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Massachusetts Community Mediation Center Grant Program

Fiscal Year 2015 Report & Evaluation

Massachusetts Office of Public Collaboration
John W. McCormack Graduate School of Policy & Global
Studies
University of Massachusetts Boston

December 2015

This is the MA Community Mediation Center Grant Program annual report to the state reporting on implementation and impact of the program in its third year of operation. The report includes an account of program implementation activities and an evaluation of program impact and overall benefits to the Commonwealth of Massachusetts.



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Executive Summary

The Massachusetts Office of Public Collaboration (MOPC, originally known as the Massachusetts Office of Dispute Resolution), the statutory state dispute resolution agency and an applied research center of the McCormack Graduate School at the University of Massachusetts Boston, has administered the Community Mediation Center Grant Program (the CMC Grant Program or grant program) under G.L. Ch. 75, §47 since July 2012. The grant program provides state operational funding to qualified community mediation centers. The program goal is to advance the mission of community mediation as a cost-effective public service that increases access to justice for Massachusetts citizens, particularly for low income residents. As the program administrator, MOPC is responsible for grant-making, program management, data collection, evaluation, research, reporting, program development and outreach. This comprehensive evaluation report is in fulfillment of MOPC's responsibility as program administrator to establish public accountability for this statutory state-funded, performance-based grant program for Fiscal Year (FY) 2015.

In FY 2015, a total of \$750,000 was appropriated for the CMC Grant Program, out of which \$585,500¹ was awarded in grants to the 13 qualified centers.² Eligibility for program grants was based on center compliance with twelve standards or criteria for community mediation excellence, articulated in the Twelve-Point Model. The standards encompassed service to the community, providing accessible services, providing quality services, and reflecting community diversity. The size of individual grants was determined by a center's progress in achieving excellence under the model and by the amount of mediation services delivered. A cash match was included as a grant requirement.

These state operating grants were a lifeline for centers. The CMC Grant Program grants supported the operations of centers, enabling them to provide coverage across fourteen counties, nine regions, and the area served by 74 court divisions. Centers minimized the obstacles to using community mediation services posed by expense, distance, and time by providing their services for little or no cost at times and locations convenient to parties. To assure excellence of service, the 13 funded centers required their mediators to complete a basic training consistent with court rules. Most centers also established quality control of services by

¹ Another \$8,425 was provided to centers as a whole in the form of technical assistance training for implementation of the MADtrac case management database system.

² One less center applied in FY 2015 than in FY 2014; between those years the number of applicants dropped from 14 to 13 centers.

furnishing continuing education and advanced training opportunities for mediators, making changes in the supervision of mediators, and keeping records.

Funded centers responded to the conflict resolution needs of their communities, using three mutually reinforcing strategies: assisting with the settlement of disputes, strengthening conflict resolution capacity, and raising public awareness of community mediation. Inter-personal conflict in Massachusetts was addressed in FY 2015 through 5,429 intakes and 3,784 mediations conducted by the 13 centers awarded CMC Grant Program grants. An average of 418 intakes and 291 mediations were conducted by each center. Based on these intake and mediation averages, funded centers were more productive in FY 2015 than in the previous fiscal year.

The community was served as conflicts were mediated by centers whether cases were drawn from the judicial system or from some other source. Court-based cases, particularly from the District Courts, predominated. Funded centers provided mediation services for community-referred cases as well, addressing disputes that fell outside the legal system.

All centers were prepared to deal with conflicts from the entire spectrum of conflict intensity. Whether court-based or community-referred, at least 16 common dispute types were handled by funded centers in FY 2015, including housing, consumer, family, neighborhood, peer/youth, commercial and employment among others.

There were 8,119 people who received mediation services. Lower-income and underserved populations were well-represented in the FY 2015 group of mediation beneficiaries. For the most part, diversity of clients, mediators, staff, and board members remained unchanged. However, six centers did find that their diversity initiatives were rewarded by increases in the diversity of clients, mediators, and board members to better reflect the diversity of their communities.

In FY 2015, 2,668 full agreements and 96 partial agreements were achieved through mediation services provided by the funded centers. The resulting agreement rate of 73% was well above the 66% national agreement rate for community mediation of disputes and exceeded the 67% Massachusetts agreement rate from FY 2014. These mediated agreements demonstrated a reduced need for court involvement in those disputes. In addition, \$4,135,893 was returned to consumers as a result of center mediation services for consumer and landlord-tenant disputes. Qualitative benefits accruing to users of community mediation included improved interactions among disputants involving communication, conflict resolution skills, conflict reduction, and civility. Mediation services

delivered to parents in child access and visitation disputes, for example, met with substantial party approval from over 90% of 135 surveyed parents.

Community mediation centers also strengthened the conflict resolution skills of Massachusetts citizens. Centers provided a range of mediation and conflict resolution training in their regions. Participation in trainings increased at nine centers while the status quo prevailed at four, with 820 people trained compared to 497 from the previous year. Nine centers conducted workshops in FY 2015 for members of the community, including mediators.

All funded centers engaged in on-going outreach activities to publicize their services. A large majority of centers reported that their outreach and education activities paid off with greater public awareness of mediation, with an increase in the number of people requesting mediation services, and with a larger quantity of mediation referrals. In all, over 163,000 members of the public were made aware of the availability of community mediation services, and more than 21 sources generated 5,532 referrals to centers.

MOPC, as program administrator, engaged in grant-making, monitoring, programming development, advocacy, evaluation, and reporting to ensure that centers were supported and that access to community mediation was expanded throughout the state. Out of the \$585,500 awarded to the 13 center applicants, the average grant amount was \$45,039. The total cash income of centers collectively for FY 2015 was \$1,947,254, of which these state grants constituted 30% . Individually, the average grant comprised 35% of center cash income. The importance of the FY 2015 grants to centers was reflected in its positive impact on center sustainability. Center reports about grant impact on their operations and services indicated either improvement or maintenance of the status quo.

The \$200,000 increase in appropriations for FY 2015, over FY 2014, enabled MOPC to hire a full-time program manager to administer the grant program, coach and mentor center directors on performance planning and non-profit management; focus on public outreach and education; plan professional development training for center staff and mediators; assist centers in meeting their grant responsibilities, and coordinate collaborative program implementation, planning and advocacy by MOPC and funded centers. The grant application process came under review in an attempt to simplify the process. Modifications made for the next application round included reducing the number of goals that centers would strive to achieve as qualitative criteria for performance-based grants, adding narrative examples to illustrate application guidelines; transforming the self-rating scale for performance grants from ten points to five, among other changes. In order

to deepen center involvement with the running of the grant program, work groups were set up relating to the quantitative criteria for center performance assessment, as well as the establishment of center-based student internships, and the development of mediator excellence principles and of program-supported activities.

The development of new programming initiatives and the expansion of already established programming were a high priority for the individual centers and for MOPC in serving the conflict resolution needs of the community and further broadening access to community mediation across the state. Over the course of the year, restorative justice projects, elder and family mediation services, mediation of citizen-police issues, prisoner re-entry ventures, and assistance for the conflict management needs of municipalities were explored to determine their suitability as candidates for sustainable statewide programming. As a result of a municipal needs assessment study conducted by MOPC, a critical role for community mediation centers in addressing the conflict resolution needs of municipalities was identified.

Analysis of the economic impact and return on investment from community mediation supported by the state-funded CMC Grant Program shows \$11.8 million in cost-savings and leveraged resources for FY 2015, an amount exceeding the \$8 million documented for FY 2013 and FY 2014:

Cost-savings from MA Community Mediation in FY 2015: (estimated \$7.1 million)

1. \$4,253,972 saved to parties from face-to-face consumer mediations conducted by twelve centers.
2. \$1,492,000 to the court system and \$552,040 saved to parties from 2,984 successfully mediated small-claims, summary process and minor criminal cases.
3. \$625,000 saved to parties from 125 successful divorce mediations.
4. \$83,790 saved to the court by preventing 95 juvenile cases from going through court.
5. \$140,000 saved to local businesses/organizations from workplace mediations.
6. \$43,692 saved from avoided student suspensions or expulsions as a result of 132 successful peer mediations conducted by four Massachusetts community mediation centers.

Resources Leveraged by MA Community Mediation in FY 2015: (estimated \$4.7 million)

1. \$2,478,177 leveraged by 537 volunteer mediators at thirteen community mediation centers.
2. \$758,500 worth of mediation trainings for 820 community members.
3. \$448,500 from re-investing in existing centers with established networks of volunteers, referral sources and programmatic funders.
4. \$830,633 in additional non-state funds raised by centers from \$585,500 in state operating and community project grants.
5. \$138,001 from 7,187.55 hours of pro bono administrative services from staff, volunteer administrators, board and interns.

In sum, the CMC Grant Program contributed to the productivity of state-funded community mediation centers as demonstrated by increases in the number of people served and in the average intakes and mediations per center in FY 2015 compared to FY 2014. Moreover, the sizable number of centers that experienced either growth or stasis in indicators of success that measured outreach impact, diversity, and operational features provide evidence that state grants to funded centers not only sustained, but also strengthened the delivery of community mediation services and broadened access to community mediation for Massachusetts citizens. These positive outcomes should be reinforced through implementation of recommendations for increasing legislative appropriations for the CMC Grant Program beyond current levels, funding core staff at centers to deploy volunteers and coordinate outreach and fundraising, increasing efforts to expand the network of funded centers, continued efforts to build mediator excellence, capacity for non-profit management by centers, further streamlining of reporting and application requirements by MOPC, continuing diversification of referral and funding sources by centers, and continued development of new programs by centers and MOPC alike.

Introduction

By enshrining access to community mediation as state policy through passage of G.L. ch.75, §47 in July 2012, Massachusetts placed the benefits of community mediation – namely, the resolution of conflict through a non-adversarial, non-authoritarian method that was more responsive to the needs of disputing parties, reduced litigation and its costs, and limited damage to party relationships³ – within reach of members of the public. The legislation provided for the establishment of a state-funded Community Mediation Center Grant Program (the CMC Grant Program), administered by the state’s office of dispute resolution (the Massachusetts Office of Public Collaboration or MOPC), to award operational grant money to eligible community mediation centers (centers) and thereby “promote the broad use of community mediation in all regions of the state.” The state invested in the CMC Grant Program, with an initial appropriation of \$650,000 in Fiscal Year (FY) 2013, followed by appropriations of \$550,000 and then \$750,000 in fiscal years FY 2014 and FY 2015, respectively. The state funding for the grant program covers grants and technical assistance to centers and program administration by MOPC under a 80/20 percent formula.

Community mediation is a voluntary conflict resolution process in which a trained, neutral, community volunteer assists disputants, for free or at low cost, with discussing their issues and exploring options for a mutually acceptable agreement under the auspices of a community mediation center, which is to say, a community-based program of a non-profit organization or public agency that also engages in education and outreach.⁴ Since disputants who participate in

³ Ballard, R. H., Holtzworth-Munroe, A., Applegate, A. G., & D’Onofrio, B. (2011). Factors affecting the outcome of divorce and paternity mediations. *Family Court Review*, 49:1, 16-33; Caprez & Armstrong, 2001; Emery, R. E., Sbarra, D., & Grover, T. (2005). Divorce mediation: Research and reflections. *Family Court Review*, 43:1, 22-37; Pearson, J. & Thoennes, N. (1984). Mediating and litigating custody disputes: A longitudinal evaluation. *Family Law Quarterly*, 17:4, 497-523; Pearson, J. & Thoennes, N. Divorce mediation research results. (1988). In J. Folberg and A. Milne. (Eds.). *Divorce mediation*. New York: The Guilford Press; Wilkinson, J. (2001). *A Study of Virginia and ten states: Final report and recommendations*. Virginia Association for Community Conflict Resolution (VACCR), Institute for Environmental Negotiation, University of Virginia; Wissler, R. L. (1995). Mediation and adjudication in the Small Claims Court: The effects of process and case characteristics. *Law & Society Review*, 29:2, 323-358.

⁴ Hardin, A. (2004). *The state of community mediation report 2004 data*. Washington, D.C.: National Association for Community Mediation (NAFCM); Ray, L. (1997). Community mediation centers: Delivering first-class services to low-income people for the past twenty years. *Mediation Quarterly*, 15:1, 71-77; Shaw, L. A. (2010). Divorce mediation outcome research: A meta-analysis. *Conflict Resolution Quarterly*, 27:4, 447-467; Wilkinson, 2001.

community mediation are the decision-makers and agreements are consensual, community mediation constitutes a non-adversarial, non-authoritarian alternative to dealing with conflict that offers such benefits as the resolution of disputes, substantial party satisfaction, and less relationship damage between parties.⁵

As community-based institutions, the community mediation centers exemplify “familiar, comfortable, and welcoming environments,” which “provide more timely assistance due to their proximity to where families live,” and “have a history of serving low-income people and diverse communities.”⁶ Moreover, the combination of affordability and community, forged by the free or affordable mediation services delivered by community volunteers from centers embedded in the community, places the advantages of community mediation within reach of lower-income and underserved populations. State support has been critical to the continued survival of these centers, made more vulnerable to economic stresses since the last recession and the loss of court funding in 2009. And so, state investment in community mediation centers through the CMC Grant Program has proven to be an investment in wider access to mediation services, particularly for lower-income and underserved populations.⁷

⁵ Wilkinson, 2001, *op. cit.*; Wissler, 1995, *op. cit.*

⁶ Moses, J. (2009, November). *Parenting with a plan: How TANF can support positive parenting relationships and foster father involvement*. Washington, DC: Center for American Progress, p. 20. Available at www.americanprogress.org.

⁷ Hardin, 2004, *op. cit.*

I. Impact of CMC Grant Program Grants on Centers

In FY 2015, the state appropriated \$750,000 of funding for the CMC Grant Program, of which \$585,500⁸ was awarded in state operating grants to the 13 qualified centers that applied.⁹ Eight centers operated as independent non-profits, and five functioned as a program of an umbrella non-profit agency, viz., a community college, a housing authority, and various types of social service agencies. The funded centers together represented over 350 years of service to residents across the state. As Table 1 indicates, these successful applicants, collectively speaking, made community mediation services available in every county in Massachusetts, with a presence in such regions as the Cape and Islands, the Berkshires, Central Massachusetts, Greater Boston, Greater Lowell, MetroWest, North Shore, Western Massachusetts, and the South Shore.

Table 1. Massachusetts community mediation centers awarded CMC Grant Program grants in FY 2015 by regions served

Community Mediation Center	Region covered
Berkshire County Regional Housing Authority (BCRHA)	Berkshire County
Cape Cod Dispute Resolution Center (Cape Mediation)	Cape & Nantucket
Community Dispute Settlement Center (CDSC)	Greater Cambridge/Metro Boston
Family Services of Central Massachusetts (Family Services)	Central Massachusetts
Greater Brockton Center for Dispute Resolution (Greater Brockton)	Greater Brockton, South Shore
Law Center at Middlesex Community College (MCC Law)	Greater Lowell
Martha's Vineyard Center for Dispute Resolution (Martha's Vineyard)	Martha's Vineyard

⁸ In addition to the funding awarded to centers in operational and project grants, centers were provided with technical assistance and training for implementation MADtrac (\$8,425) and training to build capacity in serving municipalities delivered by MOPC staff and affiliates.

⁹ A fourteenth center elected not to apply for a grant and received legislative funding under other auspices.

Community Mediation Center	Region covered
MetroWest Mediation Services (MetroWest)	MetroWest
Metropolitan Mediation Services (MMS)	Greater Boston
Mediation Services of North Central MA (MSI)	North Central Massachusetts
North Shore Community Mediation Center (North Shore)	North Shore, including Essex County
Quabbin Mediation (Quabbin)	Western Massachusetts: Franklin, Hampshire, and Quabbin Counties
The Mediation & Training Collaborative (TMTC)	Western Massachusetts: Franklin, Hampshire, and Hampden Counties

Eligibility for program grants was based on center compliance with twelve standards or criteria for community mediation excellence, articulated in the Twelve-Point Model presented in Table 2. The standards encompass service to the community, providing accessible services, providing quality services, and reflecting community diversity. The size of individual grants was determined by a center's progress in achieving excellence under the model and by the amount of services delivered. As a result, these twelve standards had a dual function in the grant application process: to motivate centers to achieve and maintain community mediation excellence and to provide a merit-based framework for the award of grants.

Table 2. Twelve-Point Model of Massachusetts community mediation by category.

