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Massachusetts Community Mediation Center Grant Program: Fiscal Year 2014 Report & Evaluation

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Massachusetts Community Mediation Center Grant Program

Fiscal Year 2014 Report & Evaluation

**Massachusetts Office of Public Collaboration
University of Massachusetts Boston**

December 2014

This is the MA Community Mediation Center Grant Program annual report to the state, reporting on implementation and impact of the program in its second 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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Introduction

“Some amount of conflict is inevitable in every society. The key question is how that conflict gets resolved. America’s community mediation programs provide an important piece of the answer in this country.”¹

Government support for state-wide access to community mediation became official Massachusetts policy upon the passage of G.L. ch.75, §47 in July 2012. The legislation provided for the establishment of the Community Mediation Center Grant Program (the CMC Grant Program), “to be funded by the commonwealth” and administered by the state’s office of dispute resolution (the Massachusetts Office of Public Collaboration or MOPC), which would “promote the broad use of community mediation in all regions of the state” through the award of operating grants to eligible community mediation centers (centers). Words led to action when the legislature appropriated \$650,000 to initiate the CMC Grant Program in Fiscal Year (FY) 2013. With this act, Massachusetts resumed its mantle as an historic leader in the development of community mediation, a conflict resolution process that addresses community conflict resolution needs.²

The goal of the CMC Grant Program is to broaden access to dispute resolution for all Massachusetts residents by promoting community mediation as a cost-effective public service. Mediation – a voluntary conflict resolution process in which an impartial third party helps disputants discuss their issues and explore options for a possible agreement – is transformed into community mediation through the use of trained volunteers from the community who provide mediation services to members of the community irrespective of ability to pay through the auspices of a community mediation center, that is, a community-based program of a non-profit or government agency.³ The award of operating grants to community mediation centers is tantamount to state recognition that these centers are well-positioned to be responsive to community needs – that, as community-based institutions, the centers are more likely to be “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.”⁴

¹ Reno, J. Attorney General’s Forward in McGillis, D. (July 1997). *Community mediation programs: Developments and challenges*. National Institute of Justice: US Department of Justice, p. vii.

² For an overview of the history of community mediation in Massachusetts, see Jeghelian, S., Palihapitiya, M., & Eisenkraft, K. (2011). *Legislative study: A framework to strengthen Massachusetts community mediation as a cost-effective public service*. Boston, MA: Massachusetts Office of Public Collaboration, University of Massachusetts Boston.

³ NAFCM. (n.d.). Purpose. National Association for Community Mediation. Retrieved December 30, 2014, from <http://www.nafcm.org/?page=Purpose>; G.L. ch.75, § 47.

⁴ 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

Since its inception, the CMC Grant Program has proven to be an important lifeline for centers struggling to survive the economic downturn in the 2000s and the loss of court funding from Fiscal Year 2009 on. The appropriation of \$650,000 for the first year of the CMC Grant Program, while falling short of the \$1.25 million that would enable centers to thrive, was instrumental in stabilizing centers.⁵ The legislature continued to provide funding from the commonwealth for the CMC Grant Program in FY 2014, appropriating \$550,000, which was \$700,000 less than the \$1.25 million needed to provide for the long-term sustainability of Massachusetts community mediation.

This annual report describes the progress made in broadening access to community mediation by the CMC Grant Program under the challenge of reduced state funding in FY 2014. The first section of the report portrays the impact that grant-funded centers had on the community in FY 2014. The next section describes the operation of the CMC Grant Program: the performance of administrative duties by MOPC and the Program's effect on center operations and services. A third section presents an analysis of the economic impact of state operational funding by way of the CMC Grant Program. A fourth section deals with program evaluation by connecting the results and actions of funded centers and MOPC to the goals of the CMC Grant Program. The report concludes with recommendations about the future of the state-sponsored CMC Grant Program. The report is based upon aggregated information about the impacts and operations of funded centers and of MOPC as the state dispute resolution agency, and is illustrated by examples of specific actions and experiences of individual centers and MOPC staff. Data for this report was collected through quarterly reports from centers, annual grant applications and an annual survey administered by MOPC. Despite this report's focus on the aggregate, it should be remembered that community mediation supported by the CMC Grant Program affected the lives of real people: "even one case is significant."⁶

I. Impact of Funded Community Mediation Centers on the Community

In FY 2014, the CMC Grant Program awarded \$461,730 in grants to 14 of 15 applicants, an amount roughly equivalent to the grants awarded the previous year.⁷ Figure 1 lists the successful applicants.

⁵ See Massachusetts Office of Public Collaboration. (2013, December). *Massachusetts Community Mediation Center Grant Program: Fiscal Year 2013 year-end report & evaluation*. Boston, MA: Massachusetts Office of Public Collaboration, University of Massachusetts Boston.

⁶ Pointed out by Family Services from Central Massachusetts.

⁷ Rather than implement an across the board reduction in the awards to all centers in order to accommodate the \$100,000 cut in FY 2014 state program funding, MOPC chose to de-fund one of the centers that had the lowest performance score under the FY 2014 CMC Grant Program performance-based grant-making criteria as explained in section II.A below.

Figure 1. Massachusetts community mediation centers awarded CMC Grant Program grants in FY 2014 and 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
Dispute Resolution Services (DRS)	South Western Massachusetts
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
MetroWest Mediation Services (MetroWest)	MetroWest
Metropolitan Mediation Services (MMS)	Greater Boston
Mediation Services of North Central MA (MSNCM)	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

The vision of community mediation adopted by the CMC Grant Program⁸ was that of a state-of-the-art conflict resolution process as defined by the standards articulated in a Twelve-Point Model (see Figure 2) that addresses four broad goals:

- responsiveness to community conflict resolution needs,
- providing quality services,
- reflecting the diversity of the community, and
- assuring access to services.

⁸ Re-affirmed by funded community mediation centers at a meeting with MOPC on April 16, 2014.

Figure 2. Twelve-Point Model of Massachusetts Community Mediation

- Twelve-point Model of Massachusetts Community Mediation**
1. Train community members who reflect the community's diversity with regard to age, race, gender, ethnicity, income and education to serve as volunteer mediators.
 2. Provide a range of mediation services to address community needs, including but not limited to housing, consumer, family, neighborhood, youth, school, and/or workplace mediation.
 3. Provide mediation services at no cost or on a sliding scale.
 4. Hold mediations in neighborhoods where disputes occur.
 5. Schedule mediations at a time and place convenient to the participants.
 6. Provide mediation at any stage in a dispute, including the early use of mediation for conflict prevention and collaborative problem-solving.
 7. 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.
 8. Educate community members about conflict resolution and mediation.
 9. Maintain high quality mediation services by providing intensive, skills-based training, apprenticeships, continuing education and ongoing evaluation of volunteer mediators.
 10. Work with the community in center governance and center development by involving community members as staff, volunteers, board members and project partners.
 11. 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.
 12. Establish collaborative relationships with other service providers in the community to address community needs.

FY 2014 state operating grants were awarded through the CMC Grant Program to eligible centers that delivered services consistent with the Twelve-Point Model, in amounts commensurate with their progress in strengthening their missions under the Model, among other considerations. In effect, this grant process “tie[d] funding to values held by [community mediation centers]... and not solely to the court system’s goals.”⁹ The intent was to award

⁹ Kent, J.C. (2005). Getting the best of both worlds: Making partnerships between court and community ADR programs exemplary. *Conflict Resolution Quarterly*, 23:1, 71-86, pp. 77-78. The subject of this quote is the Ten-point Model used by MACRO to award grants to community mediation centers in Maryland. The quote is applicable to the Grant Program’s 12-point Model inasmuch as the latter is based on the Ten-point Model as well

grants to centers at all levels of achievement as an incentive to persist in their pursuit of excellence. As the following overview of the operations and impact of the CMC Grant Program indicates, funded centers largely maintained both the quality and scope of the assistance they provided to their communities during FY 2014.

A. Responsiveness to community conflict resolution needs

The 14 funded centers function either as independent non-profits (nine centers) or as programs connected to an umbrella non-profit agency (five centers – one housed in a community college, one in a housing authority, and three in social service agencies). Together, they have accumulated over 350 years of service to residents of 14 counties, with 12 of the centers in existence since the 1970s or 1980s. Their geographical reach, presented in Figure 1, extends over Massachusetts regions, including the Cape and Islands, the Berkshires, Central Massachusetts, Greater Boston, Greater Lowell, MetroWest, North Shore, Western Massachusetts, and the South Shore.

Centers delivered their services in FY 2014 on an average budget of \$151,724, with incomes ranging from about \$47,230 to a high of more than \$237,287. Their workforce consisted of paid and volunteer staff and mediators. Over 50 paid full- or part-time staff members, 55 paid mediators/consultants, 345 volunteer mediators, 100 board members, and 20 interns were instrumental in delivering center services to Massachusetts citizenry.

Center responses to the community's conflict resolution needs typically involved a three-pronged approach. Mediation services provided by centers helped settle disputes. Additionally, center initiatives contributed to the growth of social capacity for conflict resolution in their communities. Finally, the centers engaged in efforts to raise public awareness of community mediation as an alternative approach to resolving conflict.

Settling disputes: Mediation services provided by centers depressed the incidence of existing conflict not only when disputes were finally settled, but also when progress towards settlement occurred. The Community Dispute Settlement Center (CDSC) of Greater Cambridge/Metro Boston, measured its success as a community mediation provider “by progress toward resolution: 63% [of mediated cases] were resolved by mutual agreement and the other 37% met face to face and heard each other's points of view; many gained new understanding and/or narrowed their issues.”

as the nine characteristics of community mediation centers proposed by NAFCM (see NAFCM. (n.d.). Purpose. National Association for Community Mediation. Retrieved December 30, 2014, from <http://www.nafcm.org/?page=Purpose>.)

