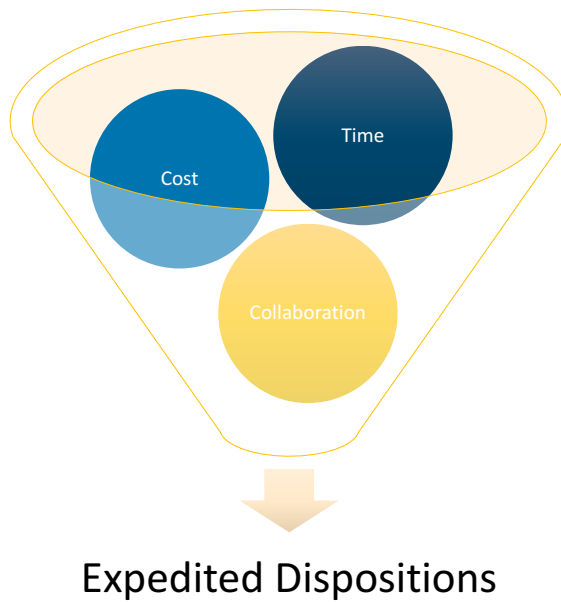
Methodology



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ADR

Alternative Dispute Resolution is often favored when compared to litigation because...



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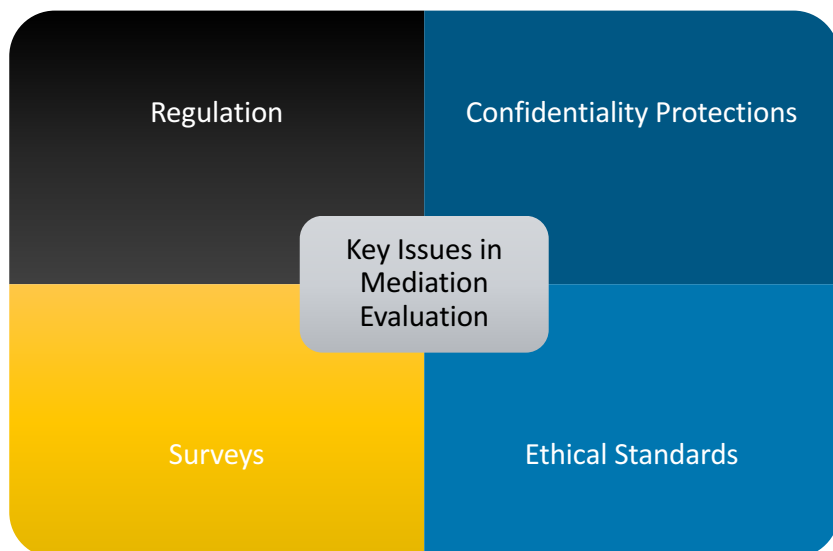
ADR

The goal of ADR is *not* just to solve one-off disputes.

Strengthening communication, gaining understanding, and deepening relationships to achieve lasting harmony between parties is the ultimate goal of DRS and for court-connected ADR as a field.

Findings from the Literature

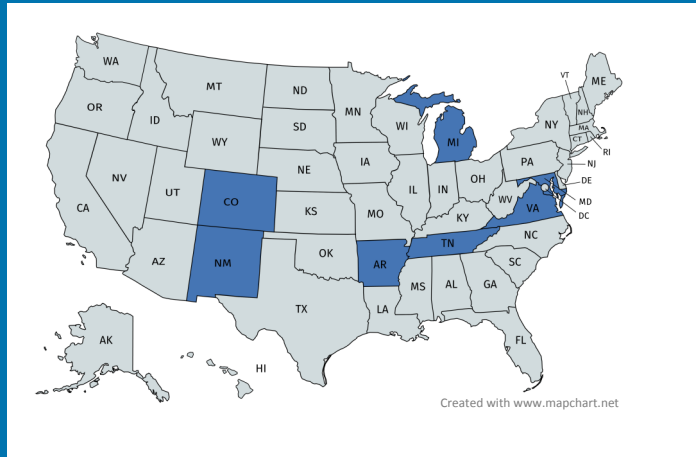
There are unified concepts of ADR and mediation, but there are no unified approaches.



State Comparison

- Program structure
- Mediator qualifications and training
- Survey content and administration
- Data-driven decision making

Almost all states use mediation, but the commonalities largely end there.



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State Comparison

What are other states doing well?