Category	Points of Twelve-Point Model of Massachusetts community mediation
Service to the community	Provide a range of mediation services - to address community needs, including but not limited to housing, consumer, family, neighborhood, peer/youth and workplace mediation.
	Establish collaborative community relationships - with other service providers to meet community needs.
	Educate community members - about conflict resolution and mediation.
	Work with the community in center governance and center development (including fundraising) by involving community members as staff, volunteers, board members and project partners.
Providing	Provide mediation and conflict resolution services at no cost or on a sliding

Category	Points of Twelve-Point Model of Massachusetts community mediation
accessible services	scale.
	Hold mediations in neighborhoods where disputes occur.
	Schedule mediations at a time convenient to the participants.
	Provide mediation at any stage in a dispute - including the early use of mediation for conflict prevention and collaborative problem-solving.
Providing quality services	Maintain high quality mediation services by providing intensive, skills-based training, apprenticeships, continuing education AND on-going evaluation of volunteer mediators.
Reflecting diversity	Train community members, who reflect the community's diversity with regard to age, race, gender, ethnicity, income and education, to serve as volunteer mediators.
	Provide mediation, education and other conflict resolution services to community members who reflect the community's diversity with regard to age, race, gender, ethnicity, income, education and geographic location.
	Mediate community-based disputes that come from diverse referral sources, such as community organizations, police, faith-based institutions, courts, community members, government agencies and others.

Accordingly, grants were awarded to centers at all levels of achievement to encourage their continued pursuit of excellence. Grant totals consisted of \$556,500 in standard operating grants, awarded to all successful applicants, and \$29,000 in community project challenge grants, awarded to two centers to support positive youth development projects.

II. Impact of Funded Centers on the Community

Apart from the staffing issues troubling a handful of centers, the stability of their situation, fueled in part by program grants, enabled funded centers to maintain, and in some respects expand, the quality and scope of their services to the community.

A. Serving the community by responding to community conflict resolution needs

In FY 2015 funded centers responded to the conflict resolution needs of their communities with a three-pronged approach that consisted of assistance with settling disputes, strengthening conflict resolution capacity, and raising public awareness of community mediation. In so doing, the centers employed three separate, mutually reinforcing strategies to reduce conflict in the community.

1. Settling disputes through mediation services from funded centers

The stated goal of community mediation is to resolve the conflict between disputants. Although parties ultimately controlled the achievement of this goal, centers made intake and mediation services from their staff and mediators available to assist parties with handling the conflicts troubling them.

Intakes and mediations¹⁰

Inter-personal conflict in Massachusetts was addressed in FY 2015 through 3,784 mediations conducted by the 13 centers awarded CMC Grant Program grants, 18 fewer total mediations than the year before, which were delivered by 14 grant-funded centers. As a pre-condition for mediating, 5,429 intakes were performed in FY 2015 by the funded centers to determine the appropriateness of mediation for the dispute in question and to obtain party consent to the process, at 235 more intakes than in FY 2014. Just about 70% of the FY 2015 intakes resulted in mediation. On average, 291 mediations were conducted by each center, ranging from 27 to 766 mediations per center. The average number of intakes was 418, with a range of 61 to 942 intakes. Based on intake and mediation averages, funded centers were more productive in FY 2015 than in the previous fiscal year. The intake average for FY 2015 was 11% greater than the FY 2014 average of 371 intakes, and the FY 2015 mediation average exceeded the prior year's mediation average of 272 by 7%.

Factors influencing intake and mediation numbers: For most centers, FY 2015 intake and mediation numbers were affected by increases in referrals (at nine centers), court use of alternative dispute resolution services (at eight centers), and programmatic funding (seven centers). Between five to six centers attributed their changed intake and mediation numbers to increased staff hours, operational funding, and volunteers. Between five and nine centers reported no changes in factors like mediator availability (nine centers), volunteers (seven centers), funding (six centers) – whether operational or programmatic, and staff hours (five centers).

Court-based and non-court based cases: The conflicts came to the attention of centers through two routes – either by way of the courts or through non-court/community-based channels. The community was served as conflicts were mediated by centers irrespective of conduit, whether cases were drawn from the judicial system or from some other source. Indeed, all centers effectively partnered with courts to resolve disputes arising in the community. The Trial Court promoted

¹⁰ The numbers in this section derive from funded center responses to the year-end survey completed in Fall 2015.

the use of mediation by approving access to dispute resolution in the courts. As approved providers of ADR for cases referred by the Trial Court, the funded centers served the same number of court departments since at least FY 2013, providing mediation services in six of the seven Court Departments (see Table 3). The exception, Housing Court, relied on in-house specialists to handle disputes. It is noteworthy that Metropolitan Mediation Services (MMS), one of the state-funded centers, provided advanced training for these Housing Court specialists. Out of the 110 divisions in these six court departments (excluding Housing), 67% (or 74 divisions) were served by FY 2015 state-funded centers. One center's absence from the FY 2015 application process left the Hampden County Juvenile Court and three Hampden County District Court divisions unserved by funded centers.

Table 3. Number of MA Trial Court Departments and Divisions served by community mediation centers funded through the CMC Grant Program from FY 2013 - FY 2015.

Court Department	Total Number of Divisions	Number of Divisions that Involve CMC GP Grantees			Number of CMC GP Grantees Involved with Divisions		
		FY 13	FY 14	FY 15	FY 13	FY 14	FY 15
Boston Municipal Court	8	8	8	8	2	2	8
District Court	62	45	41	38	15	14	13
Juvenile Court	11	9	9	8	10	10	9
Probate & Family Court	14	9	9	9	8	8	8
Superior Court	14	10	10	10	6	6	10
Land Court	1	1	1	1	1	1	1
Housing Court	5	0	0	0	0	0	0

Over the years, the District Court was a major source of centers' court-based cases. However, during 2012-2014, overall filings in the District Court declined about 3% annually while changes in filings for small claims and summary process matters, of particular interest to centers, were variable, with FY 2013 decreases

followed by increases in FY 2014.¹¹ Community Dispute Settlement Center (CDSC), for one, attributed its diminished court-based mediation numbers – from 294 to 250 cases – to a decline in court referrals caused by the drop in District Court filings. The Mediation & Training Collaborative (TMTTC) noticed a small decrease in small claims cases that, however, was offset by a surge in its divorce cases. Nevertheless, most of centers’ court-based cases in FY 2015 continued to come from the District Court.

The importance of the center-court partnership in addressing disputes in the community was reflected in the substantial amount of court-based cases in the centers’ FY 2015 caseload. Court-based cases predominated, comprising 81% (4,384) of all intakes and 88% (3,338) of all mediations. Making mediation services available at the court house, where people come to solve their disputes, increased the visibility and selection of mediation as an option for dispute resolution. For instance, in order to encourage divorcing or separating couples to use mediation to settle disputes, TMTTC expanded its divorce mediation services to on-site locations at the Franklin and Hampshire Probate & Family Courts. The Mediation Program of the Berkshire County Regional Housing Authority (BCRHA) met the challenge of distance by establishing an on-site presence at three Berkshire District Courts that covered a 970-square mile area. On the whole, center services in court-based cases contributed not only to lessening conflict in the community, but also to lightening the court’s caseload to an appreciable extent.

Community harmony advanced further as funded centers provided mediation services for non-court or community-based cases, which comprised 19% of intakes and 12% of mediations conducted in FY 2015. By attending to these cases, centers addressed the need to deal with disputes that fall outside the court system, either because of a lack of court jurisdiction, or the deterrence effect of litigation costs and complexities, or because the low intensity of the conflict eluded the notice of the legal system.¹²

¹¹ Massachusetts District Court – Summary of Filings – FY 2014. Retrieved December 20, 2015, from <http://www.mass.gov/courts/docs/courts-and-judges/courts/district-court/dc-allstats2014.pdf>

¹² Hedeem, T. & Coy, P.G. (2000). Community mediation and the court system: The ties that bind. *Mediation Quarterly*, 17: 4, 351-366.

a. Variety of disputes according to levels of conflict

Conflict intensity is an important factor affecting the resolution of the conflict. Conflict resolution interventions can be instrumental in both preventing the occurrence of conflict and in de-escalating conflicts at all levels of intensity. High levels of conflict intensity, though, have been found to reduce the likelihood of agreements.¹³

All centers were prepared to deal with conflicts from the entire spectrum of conflict intensity, and, during FY 2015, many actually provided mediation assistance for disputes at different intensity levels. A telling example of mediation perseverance in the face of conflict is provided by one mediator's description of a mediation session that ended in agreement despite fluctuating levels of persistent conflict over parenting issues: "The parents were civil to one another one moment and there was anger and tears the next. The conflict was almost constant. They did agree upon payment for camp for the child this summer."

At the center level, among the conflicts handled by MMS during FY 2015, 6% involved prevention and planning, 8% were low intensity, 87% – consisting of court cases and school mediations – were at the intermediate level of intensity, and 3% were high intensity school conflicts. Mediation Services of Central Massachusetts, Inc. (MSI) in Fitchburg encountered low conflict disputes among families requesting assistance with devising solutions to family disputes, such as familial communication difficulties; intermediate conflicts involving small claims cases; and high conflict cases referred by police or by the district court and relating to minor criminal complaints. MCC Law prioritized mediation services for disputes involving youth, housing and families "because unresolved youth, housing and family conflict in our community have had significant negative effects – violence, bullying, homelessness, and emotional trauma – on the well-being of these vulnerable populations in our community." Furthermore, a number of community-based cases provided opportunities for conflict prevention. MSI, for one, worked with local businesses and schools to prevent potential conflicts. Quabbin Mediation (Quabbin) in Orange, for another, explored the development of a re-entry mediation program for recently released inmates and their families at the Franklin County House of Correction.

¹³ Ballard, Holtzworth-Munroe, Applegate, & D'Onofrio, 2011, *op. cit.*

b. Variety of types of disputes addressed

Whether court-based or community-based, at least 16 common dispute types, including the option 'other,' were handled by funded centers in FY 2015. Consumer, summary process, housing, student-student and divorce matters were among the most frequently mediated, numbering in the hundreds of disputes. The number of municipal, workplace, permanency, juvenile, minor criminal, neighbor, elder, and other cases handled by center mediators each reached double digits.

The portfolio of cases for each center demonstrated the variety of disputes handled in FY 2015. More particularly, the mediation program at the Law Center at Middlesex Community College (MCC Law) provided services for disputes concerning housing (41%), consumer (20%), family (1%), neighborhood (1%), peer/youth (31%), commercial (1%), and employment (1%), and other (4%). The range of disputes covered at Quabbin included divorce and other family disputes, consumer matters including collection of debts that had been re-sold, neighborhood disputes including those involving police, victim/offender cases within and outside school, and teen-parent disputes. BCRHA dealt with consumer cases that encompassed disputes over such disparate issues as debt collection; business, service, and trade in addition to disputes over housing/neighbor matters involving lower income households, landlord-tenant issues, and financial institution matters. TMTC added the mediation of merger talks between two local social service organizations to its inventory of dispute types. And the CMC Grant Program rewarded efforts to diversify dispute types with Community Project Grants of \$14,000 and \$15,000 to two centers for programs that addressed the conflict resolution needs of youth. MSI worked to strengthen its peer mediation program at a charter school and achieve widespread utilization of peer mediation services. TMTC continued its work with peer mediation at the Gill-Montague middle school as a key strategy for lowering the risk of problem behaviors by vulnerable students.

Compared to the previous fiscal year, initiatives undertaken by ten centers increased the variety of types of disputes that they covered. For example, North Shore Community Mediation Center (North Shore) was approved by MassHousing to provide mediation services to residents facing eviction. MetroWest Mediation Services (MetroWest) received referrals for Harassment Prevention Order mediations under the expectation that "if the matter settles in mediation, it obviates the need for a restraining order." BCRHA obtained criminal show cause referrals for the first time. MCC Law established a summary process mediation program in January 2015, and, with advice from other funded centers, MetroWest and Greater Brockton Center for Dispute Resolution (Greater Brockton), each

piloted a divorce mediation program. MMS, in consultation with Cape Mediation, proceeded with developing an elder mediation program. Quabbin sought funding for a mediation program that would function as a preventive measure addressing public health concerns. TMTC implemented an on-site divorce mediation program at Hampden Family & Probate Court. Martha's Vineyard Mediation Program (Martha's Vineyard) explored the role of re-entry mediation for "soon-to-be-released prisoners and outside support persons."

c. Beneficiaries of mediation services

Based upon intake numbers and assuming two disputants for each intake, an estimated 10,858 individuals received mediation services, at least in the form of intakes, from funded centers during FY 2015. Calculations reported by the centers, however, put the number of people receiving mediation services at 8,119. Consequently, during the three years since the inception of the CMC Grant Program, 23,697 residents from across the commonwealth were given the opportunity to experience the benefits of mediation services from state-funded centers. This number does not include individuals associated with disputants who were collateral beneficiaries of mediation, such as the children of divorcing or separating parents. Thus, the benefits accruing to the children of parents who mediated their parenting disputes at funded centers were highlighted by disputing parents, including one who noted that it was "positive for kids to see parents working out issues;" another who commented that mediation "created a more open dialogue between parent and child and between the parents; also seeing that parents were trying to work it out decreased child's stress;" and a third who remarked that "[mediation] has definitely helped son because the two parents can communicate and actually get along well as co-parents now."

Likewise, students, teachers, and other school personnel reaped the rewards when student disputes were settled through mediation by student peers in peer mediation programs that were run by two centers and funded through community project challenge grants under the CMC Grant Program. As a result of their experience with the MSI-operated peer mediation program at their charter school, a large majority of 37 surveyed teachers and staff agreed (35% strongly agreed and 38% agreed) that peer mediation helped teachers by reducing the amount of student conflict that they had to handle. Nearly half of the respondents (49% of 37) went on to strongly agree, and were joined by another 38% who agreed, that the school's disciplinary structure was supported by peer mediation.

Lower-income and underserved populations were well-represented in the FY 2015 group of mediation beneficiaries, thereby advancing the CMC Grant Program mission of broadening access to mediation. TMTC's clientele included a greater proportion of low-income individuals than did the population of the region as a whole. Most of the mediation services provided by BCRHA were provided to low-income individuals, e.g., for housing/neighbor disputes at a housing authority for low-income households. Forty-four percent of mediation participants at MetroWest had annual incomes below \$30,000, and another 17% earned between \$30,000 and \$60,000. At MMS, 91% of participants had low to moderate incomes.

d. Mediation outcomes

The stated goal of community mediation is the achievement of a mutually acceptable agreement, and the success of community mediation is typically measured by the fulfillment of that goal. Yet, mediation can have other outcomes similarly valued by parties, such as opportunities to “constructively address conflicts, respect each party's perspective, empower individuals to take personal responsibility for conflicted relations, establish mutually beneficial dialogue, and reduce violence,”¹⁴ which may be used to depict the effectiveness of community mediation.

Agreements reached: Presumably, the dissension and hostility that arise from disagreement diminish when agreements are reached through mediation. The benefit of reduced conflict was received by approximately 5,528 people whose disputes ended in agreements that were mediated at funded centers. In FY 2015, 2,668 full agreements and 96 partial agreements were achieved, for a total of 2,764 agreements. The resulting agreement rates, 73% for all agreements and 71% for full agreements only, were well above the 66% national agreement rate for community mediation of disputes, exceeded the 67% Massachusetts agreement rate from FY 2014, and furnished positive evidence for the effectiveness of the funded centers in serving disputants and the community.¹⁵

Economic value of agreements: The financial import of the agreements mediated by funded centers to the community may be indicated by the financial consequences of the agreements for disputing parties. However, financial transactions were consistently tracked only in consumer and landlord-tenant disputes mediated under the aegis of the consumer protection program of the

¹⁴ Hedeem & Coy, 2000, *op. cit.*

¹⁵ Gazley, R., Change, W. K., & Bingham, L. B. (2006). Collaboration and citizen participation in community mediation centers. *Review of Policy Research*, 23:4, 843-868.