Intakes, mediations and the people served: Conflict was thus ameliorated in FY 2014 when the 14 funded centers performed 5,194 case intakes in total, averaging 371 intakes per center and ranging from 65 to 982 intakes. Intakes are performed to determine the appropriateness of using mediation to address a particular dispute and to gain party consent to participating in mediation. Although a prelude to mediation, the experience of one funded center, Cape Mediation, serving the Cape and Nantucket, indicated that even the intake process, where people are informed about mediation, has the potential to reduce conflict:

We have discovered that in some of our intakes with private mediations, the people learn enough about mediation that they go back to the people involved and work the problem out themselves. For instance, we were working with one family that decided to try a family meeting themselves after we had finished their phone interviews. They reported back that plans were made and everything so far was going smoothly.

Seventy-three percent of the case intakes in FY 2014 led to mediation, resulting in a total of 3,802 mediations, for an average of 272 mediations per center, encompassing a low of 34 to a high of 784 mediations. These FY 2014 intake and mediation numbers are lower than those generated in FY 2013 by 15 centers: 5,410 intakes and 4,219 mediations were conducted in FY 13, averaging 361 intakes and 281 mediations per center.

According to 12 funded centers that responded to the annual CMC Grant Program survey, 7,765 people received mediation services during FY 2014, yielding an average of 647 mediation recipients for each center. Over the two-year existence of the CMC Grant Program then, 15,578 Massachusetts citizens have been given the opportunity to experience the benefits of mediation services from state-funded centers.

Based on annual survey responses from 13 funded centers, an average agreement rate of 67% was achieved in FY 2014, a rate that was consistent with the national agreement rate of about 66% for community mediation of disputes.¹⁰ Using CDSC's measure of value, the 33% of mediations that failed to reach agreement still provided parties with such benefits as face-to-face communication, exploration of options, and improved understanding of disputed matters. Evidence for the beneficial effect of mediation on communication is provided by parties whose parenting disputes were mediated in FY 2014 by the seven funded centers in the Parent Mediation Program administered by MOPC. A substantial minority (between a third and a half) of surveyed parents experienced improvements in their between-parent communications.

¹⁰ 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.

Dealing with disputes, whether connected to courts or not: Centers mediated conflicts that arose in the community whether the conflict ended up in court or remained outside the judicial system. This distinction between court-based and non-court-based disputes, highlighted in community mediation scholarship, has been incorporated into the analysis of center performance for the CMC Grant Program. Recognizing the distinction prevents dispute resolution providers from overlooking the need to mediate disputes that are not addressed by the court system either because of the expense of litigation or the lack of court jurisdiction.¹¹ It also facilitates tracking the number of cases referred by courts to centers, an important measure for guarding against an over-reliance on the courts as a referral source. Such dependence can detract from conflict prevention and community-based services.¹² Diversification of referral and funding sources is promoted in the Twelve-point Model, and consequently by the CMC Grant Program, in part as a hedge against over-reliance. However, funding diversification has a limited effect when, as in FY 2014, centers receive substantial programmatic funding for alternative dispute resolution (ADR) in court. Twenty-five percent of the centers' collective FY 2014 budget consisted of the combined financial support from the Massachusetts Bar Foundation IOLTA Grants Program and the Attorney General's Office (AGO) Face-to-Face consumer mediation program. The IOLTA grants supported mediation services for low-income parties in civil cases while the Face-to Face grants involved consumer and landlord-tenant cases referred by the courts, the AGO, or other agencies, respectively.

The 14 funded centers served their communities in FY 2014 by providing mediation assistance for disputes that entered the judicial system and, at the same time, benefited the Court by lightening its caseload. In FY 2014, court-based disputes constituted a substantial portion of the centers' workload: 78% of intakes and 87% of mediations were court-connected. For its part, the Court played an important role in fostering the use of mediation, generally unfamiliar to the public,¹³ by approving access to dispute resolution in the courts. As approved providers of ADR for cases before the Trial Court, the number of court departments served by the centers remained unchanged from FY 2013 to FY 2014: funded centers provided mediation services in six of the seven Court Departments (see Figure 5). Housing Court was the outlier, relying solely on in-house specialists to handle disputes. Out of the 110 divisions in these six court departments, there was a 4% drop in the number of District Court divisions served by funded centers in FY 2014 (71%) compared to FY 2013 (75%) (see Figure 3 below). The defunding of a center in FY 2014 left four Essex County District Court divisions unserved by CMC Grant Program grantees.

¹¹ Hedeem, T. & Coy, P.G. (Summer 2000). Community mediation and the court system: The ties that bind. *Mediation Quarterly*, 17: 4, 351-366.

¹² Wilkinson, J. (2001). *A study of Virginia and ten states: Final report and recommendations*. Charlottesville, VA: Institute for Environmental Negotiation, University of Virginia.

¹³ Baron, *op. cit.*

Figure 3. Number of MA Trial Court Departments and Divisions served by community mediation centers funded in FY 2013 and FY 2014 through the CMC Grant Program (Approved ADR Programs List for 2013-2015)

Court Department	Total Number of Divisions	Number of Divisions that involve CMC grantees		Number of CMC grantees involved with Divisions	
		FY 2013	FY 2014	FY 2013	FY 2014
Boston Municipal Court	8	8	8	2	2
District Court	62	45	41	15	14
Juvenile Court	11	9	9	10	10
Probate & Family Court	14	9	9	8	8
Superior Court	14	10	10	6	6
Land Court	1	1	1	1	1
Housing Court	5	0	0	0	0

Funded centers contributed to conflict resolution for the court and, consequently, for the community through the court by conducting 3,747 day-of-trial intakes and 3,177 court-based mediations, averaging 268 court-connected intakes and 227 court-connected mediations per center. In FY 2014, 85% of court-based intakes resulted in mediation.

The intake and mediation numbers indicate that as a whole, funded centers were able to hold their own during FY 2014. An additional quantitative indicator of center success was furnished by the outcomes of the consumer mediations conducted by centers under the auspices of AGO’s consumer protection program – the Face-to-Face (FTF) Mediation Program. In return for \$429,559.37 in FTF grants, 13 centers participated in this program, mediating consumer and landlord-tenant disputes referred by the courts, the AGO, and by other agencies. As a result of the efforts of 12 of the centers, \$3,722,074.96 was returned to consumers. Consumers received eight times the AGO’s investment in the funded centers’ consumer mediation endeavors.

Factors affecting quantity of intakes and mediations: Different factors accounted for center success or failure in surpassing the previous year's performance numbers. A majority of centers (between seven and ten centers) identified increases in programmatic funding, operational funding, referrals, and staff hours as factors which affected the number of intakes and mediation services provided by the center. Staffing difficulties, attributable in large part to insufficient funding, diminished the mediation numbers of several centers. A shortfall in funding at TMTC in Western Massachusetts caused staffing hours to be reduced from 33 to 15 hours/week, which, in turn, ended the high school peer mediation program and left only the middle school program operating. At MMS, the peer mediation program was without a coordinator for six months, resulting in at least ten fewer mediations per month or a 35% reduction in community-based mediations. Insufficient funding for additional staff hours and a shortage of mediators prevented BCRHA of Berkshire County from optimizing access to its mediation services through a consistent on-site court presence, forcing it to rely on contacts from the court to supply its services on an as-needed basis instead.

Changes in court circumstances variously influenced the need for mediation services at some centers. The use of dispute resolution by the court was one factor that increased the number of intakes and/or mediations conducted by six centers, decreased intake and/or mediation numbers for three centers, and left those numbers unchanged for three centers. Moreover, an increased number of courthouse mediation sites reduced wait times for mediation services by nearly 30 minutes, which led to the addition of nearly 100 summary process cases to the mediation caseload of MCC Law from Greater Lowell. In contrast, the delivery of mediation services by Family Services of Central Massachusetts at the Probate and Family Court was hampered by the resistance of the Probation Department to on-site work by outside mediators, and their mediations had to be conducted off-site. MetroWest found that the continuing high rate of defaults which lowered the use of mediation was partially offset by the increased demand for its mediation services in eviction cases.

Variety of disputes addressed – types of disputes: The breadth of the contribution made by funded centers to the reduction of conflict in the community was indicated not only by the quantity of disputes but also by the array of types of disputes that were mediated. Indeed, compared to the previous year, a large majority of centers (ten) were able to expand their mediation services to additional types of disputes because of grants they received. The categories of disputes addressed by centers include small claims, student-student, teacher-student, divorce, permanency, juvenile, summary process, housing, minor criminal, construction, child custody, visitation, family, parent-child, neighbor, consumer, elder, workplace, accessibility (disability), social services, veterans services, customer services, foreclosure, facility siting, landlord-tenant, management-resident, inter-resident, consumer-merchant, land use, library services, personnel administration, animal control, policing, farmers market disputes, agricultural loans and credit disputes, public nuisance, etc. A plausible

argument can be made for the adding a category for multiple party disputes to this list due to the complexities presented by such disputes. CDSC from Greater Cambridge/Metro Boston, for one, mediated three complex multi-party disputes, involving severally board members of an advisory group of service providers, residents in public housing, and members of a local co-housing group.