Arkansas

- Quality of training

Colorado

- Confidentiality and electronic forms

Maryland

- Ease of administrative processes

Michigan

- Data reporting

New Mexico

- Accessibility and difficult to reach populations

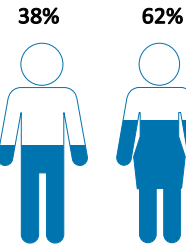
Tennessee

- Feedback from mediators

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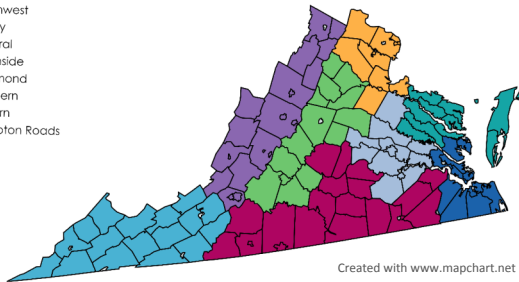
Virginia Mediators

13 Semi-Structured Phone Interviews

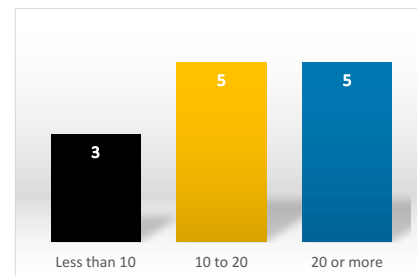


Virginia Regions

- Southwest
- Valley
- Central
- Southside
- Richmond
- Northern
- Eastern
- Hampton Roads



Years of Experience Mediating



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Findings

Key themes driving recommendations

	Resolution Systems Institute	American Bar Association Section of Dispute Resolution	States	VA Mediators
Assessment of Program Health	✓	✓	✓	✓
Confidentiality	✓		✓	✓
Electronic Survey	✓	✓	✓	✓
Program Goals		✓	✓	✓
Survey Format	✓	✓	✓	✓
Time	✓		✓	✓
Training/Incentives		✓	✓	✓

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Vision for DRS

Most comprehensive court-connected mediation program in the country

Strengthening access to justice by offering a range of quality, effective, and low-cost court alternative dispute resolution options

1 Develop program goals for monitoring and evaluation

Measurable

"They (DRS) need to come with a plan of why they want the survey done."

-Virginia Mediator

Achievable

"It is critical to know what program goals are and what needs to be accomplished."

-Chair, Court Alternative Dispute Resolution Committee, ABA Section of Dispute Resolution

Stakeholder-driven

"The research has shown us that if we're able to provide a good experience in mediation, even if they did not settle their case, they feel better about their interaction with the judicial system, which is really valuable to the work that we do."

-ED of ADR Programs, Maryland

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2

Develop and implement a mediation intake form

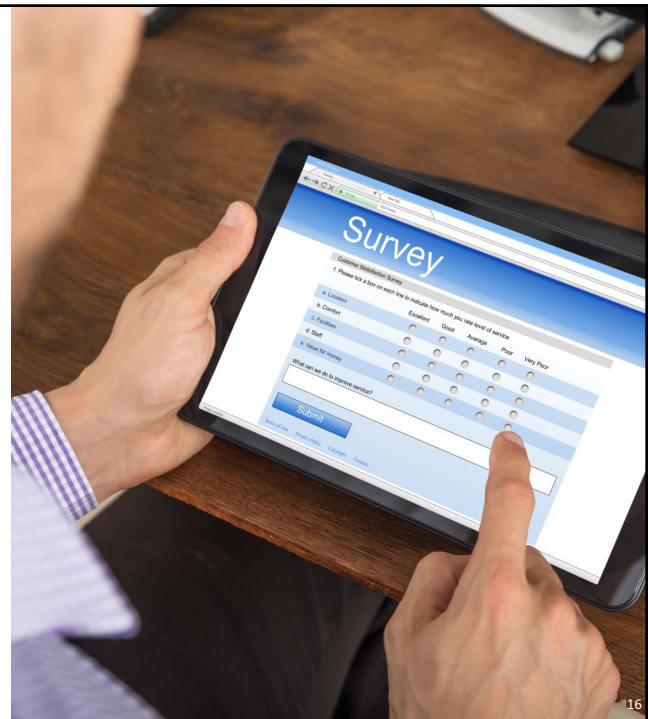


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Develop and implement an electronic mediator survey evaluation tool

- Confidentiality
- Time restrictions
- Efficiency
- Length
- Redundancy
- Clarity



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4 Improve data collection


Standardization of Data Collection Protocol

- Simple is best
- Collect and analyze quarterly
- Realistically achievable

Internship Program

- Data entry/collection assistance
- Student development opportunities

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Incorporate additional training opportunities and incentives

- Data-driven decision making
- Positive evaluation feedback
- Model effective techniques
- Specific targeted training
- Diversification

Mediators should be encouraged to voluntarily increase their skill sets by "incentivizing learning and improving in a manner that is not designed to be a punitive system."

-Chair, Court Alternative Dispute Resolution Committee, ABA Section of Dispute Resolution

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Create an annual report

- Program highlights
- Develops credibility and value
- Grant and funding opportunities

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RECOMMENDATIONS

1

**Develop
program goals
for monitoring
and evaluation**

2

**Develop and
implement a
mediation
intake form**

3

**Develop and
implement
an electronic
mediation
evaluation
survey tool**

4

**Improve
data
collection**

5

**Incorporate
additional
training
opportunities
and
incentives**

6

**Create an
annual report**

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