Attorney General's Office (AGO) – that is, its Face-to-Face Mediation Program (FTF). As a result of agreements mediated by the 12 funded centers that participated in the AGO's program in FY 2015, \$4,135,893.66 were returned to consumers. Thus, the amount of money that changed hands during FY 2015 amounted to more than a nine-fold return on the AGO's investment of \$436,000 in the 12 centers' consumer mediation services, which exceeded the eight-fold return on the AGO's investment in FY 2014. When CMC Grant Program grants, which funded operations at the 12 centers, are included as part of the investment into FTF-sponsored consumer mediation, the money returned to consumers was at least quadruple the \$996,000 jointly invested by the AGO and the CMC Grant Program. For other types of economic value, please see Section IV.

e. Qualitative outcomes

The number of agreements reached, rates of agreement, the amount of money changing hands as a result of mediated agreements, all furnished quantitative measures of the impact of community mediation. A holistic assessment of the effectiveness of community mediation would include qualitative measures such as changes in party relationships and interactions, party process satisfaction, and court involvement. Research-based evidence regarding these qualitative outcomes of mediations, while generally unavailable from funded centers, was collected for mediations of parenting disputes arising from divorce or separation that were conducted by six funded centers participating in the Parent Mediation Program (PMP).¹⁶

Impact on party relationships and interactions: For most disputing parents receiving mediation assistance from center in the PMP, gains were made in between-parent interactions involving communication, conflict resolution skills, conflict reduction, and civility. As far as mediators knew (as expressed in 189 survey responses), the most common conditions troubling mediating parents who received mediation assistance from centers in the PMP concerned parents' interactions with one another. Difficulty with cooperating on child-related issues, disrespect towards the other parent, distrust and difficulty accepting differences between parents were the most prevalent problems plaguing the parents' relationship. In addition, some degree of conflict characterized the vast majority (85%) of mediation sessions according to 137 surveyed parents.

¹⁶ The PMP, administered by MOPC and sponsored by the Massachusetts Department of Revenue's Child Support Enforcement Division under a federal Access and Visitation grant, offers free mediation services from participating community mediation centers to eligible Massachusetts residents for parenting disputes arising from divorce or separation.

Despite these obstacles, the PMP mediations in FY 2015 produced an agreement rate of 84%, when full, partial, and temporary agreements were counted, consistent with the research-based range of 50% to 80% for divorce mediation agreement rates.¹⁷ Besides reaching agreements, between-parent conflict was lessened as a result of mediation. Over two-thirds of 135 surveyed parents indicated that some or full progress was made in reducing conflict with the other parent through mediation. Additionally, most of the surveyed parents reported gains in between-parent interactions involving communication, conflict resolution skills, conflict reduction, and civility. And so, for one parent, “Mediation really helped us learn how to communicate without arguing.” Another parent remarked that “because of mediation, we’re able to communicate much better than before, and we’ve been separated five years.” “Mediation really opened up communication and things have been a lot better since,” observed a third parent.

Reduced litigation: Mediation from funded centers offered disputants an alternative to litigation for settling their disagreements. The formation of agreements in disputes mediated by funded centers during FY 2015 constitutes prima facie evidence of a reduced need for court involvement with those disputes, a result valued by parties as well as by the court.

Courts both directly and indirectly promoted the use of community mediation. Judging from the prevalence of court-based cases in the caseloads of funded centers, courts were probably the major source of information about centers’ mediation services, and reputedly were an authority on dispute adjudication. By virtue of these combined circumstances, the court exerted a direct influence on parties’ decisions about choosing community mediation to settle their disputes. Indeed, a majority of the disputing parties (53% of 135 respondents) who sought mediation services for parenting disputes from funded centers in the PMP heard about the availability of these services from court sources. By the same token, the expense and adversarial stance of litigation likely amounted to indirect encouragement of community mediation use from the court. And so, avoiding court proceedings was a major factor that motivated disputing parents to mediate under PMP auspices, with a majority of parents (53% of 135 surveyed respondents) indicating that they chose to mediate in preference to going to court. The parties’ motivation generally bore results. A sizable majority of parents (71% of 134) indicated that court involvement in their disputes had been reduced, either completely (43%) or to some extent (28%). Thus, after mediation, one parent

¹⁷ See, for example, Pearson & Thoennes, 1988, *op. cit.* and Emery, Sbarra, & Grover, 2005, *op. cit.*

concluded that mediation “was a lot better than having to go through the court system. Parties were able to fully agree on outstanding issues and go before judge with full agreement.” Another parent found mediation to be an effective substitute for litigation, pointing out that “things got a lot better after mediation. We were able to figure everything out without court involvement after our session.”

Process satisfaction: Mediation has proven to be a positive experience for disputing parties, and research has shown that over 90% of users of community mediation services were willing to use mediation again.¹⁸ There are indications that parties were similarly satisfied with the mediation services they received from funded centers in FY 2015. MMS, for example, found that over 90% of client responses to questions about its mediation services, viz., about mediator impartiality, self-determination, agreements, satisfaction with agreement, and satisfaction with process, were positive. Likewise, services from the PMP met with substantial party approval, with nearly all parents (98% of 135) ready to recommend the program, and 93% of parents willing to use the program again. During PMP parent interviews, a number of interviewees acknowledged the usefulness of the mediation process, for instance: “Overall the experience was very positive and we moved towards solutions, reached a better place.” In another case, “parties appreciated mediation so much that they identified mediation as the way to resolve any future dispute.”

The impact of mediation on a real conflict: Measures of mediation’s effectiveness, whether quantitative or qualitative, rely on aggregated data. The significance of each data point, however, resides in the lives of actual people. Consider the case of two parents embroiled in conflict over time with their child. The couple’s commitment to one another had been dissolved by divorce, but their commitment to their young child remained as strong as ever. One parent, living outside Massachusetts, was deeply unhappy about having little time with the child. The Massachusetts parent worried about the child’s welfare when apart from her care. Like other Massachusetts residents who seek assistance with dealing with the conflicts in their lives, these disputing parents turned to their local community mediation center, supported by the CMC Grant Program, for free or affordable mediation services to resolve their struggle over parenting time. And like all disputants who participate in community mediation, these parents were provided by the community mediation center with the opportunity to engage in a collaborative problem-solving process that was under their control. With the help of mediators, the parents discussed a number of alternatives before settling on a solution that addressed both their needs. The agreement that they reached allotted

¹⁸ Wilkinson, 2001, *op. cit.*; Wissler, 1995, *op. cit.*

additional parenting time to the out-of-state parent by allowing the child to regularly spend extended periods of time with that parent even as it allayed the anxieties of the in-state parent by requiring that the out-of-state parent fulfill various specified responsibilities and duties for the child on a daily basis. The benefit of community mediation in reducing contentiousness extended, not only to the disputing parents, but to their child as well.

2. Building capacity for conflict resolution

Community mediation centers pursued the explicit goal of resolving conflict, not only by mediating disputes, but also by strengthening people's conflict resolution skills. The means used to impart such skills included direct instruction in conflict management, the experience of problem-solving in mediation, and the observation of conflict resolution behaviors modeled by mediators. Enhanced conflict resolution skills of individual community members effectively augmented the social conflict resolution capacity of the community as a whole. Ultimately, community mediation centers contributed to "the empowerment of communities and individuals to develop their own solutions in informal, convenient meetings with minimal involvement from the justice system."¹⁹

a. Instructing members of the community in conflict management

Funded centers offered instruction in conflict management to members of the community through trainings, workshops, and other educational forums in FY 2015.

Trainings in conflict management: All but one center provided mediation trainings, which typically encompassed learning about conflict and the use of various dispute resolution strategies. Participation in trainings grew at nine centers while the status quo prevailed at four, yielding a 65% upturn in the number of people trained over the previous year (from 497 to 820 trainees). The 820 people who participated in the training became more skillful in managing conflicts and in assisting others to work through their conflicts.

More members of the community received mediation training than became mediators. The situation at TMTC was typical: whereas 27 community members completed the center's 30-hour basic mediation training, nine people joined its roster of 40 skilled volunteer mediators. Likewise, at Greater Brockton, basic mediator training was completed by eight individuals, two of whom went on to mediate. Seven of the 25 trainees qualified by Cape Mediation's basic training

¹⁹ Hedeem & Coy, 2000, *op. cit.* p. 355.

moved into the center's court practicum. Overall, the portion of trainees who went on to volunteer as mediators resulted in 410 active volunteer mediators at the 13 funded centers, 64 more than the 346 of the previous fiscal year.

Developing specialized conflict resolution skills: In FY 2015, through center trainings, specialized conflict resolution skills were added to the community's collective capacity to manage conflict. To illustrate: divorce mediation programs were initiated by two centers and strengthened by two others. The Mediation Program of the Family Services of Central Massachusetts (Family Services), in consultation with CDSC, developed a divorce mediation training program, and recruited three new divorce and family mediators. MCC Law, with assistance from Greater Brockton and MetroWest, piloted a divorce mediation program that handled two divorce mediations during the fiscal year. The advanced training in divorce mediation provided by CDSC produced 19 divorce mediators. TMTC offered newly-designed, advanced divorce and family trainings that included a focus on such topics as child and spousal support, financial statements and agreements, retirement accounts, and the use of outside experts. In response to client needs, a new training in facilitation skills for mediators to deal with groups in conflict was developed by CDSC. Sixty mediators took advantage of this new CDSC training. Mediators at MCC Law developed expertise in summary process mediation and breaking impasse. Trainings in victim offender mediation and in restorative justice principles and practices were offered by Quabbin.

Distributing conflict resolution capacity throughout the community: Conflict resolution capacity became even more widespread in FY 2015 as funded centers conducted trainings for various groups in the community. Greater Brockton provided three in-house trainings in conflict management to employees of the Brockton Housing Authority as well as "intensive multiple session conflict resolution training to a South Shore municipal organization." MMS built conflict resolution capacity regarding workplace and customer disputes in the business community by training 16 attorney members to act as volunteer mediators in the courts. Realtors received mediation training from MetroWest. North Shore responded to the Peabody Essex Museum's request to train its docents. Members of ARC of Franklin County, which provides support services to disabled people, and 355 staff members in four school districts were trained by Quabbin. Training in mediation skills was provided to students through two peer mediation programs supported by community project challenge grants from the CMC Grant Program. A majority (61%) of the 37 surveyed teachers and staff at a charter school noticed the improved communication and listening skills of student mediators trained at one of the funded peer mediation programs. As one respondent observed, "The program is

great and has helped many students and staff. It actually teaches the students and they do reference the things they learn in mediation and usually apply it at some level later on.”

Workshops and other educational forums about conflict management: The circle of people familiar with conflict resolution techniques widened further by way of workshops and other educational forums related to conflict management that were held by centers for members of the community, including mediators. Nine centers conducted workshops in FY 2015. For example, CDSC customized and delivered 19 training workshops at 18 community agencies for 450 participants, including elders in public housing, youth in court-based fellowships and at colleges, parents connected to an after school program, social work professionals, managers in human service agencies, staff working with homeless families, and youth advocates intervening with gangs. Family Services provided workshops on international mediation and on writing a memorandum of understanding. Under the auspices of MetroWest, residents at a housing authority attended a workshop on building peaceful communities, which was designed “to equip the residents with skills and techniques for resolving disputes with their neighbors, and by doing so, deescalating the conflict, and obviating the need to take legal actions or even be evicted.” In MSI’s “Anger Busters” workshop, children engaged in conflict awareness and conflict management activities to learn to recognize ‘hot buttons’ and ‘cool-down techniques.’ Elder care professionals heard about managing conflict between elders and their families from Cape Mediation. Cape Mediation and Martha’s Vineyard together orchestrated a workshop about workplace conflict. Martha’s Vineyard also held a workshop on landlord-tenant disputes. A seminar on assessing parties’ capacity to mediate, attended by 20 mediators, was organized by CDSC to meet the challenges posed by clients with mental health and substance abuse problems.

Imparting conflict resolution skills to disputants through mediation: When disputants engaged in mediation to settle their disputes, they were also presented with the opportunity to acquire and improve conflict resolution skills. Disputants could learn about managing conflict by doing – by listening, by communicating, by participating in collaborative problem-solving during the mediation process. They could also learn by seeing what mediators do. According to social learning theory, “through *modeling* (the behavioral, cognitive, and affective changes derived from observing one or more people) and *observational learning* (acquisition of new behaviors demonstrated by a model) people can learn new behaviors as well as

understand the consequences of their actions.”²⁰ By observing the conflict resolution behaviors modeled by mediators, including teamwork, cooperation, collaboration, communication, and problem-solving, disputants could become more skilled in handling conflict.

Some supportive evidence for a positive effect of mediation on disputants’ ability to resolve conflict was provided by surveyed disputing parents who received mediation services for their parenting disputes from centers involved with the PMP. A sizable majority of surveyed parents (69% of 135) found mediation helpful with making full or some progress in improving their skills to resolve conflict with the other parent. On the other hand, evidence for the durability of these skills was weak since only 37% of 113 parents reported increased conflict resolution skills for parent disputes four to six weeks after mediation. Reliable evidence about the connection between mediation and disputant conflict resolution skills for other types of disputes was unavailable.

Anecdotal accounts about the acquisition of conflict resolution skills by mediating disputants were mixed. Some disputants were unable to take advantage of their mediation experience to become more adept at dealing with conflict. As one party noted, “mediator was great – he did very good job. We haven’t incorporated his techniques into our day-to-day but he was very helpful.” Then again, other disputants reportedly learned the lessons about conflict management from their mediation experience, particularly with respect to communication. One party reported that the mediator “helped them [the parties] find a middle ground & learn how to communicate. Couldn’t have been better.” Another party described a “very knowledgeable mediator who helped open lines of communication & give each other a chance to hear & share their perspectives. They [the parties] were subsequently able to make changes without mediator because they [the parties] learned how to talk to each other.” At best, it is possible that the community’s social capacity for conflict resolution was further increased by a small portion (95 people) of the estimated minimum of 7,568 disputants who engaged in the 3,784 mediations conducted by funded centers in FY 2015.

²⁰ Bandura (1969, 1977, 2001, cited by Harris, R. D. (2005). Unlocking the learning potential in peer mediation: An evaluation of peer mediator modeling and disputant learning. *Conflict Resolution Quarterly*, 23:2, 141-164, p. 142.

3. Increasing public awareness of community mediation

Raising public awareness of mediation is crucial to the mission of community mediation.²¹ Unless people have at least heard about mediation, community mediation services will not get used nor will the resources of the community be made available to centers. “Because of confidentiality of mediation process and sensitivity of disputes for disputants, [community mediation centers] cannot rely on word-of-mouth to accomplish public awareness of mediation services and benefits.”²² All funded centers engaged in on-going outreach activities to publicize their services in FY 2015. Thirteen centers distributed literature and had a web-site. All but one center conducted trainings, ten participated in conferences, nine held workshops, and eight had a social media presence. Newsletters were produced by four centers. Ultimately, information about community mediation was shared with other organizations, with the public, with participants at local community events, and through contacts with legislators, court officials at probate and family courts, and community leaders, to mention a few.

TMTC’s outreach activities ran the gamut from maintaining a website and an active Facebook page, to posting listings in area e-calendars and newsletters, sending a biannual newsletter to 500 stakeholders, describing the mediation option 30 times at District Court small claims sessions, distributing 175 mediation informational inserts to small claims litigants, making four presentations about mediation at local schools, colleges, and law schools, sending press releases to seven media outlets, and placing brochures and posters in community gathering places, including grocery stores, laundromats, community centers, and libraries. MCC Law completed over 22 different outreach activities in collaboration with community partners – i.e., schools, legal aid services, the local bar association – in addition to its outreach activities in four courts. BCRHA conducted 45 outreach initiatives that involved other organizations to provide vulnerable populations with access to needed resources, such as low-income households, elders, low-income homeowners facing foreclosure, and ex-offenders. On-going outreach and education initiatives were undertaken by MMS with ten partner agencies, and presentations were made to law students at the New England School of Law, social workers at the Brookline Council on Aging, and to the Human Rights Committee of the Brookline Community Mental Health Center. Martha’s Vineyard continued to meet with eight local organizations, including a bar association, housing

²¹ NAFCM, cited by Wilkinson, 2001, *op. cit.*

²² Baron, L. (2004). Commentary: The case for the field of community mediation. *Conflict Resolution Quarterly*, 22:1-2, 135-144.

authorities, law enforcement office, social service agency, and school. North Shore successfully reached out to at least seven schools to offer violence prevention assistance. MSI mentored staff at the Spanish American Center, introduced mediation to housing directors who dealt with tenant disputes, and addressed elder issues by participating in senior activities, wellness fairs, and information days and by creating a flyer about financial scams that targeted seniors. Quabbin worked with the Franklin County House of Correction and community agency directors on the issue of recidivism prevention and with the Department of Children and Families on providing mediation services to families. Greater Brockton distributed literature about veteran's resources to Veterans' Service Officers. MetroWest held an annual meeting, with invitations extended to community members, fellow ADR organizations, referral sources, government agencies, legislators, attorneys, mediators, among others.