The five most common varieties of disputes that centers reported mediating concerned, in order of magnitude, summary process, consumer, school, housing, and divorce issues. Although, the number of cases in each category was reported by centers, the high degree of fluidity among these categories – e.g., a landlord-tenant dispute over unpaid rent could plausibly be classified in any if not all three categories of summary process, consumer, and housing – made these numbers too ambiguous to analyze in great detail.

The variety of dispute types handled on an individual center level is illustrated by the mediation case portfolios of different-sized centers. For instance, Greater Brockton, a smaller center, provided mediation services for 92 business cases, 5 family cases, 6 housing cases, 9 interpersonal cases, and one workplace case. MetroWest, a larger center, mediated 156 small claims cases, 91 summary process cases, 13 full divorce cases, one elder housing case, and 2 community consumer cases as well as 13 pre-court-filing divorce disputes, one pre-court-filing elder housing dispute, and 2 post-divorce transition matters. MSNCM from the North Central Massachusetts provides an example of the multiplicity of sub-categories of dispute types that can be contained within a broader dispute category. Under the rubric of family conflicts, MSNCM mediated family disputes concerning personal issues, family communication, and family-owned businesses. Moreover, a multiplicity of issues can characterize a dispute in any single dispute category. BCRHA of Berkshire County, for instance, noted that the 35% of its mediation caseload that was classified as small claims cases for debtor-creditor disputes encompassed financial, economic, and consumer-related social justice issues that arose from the need to develop agreements about settlement amounts and payment plans and to acquire financial literacy, budget guidance, and small business counseling.

Variety of disputes addressed – community mediation projects for the conflict resolution needs of youth and elders: Center assistance with conflict involving elders and youth was supported by the award of \$45,000 in Community Project Grants, ranging from \$1,000 to \$15,000, to six centers from the CMC Grant Program. Martha’s Vineyard held a day-long training on elder affairs, attended by 11 individuals (seven center mediators and four elder services professionals). Cape Mediation devoted considerable staff time to promoting its elder program, conducting 47 outreach events involving over 435 people elder program, assisting 19 people through six mediations, and providing four trainings to 127 elder service professionals. Four centers addressed the conflict resolution needs of youth. CDSC of Greater Cambridge/Metro Boston provided conflict skills workshops to 84 middle-school-aged youths to

increase their ability to address conflict constructively, without violence. MSNCM of North Central Massachusetts, North Shore, and TMTC of Western Massachusetts focused on peer mediation. North Shore contributed to the renewal of a high school peer mediation program, in which 29 of the 30 conflicts referred were successfully mediated. TMTC was able to continue its work with peer mediation at the Gill-Montague middle school despite depleted funding and staff hours. MSNCM used its grant money to increase coordinator presence at a charter school, train ten new peer mediators, and conduct four quarterly mini-trainings. Results included a doubling of referrals, achievement of agreements for 90% of disputes mediated, and an estimated reduction of 25% in aggressive and physical conflicts at the school.

Variety of disputes addressed – levels of intensity: Most of the centers' mediation efforts impacted existing conflicts at intermediate levels of intensity since much of their work involved disputes that were in the court system. However, intensity level did not always correlate with case type. MSNCM from the North Central Massachusetts, for example, considered the court cases it mediated to involve an intermediate level of intensity, and reserved the designation of high intensity for disputes that were referred by police and for cases from Minor Criminal Complaint hearings. MMS from Greater Boston agreed that court and agency-referred cases represented an intermediate level of conflict, but identified high levels of conflict by their significant potential for violence. For MSNCM, the low level of conflict intensity typical of family disputes was exemplified by the dispute it mediated between co-owners of a family-owned business over communication difficulties. In contrast, Cape Mediation of the Cape and Nantucket encountered three family conflicts that were high intensity due to severe long-term issues, and successfully mediated two of the three disputes. According to MSNCM, peer mediation belonged to the preventative/low intensity end of the spectrum. MCC Law of Greater Lowell, on the other hand, distinguished between peer mediation of verbal conflicts from peer mediation of physical encounters and considered the former as a preventative/low intensity conflict initiative. North Shore instituted "Mediation Monday" to provide assistance with family or workplace issues to employees and clients at an office complex in Beverly, MA irrespective of their suitability for mediation. On the whole, though, prevention and low and high levels of conflict received less dispute resolution attention from centers than did intermediate levels. MMS's analysis of its mediations according to the intensity level of the underlying conflict illustrates the predominance of intermediate level conflicts in mediation: during FY 2014, 6% of its dispute resolution efforts were preventative, 8% concerned low-intensity conflicts, 83% involved intermediate-intensity conflicts, and 3% dealt with high intensity conflicts.

Satisfaction with mediation process: Party perception of the process of mediation conducted by centers was an important ingredient in the impact that centers had on the community. Research shows mediation elicits positive reactions from parties, 90% of whom express

readiness to participate in mediation again.¹⁴ CDSC of Greater Cambridge/Metro Boston offered anecdotal evidence of party satisfaction with its mediation services, noting that prior clients demonstrated their approval by recommending its services to others. MMS of Greater Boston documented satisfaction with its mediation services through a postcard survey of mediation participants. Based on an 83% return rate, parties indicated a high degree of satisfaction. Over 90% of surveyed parents, who received mediation services for parenting disputes arising from divorce or separation from seven funded centers participating in the Parent Mediation Program, were willing to use those services again and recommend them to others. Taken together, the aforementioned indications suggest that party satisfaction with mediations conducted by all the funded centers in FY 2014 was substantial, consistent with research findings.

Building social capacity for conflict resolution: In FY 2014, the community's capacity for conflict resolution increased through the training and education about conflict and conflict management provided by funded centers to nearly 1800 people. The community's capacity for conflict resolution increased through mediation training for nearly 500 people and through the training and education in conflict management for another 1300 or so individuals. The ambitions for community mediation go beyond reducing conflict in the here and now and extend to the future by increasing the community's social capacity for conflict resolution. The community's capacity to handle conflict may consist of the delivery of dispute resolution services from community-based organizations to community members. The community's conflict resolution capacity may also reside in the collective conflict management skills of community members themselves. Community mediation centers aim to strengthen the community's social capacity for conflict resolution at both organization and individual levels through "the empowerment of communities and individuals to develop their own solutions in informal, convenient meetings with minimal involvement from the justice system."¹⁵

The funded centers pursued the goal of strengthened social conflict resolution capacity by recruiting volunteer mediators from the community, using mediation skills training as the principal method of recruitment. By virtue of this training, the conflict resolution skills of participating community members were improved thereby increasing the over-all capacity for conflict resolution in the community. The level of community-wide conflict resolution capacity was further elevated by trainees who chose to deploy their skills as mediators for community disputes. In all, at least 497 people received mediation training, which is probably an undercount of the actual number of trainees since only 12 centers furnished data.

¹⁴ Wilkinson, *op. cit.*; 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.

¹⁵ Hedeem & Coy, *op. cit.* p. 355.

To illustrate: Cape Mediation, serving the Cape and Nantucket, conducted three four-day intensive mediation skills trainings that were attended by 33 members of the community, including lawyers, social workers, professors, clergy, hospice workers, real estate agents, among others. Forty of the participants in 31 mediation trainings held by Greater Cambridge/Metro Boston's CDSC became mediators. Out of the 36 people, including court interpreters, attorneys, educators, law students, high school students, social workers, etc., who received basic mediation training from MMS of Greater Boston, 22 entered into supervised mediator practice. Seven of the 12 people who were trained by the South Shore's Greater Brockton and became mediators hailed from different parts of the region – viz., Brockton, West Bridgewater, and Stoughton. The March 2014 training that Family Services of Central Massachusetts provided to graduate students at Clark University's Public Communications Program resulted in an increase in volunteer mediators from minority communities. The basic mediation training of MSNCM from North Central Massachusetts was offered as a full course with internship at Fitchburg State University. The mediation training provided by TMTC of Western Massachusetts was completed by 31 community members and resulted in volunteer mediators for its programs and for those of BCRHA of Berkshire County. MetroWest, however, was forced to cancel its 2014 mediation training despite 30 inquiries from interested community members due to staffing issues.

Mediation training was made available to community members and organizations interested in obtaining mediation skills for purposes other than mediator recruitment. People in various occupations who considered mediation skills useful for their work received training and conflict management education from a number of the funded centers. Even though the Housing Court eschewed the services of outside mediators, MMS of Greater Boston contributed to the court's dispute resolution capacity by providing basic and advanced mediator training for its housing specialists. Quabbin of Western Massachusetts was involved with a Veteran's Mediation Project in which veterans, family members, and active military were trained as mediators to provide services to the military-connected population of Western Massachusetts. Quabbin also offered mediation skills awareness training to 72 faculty and staff at Mahar Regional School and workshops on mediation skills to 40 staff members at United Arc of Athol who assisted individuals with cognitive and developmental disabilities and their families. CDSC of Greater Cambridge/Metro Boston continued its practice of customizing trainings for 28 community agencies, gaining 28% more participants than the 517 from the year before. Professionals who provided elder care services received training from Cape Mediation, CDSC, and Martha's Vineyard. MetroWest offered prevention training to realtors from the Massachusetts Realtors Association. Three lawyers and four therapists received mediation training from Family Services of Central Massachusetts. CDSC also provided two series of training in violence prevention as professional development for 30 Streetworkers with the Boston Center for Youth and Families.

In FY 2014, funded centers also offered education about mediation and conflict management to various groups in their community. Quabbin provided mediation and conflict resolution training to more than 130 sixth-graders in Athol and to over 100 LGBTQ youth. Eighteen teen-agers in an apartment complex in Framingham, MA learned about avoiding and de-escalating conflict from MetroWest. CDSC also worked with youth and youth advocates, providing a workshop on conflict skills for 90-100 teen parents, 13 conflict skills training workshops on dealing with violence differently as well as workshops on effective conflict management for 50 middle-school-aged children. The “Anger Busters” workshops that MSNCM of North Central Massachusetts held for seniors and for students at schools and Boys and Girls Club proved successful with both age groups. Landlords and others with memberships Rental Housing Association as well as consumers received educational training that “integrated interest-based negotiation and related forms of communication and strategies” for landlord-tenant issues and consumer protection from BCRHA of Berkshire County. Overall, a roughly estimated 1300 individuals were trained and educated about conflict and conflict management by funded centers during FY 2014.

Raising public awareness of community mediation: The continued existence of poorly managed conflicts demonstrates the need for mediation services in the community. Unless this need is accompanied by the demand for such services, it will not be satisfactorily met. Absent demand, the supply of services will languish and access to mediation will become increasingly irrelevant. Public awareness of mediation and its availability from community mediation centers is vital to raising demand. As demand gets raised, the nature of the demand gains in importance. And so, as CDSC from Greater Cambridge/Metro Boston pointed out, center outreach serves the dual purpose of promoting the awareness and use of mediation and training services in the community while increasing the center’s ability to identify community needs. Raising public awareness is necessary to achieving the goal of well-managed conflict for Massachusetts citizens.

“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.”¹⁶ Centers turned to other methods to get the attention of the community. A majority of FY 2014 funded centers (7 or more) engaged in a variety of activities to raise awareness of mediation and its availability. The vast majority of centers (11 or more) engaged in training initiatives, distributed informational material, conducted workshops, and/or had a web-site presence. Between seven to nine centers attended conferences and/or used social media. Just under half of centers (six centers) produced newsletters. According to 12 centers, 11,988 people were made aware of community

¹⁶ Baron, L. Commentary: (2004). The case for the field of community mediation. *Conflict Resolution Quarterly*, 22:1-2, 135-144.

mediation by attending outreach/education programs and 116,605 people received outreach/education materials.

Thus, BCRHA from Berkshire County reached out to the public through forums, appearances on radio television, and workshops to provide information about the center's "capacity to handle conflict at all levels as well as to convey the program's early intervention philosophy regarding the resolution of disputes." Cape Mediation explained its services every week to the courtroom in the Barnstable Court. Likewise, MetroWest explained mediation to more than 2,000 people in court. The "likes" on Cape Mediation's Facebook page increased 50%. CDSC of Greater Cambridge/Metro Boston, contacted 120 community agencies/organizations, 49 of which were either new or renewed contacts, attended eight networking events, promoted community mediation to attorneys as headline Grantee Speaker at the Massachusetts Bar Foundation Annual Meeting, and produced newly-designed t-shirts that were distributed to teen-aged participants in workshops. Family Services of Central Massachusetts worked on devising a foreclosure mediation program with the city of Worcester, MOPC, and Oak Hill Development Corp. and developed proposals for Worcester's Economic Development Counsel and Senator Chandler's office. MCC Law of Greater Lowell presented a public service video about mediation to the Lowell High School. MMS's web pages were viewed 4,649 times in 2,834 unique visits by 2,449 first timers and others.

Centers were able to assess and respond to the needs of the community in part because of their partnerships with numerous other community organizations. As BCRHA of Berkshire County remarked, "gauging and addressing community needs relevant to the Center's mediation programs ...was primarily achieved by utilizing the agency's well-established collaborations to both promote mediation programming and receive feedback regarding community needs and concerns." Similarly, CDSC from Greater Cambridge/Metro Boston proactively collaborated with local organizations to "stay tuned to emerging community needs, and attend public events to meet new providers and assess conflict needs." Thus, clients in need of legal advice were referred by Greater Brockton to New Center for Legal Advocacy and to "Lawyer of the Day" program in the District Court; those requiring foreclosure assistance were referred to the AGO's HomeCorps program, and parties refusing consumer mediation were furnished with references to the Office of Consumer Affairs and Business Regulations. The partnership between the courts and all the funded centers benefited the courts, the centers, and disputing parties. Relationships with veteran's organizations were established by Quabbin from Western Massachusetts and BCHRA. CDSC of Greater Cambridge/Metro Boston helped establish a Cambridge Nonprofit Coalition, which would "operate as a network of nonprofits to better serve the Cambridge community." North Shore, MetroWest, BCRHA, and Family Services of Central Massachusetts had connections in government circles. At least five centers – MetroWest, Cape Mediation, MMS of Greater Boston, MSNCM of North Central Massachusetts, and Martha's Vineyard – worked with local councils on aging and other institutions serving the

elderly. Quabbin, MCC Law from Greater Lowell, North Shore, MMS of Greater Boston, TMTC from Western Massachusetts, and Family Services had collaborative relationships with schools and youth service organizations. Cape Mediation, Martha's Vineyard, BCRHA, and TMTC had contacts at housing authorities and other housing agencies. In sum, funded centers had contacts with more than 108 non-court organizations. However, this account of center-community organization collaboration during 2014 is far from exhaustive.

These outreach/education efforts produced results. A total of 5,827 referrals were received in FY 2014. The primary source of referrals were the courts – 4,528 from District Courts (12 centers), 286 from the Boston Municipal Court (one center), and 97 from the Probate Court (3 centers). The next most productive referral sources were schools (generating 332 referrals to five centers), followed by self-referrals (153 received by 12 centers), and the internet (99 to 7 centers). Between 20 and 55 referrals came from government entities (54 to 7 centers), local businesses (44 to five centers), local non-profits or charities (23 to five centers), attorneys (23 to four centers), and housing agencies (21 to five centers). For example, Cape Mediation participated in 47 outreach events that reached over 400 people, generating 21 inquiries that resulted in 13 intakes and 6 mediations. CDSC's t-shirt campaign produced one referral for a landlord-tenant dispute from a parent whose child wore the shirt home from a workshop. Martha's Vineyard found that the most effective of its numerous outreach activities – it contacted more than 24 island organizations about schools, health services, community services, senior/elderly services, and housing; sponsored workshops; etc. – were word-of-mouth and newspaper articles. Martha's Vineyard's community cases increased from six in FY 2013 to 16 in FY 2014, with most clients claiming to have heard about the center either from another person or the newspaper. North Shore received two referrals from state legislators, possibly the result of its contacts in government through its work on a proposal for a foreclosure mediation program for Lynn and through meetings with mayors' offices. Despite modest attendance numbers (seven attendees), a workshop about community mediation given by Greater Brockton led to an invitation to speak at an elder services agency and a new trainee with an interest in volunteering at the center.

A majority of centers (7 or more) found that their outreach efforts led to an increase in public awareness of mediation (10 centers), in training participants (10 centers), the number of mediation referrals (10 centers), the number of people requesting mediation referrals (9 centers), the number of volunteer mediators (7 centers), and the number of paid staff (7 centers). MMS of Greater Boston, for instance, diversified its mediator roster, gaining 11 new diverse mediators, including four Spanish speakers, two Portuguese speakers, and one Vietnamese speaker as a result of its relationships with 12 community agencies – newly developed with five agencies, already established with seven agencies. CDSC of Greater Cambridge/Metro Boston received public recognition for its services: the center was a finalist in the Small Non-profit category of the Massachusetts Non-Profit Network and headline grantee

speaker at the Massachusetts Bar Foundation Annual Meeting. However, between six and eight centers reported that their outreach efforts did not change the outcome of community fundraising, staff numbers, or paid mediators.

Human resources were an important factor in center ability to engage in outreach/education activities. Whereas one center, CDSC from Greater Cambridge/Metro Boston, filled a half-time position to accomplish more outreach, another center, MetroWest, had to reduce its outreach activities because of reduced staffing in order to maintain its direct services. Two centers recruited board members for their expertise: CDSC added a board member with a business background, and three new members on the board of Martha's Vineyard added "experience diversity" as non-mediators. The difficulty of raising public awareness of community mediation encountered by centers can be summed up by CDSC's remark that:

Curiously and very perplexedly, despite our investment with significant resources (personnel, time and funds) we did not see hoped-for-results commensurate with the investment particularly in terms of an increase in referrals from the community for our mediation services, which were targeted at all levels of disputes.

B. Providing quality services

The extent to which the community is benefited by mediation depends, in part, on the quality of mediation services that are provided. "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."¹⁷ In earlier times, the use of members of the community as volunteer mediators generated concern that the quality of services would be sub-standard, making mediation ineffective.¹⁸ Since 1998 until the present, all funded centers ensured quality control of their services by requiring their mediators to complete training consistent with Rule 8 of the Supreme Judicial Court Uniform Rules on Dispute Resolution, which provides a code of conduct and competency criteria for dispute resolution neutrals. Centers differed in the way their standards for mediators surpassed Rule 8 requirements.

In FY 2014, several centers supplemented the basic mediation training with some form of apprenticeship. Cape Mediation required all its mediators to take an Advanced Court Practicum in addition to a 32-hour intensive mediation skills training before allowing them to work as volunteer mediators. After completing 33 hours of mediation training, new mediators had to complete an apprenticeship involving supervision from, and co-mediation with,

¹⁷ McGillis, *op. cit.*, p. 68.