Center efforts to promote community mediation among government officials proceeded apace. Cape Mediation encouraged government support through emails and telephone and in-person contacts with its legislative representatives, with whom the center had long-standing affirmative relationships. CDSC held face-to-face meetings with 12 legislators to solicit support for community mediation. Similarly, TMTC scheduled meetings with key representatives. Family Services worked with the Mayor of Worcester, the Worcester City Manager and Director of Human Rights to assist with the City of Worcester race initiative. Martha's Vineyard petitioned the legislature to designate Conflict Resolution Awareness Week.

Centers tapped the media in order to reach a mass audience. Cape Mediation's work to spread the word about community mediation was rewarded with a series of articles in the *Cape Cod Times* and radio interviews on WCAI, Cape Cod's NPR station. CDSC's mediation services were publicized when the center and its staff were featured in a Sunday *Boston Globe* column and in the *MA Lawyers' Weekly*. The interview of a MCC Law mediator informed a radio audience about the ways that MCC Law's mediation program helped elders and their adult children resolve conflicts about elder care, driving, safety, and living arrangements. Additionally, centers enhanced their internet presence. MMS's web site received 4,467 page views from 2,913 visitors, with 2,576 of them new visitors. CDSC promoted its mediation and training services through social media, making its sites more inviting by increasing the number of photographs on its web-site and on Facebook, leading to 189 likes on Facebook (a 28.5% increase over the previous year). Martha's Vineyard redesigned its web-site and incorporated visuals and a Portuguese version of its brochure.

In all, during FY 2015 over 163,000 members of the public were made aware of the availability of community mediation services inasmuch as 15,739 people attended outreach activities and 147,438 people received outreach materials. As Table 4 shows, the impact of centers' outreach activities was generally positive. Centers reported that outreach activities led to positive outcomes more often than not. A large majority of centers (11-12 centers) reported that their outreach and education activities paid off with greater public awareness of mediation, with an increase in the number of people requesting mediation services, and with a larger quantity of mediation referrals. In the case of referrals specifically, over 21 sources generated 5,532 referrals to centers. The District Court predominated with 4,005 referrals, followed by schools (343 referrals), Boston Municipal Court (288 referrals), self (256 referrals) and 'other' (164 referrals).

Outreach activities undertaken by a smaller majority of centers (seven to nine centers) led to an increase in training participation and volunteer mediator recruitment while community fund-raising and paid staff largely remained unchanged. A few centers (one to two centers) found that volunteer staff and paid staff numbers decreased. All told, centers continued to build social capital in the community through their outreach/education efforts in FY 2015 on behalf of community mediation.

Table 4. Impact of centers' outreach activities

Outcomes	# centers reporting increases	# centers reporting decreases	# centers reporting no change	# centers reporting N/A
Public awareness of mediation	12	0	0	1
Participation in training	9	0	4	0
# people requesting mediation	11	0	2	0
# volunteer mediators	7	0	6	0
# volunteer staff	3	2	3	5
# paid mediators	2	0	3	8
# paid staff	3	1	9	0
Community fund-raising	3	0	8	2
# mediation referrals	11	0	2	0

B. Providing accessible services

Centers minimized the obstacles to using community mediation services posed by expense, distance, and time by providing their services for little or no cost at times and locations convenient to parties.

1. Convenient mediation locations

In FY 2015, BCRHA provided coverage over a large area with an on-site presence at three court houses, telephonic mediations, and the introduction of video conferencing. Family Services honored client requests for locations other than the center office if they were safe: alternatives included libraries, city hall, housing authorities, among others. Martha's Vineyard could also hold mediations at a senior center. Greater Brockton included a car dealership and three libraries among its available mediation sites. Police stations were among Quabbin's mediation sites. All locales used by Greater Brockton for mediation were handicapped accessible. More than 20 sites were available for MMS mediations, including courthouses, public schools, housing developments, and health and community centers. TMTC inquired about possible access problems and made accommodations on a case-by-case basis. MCC Law not only consulted client convenience in choosing mediation sites, it also endeavored to create an internal environment conducive to productive mediations, offering bottled water and hard candy, setting up chairs in advance, and situating sessions in comfortable private rooms, appropriately sized and outside of court. Evidence that centers' efforts to take client's needs into account when locating mediations sessions encouraged mediation use is suggested by parties who used mediation services from six funded centers in the PMP. Forty percent of 135 surveyed respondents considered the ease or localness of access as a reason for using mediation services from centers in the program.

2. Flexible scheduling of mediation sessions

Centers provided services during business hours, and were flexible about scheduling mediations at other times. Cape Mediation, MMS, and MetroWest hours were Monday through Friday, day or evening. MetroWest scheduled sessions by first consulting with parties and then finding accommodating mediators. Week-day hours at Family Services were from 8 a.m. to 7 p.m. Greater Brockton, MSI, and MCC Law occasionally scheduled mediations on a Saturday.

3. Affordable mediation services

Funded centers were committed to providing affordable mediation services. All centers complied with court requirements to provide mediation for District Court-referred cases for free. Greater Brockton and MCC Law offered all their mediation services free of charge. Sliding scale fees were imposed by other centers depending upon circumstances. MetroWest used sliding scale fees in family, divorce, and community cases. Hearing that fees deterred referrals, Martha's Vineyard waived fees for cases referred by certain agencies and non-profits. MMS charged sliding scale fees when parties would not be discouraged by fees and the inequality in parties' financial situation would not give rise to the appearance of bias. At CDSC, sliding scale fees ranged from \$40 to \$330 per session for most types of disputes. Quabbin revamped its sliding fee scale to make it more financially appropriate for its clients and more user-friendly in general. Quabbin's fees per person per session started at \$5 and climbed to \$330. The fee schedules used by MetroWest and Quabbin contained a notice about the center's commitment to providing services to everyone. MetroWest's schedule also notified parties that fees could be modified or waived as needed.

C. intaining service quality

Mediation users are ill-served by deficient mediation services. "Third-party neutrals with inadequate skills or improper ethical standards can make a mediation hearing a waste of time for disputants or can even contribute to the escalation of a conflict."²³ The reputation of community mediation suffers, and doubts about service quality emerge to deter people from turning to community mediation for assistance with their disputes. To assure excellence of service, the 13 funded centers required their mediators to complete a basic training consistent with Rule 8 Qualification Standards of the Supreme Judicial Court Uniform Rules on Dispute Resolution, which provides a code of conduct and competency criteria for dispute resolution neutrals. Beyond imposing this court requirement, centers pursued quality control of services by furnishing continuing education and advanced training opportunities for mediators (12 centers), making changes in the supervision of mediators (eight centers), and keeping records (nine centers). A substantial minority of awarded centers (five) modified mediator recruitment.

Several centers imposed conditions for qualifying as a mediator that exceeded the Rule 8 requirement. Cape Mediation added a 24-hour court practicum to its basic mediation training experience. MCC Law video-taped role

²³ McGillis, *op. cit.*, p. 68.

plays for self-evaluation and reflection on the part of basic training participants. The center also conducted interviews and demanded references from all prospective mediators.

Oversight of mediator performance was variously accomplished by centers' coordinators. At Cape Mediation, every session was treated as a learning opportunity for improved mediator performance. A court coordinator attended every session, and after the session, engaged in a debriefing and mentoring discussion with the mediator. Cape Mediation coordinators met on a quarterly basis to review training, court procedures, and plan enrichment training for volunteer mediators. Family Services had new mediators observe mediations before proceeding to co-mediate and then debrief. The practice of co-mediation with a more experienced mediator followed by a post-session debriefing was common to Greater Brockton, MetroWest, MSI, North Shore, and Quabbin. MMS added mediator feedback and coaching to its six-month observation-co-mediation-debriefing practice. In fact, MMS's mediation training was approved as continuing education for social workers and mental health counselors and as professional development for educators. At Quabbin, the director observed or co-mediated at sessions followed by a debriefing in which constructive advice was shared. North Shore trainees were evaluated following mediation. Family Services conducted mediator evaluations of all mediators after every mediation, not just new ones. MSI mediators were uncomfortable about evaluating one another and a replacement evaluation protocol came under consideration. MCC Law, North Shore, MMS, CDSC, and TMTC obtained party feedback to use for quality control of mediation services. TMTC also sought feedback from trainees to identify ways to improve training.

The quality of mediator services met with party approval of mediator performance during FY 2015 as expressed by surveyed disputing parties who received assistance from mediators at six centers in the PMP. A large majority of respondents (70% to 85% of 132 surveyed parties) acknowledged that mediators were fair and unbiased, that they listened well to parties' needs and concerns and helped with clarifying issues, generating options, and writing up agreements.

D. Striving for diversity that reflects the community

The mission of the CMC Grant Program to expand access to mediation and the over-arching purpose of community mediation to serve the conflict resolution needs of the entire community converged in FY 2015 as funded centers strove to engage a greater variety of community members in receiving or dispensing mediation services and in contributing to center operations and governance. Nearly all centers' reports about the impact of their diversity efforts concerned either increased diversity (20 reports) or maintenance of the status quo (29 reports), with the status quo predominating (see Table 5). For the most part, diversity of clients, mediators, staff, and board members remained unchanged at six to nine centers. However, six centers did find that their diversity efforts were rewarded by increases in the diversity of clients, mediators, and board members.

Table 5. Changes in diversity

People impacted	Center reports of increases	Center reports of decreases	Center reports of no change	Center reports of N/A
Population served	6	0	7	0
Board members	6	0	6	1
Mediators	6	0	7	0
Staff	2	1	9	1

1. Reflecting the diversity of the population served

Centers served the conflict resolution needs of their community through mediation assistance and through training. Taken as a whole, six centers reported that the diversity of the population they served increased. For seven centers, client diversity stayed the same.

Diversification of referral sources was an important tool for achieving diversity among the recipients of mediation services. In FY 2015, centers sought to diversify their referral sources both to minimize their dependence on a single source and to maximize access to their services for all members of the community. Over 5,500 referrals received by centers in FY 2015 originated from more than 20 categories of referral sources that included community members, electronic sources, courts, organizations and individuals providing legal services, non-profits, law enforcement entities, educational institutions, business sector organizations, government entities, charitable and religious groups, and others.

Centers continued to focus on servicing low-income individuals. For instance, TMTC's clientele tended to be representative of its regional population with respect to a number of characteristics except for low-income earners who were over-represented. Forty-four percent of MetroWest's clients had incomes under \$30,000, and included such housing clients as unemployed single mothers, recovering drug addicts, formerly homeless people, and the elderly.

Centers paid particular attention to ensuring that linguistic minorities had access to their services. TMTC used Spanish translators at the Holyoke District Court to avoid excluding Spanish-speaking members of the community from mediation. CDSC conducted a workshop for providers of services to teen parents that was facilitated in both English and Spanish. Simultaneous Spanish translation was provided at a CDSC workshop for homeowners connected with Habitat for Humanity. MetroWest partnered with the Brazilian Immigrant Center to develop plans for collaboration and contacted Portuguese speakers about working with the center as mediators.

A few centers supplied demographic details about the population they served. Statistics about the diversity of its clientele in FY 2015 were provided by MetroWest with respect to gender – 35% female and 65% male; to income – 44% with incomes under \$30,000, 17% earning between \$30,000 and \$60,000, and 39% with incomes exceeding \$60,000; and to race or ethnicity – 71% white, 11% Hispanic/Latino, 5% Asian, 4% African-American, and 9% other. In order to

objectively assess the makeup of its clientele, Cape Mediation initiated a systematic collection of demographic and financial information from its mediation clients in order to objectively assess the makeup of its clientele. Parties were asked to voluntarily supply such information following mediation so as to preserve mediator neutrality.

2. Diversity of mediation trainees and mediators

In FY 2015, funded centers focused most of their efforts on increasing diversity in their mediator pools with respect to age, gender, language, race/ethnicity, and income. Centers were more successful in increasing diversity among trainees than among mediators. Nonetheless, mediator diversity increased at six centers and remained unchanged at seven.

MetroWest's mediator roster was varied by age, gender, and background: there were 19 females and 13 males, aged 35-80, with backgrounds as teachers, managers, police, attorneys, counselors, and realtors. Twenty-one percent of MMS' mediators were diverse in terms of race/ethnicity, language, education and income. Cape Mediation began to collect demographic information about its mediators. Greater Brockton analyzed census data and determined that whites and Hispanics were adequately represented among its mediators but African-Americans and Asians were not. Greater Brockton was able to add an African-American male to its mediator roster. TMTC provided training scholarships that were instrumental in recruiting mediators who were younger, differently gender-identified, or multi-lingual. Five male mediators were successfully recruited by MCC Law. Quabbin improved the gender-balance of its mediator pool by adding several male probate and family mediators to its roster. CDSC recruited two bilingual mediators, skilled in Portuguese, Spanish, and French.

The racial diversity among CDSC's mediation trainees expanded with one-fourth of trainees African-American, none of whom elected to become mediators. MSI had its training and promotional materials translated into Spanish, and its association with the Spanish-American Center yielded four trainees. MCC Law's training classes were composed of individuals of different races/ethnicities of varying ages, genders, and backgrounds. The basic training class included two Hispanic, one African-American, and nine Caucasian students; the summary process mediation training involved an Asian, an Hispanic, an African-American, and four Caucasians. North Shore attracted two trainees of diverse ethnicities from underserved areas – a young black man from Lynn and a young woman from Lawrence. Neither trainee entered the center's apprentice program. BCRHA

subsidized trainings with the aim of attracting mediators with low incomes or with experience working with low-income individuals. BCRHA found – as did North Shore, MetroWest, and MMS – that the need to earn a living hindered mediator recruitment, particularly among underserved populations. All the same, even though trainees did not go on to mediate, their participation in training ended up increasing the variety of groups in the community who were more skilled in conflict resolution.

3. Diversity among staff and governing bodies

Centers' sensitivity to community needs and its ability to respond to those needs were improved by the participation of people from a wide range of backgrounds and skills in center operation and governance during FY 2015. Staff diversity remained the same at two-thirds of centers (nine), increased at two centers, and decreased at one other. More specifically, MetroWest hired an Asian Indian case coordinator, and TMTC added two women in their thirties to its staff, one of whom was African-American.

Centers that were independent non-profits were governed by a board while centers that operated under the umbrella of a larger organization were accountable to a governing body that oversaw the entire organization. Some of these subordinate centers used advisory committees to tailor governance to their particular needs. On the whole, board diversity increased or was unchanged at equal numbers of funded centers (six centers each). The ethnic/racial diversity of Martha's Vineyard's board, for instance, increased with the addition of one Native American and three African-American members.

Notably, funded centers relied on the wide array of talents and experiences of the members of their governing bodies. The diversified skills of the members of CDSC's board included financial acumen, event planning, marketing, and non-profit management. Quabbin's board was composed of members from assorted backgrounds, including police, school district administrators, veterans, and members from the agricultural community, the local political community, and local community organizations, such as the director of Orange Workers' Credit Union. An attorney, a political activist, a financial officer, and a therapist joined Family Services' Advisory Committee. MMS promoted greater community involvement in its governance by expanding its steering committee of volunteers, which advised on the development of its Elder Services program and by adding three bi-lingual members (Haitian, Creole, and Spanish) to its advisory committee on volunteers.

III. CMC Grant Program Administration

During FY 2015, MOPC, the state office of dispute resolution and the CMC Grant Program administrator, engaged in grant-making, monitoring and evaluation, outreach, program development, advocacy, and reporting to ensure that centers were supported in their mission to be responsive to the conflict resolution needs of their community and thereby broaden access to community mediation throughout the state.

A. Administering performance-based grant-making

1. The grant award process

The FY 2015 grant-making process was initiated by on-line notice of the availability of the grant application request. Thirteen centers that continued to be qualified as community mediation service providers under the Massachusetts Twelve-Point Model and performance-based funding criteria in FY 2014 applied for FY 2015 grants in July 2014. One center that had been previously funded in FY 2013 and FY 2014 chose not to re-apply for state funding through the grant program in FY 2015.

Applications were evaluated in July and August by a review committee composed of leaders in the field of alternate dispute resolution and MOPC staff. Applications were judged according to the volume of mediation cases and center adherence to and progress under the Twelve-Point Model as measured by the achievement of goals that each center had set for itself.