¹⁸ Hedeem, T. (2004). The evolution and evaluation of community mediation: Limited research suggests unlimited progress. *Conflict Resolution Quarterly*, 22:1, 101-134.

experienced mediators. MSNCM of North Central Massachusetts required a six-month period apprenticeship in which three observations are completed followed by 25 hours of co-mediation with a qualified mentor mediator who provides an evaluation after each mediation session. Similarly, a six-month period of supervised and mentored practice with peers and feedback from a senior mediator was required by MMS from Greater Boston. Quabbin and TMTC from Western Massachusetts both required new mediators to be mentored and evaluated before they were added to the mediator roster. MCC Law from Greater Lowell updated its training manual for its 32-hour basic mediation training, increased the skill practice for trainees by introducing role plays, provided one-on-one coaching sessions, and required prospective mediators to observe three mediations before new mediators could be assigned co-mediation responsibilities.

Thirteen centers provided mediators with opportunities for continuing education and advanced mediation training in FY 2014. In order to increase access to its mediation services, BCRHA from Berkshire County provided training in telephonic mediation to five new volunteer mediators, thereby lightening its clients' travel burden. Quabbin from Western Massachusetts hired experts to train mediators in managing potentially violent parties, cultural competence, victim offender mediation, and restorative justice practices. Training in elder mediation was offered by Cape Mediation. Advanced trainings relevant to divorce mediation were made available by CDSC of Greater Cambridge/Metro Boston (on revised child support guidelines and divorce practice) and by North Shore. The latter center also offered continuing education sessions for juvenile case mediation. MetroWest's advanced trainings concerned difficult situations during mediation, a Court Mediation Refresher, and Lengthening the Joint Session. Even though MSNCM from North Central Massachusetts was obliged to cancel basic mediation training in 2014, it provided advanced trainings in how to end mediation and how to mediate with lawyers present. Landlord-tenant and family-youth mediation ("how to talk so kids will listen, and listen so kids will talk) were the subjects of advanced training from MMS of Greater Boston. One center, MSNCM, instituted informal learning opportunities for its mediators. Monthly meetings – so-called "Chat and Chew" sessions – were held where mediators could share experiences, ideas, books, articles, websites, and generally learn from one another.

TMTC from Western Massachusetts and North Shore maintained written documentation of mediator compliance with the continuing education requirement. CDSC relied on the honor system allowing self-reporting the completion of this requirement.

Retention of competent staff is a challenge for all organizations, and particularly for organizations that rely on volunteers. Professional development and recognition activities are two practices that organizations can adopt to maximize volunteer retention.¹⁹ BCRHA from Berkshire County, for instance, experienced a set-back with a 60% retention rate in FY 2014

¹⁹ Hager, M. A. & Brudney, J. L. (2004, June). *Volunteer management practices and retention of volunteers*. The Urban Institute. Retrieved December 12, 2014, from <https://pod51034.outlook.com/owa/#path=/mail>

because, in part, funding limitations curtailed the center's ability to underwrite continuing education for its newly recruited mediators. The center plans to mitigate the problem through intensive mentoring by staff mediators and free training opportunities from a professional organization, NAFCM. Three centers celebrated the contributions of its volunteers: Cape Mediation had a potluck dinner as its annual Volunteer Appreciation Gala; CDSC honored volunteers for exceptional service and awarded education/training scholarships at its Annual Mimi Grosser Volunteer Recognition Award event; and MCC Law from Greater Lowell joined the Lowell District Court, the Greater Lowell Bar, and Middlesex Community College's Conciliation Program in hosting a Mediator/Conciliator appreciation event.

In sum, out of the 13 reporting funded centers, all engaged in FY 2014 activities to promote mediator excellence. Specifically, all centers provided opportunities for continuing education and for advanced mediation training. Record-keeping was modified by eight centers and administration of the mediation program was revised by six. Five centers adjusted the way mediators were supervised. Changes to evaluation practices were instituted by four centers. Mediator recruitment was revised by four centers. Performance-based assessment, recognition of volunteer mediators and a mediator mentorship/apprenticeship program were established by three centers, respectively.

C. Reflecting the diversity of the community

The *raison d'être* of community mediation is to serve the conflict resolution needs of the community – the entire community. Funded centers pursued that goal by embarking on initiatives to get an increased number of people from an ever greater variety of groups engaged in community mediation, whether as recipients or as providers of mediation services. As MMS of Greater Boston noted, “[o]ur growing diversity helps [a center] build credibility and cultural competence to better serve the interests of residents living in our service communities.” Accordingly, centers undertook to increase the diversity of their client population, focusing on unserved or underserved groups such as low-income populations without neglecting the needs of others in the community. Centers also made efforts to incorporate diversity into their operations, including staff, board members, and mediators.

Because of their efforts in FY 2014 to reflect the diversity of the community they served with respect to an array of relevant characteristics, such as gender, education, age, race, ethnicity, income level, geographic area, etc., none of the 13 reporting centers experienced a decrease in the diversity of the population served, or of staff, mediators, or board members. The vast majority of centers – nine – found that there was no change in the diversity of its board members. However, board diversity did increase at three centers and did not apply at one. The client population and mediators became more diverse for seven centers apiece while staff diversity increased at 4 centers.

In FY 2014 centers met the challenge of diversifying their client population in various ways. For the most part, most of the population served by funded centers was low-income and tended to be un- or under-served with respect to their dispute resolution needs. The income distribution of disputing parents participating in mediations conducted by seven centers in the Parent Mediation Program during FY 2014 is instructive. Sixty-one percent of responding parent had incomes of below \$40,000, less than 200% of the 2014 national poverty guideline. In general, though, nine centers increased mediation services to more segments of the population as a result of grants they received. CDSC of Greater Cambridge/Metro Boston accommodated the community's Spanish-speaking population, providing interpretation for mediations in Spanish from the case coordinator, in-take in Spanish from college student interns, and a Spanish translation of the Parent Mediation Program brochure. The participants in its 586 workshops were predominantly African-American and Hispanic, with 34% (200) between the ages of 15 and 22 and 14.5% (85) were elders (some disabled). MMS from Greater Boston served a client population that was 55% Caucasian, 44% minority (6% Asian-American, 25% African-American, 9% Hispanic/Latino), and 4% other. MSNCM from North Central Massachusetts, in partnership with the Spanish-American Center, developed a program to provide mediation services to the Latino community in FY 2015. The proportion of minorities among the clients served by TMTC from Western Massachusetts was greater than that of the general population: 11% were Latino compared to 10.7% Latino in general population and 4.9% were Black versus 2.3% of the general population.

As Quabbin from Western Massachusetts, observed, “[i]t is important to have multi-cultural mediators with a variety of life experiences in order to foster healthy communication and positive outcomes for participants of mediation.” The diversity of the mediator pool remained the same at six centers and increased at seven. And so, the three skilled mediators recruited by BCRHA of Berkshire County included a person of color with fluency in Spanish and French. CDSC awarded training scholarships to two bi-lingual domestic worker mediators for advanced training in divorce practice. As a result of teaching basic mediation to graduate students at Clark University's Public Communications Program, Family Services of North Central Massachusetts increased minority representation on its mediator roster with the addition of two African-American and six Latino volunteers. The 12 participants in the training held by Greater Brockton included three multi-lingual speakers and three minority members – one Hispanic, one Asian/Pacific Islander, and one African-America. Also the seven mediators that Greater Brockton recruited represented three different geographic areas: Brockton, West Bridgewater, and Stoughton. MMS's training scholarships and connections to agencies involved with different racial, ethnic, linguistic, income and educational communities resulted in a volunteer mediator pool that was 21.5% diverse, including 17 multi-lingual speakers, 14 minority mediators or apprentices, and an increase from 11% to 23% in trainees with incomes below \$50,000 per year.

A preponderance of females and of older or retired people among volunteer mediators led some centers to focus on increasing the proportion of males and of younger people on their mediator rosters. Over one-third (12) of the 33 participants at Cape Mediation's intensive mediation skills training were under 30, with one joining the center's mediator roster. Two male mediators were added to CDSC's divorce mediator roster. TMTC provided a full training scholarship to applicants who were either under 35 or bi-lingual and agreed to volunteer to mediate at court between one to three half-days per month for a year. TMTC's roster was 89% white and 14% were either under 35 or bilingual. The percentage of mediators aged 39 or younger in MMS' volunteer mediator pool increased from 20% to 28%.

D. Assuring access to services

In order to insure that community mediation would be available to as many people as possible, centers eliminated the impediments of cost and distance by providing their services for low or no cost at locations and times convenient to parties. As BCRHA from Berkshire County found, "[a]ccess to mediation services and programming [was particularly challenging], especially for households that faced disability, mobility, transportation, socio-economic, and time/work barriers or challenges."

Mediation for all cases referred by the District Courts, or 87% of center mediations, was provided by funded centers free of charge. Likewise, cases mediated under the auspices of the AGO's consumer mediation program and MOPC's parent mediation program were also pro bono for parties. In 2014, the number of centers using sliding scales fees remained constant since the previous year, and ten centers found that there was no change in their use of sliding scale fees. Martha's Vineyard, though, began to develop an additional sliding fee scale for cases involving multiple parties and organizations. When sliding scale fees were imposed by centers, the standard was affordability. For instance, Cape Mediation waived fees of \$850 for two sessions mediating a dispute between senior residents at a local housing authority since neither the housing authority nor the parties were able to pay.

Center offices and court sites were the most common sites for mediation sessions. Offices were convenient to parking or public transportation. Conducting mediations at court locations was efficient for parties who were already in court. Most centers supplemented these locations with sites at other institutions like libraries, housing authorities, schools, and, in the case of one center, the police station. The convenience of parties, consistent with safety and mediation needs, influenced Cape Mediation to provide mediation services to three disputing co-workers at their place of business. Similar reasons led CDSC of Greater Cambridge/Metro Boston to mediate a three-party family dispute between an elderly couple and their disabled daughter that was attended by three attorneys at the Sharon public library. BCRHA made technology available to all households, including those in rural areas, to maximize the use of

Skype for mediation purposes. A toll-free number was provided, information was available on the agency's web page, and instructions and guidance was developed to ease the use of Skype. The outcome included 136 telephonic mediations between April 2013 and March 2014 alone. MCC Law of Greater Lowell used Skype to conduct a mediation with an out-of-town party.

Mediation sessions were commonly scheduled during business or court hours, with other times available upon request. CDSC of Greater Cambridge/Metro Boston made mediation services available days and evenings from Monday through Friday and on week-ends if requested. North Shore met with parties dealing with family or divorce issues during the week between 8:00 a.m. and 8:00 p.m. and on Saturdays while services for juvenile cases were scheduled before, during, or after school hours. MCC Law extended its presence at the court past the official end of court session.

II. CMC Grant Program Administration

Administration of the CMC Grant Program entailed four major tasks: grant-making, reporting, advocacy, and monitoring and program improvement. Systematic documentation of all the key processes involved in the CMC grant program is available in the FY 2013 CMC Grant Program year-end report and program evaluation.

A. Grant-making

Awarding grants: Grant-making began with notice of the availability of grant applications via email to centers and on-line posting through the state's procurement website: Comm-PASS. Applications were received in July 2013 from 15 centers that had been qualified in FY 2013 under the Massachusetts Twelve-Point Model and performance-based funding criteria as community mediation service providers throughout the state. In August 2013, the applications were evaluated with respect to progress under the Twelve-Point Model by a Grant Review Committee, composed of the MOPC program manager and two other members, who are leaders in the field of alternate dispute resolution. Progress was determined with respect to the goals that each center set for itself and the activities carried out by the individual center to accomplish its goals. The final decision about grant awards to applicants was made by the MOPC director taking into consideration the constraints imposed by the \$100,000 (or 16%) cut in FY 2014 legislative funding for the CMC Grant Program from the previous year.

It was resolved that the amount of FY 2014 grants as a whole would be nearly \$462,000, or 2% less than the \$472,000 in grants for FY 2013. This continuation of level grant-making despite funding cuts involved some difficult decisions. The overriding concern of the MOPC director was the continued health of community mediation as a state-wide public service. Accordingly, the amount set aside to underwrite program costs was reduced. As a result, the

process for fully establishing the CMC Grant Program was prolonged. Hiring a full-time program administrator was postponed as was the expansion of awards to include start-up centers and the development of a mediator excellence program. In addition, full implementation of a case management and database software program (MADtrac) to facilitate efficient record-keeping and reporting by funded centers was delayed. In order to maintain grant levels, a further decision was made to decrease the number of grantees. Even though the intent of the CMC Grant Program is to support centers at all levels of achievement as an incentive to persist in their pursuit of community mediation excellence, the appropriations cut propelled the decision to de-fund the center with the least amount of progress under the Twelve-Point Model in order to maximize the state's investment in community mediation and minimize the harm to state-wide access to community mediation.

Accordingly, 14 of the 15 applicants received a total of \$461,730 in grants in FY2014, of which \$416,230 was for operational grants to 14 centers and \$45,000 for community project grants to six centers. The amounts of the individual operating grants were determined by a baseline amount identical for all centers plus an additional performance-based amount which varied across centers. Operating awards were accompanied by the requirement for a cash match which ranged from 30% to 55% that corresponded to the center's performance level. Community project awards required a 100% match. The average total FY 2014 grant was \$32,981, slightly higher than the average FY 2013 grant award of \$31,467. The range of award amounts for FY 2014 – from \$22,226 to \$46,250 – was broader than for FY 2013 – which ranged from \$28,400 to \$35,400. FY 2013 grants did not include community project awards since they were first instituted in FY 2014. Contracts were set up in September-October 2013, and awards were distributed to the successful applicants in quarterly distributions tied to the submission of data reports to MOPC.

The impact of grants on centers: On average, CMC Grant Program grants constituted nearly one-fifth of all center budgets in each of the two years of its existence – 21.7% of \$2,124,140, the total of center budgets in FY 2014, compared to 21.6% of \$2,188,259 in total center budgets for FY 13.²⁰ For individual centers, the proportion of the amount of their grant relative to their budget ranged from a low of nearly 10% of a \$372,478 budget to a high of 61.4% of a \$47,230 budget.

Most centers indicated that the grant from the CMC Grant Program had a positive impact on several aspects of their operations and services (see Figure 4). Seven or more centers agreed that the grant money helped increase the sustainability of the center (12 centers), their provision of mediation services for more types of disputes (ten centers) and to

²⁰ The budget statistics were calculated on the basis of actual budget numbers submitted by 13 centers and projected numbers provided by one center.

more client populations (nine centers), the number of staff hours (nine centers), and the diversity of mediators (seven centers). For a majority of centers, there was no change in mediators’ professional development, use of sliding scale fees, scheduling delays, and available hours and locations for sessions. Fund-raising, staff professional development, and the provision of mediation services to low-income or un/underserved people increased at six centers and remained unchanged at five to six centers. As one center observed, “While the amount of funding for the CMC Grant was reduced from FY13 to FY14, it still provided essential funding for our center to continue providing services in these western Mass. Communities.”

Figure 4. Impact of CMC Grant Program grants on center operations and services

Center operations & services	Increased	Decreased	Unchanged	N/A
Center sustainability	12	0	1	0
Number of staff	7	0	6	0
Staff hours	9	1	3	0
Staff turnover	3	2	5	2
Staff professional development	6	0	5	2
Number of active volunteer mediators	5	0	6	1
Diversity of mediator pool	7	0	5	1
Mediators’ professional development	4	0	8	1
Fund-raising	6	0	6	0
Providing mediation services to more client populations	9	0	3	0
Providing mediation services to low-income or un/underserved people	6	1	6	0
Providing mediation services for more types of disputes	10	0	3	0
Use of sliding scale fees	1	0	8	3
Available locations for mediation sessions	2	1	8	1
Available hours for scheduling mediation sessions	4	0	8	1
Delays in scheduling mediation sessions	0	1	8	4

In preparation for the following year’s grant application process (FY15), MOPC conducted two group meetings with centers in April and May 2014 and a conference call briefing with centers in June 2014 to answer questions and clarify what information should be supplied by applicants in response to grant application questions.

B. Reporting

Under section 47(h) of the CMC Grant Program's enabling statute (G.L. ch.75, §47), an annual report on "the operations, activities and accomplishments of the statewide program and the centers funded under this section" must be submitted to specified state government officials. In order to comply with this reporting requirement, MOPC collected performance and impact data through quarterly reports from funded centers, through center responses to a year-end annual survey distributed in November 2014, and by way of the data-mining of grant applications for FY 2015, which described centers' FY 2014 activities and accomplishments. Mindful of center protests about their reporting burden, the FY 2014 survey was revised by increasing the proportion of closed-ended questions relative to open-ended questions, thereby accommodating center wishes without sacrificing the information needed for reporting purposes. In addition, during FY 2014, centers were required to install and pilot test the unified case management database system using software known as MADtrac, which corresponds to STATtrac, related software used by MOPC to collect aggregated data about implementation and impact reported from all centers.

Compliance by MOPC with the reporting requirement for FY 2013 was completed in December 2013 when the *Massachusetts Community Mediation Center Grant Program Fiscal Year 2013 Year-End Report & Evaluation* was submitted to the governor, the chief justice of the trial court, the senate president, the speaker of the house of representatives, the chairs of the joint committee on higher education, the chairs of the joint committee on the judiciary, and chairs of the house and senate committees on ways and means. Findings from this year-end report were presented at a legislative briefing at the State House in January 2014. That same month, the report was posted on the ScholarWorks repository website at the University of Massachusetts Boston and made available to the public at large. This submission of this report will fulfill the CMC Grant Program's statutory reporting requirement for FY 2014.

Center data collection through MADtrac: In order to fulfill the reporting requirement for the entirety of funded centers in the CMC Grant Program as accurately and as efficiently as possible, data from the centers must be aggregated, which, in turn, calls for standardization of data and systematic consistency in data collection. To achieve the required standardization and consistency, a database software program, MADtrac, was selected in FY 2013 to accomplish the dual purpose of case management and data collection. The first year of the CMC Grant Program was devoted to customizing this database program so as to accommodate the centers' individual needs for information that would be useful for managing their respective caseloads and producing reports for various funders and sponsors such as the Trial Court and the Attorney General's Office as well as MOPC for the CMC Grant Program. This phase was underwritten by approximately \$30,000 of the FY 2013 appropriation for the CMC Grant Program, and by approximately \$5,000 of the FY 2014 appropriation.

Implementation of the MADtrac unified case management database and reporting system was initiated in FY 2014. Software was installed, licenses purchased, representatives from centers were trained in the operation of the program, and centers proceeded to integrate the MADtrac system into their operations. Satisfactory progress was achieved by 12 centers with full integration expected in FY 2015. For the rest, implementation was a work in progress.