The MOPC executive director made the final decision about grant awards. Accordingly, \$585,500 was awarded to the 13 center applicants. The average grant amount was \$45,039, with individual grants ranging from a low of \$25,500 to a high of \$68,000. In order to encourage funding diversification, a cash match requirement, ranging from 30% to 55% depending on grant amount, accompanied each grant award.

2. Impact of grants on center income

These state operating grants were a lifeline for centers. During FY 2015, the funded centers served their communities on an average cash budget of \$149,789, with individual center incomes ranging from \$33,650 to \$269,550, somewhat lower than the previous fiscal year figures of a \$151,724 budget average and a \$47,230 to \$237,287 range.²⁴ The total cash income of centers for FY 2015 was \$1,947,254. With respect to the collective impact of the grants on center income, the grant sum of \$585,500 comprised 30% of the \$1,947,254 in total center cash income. In contrast, state operating grants constituted only 22% of total center income in FY 2013 and FY 2014. Inasmuch as the smallest share of center income contributed by a program grant was 11% (the highest was 76%), the impact of the grant on individual center cash income was not negligible. While the grants to four centers amounted to between 11% and 19% of income, for most centers (eight), the grants contributed between 30% and 44% of their revenues. On average, the grants constituted 35% of individual center cash income.

3. Impact of grants on center sustainability

The importance of the FY 2015 grants to centers was reflected in grant impact on center sustainability (see Table 6). All but one center, among the 13 responding to a year-end survey, indicated that the sustainability of the organization was either strengthened or maintained – or, in survey terms, “unchanged” – as a result of the CMC Grant Program grants. Nine centers reported that their sustainability had increased because of these grants. A minority of four centers found that center sustainability was unchanged – or, in other words, was maintained – and one center claimed that sustainability had decreased.

4. Impact of grants on center operations and services

With respect to center operations and services, center reports about grant impact on their operations and services indicated either maintenance of the status quo or improvement, with reports of no change (i.e., “unchanged”) exceeding reported increases by 32% (see Table 6). Besides center sustainability, around 70% or more of centers considered that the grant led to increases in staff hours, professional development for staff and mediators, and expansion of mediator services to more groups of people, including low-income or underserved

²⁴ These FY 2015 figures come from the August 2015 final versions of centers’ FY 2015 budgets.

populations. Stasis characterized staff and active mediator numbers, mediator diversity, expansion of mediation for more types of disputes, use of sliding scale fees, availability of locations and scheduling hours for sessions, and scheduling delays at seven or more centers. Centers were unanimous that fundraising remained static.

Table 6. Impact of grant on center sustainability, operations, and services in FY 2015

Center operations & services	No. centers reporting increases	No. centers reporting decreases	No. centers reporting no change	No. centers reporting not applicable
Center sustainability	9	1	4	0
No. staff	4	1	9	0
Staff hours	9	2	3	0
Staff turnover	1	3	6	3
Staff prof'l devt	7	0	6	1
No. active volunteer mediators	3	0	10	1
Diversity of mediators	4	0	9	1
Mediator prof'l devt	8	0	4	1
Fundraising	1	0	13	0
Mediation to more population groups	10	0	4	0
Mediation to low-income or underserved people	12	0	2	0
Mediation for more dispute types	6	0	7	0
Sliding scale fee use	2	0	10	2
Available locations	5	0	8	1
Available hours	1	0	12	1
Scheduling delays	0	4	7	3

Staffing issues accounted for reports of decreases from one to three centers. Overall, 56 staff members (13 full-timers and 43 part-timers), 410 active volunteer mediators from rosters of 537 volunteers, 40 paid mediators/consultants, and 12 interns were responsible for the delivery of services to the community in FY 2015. Despite the decrease in the number of funded centers by one in FY 2015, the

centers' personnel situation compared favorably with FY 2014 staff and mediator numbers of 54 paid staff members (11 full-timers and 43 part-timers) and 345 volunteer mediators. In contrast, centers made fuller use of paid mediator/consultants and interns in FY 2014, with 55 mediator/consultants and 20 interns.

B. Monitoring the grant program with the aim of program improvement

Once decisions about grant allocation were made, the distribution of award money and other program expenditures was accomplished in compliance with university requirements, including the submission of invoices and other documentation. MOPC invited the Program Advisory Committee (comprised of stakeholders, sponsors and funders) and funded centers in their consultative role to propose and appraise program improvements and otherwise conducted informal assessments of the operation of the CMC Grant Program throughout the year.

1. Hiring a program manager

The increased grant program appropriation for FY 2015 enabled MOPC to heed the advice of the Program Advisory Committee and hire a dedicated Community Mediation Program Manager (program manager) to handle the increasingly demanding and time-consuming job of running the grant program. In FY 2015, program administrative responsibilities were consolidated, and full-time administration of the grant program was put in the hands of the new program manager, whose duties included assessment, redesign, and coordination of grant-making, data collection, and reporting; coaching and mentoring center directors on performance planning and non-profit management; public outreach and education; professional development training for center staff and mediators; supervision of community mediators and staff on MOPC projects; development of community mediation programming and fundraising initiatives; and promoting a collaborative relationship between MOPC and funded centers that would advance centers' pursuit of community mediation excellence while furthering the mission of the state-sponsored grant program to broaden access to community mediation as a cost-effective public service.

2. Supporting centers' goals

The opportunity to choose their own goals to pursue under the Twelve-Point Model of the CMC Grant Program allowed centers to maintain their autonomy and individuality and to tailor their activities to better respond to their community's needs even as they complied with standards of community mediation excellence. In support of center efforts, the program manager met individually with center directors during the fall of 2014 to refine and review goals and their implementation. When needed, the manager advised centers on formulating goals that were specific, measurable, achievable, results-focused, and time-bound, as well as proceeding with realistic ways to implement the goals. The transition from twelve goals to four for the FY 2016 application process launched in June 2015 (see below) proved challenging, and the program manager was called upon to assist centers in navigating the change.

3. Overhauling the grant application process

At the urging of funded centers and the Program Advisory Committee to simplify grant application, the process itself came under review with input solicited from centers. After the FY 2015 application process ended in July 2014, the program manager met with each center in August and September 2014 to learn about the center and to obtain feedback about its experience with applying for a grant. The Grant Review Committee was also consulted. At a fall group meeting, centers and MOPC met to discuss recommended changes and agreed to pilot a revised FY 2016 application process.

Modifications were introduced to lighten the demands of the application while continuing to respect the integrity of its merit/performance protocols. Before FY 2015, centers were required to commit themselves to striving to achieve goals that would further center progress under each point in the Twelve-Point Model, and to account for the implementation of these twelve goals in their grant applications. For FY 2016 applications, the goal requirement was revised. The twelve points of the Model were classified into four categories, and centers were given the option of committing to just four goals of their own devising, one per category, and presenting their accomplishments under each goal in their application as criteria for performance based grants. Additional application changes included adding narrative examples to illustrate application guidelines; transforming the self-rating scale for performance grants from ten points to five; inserting a rubric to help guide the centers' self-rating; and providing explanations of GRC rating adjustments where applicable..

Plans were made to seek feedback from centers about the revamped application process in fall 2015 once the FY 2016 grant application process was completed. In anticipation, the program manager developed a survey to elicit center feedback about the efficiency of the revised application process, which was administered in August 2015.

4. Working with centers to implement program improvements

In order to deepen center involvement with the running of the grant program, MOPC set up work groups of center staff to examine matters relating to the performance assessment of centers, center internships, and mediator excellence. Centers rejected a representative function for group participants, so center participation in the work group was voluntary, and efforts were made to obtain input from all centers at various stages of the work group's efforts. The groups consisted of interested individuals from funded centers and were facilitated by the program manager.

In the grant application process, a portion of the grant amount awarded to a center was determined in part by the annual number of mediations conducted by the center. Some centers expressed concern that this method of counting all mediations as equivalent was fundamentally unfair since it ignored substantial differences in the complexity and temporal demands of mediating various types of disputes. Thus, it was argued, the mediation of a small claims case referred by the court which involved a single session was not comparable to a divorce mediation covering numerous issues over a number of sessions. A work group was formed to explore alternative ways of valuing mediations for determining performance-based grant awards. When the group presented the alternatives it had developed to centers and MOPC, a decision on the matter was postponed. However, it was agreed that as of April 1, 2015 centers would collect data about the number of mediation sessions for purposes of a potential further adjustment to the determination of grant award levels starting in the FY 2017 grant application.

A second work group of centers focused on furthering student engagement in service learning at funded centers. The group collected information about the centers' internship needs and then produced a framework document regarding unpaid internships for university students at individual community mediation centers. The proposal was shared by MOPC with the university's conflict resolution department and internships were offered to graduate students in the department's programs in the spring and fall of 2015

A third centers work group was formed to explore the creation of a framework for mediator excellence, with center feedback regarding training needs and other initiatives. The five center-member mediator excellence group agreed upon the principles to be embraced by a Massachusetts mediator excellence model, such as shared best practices, regional learning networks, reflective practice, quality assurance, celebrating/recognizing mediator excellence, and CMC Grant Program-sponsored continuing education. A central database of best practice information was set up by MOPC for center use, and a Mediator Training Day was held. The group's work on defining components of mediator excellence and how best to implement them is on-going.

C. Developing programming to meet community needs and increase access

In FY 2015, the development of new community mediation programming initiatives and the expansion of already established programs were high priorities for MOPC and the individual centers in serving the conflict resolution needs of the community and further broadening access to community mediation across the state. Program maintenance and development gained even greater urgency as District Court case filings in Massachusetts courts generally declined.²⁵

Individual centers engaged in their own program development ventures, at times with MOPC involvement. For example, the expansion of TMTC's Divorce & Mediation Program to an additional probate court site was supported by a local foundation grant obtained by MOPC in partnership with TMTC. Community project grants were awarded through the CMC Grant Program to two centers for peer mediation programs in local schools, in furtherance of the grant program's positive youth development initiative.

Mindful of the recommendation from the Program Advisory Committee that MOPC ensure compatibility between programming plans and center interests, MOPC increased its efforts to get center input about program proposals. The project manager conducted a mini-poll of funded centers to ascertain their interest in various areas of program development. Subsequently, over the course of the year, restorative justice projects, elder and family mediation services, mediation of citizen-police issues, prisoner re-entry ventures, and assistance for the conflict management needs of municipalities were explored to determine their suitability as candidates for sustainable statewide community mediation programming. The program manager met with representatives from various institutions to gauge

²⁵ See <http://www.mass.gov/courts/court-info/court-management/case-stats/>

interest in partnering/collaborating on such initiatives, e.g., University of Massachusetts Boston Department of Gerontology, Justice Bridge, Institute for Healthcare Improvement, among others. The municipal initiative saw the most progress.

Center interest in assisting municipalities with conflicts was substantial. Out of 13 centers surveyed by MOPC in the fall of 2014, all expressed interest in providing dispute resolution services to municipalities; 12 were interested in providing training; and project development interested nine centers. According to a large majority of centers (ten or more), acting on these interests required additional staff hours, more training for mediators, and increased funding to support the variety of increased demands on the centers.

Building on documented center interest and responding to an unfunded legislative commission in FY 2015 for MOPC to conduct a study of municipal conflict, MOPC initiated an investigation, known as a needs assessment, to identify the needs of municipalities in managing destructive public conflicts and to propose solutions to address those needs. As part of the needs assessment, focus groups consisting of municipal officials were held in various regions across the state. Nearly half the centers were diligent in persuading legislators and others to participate in these focus groups. Centers were also invited to attend the focus groups in their area, and a number of centers took advantage of the invitation. Data generated by focus group discussions as well as interviews and surveys of public officials, other stakeholders, and interested members of the public conducted by MOPC for its study identified conflict resolution training for municipal officials and employees as a municipal conflict resolution need and identified local organizations like community mediation centers as an available asset for fulfilling that need.

Parallel to the municipal needs assessment, training was provided under MOPC auspices to staff and mediators from funded centers to familiarize them with working with municipalities, with the types of issues that might be brought to the attention of the centers for conflict resolution services, and with the particulars of designing conflict resolution training programs for participants in municipal positions. Additionally, ten centers applied for FY 2016 municipal training grants under the CMC Grant Program to pilot trainings for municipal employees or officials, in partnership with a municipality or a municipal department. These pilot programs were expected to be demonstration projects to inform legislators' interest in the feasibility of training municipal officials. Six such training grants were ultimately awarded.

D. Advocacy

Community mediation centers acted on their commitment to serve the conflict resolution needs of the entire community, particularly people who are lower income or who are underserved, by providing mediation services at low or no charge. The government's concern for the conflict resolution needs of all its citizens, including the disadvantaged, was expressed through funding support for community mediation centers by way of appropriations for the CMC Grant Program run by MOPC. Without state support, the survival of centers will be under siege and access to mediation services by the needy will be imperiled since centers' very limited earnings from mediation services inevitably fall short of meeting their costs for overhead and the staff necessary to deliver mediation services. In order to secure stable state support for community mediation through appropriations for the CMC Grant Program, MOPC partnered with centers to demonstrate to state legislators, policy-makers and budget analysts the value that community mediation brought and continues to bring to Massachusetts communities.

From September through November 2014, MOPC, in consultation with centers, prepared the CMC Grant Program FY 2016 budget request for \$991,000. This amount would enable community mediation from centers to hire up to two core full-time staff and was determined by centers' plans to increase the scope and effectiveness of their response to the needs of the community, the operating expenses of centers, and the cost of efficient administration of the CMC Grant Program by MOPC.

During the winter months, MOPC and centers contacted legislators and their staff to get advice about effective advocacy and to gather support for community mediation. A briefing event, held for legislators and staff in the State House in January 2015, highlighted an engaging student presentation on peer mediation. Information about the grant program and its benefits was presented to the audience. A compact version of the report on the impact of the state's investment in community mediation along with other informational materials was shared with legislators and their staff. In addition, MOPC and center directors attended meetings with budget analysts and legislators to seek support for state funding for the grant program. These advocacy efforts resulted in legislative support for a level-funded appropriation of \$750,000 for the grant program in FY 2016 (a very tight budget year). This funding was critically important for the continued stability and maintenance of community mediation centers and the access to conflict resolution services that they offer to all Massachusetts citizens, especially to low income and underserved citizens.

E. Reporting

Pursuant to section 47(h) of the CMC Grant Program's enabling statute, MOPC fulfilled its responsibility to account for the use of taxpayer money to support community mediation centers through the CMC Grant Program by reporting on "the operations, activities and accomplishments of the statewide program and the centers funded under this section" to legislators and other specified government officials through this written annual report and evaluation. Additionally, MOPC reported semi-annually to a Program Advisory Committee of community mediation stakeholders, including representation from funded centers.

1. Fulfilling the reporting requirement

Compliance with the reporting requirement for FY 2015 is accomplished through the submission of this report, *Massachusetts Community Mediation Center Grant Program Fiscal Year 2015 Year-End Report & Evaluation*, to the governor, the chief justice of the trial court, the senate president, the speaker of the House of Representatives, the chairs of various legislative committees. MOPC and funded centers communicate findings from the report to the legislature at an annual January briefing at the State House. The report becomes publicly available when posted on MOPC's website and on ScholarWorks, a web-site that serves as a digital repository of research and scholarly materials.

To satisfy its accountability and reporting responsibilities, MOPC collected FY 2015 performance and impact information from funded centers through quarterly performance reports, a year-end survey, and descriptions of center activities and outcomes contained in their FY 2016 grant applications. Supplementary information was furnished by funded centers, parties, and mediators participating in the MOPC-administered PMP through surveys and interviews. MOPC held Program Advisory Committee meetings in the fall of 2014 and the spring of 2015, for which written progress reports were provided and ongoing implementation and program development activities were discussed and monitored.

2. Collecting data through MADTrac

MADTrac, case management software, was adopted for center use to standardize data collection and enable the production of reliable aggregated data to inform trustworthy reporting about the CMC Grant Program. Centers continued to develop proficiency in using the software to track, analyze and report on data during FY 2015. MOPC staff, the software developer SoftGoals, and the program manager assisted centers with more consistent use of MADTrac. Staff at several centers stepped up to be a resource to staff at other centers in increasing their MADTrac skills. Greater Brockton developed a Power Point presentation on entering data into MADTrac, which it shared with other funded centers. MCC Law contributed to progress in using MADTrac as a data collection and reporting tool for centers by testing the software and detecting problems; identifying ambivalent definitions and suggesting improvements in clarity and consistency; proposing a template for better organization of functions, uncovering conflicts between reporting requirements of different agencies; and being a conduit for questions and suggestions from centers to MOPC and SoftGoals.