As implementation proceeded, the difficulties that emerged and the slow pace towards mastery exhibited by some centers turned FY 2014 into a year for pilot testing of MADtrac software, further customizing and further training of center staff, with full official implementation for CMC Grant Program reporting purposes deferred to FY 2015. Center resources and personnel were strained by the demands of MADtrac use in FY 2014. Responsibility for MADtrac was added to the existing duties of the coordinators at five centers and the directors of three other centers. Staff members were in charge of the program at remaining centers. Data entry proved unexpectedly time-consuming at six centers. Seven centers expressed a need for additional funding to meet the demands of data entry and the operation of the MADtrac system. Center estimates of the amount of additional funding needed to support data entry ranged from \$2,500 to \$5,000. Two centers went to the expense of hiring an extra staff person to enter data on either a part-time or temporary basis.

Despite the challenges, 86% of centers (12 out of 14) generated the required test reports through the MADtrac system by the end of FY 2014. One requested a waiver due to staff turnover and one center chose not to participate in MADtrac testing in FY 2014 and ultimately in the CMC Grant Program for FY 2015.

Centers' data collection experience exposed a number of problems. BCRHA of Berkshire County found that the entered data was inconsistent with the numbers generated for reports. Martha's Vineyard had trouble reconciling the MADtrac categories with the realities of practice, noting that a "Small Claims case that is a monetary dispute between contractor and homeowner cannot be correctly entered in to the data field." MSNCM of North Center Massachusetts found that data interpretation, such as identifying the level of conflict, was confusing. Likewise, North Shore considered that the definitions of listed values were not clear enough to correlate with data values collected by the center, pointing out that "[o]ne major impact of this for our center is that MADtrac is not designed to track juvenile case data." Two centers faced the challenge of further streamlining their data collection procedures with the advent of MADtrac. Since peer mediation sessions were conducted off-site, information had to be entered onto a spreadsheet for later transfer to MADtrac at the office of one center. Another center tracked the data using Access database and Excel spreadsheets for subsequent entry in MADtrac.

During FY 2014, processes to address deficiencies were set up, were pending, or were under consideration. Refresher training was offered in November by MOPC. Centers had access to continued tech support from the software developer, SoftGoals, tied to their licenses. A Google Group was formed where centers helped each other troubleshoot and could consult with the MADtrac developer together as a group. The development of new forms to assist with data collection – including templates and forms for data entry process and for data collection in general and concerning demographic information with standardized definitions – urged by four centers, was addressed by the centers by sharing data collection forms with each other and by MOPC’s continuing work on a unified form. which remains in development, delayed by insufficient funding support for additional staff time. The recommendation from MCC Law from Greater Lowell that resources be provided for the development of a “quick start” guide to facilitate consistent data entry was under consideration.

The advantages of MADtrac were not apparent to two centers. For one center, MADtrac was too complicated and costly. The second center considered MADtrac more appropriate for systems reporting. A third center, having achieved greater competency with the program, explained that the center: “[a]ppreciates [the] ability to track more than case and client information and include peer mediation services, trainings, and time spent on case coordination and management.” Eventually, the above benefits are expected to accrue to all funded centers and consequently to improve reporting on the CMC Grant Program.

C. Monitoring and program improvement

CMC Grant Program expenditures were monitored in compliance with state and university protocols, including the submission of invoices and other documentation by funded centers. In addition to MOPC spending as the program administrator, spending of grant funds by the centers was monitored by MOPC through review of center budgets during the grant application process.

The CMC Grant Program contributed to the efforts of centers to improve their programs when they engaged in activities that would realize the goals they had chosen to guide their progress under the Twelve-Point Model. Centers’ ability to select goals and accompanying activities for themselves allowed them to preserve their individuality and to tailor their goals to be responsive to the needs of their communities while complying with standards of community mediation excellence. MOPC supported their efforts, meeting with individual centers during September-October 2014 and in November 2014 to refine and review the goals they had chosen and the activities they were pursuing to accomplish their respective goals.

During the year, MOPC sought to improve the operation of the CMC Grant Program through an on-going evaluation of its performance over time and by attending to comments

from the Program Advisory Committee and from centers in their consultative role. Two meetings of the Program Advisory Committee (in Fall 2013 and Spring 2014), composed of representatives from the funded centers and from such stakeholder groups as the court, foundations, and the university's department of conflict resolution, led MOPC to adopt recommendations to hire a full time program manager, simplify grant applications and reports, survey centers about their interest in interns, and prioritize and streamline the program development initiatives of the CMC Grant Program. The Committee's recommendation to pursue a Mediator Excellence program in collaboration with centers that would reflect a community of practice and would not be prescriptive awaits the arrival of a full-time program manager.

April and May 2014 group meetings with centers and MOPC, in addition to a June conference call, provided clarification of the several responsibilities of funded centers and of MOPC in the context of the CMC Grant Program, the application of Twelve-Point Model criteria to the grant application process, timelines for complying with MADtrac implementation, and modification of communication practices. MOPC responded, in part, by introducing modifications in the CMC Grant Program, such as revising the year-end survey and accepting, within specified limits, maintaining the status quo as an acceptable goal.

D. Advocacy

The need to advocate for state support of community mediation: The model of mediation service delivery intrinsic to community mediation prevents centers from achieving financial independence.²¹ The commitment of community mediation centers to serving the public irrespective of ability to pay effectively eliminates clients as a source of even modest income. Yet, despite the reduction in expenses brought about by the use of trained volunteer mediators, centers incurred significant costs for overhead and for staffing to perform the administrative tasks that underpin the delivery of services. Consequently, state funding is critical to continued access to community mediation. In order to secure sustained state support for community mediation through appropriations for the CMC Grant Program, MOPC and the funded centers engaged in advocacy to demonstrate to state legislators the value that community mediation brings to Massachusetts communities.

During the month of October, MOPC prepared the FY 2015 CMC Grant Program budget request of \$875,000. This amount was determined by such factors as centers' plans to increase the scope and effectiveness of their response to community needs, the staffing and operational needs of centers, the staffing and operational needs of MOPC for efficient administration of the

²¹ Baron, *op.cit.*

CMC Grant Program and the development of MOPC plans for state-wide community mediation programming for priority issues,

Center plans: As community needs came to the attention of centers, the latter responded with plans to address those needs. Family Services from Central Massachusetts worked on devising a foreclosure mediation program in partnership with the city of Worcester, MOPC, and Oak Hill Development Corp. If the foreclosure mediation program fails to materialize, Family Services will add a housing mediation program for the Worcester area. Greater Brockton responded to the court's interest and developed a plan to receive referrals in juvenile cases from the Juvenile Department of Brockton Court, especially harassment and family disputes. North Shore joined with Essex Court to write a Trial Court Innovation Grant to support mediation for harassment cases in Juvenile court. The center will also provide conflict resolution training to people in churches who assist homeless and unemployed individuals. North Shore partnered with MOPC in a grant proposal for youth conflict resolution to Eastern Bank. TMTC partnered with MOPC to secure a grant from the Community Foundation of Western MA to support on-site mediation services in the Franklin Probate & Family Court. TMTC will implement on-site divorce mediation program at the Franklin Probate and Family Court, and is discussing plans for a similar program at the Hampden Probate and Family Court. MSNCM of North Central Massachusetts will pilot a program to provide mediation services to the Latino community. MMS of Greater Boston is developing an elder mediation program. MCC Law has set up procedures to provide peer mediation at lower levels of conflict intensity or as a preventative. BCRHA has contracted with Soldier On to provide housing assistance and establish opportunities for dispute resolution to veterans, is preparing for cases involving harassment and cyber-bullying from a new Criminal Show Cause Mediation Program, and is in discussions with the Pittsfield District Court about mediating shoplifting cases. BCRHA's plans for expanding its mediation services, however, depends on a 15% increase in funding.

A majority of centers also plan to strengthen staffing. During FY 2014, one center experienced turnover in the director position of its Elder Program because as a part-time job, the pay was low and there were no benefits. Coordinator hours were reduced at another center and eliminated at a third. Staff hours were reduced at a fourth center, limiting outreach activities. Meanwhile, data entry and collection strained many centers' human resources. In all, seven centers had 11 full-time employees and two centers had none, averaging less than one (0.8) full-time staffer per center. Thirteen centers employed between one and seven part-time staff, for a total of 43 part-time employees. Sixty-nine percent of the 505 mediators (346 mediators) on the rosters of 13 centers were active. Eight centers paid for a total of 55 mediators/consultants (e.g., as trainers). As a consequence of their staffing situation, 11 centers aim to increase staffing hours given sufficient funding. Ten centers propose to establish a full-time position through job-sharing during the coming year or as part of a multi-year goal. Seven centers hope to restructure staff positions or redistribute hours or job duties from one staff to

another in order to address programmatic needs and stabilize the position. No centers had plans to increase benefits. Center plans to address staffing needs are dependent upon adequate funding from non-state as well as state sponsors, and there are worrisome indications of contraction in non-state funds. One telling example is furnished by the negative impact of low interest rates on IOLTA funding, which led to a reduction in IOLTA grants at two centers. One center lost over \$50,000 in IOLTA money for FY 2014 while another center experienced a decrease of 15% in FY 2014 IOLTA money and stands to lose all its IOLTA funding of over \$30,000 in FY 2015.

Center needs: When asked to identify their three most important needs for the future, eight out of thirteen responding centers mentioned money or resources as their top priority. The purpose for the increased funding included payment for added staff hours, the development of new mediation programs, more peer mediation, and additional court programs.. As their next most important need, five centers were community-focused with interests in increasing community cases, increasing outreach and marketing, expanding client community population, recruiting mediators from the minority community, and so on; three centers needed more professional development; and two centers wanted to address staffing issues, such as preventing staff turnover and increasing administrative capacity. The third most important need for five of eleven centers was, again, money or resources for purposes such as increased staff pay and hours, marketing, updating program operations and equipment, and improving quality assurance.