With continued practice and the contributions from each other, the funded centers were increasingly able to rely on the data they entered on MADTrac to supply the information that is currently requested by MOPC via the annual survey and quarterly performance reports. For instance, MCC Law documented party satisfaction with the mediation process and center trainings on MADTrac. TMTC began tracking outreach efforts in MADTrac.

3. Simplifying the reporting requirement

Center exhortations to streamline reporting requirements, with which Program Advisory Committee members concurred, were responded to by MOPC in FY 2015. MOPC continued its streamlining efforts with modifications to the grant application process, described in an earlier section of this report, and with adjustments in data collection reports and surveys to increase efficiency and lessen time demands. In consultation with centers, the program manager adjusted reporting deadlines to better integrate them into center schedules. Also, four questions on the year-end survey were eliminated, constituting a 17% decrease in survey items compared to the previous year's survey.

F. Evaluation of the CMC Grant Program

The overarching goal of the CMC Grant Program is “the broad use of community mediation in all regions of the state,” and the grant program’s statutory mission is to promote such broad use. Subsidiary objectives for attaining the overarching goal consist of the four categories of standards of community mediation excellence described by the points in the Twelve-Point Model, including responsiveness to community resolution needs, providing quality services, reflecting the diversity of the community, and assuring access to services. The activities of the funded centers in serving the community constitute the means to achieving these objectives. To determine whether center activities met the relevant objectives in FY 2015, the results of actions undertaken by the funded centers were assessed. A similar process was used to evaluate the operation of the CMC Grant Program with respect to such pertinent objectives as sustaining access to community mediation, sustaining access to quality community mediation services, obtaining state funding for community mediation, and providing accountability as measured by relevant indicators of success. Indicators of success germane to program evaluation are listed in Appendix A. Outlined in Table 7 and 8 below is the application of this evaluation process to the actions taken by funded centers to achieve their objectives; Table 9 and 10 does the same for the CMC Grant Program itself.

Table 7. Outcomes/indicators of success resulting from actions undertaken by funded centers to satisfying the overarching goal.

Overarching goal	Means/actions to goal	Outcomes/Indicators of success
Broad access to community mediation state-wide	Provide mediation services and training/education in conflict resolution skills to community members	Members of communities throughout Massachusetts have access to and receive the benefits of services offered by community mediation centers.

Table 8. Subsidiary goals/objectives germane to satisfying the overarching goal.

Subsidiary objectives	Means/actions to goal	Outcomes/Indicators of success
Broad geographic coverage	Grants to 13 centers throughout state	Funded centers have geographic coverage across 14 counties, 9 regions, and the area served by 74 court divisions in FY 15 v. 78 divisions in FY 14
Serving the community by responding to community conflict resolution needs – settling disputes	Funded centers performed intakes and mediations for a variety of conflicts	<ul style="list-style-type: none"> - 5,429 intakes, averaging 418 intakes/center in FY 14 v. 5,194 intakes, averaging 371 intakes/center in FY 14. - 70% of intakes led to mediation. - 3,784 mediations, averaging 291 mediations/center in FY 15 v. 3,802 mediations, averaging 272 mediations/center in FY 14. - At least 8,119 people served in FY 15 v. at least 7,765 people served in FY 14. - At least 16 dispute types mediated. - Mediated disputes varied in intensity, including high, intermediate, low or preventative levels of intensity.
	Parties discussed issues and explored options for agreement in mediation	<ul style="list-style-type: none"> - 2,668 full agreements in FY 15 v. 2,607 in FY 14. - 96 partial agreements in FY 15 v. 41 in FY 14. - Over 70% average agreement rate in FY 15 v. 67% in FY 14. - At least \$4,135,893 returned to consumers in consumer and land/lord tenant disputes mediated by funded centers in FY 15 v. \$3,722,075 returned in FY 14.

Subsidiary objectives	Means/actions to goal	Outcomes/Indicators of success
		<ul style="list-style-type: none"> - Estimated monetary benefits to parties: estimated \$552,040 in savings for mediation of court-based cases - Qualitative benefits to parties: Probable 90% party satisfaction with process Likely improvements in between-party communication for most cases Probable reduction in litigation for most cases
	Funded centers provided intakes and mediations for court-based cases	4,384 court-based intakes 3,338 court based mediations Mediation resulted in an estimated \$1,136,500 savings to District Court
Increasing capacity for conflict resolution	Funded centers provided training and education in mediation and conflict management	820 people received mediation training in FY 15 compared to 497 in FY 14 Nearly 1,300 people received training and education about conflict management Different segments of the population received training & education, e.g., youth, elders, consumers, individuals in various occupations: elder care professionals, landlords, realtors, tenants, lawyers, service providers to disabled, social workers, etc.

Subsidiary objectives	Means/actions to goal	Outcomes/Indicators of success
Increasing public awareness of community mediation	Majority of funded centers provided training, informational material, workshops, participated in conferences, had a website or social media presence	Over 163,000 became aware of community mediation services 5,532 referrals received At least 21 referral sources Most common referral sources: courts, schools, self Majority of centers found that public awareness of mediation in their community increased Majority of centers found that the number of individuals participating in training increased Majority of centers found that there was an increase in referrals Majority of centers found that the number of people requesting mediation referrals increased Majority of centers found that the number of volunteer mediators increased
Providing quality services	Funded centers provided training that met Rule 8 standards	All volunteer mediators at funded centers participated in trainings that were consistent with Rule 8 standards.
	Funded centers imposed requirements on mediators that exceeded Rule 8 requirements	Volunteer mediators at a minimum of 6 centers completed an apprenticeship, a mentorship, or co-mediated with experienced mediators before practicing at center.
	Opportunities for continuing education and advanced mediation training were provided by funded centers	Volunteer mediators at 12 centers had the opportunity to continue their education or receive advanced training in, e.g., telephonic mediation, elder mediation, restorative justice practices, divorce mediation,

Subsidiary objectives	Means/actions to goal	Outcomes/Indicators of success
		landlord-tenant mediation, etc.
Reflecting the diversity of the community	Majority of funded centers provided mediation services and engaged in outreach activities to different segments of the population	<p>Volunteer mediators at three funded centers were recognized for their services</p> <p>Population served was more diverse at 6 centers Mediator diversity increased at 6 centers Staff diversity increased at 2 centers Diversity among board members increased at 6 centers Majority of population served was low-income The number of younger mediators increased at least at 2 centers The number of male mediators increased at least at 2 centers</p>
Assuring access to services	Affordable services were offered by funded centers	A client population that was predominantly low income received services for free or for sliding scale fees from all funded centers
	Mediation sessions were held at convenient locations	<p>Available locations increased at 5 centers.</p> <p>Parties participated in mediations held at offices convenient to public transportation or parking, during court sessions they were attending, or, upon request, at</p>

Subsidiary objectives	Means/actions to goal	Outcomes/Indicators of success
		other sites.
	Mediation sessions were scheduled at convenient times	Available hours increased at 1 center. Parties participated in mediations at times convenient to them during business hours, court sessions, or other times upon request.

Table 9: Outcomes/indicators of success resulting from actions undertaken by the CMC Grant Program to satisfying the overarching goal.

Overarching goal	Means to goal	Outcomes/Indicators of success
Overarching goal: broad access to community mediation state-wide	Promote broad access to community education state-wide through grants to eligible community mediation centers from the CMC Grant Program	Members of communities throughout Massachusetts have access to and receive the benefits of services offered by community mediation centers.

Table 10: Subsidiary objectives germane to satisfying the overarching goal.

Subsidiary goals/objectives	Means to goal	Outcomes/Indicators of success
Sustained access to community mediation	FY 2015 appropriation of \$750,000 to support community mediation under CMC Grant Program	Network of 13 centers across Massachusetts that responded to the conflict resolution needs of the community
	\$585,500 in operating grants awarded to 13 centers	Sustainability of 9 centers increased Types of disputes mediated by 6 centers increased More segments of the population received services from 10 centers The number of staff hours increased at 9 centers Mediator diversity increased at 4 centers Services to low-income or underserved individuals increased at 12 centers
	Grants awarded on the basis of performance and progress under a Twelve-Point Model consisting of standards for state-of-the-art community mediation.	13 centers were awarded grants totaling \$585,500 based on their performance and their progress under the Twelve-Point Model in FY 15
	Volunteer mediators were used by all centers	13 centers achieved estimated savings of \$1,215,995 from services of 410 active volunteer mediators.
State funding for community mediation	MOPC and funded centers engaged in advocacy initiatives.	Funding support in the amount of \$750,000 was appropriated for FY 15.
Accountability	Reporting on the activities and accomplishments of	Annual report on the activities and accomplishment of funded centers and the CMC Grant

Subsidiary goals/objectives	Means to goal	Outcomes/Indicators of success
	funded centers and the CMC Grant Program was required by the enabling statute.	<p>Program during FY 2015 was submitted to specified government officials in January 2016.</p> <p>Funded centers provided information about their activities and accomplishments to MOPC by furnishing quarterly reports, responding to an end-of-year survey, and describing their activities in grant applications.</p> <p>Centers continued to develop proficiency in using case management software to track data.</p> <p>MOPC reported semi-annually to Program Advisory Committee.</p>

The results presented in Tables 7, 8, 9 and 10 indicate that the decrease in the number of centers that were funded in FY 2015 compared to FY 2014 resulted in a decrease in the number of District Court divisions covered by funded centers and may have led to a minor reduction in the quantity of mediation services provided. In contrast, intakes did increase in FY 2015 compared to FY 2014. Moreover, the increases in the number of people served and in the average intakes and mediations per center in FY 2015 are evidence that centers supported by the state through the CMC Grant Program became more productive. By the same token, the sizable number of centers that experienced either growth or stasis with respect to indicators of success that measured outreach impact, diversity, and operational features, when compared to the few instances of negative indicators of success, reinforce the conclusion that the state grants to funded centers sustained, even strengthened, the delivery of community mediation services and broadened access to community mediation across Massachusetts. This may also indicate that more state funding is needed to capture and sustain gains being made by the centers individually and the state as a whole through CMC Grant Program.

IV. Economic Impact of State Operational Funding

MOPC, as part of its program evaluation of the CMC Grant Program, collects and analyzes data to establish the impact of community mediation in courts, schools and neighborhoods. Data gathering is conducted quarterly through the submission of data reports generated through a case management database system (MADtrac), through a comprehensive annual performance-based grant application process where centers detail center activities and through an annual survey to the centers that captures full-year data after the conclusion of the grant-year. The case management database records all center activities, including how many persons were served, how many volunteer hours were contributed, the number of disputes resolved, moneys saved to parties and other mediation outcomes, and even demographic information. A second software program (STATtrac) is used to aggregate the data from all centers. MOPC has reviewed the reliability of this data through the definition of various data points, continuous training of center staff and triangulation with data from the survey and grant applications. MOPC expects that these cost and outcome measurements will lead to even more robust economic evaluations of the CMC Grant Program in the future.

In the interim, MOPC developed the following economic analysis indicating what the costs and benefits from the CMC Grant Program would look like based on empirical as well as assumed estimates²⁶ (some estimates are derived from other states' empirical estimates)²⁷.

In cost-benefit analysis, there is a tendency to overemphasize the monetary or monetized benefits of a program. Most economic analysts agree that monetary outcomes are not the only outcomes – perhaps not even the most important outcomes of an intervention:

²⁶ From the point of view of outcomes theory, an *effect-size* is formally defined as the amount of change in a higher-level outcome within an outcomes model that can be fully attributed to the causal effect of a lower level step within the same outcomes model. See Duigan, P. (2009-2012). Types of economic evaluation analysis. Outcomes Theory Knowledge Base Article No. 251. Retrieved from <http://outcomestheory.wordpress.com/2011/10/21/types-of-economic-evaluation-analysis-2m7zd68aaz774-110/>

²⁷ It must be noted that, where an assumption-based approach is used in this analysis, it is used because there is not enough empirical information to robustly determine what the effect-size actually is.²⁷ Indeed, few measures of effectiveness will be perfectly reliable, but it is important that the most reliable measure be employed wherever available or the one that meets minimal standards.²⁷ In most cases, finding a correlation between an alternative and a measure of effectiveness will be possible.²⁷ It is hoped that the following preliminary economic analysis will provide some direction and guidance for a more robust economic analysis to follow.

The major problem with all forms of cost-benefit analysis is that monetary outcomes are the only outcomes considered. Most service providers and some other interested parties believe that the most important outcomes can hardly be quantified, much less monetized (translated into monetary outcomes). To note that some nonmonetary outcomes, such as reduced crime, can be monetized does not eliminate, but only reduces, this problem. This does not necessarily mean that cost-benefit analysis is itself unwise. Problems arise when only one perspective is considered; it is important to adopt multiple perspectives in cost-outcome analyses (Yates, B. 1999)²⁸.

Therefore, it must also be noted that even a robust cost-benefit analysis will struggle to ascertain the holistic outcomes and/or benefits of community mediation.

Any holistic estimation of community mediation costs and benefits must take into account the unique features of community mediation, such as, for example, the psychosocial impact of mediation and the utilization of volunteer mediators, which ask for a non-commercial and more holistic analysis of the impact of community mediation. Executive Director of Community Mediation Maryland Lorig Charkoudian indicates that the “cost of mediation,” [meaning, cost of community mediation] “has both a financial cost as well as an emotional cost. The total cost, then, of using mediation includes the emotional costs, which cannot be measured directly, the opportunity cost and any financial cost on top of that.”²⁹

Charkoudian further observes: “government and charitable subsidy of the financial cost (including provision of services by volunteer mediators) may bring the total cost down to a level where consumers are more likely to consume the socially optimal amount of mediation. But it is important to recognize the ripple benefits of mediation, and the fact that we can create value for peace that goes far beyond the financial.”

Hence, in this evaluation of the CMC Grant Program, MOPC analyzes both the monetized AND the non-monetized outcomes of community mediation. However, this section of the report deals solely with the monetized outcomes or the Return on Investment (ROI) of state operational funds spent on publicly funded services of the state dispute resolution office (MOPC) and 13 state-funded community mediation centers.

²⁸ Yates, B. T. (1999). Measuring and improving cost, cost-effectiveness, and cost-benefit for substance abuse treatment programs. National Institute on Drug Abuse, NIH publ, (99-4518).

²⁹ Charkoudian, L. MACROScope letter to the editor. Retrieved on December 17, 2012, from http://www.mdmediation.org/sites/default/files/Mediation%20and%20Money_1.pdf

Economic Analysis of MA Community Mediation

This economic analyses is be divided into four distinct analyses: 1) cost of intervention analyses, which simply show what it costs to run an intervention; 2) cost-effectiveness analyses, which show what it costs to achieve a certain effect³⁰; and 3) cost-benefit analyses, which show the overall costs and benefits of an intervention.³¹

Cost-effectiveness analysis is a technique that relates the costs of a program to its key outcomes or benefits. Cost-benefit analysis takes that process one-step further, attempting to compare costs with the dollar value of all (or most) of a program's many benefits. These seemingly straightforward analyses can be applied any time before, after, or during a program implementation, and they can greatly assist decision makers in assessing a program's efficiency.³²

In the following analysis, all three models will be utilized to develop preliminary estimations of the economic impacts of Massachusetts community mediation.

A. Cost of intervention analysis of MA Community Mediation

1. Cost of intervention analysis of Massachusetts community mediation – Single and multi-intervention comparison

Methodology:

A cost-of-intervention analysis looks at the cost of an intervention and allows us to estimate that cost in relation to the investment and its benefit. Cost of intervention analysis multi-intervention comparison allows us to compare the costs of different interventions (e.g., Program 1 – \$1,000 per participant; Program 2 – \$1,500 per participant). In the following analysis, the cost is primarily the state

³⁰ This is the relationship between program costs and program effectiveness. "There is no single standard for "cost-effective." Generally, the term is used loosely as a way of saying that something probably costs less, or is more effective, than something else. Cost-effectiveness indices can be compared for different programs..." (Yates, 2009).

³¹ This is the measurement of both the costs and outcomes in monetary terms. "Costs and benefits can be compared between programs or contrasted within a single program. Cost-benefit analysis can also discover whether program expenditures are less than, similar to, or greater than program benefits." (Yates, 1999)

³² Cellini, S. R., & Kee, J.E. (2010). Cost-effectiveness and cost-benefit analysis. In Wholey, J. S., Hatry, H.P., & Newcomer, K.E. (Eds.), *Handbook of practical program evaluation*, 493-530. San Francisco, CA: Jossey-Bass.

funding provided to community mediation centers through a structured grant process by the Commonwealth of Massachusetts and the State of Maryland.

i. Cost of setting up existing dispute resolution infrastructure

Effect-size estimation:

- Before FY 2013 funding, centers without any state funding through the trial court since FY 2009 were facing dire financial issues. There was a possibility that most/some centers would go out of business.
- A survey administered in the 1990's of court-connected ADR programs shows the average annual administrative cost (at the time) per each program/center was \$34,500.³³
- Re-investing in existing community mediation centers with established networks of volunteers, referral sources and programmatic funders, instead of creating new centers averted the necessity of re-launching Massachusetts community mediation.

Cost of Intervention: Assuming that all 13 centers active in Massachusetts in FY 2015 closed without state operational funding, using the administrative costs of programs from the 1990's as a baseline start-up cost, \$448,500 would have to have been appropriated by the Commonwealth of Massachusetts just to restart 13 community mediation centers. Any return on investment that appears in this report would not have accrued in FY 2015 until centers launched their operations in full by recruiting new staff, re-establishing networks of volunteers, referral sources and other funders. Centers would also have had to reestablish good will, reputation, trust and social capital through community outreach and education. This would have taken months or possibly years to accomplish and at the cost of an unknown sum of money.

ii. Cost of a mediated case based on state operational investment

Effect-size estimation:

- Massachusetts Legislature invested \$750,000 in the CMC Grant Program in FY 2015. In the same year, 13 Massachusetts community mediation centers conducted 3,784 mediations. Using the state grant program investment as the cost, the estimated intervention cost of the grant program is \$198 per mediated case.

³³ Cratsley, *op. cit.*

- \$1,244,378 was awarded to community mediation centers by the Maryland Judiciary in FY 2015. An additional \$250,000 was made for program management through Community Mediation Maryland (CMM). Based on the community mediation award, community mediation centers across Maryland conducted 2,463 mediations in FY 2015 at an average intervention cost of \$607 per mediated case.
- New York's Office of ADR and Court Improvement Program indicate that the dispute resolution service cost-effectiveness is at approximately \$200/case category (Collins, M., August 18, 2011, personal communication).

Cost of Intervention:

The Massachusetts cost of intervention ratio is 3 times less than the cost of intervention ratio of Maryland. Comparatively, Massachusetts community mediation centers conduct more mediations with less state operational funding than Maryland community mediation centers.

- i. Cost per person served based on state operational investment

Effect-size estimation:

- The Massachusetts Legislature invested \$750,000 in the CMC Grant Program for FY 2015.
- 13 grantee Massachusetts community mediation centers served a total of 8,119 persons in FY 2015 (5,429 case intakes and 3,784 mediations).
- The average cost of intervention of the Massachusetts CMC Grant Program is \$92 per person.
- The hourly rate for a private mediation practitioner is around \$185 an hour.³⁴ Lawyers charge \$388-\$595 an hour (Associate vs. Partner) in legal fees.³⁵

³⁴ Massachusetts Dispute Resolution Services. Fee schedule. Retrieved November 24, 2015, from <http://www.mdrs.com/fees>

³⁵ Massachusetts Lawyer's weekly 2013 rates for lawyers. Retired on November 24, 2015, from <http://masslawyersweekly.com/2013/10/11/the-going-rates/>

Cost of intervention:

Based on the state grant program investment as the only public investment in MA community mediation, MA community mediation centers cost 201% less per hour per person served, and between 421%- 646% less than the cost of hiring a lawyer.

B. Cost-effectiveness analysis of MA Community Mediation

2. Cost-effectiveness analysis of Massachusetts community mediation – Multi intervention comparison

Methodology:

Cost-effectiveness analysis is designed to compare the costs and effectiveness of two or more alternatives with similar objectives allowing the selection of a wide range of effectiveness measures, if the program objectives are similar. This is followed by the calculation of a cost-effectiveness ratio, which assists economists to select the most effective intervention. The cost-effectiveness ratio is computed by dividing the cost of a given intervention by its effectiveness as follows:

$$CER = \frac{Cost}{Effectiveness}$$

In this analysis, estimates are available of the attributable effect-size of the intervention on mid/high-level outcomes allowing the estimation of the cost of achieving a mid/high-level outcome effect size of a certain amount and compare this across more than one intervention.

i. Cost-effective grant program administration

- In FY 2015 Maryland's Mediation and Conflict Resolution Office (MACRO) received \$276,650 from the state for its operating expenses, excluding salaries.
- In addition, Community Mediation Maryland (CMM), the state's community mediation technical assistance provider receives state operating funds amounting to \$250,000 to provide technical assistance, including monitoring and evaluation to Maryland community mediation. Importantly, grant program administration services are conducted by MACRO.
- In FY 2015, the Massachusetts Office of Public Collaboration (MOPC) received \$150,000 (\$130,000 in FY 2013, \$110,000 in FY 2014) for administering grants to 13 community mediation centers and related

operational expenses, designing and implementing the CMC Grant Program and the provision of technical services such as grant administration, and monitoring and evaluation.

- In FY 2015, MOPC received \$151,053 in state operational funding for its public mission under Massachusetts General Law ch.75 §46 through the University of Massachusetts Boston.
- The total state operational funding in FY 2015 for mediation program administration in Maryland is \$526,650 (excluding salaries for MACRO staff).
- The total operational funding provided by Massachusetts for the state dispute resolution office and for the administration of the community mediation program is \$301,053.

Cost-effectiveness:

The administrative expenses of the state dispute resolution office (MOPC) in Massachusetts, combined with the program administrative expenses of the Massachusetts's community mediation grant program costs 57 of the administrative cost of the Maryland dispute resolution office and Maryland's community mediation administrative costs. The cost-effectiveness ratio of Maryland community mediation grant program administration compared to Massachusetts grant program administration is 1:1.75.

C. Cost-benefit analysis of MA Community Mediation

3. Cost-benefit analysis of Massachusetts community mediation based on state operational investment – Multi intervention comparison:

Methodology:

Cost-benefit analysis techniques determine whether the benefits of a given alternative outweigh the costs and thus whether the alternative is worthwhile in an absolute sense. If the cost-benefit ratio is above one (1), which means that the benefits outweigh the costs. The cost benefit ratio is calculated by dividing the benefit of the intervention by the cost of the intervention as follows:

$$BCR = \frac{\textit{Benefit}}{\textit{Cost}}$$

i. Assumed cost-benefit to the District Court from juvenile mediations

Effect-size estimation:

- In 1992, the cost of processing 3,660 juvenile cases in a year using mediation at the Haverhill District Court in Massachusetts was estimated at \$2,464,197, while the cost of processing this number of cases in court was estimated to be \$5,691,995, which is a cost saving of \$3,227,798 for a year.³⁶ This is an average saving of \$882 per case.
- Based on the above figures, the cost of a juvenile case going through court was \$1,555. The cost of mediation, according to the same study, was \$673 per case.
- Four Massachusetts community mediation centers conducted 95 successful juvenile mediations in FY 2015.

Cost-benefit:

At an average saving of \$882 per case to the District Court, Massachusetts community mediation centers mediated 95 juvenile cases with an estimated cost saving of \$19,646 for the respective District Courts. If not for these mediations, the cost of 94 juvenile cases going through court would have amounted to \$83,790.

- ii. Assumed cost-benefit to the court from successful mediations avoiding trial

Effect-size estimation:

- Thirteen Massachusetts community mediation centers conducted 1,812 successful small-claims mediations that avoided trial in Fiscal Year 2015. Six centers also conducted 1,131 successful summary process mediations and one center conducted 41 minor criminal mediations that also avoided trial.
- The Oregon Department of Justice report found that “the cost of resolving a case by taking it through a trial to a verdict (\$60,557) is, on average, the most expensive process [the cost to the state – including judicial system – in civil cases involving the state of Oregon]. At the other end of the spectrum, mediation costs about \$9,537.³⁷
- Assuming a conservative cost-saving to the court of \$500 per case, Massachusetts community mediation centers have saved an estimated

³⁶ From a report titled *Expanding juvenile mediation in Massachusetts* from the Crime and Justice Foundation cited by Cratsley, *op. cit.*

³⁷ Oregon Department of Justice figures, retrieved December 17, 2012 from www.doj.state.or.us/adr/pdf/gen74031.pdf

\$1,492,000 to the court system from 1,812 successfully mediated small-claims cases, 1,131 successfully mediated summary process cases and 41 successfully mediated minor criminal cases in FY 2015.

- Costs to parties would include filing fees that are between \$40 and \$150 per party in Massachusetts.³⁸ For small claims disputes concerning amounts less than \$7,000, private mediation practitioners can charge \$185 an hour.³⁹ Additionally, lawyers could charge \$388-\$595 an hour (Associate vs. Partner) in legal fees per case for sending Lawyer's Letters, court appearances etc.).⁴⁰
- Assuming a conservative cost-saving of \$185 per party to a case (based on private mediation practitioner rate, not legal practitioner), Massachusetts community mediation has saved \$552,040 to parties from 1,812 successfully mediated small-claims cases, 1,131 successfully mediated summary process cases and 41 successfully mediated minor criminal cases in Fiscal Year 2015.

Cost-benefit:

Massachusetts community mediation centers have saved an estimated \$1,492,000 for the court system and \$552,040 for parties in 1,812 successfully mediated small-claims cases, 1,131 successfully mediated summary process cases and 41 successfully mediated minor criminal cases in FY 2015.

iii. Cost-benefit of leveraged pro bono mediation services

Effect-size estimation:

- Thirteen Massachusetts community mediation centers maintained a roster of 537 volunteer community mediators who contributed 13,395.55 hours of pro bono mediation services in FY 2015.

³⁸ Massachusetts Court System <http://www.mass.gov/courts/court-info/filing-fees/dc-fees-gen.html>

³⁹ Massachusetts Dispute Resolution Services. Fee schedule. Retrieved November 24, 2015, from <http://www.mdrs.com/fees>

⁴⁰ Massachusetts Lawyer's weekly 2013 rates for lawyers. Retired on November 24, 2015, from <http://masslawyersweekly.com/2013/10/11/the-going-rates/>

- At private market rates, the value of this pro bono work is estimated at \$2,478,177 at a \$185 per hour (based on private practitioner minimum hourly rate).⁴¹
- If employed as an hourly wage earner, with the mean hourly wage for a mediator in the nation is \$34.01⁴², the total value of these pro-bono mediation hours would amount to \$455,583.

Cost-benefit:

537 volunteer mediators at twelve Massachusetts community mediation centers contributed 13,395.55 hours of pro bono mediation services in FY 2015, the value of which is estimated at \$2,478,177 at \$185 per hour (private practitioner minimum hourly rate) or \$455,583 at an hourly wage of \$34.01 for a permanently employee (hourly wage for mediator – national average).⁴³

The benefit-cost ratio of leveraged pro bono mediation services is 1:3.30, or for every dollar invested by the legislature in FY 2015, centers generated a benefit worth three dollars and thirty cents in pro bono mediation services, making Massachusetts community mediation a highly leveraged investment.

Cost-benefit of leveraged pro bono administrative services by staff, volunteers, board and interns

Effect-size estimation:

- Centers leveraged an extra 7,187.55 hours of pro bono administrative services from staff/volunteers/board members and interns in FY 2015.
- At an estimated cost of \$19.20 an hour (mean hourly wage for administrative services in Massachusetts)⁴⁴, the pro bono administrative services are worth \$138,001.

Cost-benefit:

Community mediation centers leveraged 7,187.55 hours of pro bono administrative services from staff and volunteers in FY 2015 worth \$138,001.

⁴¹ Massachusetts Dispute Resolution Services. Fee schedule. Retrieved November 24, 2015, from <http://www.mdrs.com/fees>

⁴² United States Department of Labor, Bureau of Labor Statistics. Retrieved November 24, 2015 from <http://www.bls.gov/oes/current/oes231022.htm>

⁴³ Ibid.

⁴⁴ United States Department of Labor, Bureau of Labor Statistics. Retrieved November 10, 2013 from http://www.bls.gov/oes/current/oes_ma.htm#43-0000

Based on the FY 2015 state investment in community mediation, the benefit-cost ratio of pro bono administrative services generated by centers is .18 or for every dollar invested in community mediation by the legislature in FY 2015, centers are capable of leveraging 18 cents worth of pro bono administrative services from staff/volunteers/board members.

iv. Cost-benefit leveraged from funds leveraged by community mediation

- The Massachusetts Legislature invested \$750,000 in the Community Mediation Center Grant Program in FY 2015.
- The Community Mediation Center Grant Program awarded \$585,500 in operational funds to 13 community mediation centers (\$556,500 in baseline and performance grants and \$29,000 in community project grants).
- The 13 MA community mediation centers leveraged the state operational investment leverage an additional \$2,285,629 from other state, local and/or Federal government sponsors funders, including private foundations.
- Centers used these funds to address critical public needs under the Massachusetts (12-Point) model of community mediation and to further expand their community mediation missions.

Cost-benefit:

Thirteen Massachusetts community mediation centers leveraged 305% of the total operational funding provided under the Community Mediation Center Grant Program. This is three dollars and five cents leveraged from every dollar of operational funding provided by the Community Mediation Center Grant Program.

v. Assumed cost-benefit of leveraged mediation trainings for community members

Effect-size estimation:

- Eleven Massachusetts community mediation centers trained 820 (up from 497 in FY 2014) community members as mediators in FY 2015.
- Each 40-hour mediation course has a market value of \$925 per trainee.⁴⁵

⁴⁵ Mediation Works Inc. Retrieved November 24, 2015, from <http://www.mwi.org/mwi-mediation-training-conflict-resolution-skills/mediation-training-weekends-mediator-training.html>

- The total benefit of these training services are worth an estimated \$758,500 (Up from \$298,200 in FY 2014).

Cost-benefit:

Eleven Massachusetts community mediation centers trained 820 community members as mediators in FY 2015, the total benefit of which is worth an estimated \$758,500.

Based on the FY 2015 state investment in community mediation, the benefit-cost ratio of leveraged mediation trainings to communities is 1:1.01 – or for every dollar invested by the state legislature in FY 2015, centers can leverage one dollar and one cent worth of mediation training to community members.

vi. Cost-benefits leveraged through consumer mediation grants

- The Massachusetts Attorney General’s Office provided an estimated \$484,000 to twelve Massachusetts community mediation centers funded by the CMC Grant Program in FY 2015 for conducting face-to-face consumer mediations.
- Using the AGO numbers, twelve Massachusetts community mediation centers helped parties recover \$4,253,971.66 in FY15. This is more than the monies recovered to parties in FY 2013 (\$3,857,032) and FY 2014 (\$3,722,074.96).

Cost-effectiveness:

The Massachusetts Attorney General’s Office provided an estimated \$484,000 to twelve Massachusetts community mediation centers in FY 2015 for conducting face-to-face consumer mediations. The twelve centers helped parties recover \$4,253,971.66 in FY 2015.

The benefit-cost ratio of the consumer mediation funds provided by the Massachusetts Attorney General’s Office is 1:8.7 – or for every dollar invested by the AGO in Massachusetts community mediation, consumers are recovering eight dollars and seven cents from consumer mediation agreements.

vii. Assumed cost-benefit to schools

Effect-size estimation:

- The Ohio Commission on Dispute Resolution found that schools managed to save an average of \$331 from each averted student

suspension or expulsion through the successful use of student peer mediations.⁴⁶

- Four Massachusetts community mediation centers conducted 132 successful peer mediations that may have resulted in avoided student suspensions or expulsions in FY 2015.⁴⁷

Cost-benefit:

Schools saved an estimated \$43,692 (down from \$88,046 in FY 2013) from avoided student suspensions or expulsions as a result of 164 (down from 266 in FY 2013) successful peer mediations conducted by four Massachusetts community mediation centers. The true benefit-cost ratio cannot be determined since funding for the Student Conflict Resolution Experts (SCORE) Program of the Attorney General's Office in collaboration with community mediation centers and school communities was defunded in 2009.

viii. Assumed cost-benefit to divorcing couples

Effect-size estimation:

- The average cost of private divorce mediation is estimated at \$5,000 per case.⁴⁸
- Eight Massachusetts community mediation centers conducted 125 successful divorce mediations in FY 2015.

Assumed cost-benefit:

The average cost of private divorce mediation is estimated at \$5,000 per case. Seven Massachusetts community mediation centers conducted 125 (Up from 93 in FY 2014) successful divorce mediations in FY 2015. Assuming the mediations were conducted free, parties to the 109 successful divorce mediations saved an estimated \$625,000 (up from \$465,000 in FY 2014).

⁴⁶ The Student Peace Alliance, *op. cit.*, citing Hart, R. C., Shelestak, D. & Horwood, T. J. (2003, February). *Cost savings report on school conflict management program*. Kent, Ohio: Kent State University, Bureau of Research Training and Services. Retrieved October 29, 2011, from <http://www.studentpeacealliance.org/learn/ohio-conflict>.

⁴⁷ Based on data from school discipline records, conduct grades, and ratings of anti-social behavior, researchers found that peer mediation reduced student anti-social behavior by one-third (Garrard, W. M. & Lipsey, M. W. (2007, Fall). Conflict resolution education and antisocial behavior in U.S. schools: A meta-analysis. *Conflict Resolution Quarterly*, 25:1, 9-38).

⁴⁸ Hoffman, L. (2006, November 7). To have and to hold on to. *Forbes*. Retrieved December 14, 2012, from http://www.forbes.com/2006/11/07/divorce-costs-legal-biz-cx_lh_1107legaldivorce.html.

ix. Assumed cost-benefit to local businesses/organizations

Effect-size estimation:

- Five Massachusetts community mediation centers conducted fourteen (up from seven in FY 2014) successful workplace mediations in FY 2015.
- The Mediation Training Institute International (MTI) found that a conflict cost a New England organization \$60,916.77.⁴⁹
- This estimation will use an assumed conservative cost of \$10,000 per workforce conflict (10% of the cost identified in the MTI case).

Assumed Cost-benefit:

Assuming a resolved workplace conflict saved a conservative average sum of \$10,000 for a local organization, a total of \$140,000 (up from \$70,000 in FY 2013) was saved for local businesses/organizations by Massachusetts community mediation centers in FY 2015.

⁴⁹ Mediation Training Institute International. Retrieved December 20, 2012 from <http://www.mediationworks.com/mti/costs1.htm>

V. Recommendations

The trajectory of community mediation in FY 2015, as expressed through the actions and impact of funded community mediation centers, exhibited a promising upward trend that was fueled by the \$750,000 appropriation for the CMC Grant Program. In order to ensure that this trend continues to climb in FY 2016, the following actions are recommended:

A. Recommendations for State Action

1. Increase state funding for the CMC Grant Program beyond current levels.

In view of the contribution made by current levels of state support to the stabilization and the modest growth of community mediation centers' activities and impact, the state should increase funding for the CMC Grant Program. An increase in state funding beyond current levels would do much to enable community mediation centers to thrive and achieve more ambitious goals in responding to the conflict resolution needs of communities throughout the state as well as contribute to the development of new evidence-based state-wide programming to meet critical needs in a cost-effective manner. The economic analysis of the grant program's cost-effectiveness demonstrates both a substantial return on the state investment's to date as well as the likelihood of even greater return with increased funding.

2. Fund state operating grants to enable hiring of core center staff.

The state should appropriate sufficient funding to the CMC Grant Program to award grants that will support up to two core staff at each center. Paid staff are needed to process referrals, coordinate volunteers, conduct training and outreach, track data, prepare reports, and engage in program development, grant-writing and fundraising, all activities are tied to centers' ability to successfully manage operations, provide accessible quality services to courts and communities, and secure financial support to sustain operations through fluctuations in referrals and funding sources.

3. Appropriate state funding for services to support municipalities.

The state should support the efforts of MOPC and centers to develop state-wide programming serving municipalities through community mediation infrastructure. Increases in funding to support local mediation projects with municipal partners

and conflict resolution training for municipal officials and employees would help build local dispute resolution capacity. As existing local assets, centers can be leveraged to serve a broader array of municipal problems such as incivility and conflicts over school district financing and land use which have been identified as key areas of need for local government in MOPC's municipal study.

4. Commission a study to restore state-wide youth/peer mediation programming.

The state should support the efforts of MOPC and the community mediation centers to scale up work being done with youth in schools, families and communities through the re-establishment of state-wide youth/peer mediation program similar to the one formerly funded by the Attorney General. Cost-savings to schools and the state would justify re-investment in this type of state-wide programming.

B. Recommendations for CMC Grant Program Action

5. Increase efforts to expand the network of funded community mediation centers.

The number of funded centers dropped from 15 to 13 since the inception of the CMC Grant Program. On the one hand, it is satisfactory when centers can function independently of grants from the CMC Grant Program. On the other hand, centers that fail to participate in the grant program lose an incentive to impel them to ever greater community excellence and may even experience diminished access to the resources offered by the network of funded centers. Considering the goal of broadening access to community mediation services, MOPC and funded centers should join forces to invite more centers, including start-ups, to participate in the grant program. Legislative funding should increase to accommodate an increased number of center participants in the grant program, particularly in areas of the state that do not house a local center but currently rely on centers from other regions for services.

6. Continue efforts to diversify referral and funding sources.

The decrease in District Court case filings and the reduction in grants from the Massachusetts Bar Foundation due to the decline in IOLTA funds present a cautionary tale about relying on just a few referrals and funding sources. Continued efforts should be made by MOPC and centers to diversify their sources for referrals and funding as a cushion against reductions in referrals caused by fluctuations in the economy and changing circumstances of sponsors and funders.

7. Continue to develop additional programming.

By adding more programs that can sponsor their inventory of services, centers will be able to assist a greater number of people mired in a variety of disputes while also attracting referrals and funding support from organizations with interests that are aligned with the new programs. The program development initiatives being undertaken by MOPC and the programs in FY15 in priority areas for the Commonwealth, specifically municipal conflict resolution needs, youth violence prevention, elder and prisoner re-entry mediation, and restorative justice have the potential for the most impact on communities, citizens and government agencies.

8. Continue to address reporting and application challenges.

Centers have spoken with one voice about the challenges of applying for grants and meeting their reporting responsibilities. MOPC would do well to persist in

discovering ways to streamline the annual grant application and ongoing data collection and reporting requirements in consultation with funded centers. It should be recognized by all that this is no simple task. As a performance-based program, the satisfaction of accountability and reporting responsibilities in a conscientious manner will not be easy at the best of times. Furthermore, any streamlining initiative has to comply with the statutory mandate to “consult with centers in establishing grant criteria and procedures” (G.L. ch.75, §47(h)), yet avoid the conflict of interest that may emerge when the potential recipients of a benefit have a hand in making the rules for acquiring the benefit.

9. Continue growing center human resources and non-profit management capacity.

Funded centers should seek to stabilize their staff, institute full-time positions or functional equivalents, and adopt measures to ensure sufficient salaries and professional development to retain core professional staff.

10. Continue development of a mediator excellence system.

MOPC and funded centers should continue efforts to develop and implement systems and to secure resources that cultivate and recognize mediator excellence among center staff and volunteers, and promote a network of reflective high quality practitioners and trainers.

Appendix A: Indicators of Success

Indicators of Success

Performance indicators are measures that describe how well a program/center is achieving its objectives. They tell the program/center what and how to measure success. One of the primary uses of performance indicators is to develop measures as to what constitutes success, collect data indicating that success, and communicate to interested parties the results achieved under each of the measures.

Quantitative Indicators

1. Scope of services:

- Number of informational inquiries
- Number of referrals (court-connected)
- Number of referrals (community-based)
- Number of intakes
- Number of mediations
- Number of mediation sessions
- Number of free mediation sessions with number of hours
- Number of sliding-scale mediation sessions with number of hours
- Number of persons served annually (includes all services)
- Name and number of cities, towns and counties served
- Number of pre-court cases/mediations
- Number of persons trained in basic mediation skills
- Number of persons trained in advanced mediation skills
- Number of hours of community education conducted by center
- Number of hours of community outreach
- Number of agencies center partnered with to conduct outreach
- Number of outreach materials developed
- Number of outreach events conducted
- Number of individuals participating/exposed to center outreach
- Number of multi-party disputes mediated
- Number of community locations/neighborhoods where mediation services are offered by center
- Number of schools, courts, housing agencies, social service agencies served by center in a fiscal year
- Number of organizations, agencies and groups referring disputes to center (court-connected and community-based)
- Categories of sources of case referral (self-referrals, police, courts, community organizations, civic groups, religious institutions, government agencies etc.)
- Number of persons trained in mediation from police, courts, community organizations, civic groups, religious institutions, government agencies etc.
- Number of dispute categories mediated by each center
- Number of youths served
- Number of peer mediators trained
- Number of neighborhood disputes mediated
- Number of workplace disputes mediated
- Number of truancy cases mediated
- Number of juvenile mediations

- Number of divorce mediations
- Number of parenting plans reached through mediations (full/partial/modifications)
- Number of school conflict mediations (successful/unsuccessful)
- Number of permanency mediations (successful/unsuccessful)
- Number of small claims mediations (avoiding trial yes/no)
- Number of summary process mediations (avoiding trial yes/no)
- Number of minor criminal mediations (successful/unsuccessful)
- Number of police calls avoided by mediation services

2. Volunteerism/donated services:

- Number of active volunteer mediators
- Number of active board members
- Number of active volunteer administrators
- Number of apprenticeships
- Number of student interns/internships in a fiscal year
- Number of pro bono hours donated by staff (mediation)
- Number of pro bono hours donated by staff (administration)
- Number of volunteer hours donated by volunteer mediators
- Number of hours donated by students
- Number of pro bono hours donated by board

3. Demographics

- Age, race, gender, ethnicity, income and education of community members served
- Age, race, gender, ethnicity, income and education of mediator pool
- Age, race, gender, ethnicity, income and education of staff
- Age, race, gender, ethnicity, income and education of board

4. Dispute outcomes

- Number of full mediated agreements
- Number of partial mediated agreements
- Number of referrals proceeding to mediation
- Agreement rate/settlement rate
- Rate of compliance with full agreements
- Rate of compliance with full partial agreements
- Number of successfully mediated District Court cases
- Number of successfully mediated Probate & Family Court cases
- Number of successfully mediated Juvenile Court cases
- Number of successfully mediated Superior Court cases

5. Fundraising:

- Amount of operational funds raised
- Number of grant applications developed and submitted
- Number of sponsors/donors providing financial support (fiscal year)
- Amount of funding raised (fiscal year)
- Number of fundraising events held
- Number of hours spent on fundraising

6. CMC GP:

- CMC GP funding utilization (as a percentage of total funding/% of total operational funding etc.)
- Funds leveraged using CMC GP funds (amount in \$s)
- Cost savings to the community (amount in \$s)
- Cost-savings to the court (amount in \$s)
- Number of community needs addressed
- Increase in referrals (court and non-court)
- Increase in staff number
- Increase in staff time
- Increase in number of volunteer mediators
- Increase in the number of free mediations (number of hrs./amount in \$s)
- Increase in number of subsidized mediations (number of hrs./amount in \$s)

Qualitative Indicators

7. Mediator excellence:

- Basic training and apprenticeship for new mediators.
- Compliance with court standards for mediator training & continuing education
- Opportunities provided for advanced trainings and/or specialized trainings
- Background information requirements for mediator candidates
- Written materials developed that describe center expectations and policies regarding mediator performance provided to new mediators
- Follow-up assessments of mediator performance after the volunteer mediators are added to the roster Evaluation conducted regularly and documented, including party feedback, observation, self-reflection, peer and/or supervisor feedback
- Practice requirements regarding number of mediation sessions conducted/year
- Fundraising to hire staff to accomplish mediator excellence goals goal

8. Client diversity:

- Instituting systems to track demographics of clients
- Identifying and implementing standards that guide center's pursuit of client diversity
 - Reliance on court-referred cases as assurance of client diversity
 - Parity with demographics of region served
 - Achieve geographic diversity
 - Embrace value of diversity irrespective of demographic representation
- Implementing a variety of methods to reach out to underserved segments of the community
 - Note: some centers explain the preponderance of low income clients using their services on the tendency of higher income parties to use either attorneys or private practitioners
 - Achieving greater mediator diversity
 - Reaching out to a variety of referral sources
 - Note: some centers rely on their umbrella organization for a substantial proportion of their referrals
 - Conducting mediation skills training and conflict resolution education offered to different groups

9. Mediator diversity:

- Identifying diversity standards for center to aspire to
 - Increasing parity with population demographics of region served
 - Note: some centers seem content with a predominantly white mediator roster that reflects the predominantly white population of their region
 - Reducing over-representation of particular group among mediators
 - Reducing reliance upon mediators from particular occupation
 - Increasing minority representation among mediators irrespective of region's demographics because of
 - Value of diversity
 - Responsiveness to needs of potential minority clients, e.g. recruit bi-lingual mediators to address needs of particular segment of population
 - Redressing gender imbalance – over-representation of females among mediators.
- Taking steps to achieve mediator diversity
 - Celebrating volunteer mediators – CDSC Gala
 - Conducting outreach efforts to minority groups
 - Training, workshops, presentations
 - Conducting outreach efforts to males to address over-representation of females among mediators – reach out to such organizations as Elks, Rotary
 - Addressing overrepresentation of older, retired mediators by efforts to attract younger or lower income or employed individuals to volunteer as mediators
 - Attracting a younger crowd with flexible schedules by offering training to college students.
 - Note: sessions scheduled during working hours (e.g. court-connected cases), training fees, and the absence of payment to mediators constitute obstacles to successful recruitment efforts. Some centers offer scholarships to cover training fees.
- Taking steps to meet challenge of decreased funding
 - Challenge: some centers have discontinued their recruiting efforts because of lack of funding
 - Partnering with other centers to recruit more volunteer mediators.

10. Community awareness:

- Increasing visibility and utilization of community mediation through a variety of methods and venues
 - Participation in community events, professional forums
 - Using media
 - Press releases
 - Interviews
 - Appearances & messages on radio and local cable TV shows
 - Newsletter
 - Listservs
 - Website
 - Social media

- Facebook page
 - twitter
- Participating at local/regional events
 - Fairs
 - Conferences
- Presentations and/or membership in community organizations
 - Chambers of commerce
 - Housing authorities
 - Human service organizations
 - Cultural organizations
- Providing passive information through brochures and fliers made available in a variety of venues: churches, police departments, public libraries, town halls, veteran's organizations, courts, colleges, Laundromats, colleges
- Offering trainings to groups and to public at large
 - Peer mediation programs at schools
 - Training provided to retired judges (FSMP)
 - Cultural organizations
 - College
 - Professional associations
 - Social service providers
 - Civic organizations
- Conducting workshops for various groups (e.g., see above)
- Networking with town officials, clergy, business people, advocates, other CMCs

11. Financial independence:

- Increasing outreach to a variety of potential funding sources – government entities at all levels, local/regional commercial organizations, foundations, generous individuals
- Funding campaigns/appeals to community at large
- Taking steps consistent with a social enterprise model while continuing to protect the center's commitment to serving low income and underserved populations
 - Creating fee-for-service opportunities
 - Sliding scale fees for certain disputes or certain parties (e.g. business-business disputes), with availability of waiver
 - Training fees, with availability of waiver

12. Diversity of disputes serviced:

- Increasing efforts to get referrals from a variety of sources
 - Some centers are satisfied with the diversity of court-referred cases
- Developing mediator expertise with a variety of dispute types
- Involving mediators with identities and skills that are responsive to needs of particular groups
- Increasing the number of courts that center is certified to work with

13. Community involvement:

- Increasing efforts at outreach and education to local civic organizations, cultural organizations, etc.
 - Increasing training opportunities and conflict resolution education

- Increasing geographical accessibility to mediation services
 - Use sites that are accessible to public transportation & parking
 - Use a variety of sites throughout area on an as-needed basis
- Increasing scheduling flexibility
 - Scheduling evening and week-end hours in addition to day-time
 - Note: one center reached out to litigating parties to schedule mediation sessions before the trial date until funding cuts ended the practice (MSI)

14. Social capacity for conflict resolution:

- Centers accepting all level of disputes
 - Centers may screen disputes for appropriateness for mediation
- Centers contributing to conflict reduction by --
 - Providing mediation services
 - Having a beneficial monetary impact on community
- Centers engaging in conflict prevention efforts
- Centers handling high intensity disputes
- Centers providing training in conflict resolution and management skills to community
- Centers partnering with other community organizations to serve community

15. Use of technology

- MADtrac case management database
- Skype for telephone mediations
- Google Calendar
- Weave data visualization/mapping