CMC Grant Program plans: In 2014, responsibility for administering the CMC Grant Program was shared by the MOPC director, associate director, and part-time program manager. To enhance the effectiveness of CMC Grant Program operations, in the FY 2015 budget request, MOPC proposed to hire a full-time CMC Grant Program manager to not only consolidate CMC Grant Program administration responsibilities, but also support the centers in a consulting role and facilitate the centers' continued progress towards financial stability and responsiveness to community needs. The new program manager is to also focus on promoting the achievement of MADtrac efficacy by centers and coordinating center and MOPC collaborative efforts to create a Mediator Excellence Program and further the development of state-wide mediation programming. Towards the end of FY 2014, approval for creating and filling such a position was obtained due to increased state funding for the CMC Grant Program pending in the FY 2015 budget (see below). For the coming fiscal year, MOPC aims to renew its efforts to attract start-up community mediation centers into pursuing community mediation excellence by applying for a CMC Grant Program grant. In addition, MOPC proposes to undertake new initiatives to encourage student engagement in service learning in collaboration with funded centers in partnership with the Department of Conflict Resolution at the McCormack Graduate School of Policy and Global Studies at UMass Boston.

In FY 2014, the CMC Grant Program awarded community project challenge grants to centers who had secured the commitment of municipal partners for local projects in the area of peer/youth mediation and elder mediation. Four of these challenge grants were awarded to centers in Metro Boston (CDSC), Northeast (North Shore), Central (MSNCM) and Western, MA (TMTC), and addressed peer mediation/positive youth development programs in schools and communities. In addition to local schools, these projects involved partnerships with police departments and human services agencies. These projects were pilots for a proposed comprehensive research study on youth violence prevention, which MOPC is currently designing, for the purpose of creating an evidence-based model for public policy and statewide programming, similar to the state-wide SCORE (Student Conflict Resolution Experts) Program formerly administered through the Attorney General's Office with community mediation centers in 24 schools across the state. The CMC Grant Program also awarded FY 2014 community project challenge grants for elder mediation projects that addressed various conflict resolution needs of the state's growing elder population, their families and caregivers. Two target populations on Cape Cod and Martha's Vineyard were identified and related programs were funded through two centers (Cape Mediation and Martha's Vineyard). These projects involved partnerships with local housing authorities and councils on aging and were pilots for state-wide elder mediation programming that MOPC is exploring as part of its community mediation program development. MOPC also plans to explore funding opportunities for elder mediation programming through, state local and national sponsors and funders and for joint ventures with the Gerontology Institute at the McCormack Graduate School on Policy and Global Studies at UMass Boston.

In addition to research on community mediation involving the collection of data on peer mediation under a Positive Youth Development framework in anticipation of a study for a state-wide peer mediation program, research has been conducted under MOPC auspices into the effectiveness of using community mediation to deal with parenting disputes arising from divorce or separation.²²

A major area for community mediation program development taken on by the CMC Grant Program is the development of state-wide programming serving municipalities through community mediation infrastructure. The purpose of this initiative is to build on the already extensive work that centers are doing with municipal entities in their service areas, including schools, police departments, housing authorities, councils on aging, veterans' agents, and other departments. To achieve this objective of developing programming for municipal services, in FY 2014, MOPC, with the support of the Program Advisory Committee, funded centers, the

²² See Palihapitiya, M. & Eisenkraft, K. O. (2014). Addressing parenting disputes between estranged parents through community mediation. *Sage Open*. Available at <http://sgo.sagepub.com/content/4/3/2158244014542085.full-text.pdf+html>

University, and legislators, launched an initiative to secure a commission from the Legislature to conduct a study of municipal conflict resolution needs in FY 2015. In the annual survey, the funded centers have reported considerable interest in serving municipalities more extensively, whether in the form of dispute resolution (13 centers), training (12 centers), or project/program development (9 centers). All 13 responding centers indicated that they would require additional resources to acquire the expertise and staffing capacity necessary for assisting with a broader range of municipal problems. At least ten centers indicated that serving municipalities would lead to an increase in their operational expenses and to needs for additional staff hours, extra training for mediators and staff, and more funding to pay for staff time, mediator training, and program design/development. Eight centers indicated that funding would also be needed to support added training for staff.

Advocacy activities: With the above needs and plans for the future in mind, a budget request for FY 2015 in the amount of \$875,000 was determined, and the request was submitted to the University of Massachusetts Boston, the University of Massachusetts President's Office, ANF/Governor, and related meetings were scheduled. In December, a Legislative Briefing, convened by Representative Sarah Peake and Senator Benjamin Downing as legislative leads, was held. Seventy-seven individuals – including Senators, Representatives, legislative staff, and representatives from centers, MOPC, and the University of Massachusetts Boston. Attendees were presented with highlights of CMC Grant Program and center achievements, findings from the FY 2013 annual program evaluation on impact and return on investment from community mediation and were briefed on the Program's FY 2015 budget request. GIS maps were displayed to acquaint legislators with the activities of centers in their districts. At the briefing, Representative Peake and Senator Downing were also awarded Community Mediation Outstanding Champion Awards in recognition of their leadership and contributions in establishing the CMC Grant Program to broaden access to community mediation for all Massachusetts residents.

During the spring of 2014, MOPC and center directors contacted legislators to win support for the FY 2015 budget request. Unlike FY 2013, when program funding was only included in the Senate Budget, program funding was included in all three budgets – House, Senate, and Governor – in FY 2014. The sum of \$750,000 was proposed by the House while an amount of \$550,000 was included in both the Senate's and Governor's budgets. Due to the efforts of MOPC, the centers, and the numerous community mediation supporters, the sum of \$750,000 was appropriated in line item 7100-0700 for the CMC Grant Program in the FY 2015 state budget and an outside section (204) was adopted for the municipal conflict resolution needs study by MOPC.

The \$650,000 appropriated for the CMC Grant Program in FY 2013 was 52% of the budget request of \$1.25 million which had been proposed to implement the state-sponsored

framework and considered most favorable to growth and long-term sustainability of community mediation. The following year, the \$550,000 appropriated for FY 2014 was 59% of the \$937,500 requested and 44% of the original FY 2013 request. This past year's advocacy resulted in a \$750,000 appropriation for the CMC Grant Program for FY 2015, a \$200,000 increase over the previous fiscal year and 86% of the FY 2015 funding request of \$875,000, and 60% of the original preferred amount of \$1.25 million. The appropriation for FY 2015 will not only support stability and maintenance of community mediation, but it is also likely to contribute to its growth and sustainability.

III. Economic Impact of State Operational Funding

The Massachusetts Office of Public Collaboration (MOPC), as part of its program evaluation of the CMC Grant Program, collected data to establish the impact of community mediation in courts, schools and neighborhoods. Data gathering was conducted through a comprehensive annual application process where centers detailed all center activities over the year and through an annual survey. Centers also implemented a unified case management and reporting database (MADtrac), which was used to record all center activities, including how many persons were served, mediation outcomes, even demographic information for easy retrieval. A second software program (STATtrac) was used to aggregate the data from all centers. MOPC has so far reviewed the accuracy of this information twice, with assistance from the software developer. Eventually, these outcomes measurements will lead to more robust economic evaluation of the CMC Grant Program in the future.

In the interim, MOPC developed the following preliminary economic analysis indicating what the costs and benefits from the CMC Grant Program would look like based on empirical as well as hypothetical/assumed estimates²³ (some estimates are derived from other states' empirical estimates)²⁴.

However, 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. In cost-benefit analysis, there is a tendency to overemphasize the monetary or monetized benefits of a

²³ 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/>

²⁴ 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.²⁴ 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.²⁴ In most cases, finding a correlation between an alternative and a measure of effectiveness will be possible.²⁴ It is hoped that the following preliminary economic analysis will provide some direction and guidance for a more robust economic analysis to follow.

program. Most economic analysts agree that monetary outcomes are not the only outcomes, perhaps even the most important outcomes of an intervention.

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.²⁵

Hence, in MOPC's evaluation of the Community Mediation Center Grant Program, we analyze both the monetized AND the non-monetized outcomes of community mediation.

The 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."²⁶ 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."²⁷

A. Economic Analysis of Massachusetts Community Mediation

Economic analyses can be divided into: cost of intervention analyses, which simply show what it costs to run an intervention; cost-effectiveness analyses²⁸, which show what it costs to

²⁵ 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).

²⁶ 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

²⁷ *Ibid.*

²⁸ 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).

achieve a certain effect; and cost-benefit analyses²⁹, which show the overall costs and benefits of an intervention.³⁰

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.³¹

In the following analysis, all three models will be utilized to develop preliminary estimations of the economic impacts of Massachusetts 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 (e.g. \$1,000 per participant).³² 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).³³ In the following analysis, the cost is primarily the state 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 Fiscal Year 2013 funding, centers without any court funding since Fiscal Year 2009 were facing dire financial issues. There was a possibility that most/some centers would go out of business.
- A survey administered in the 90's of court-connected ADR programs shows the average annual administrative cost (at the time) per each program/center was \$34,500.³⁴

²⁹ 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)

³⁰ Duignan, *op. cit.*

³¹ 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.

³² Duignan, *op. cit.*

³³ *Ibid.*

³⁴ Cratsley, *op. cit.*

- 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 14 centers active in Massachusetts in Fiscal Year 2014 closed without state operational funding, using the administrative costs of programs from the 90's as a baseline start-up cost, \$483,000 would have to have been appropriated by the Commonwealth of Massachusetts just to restart 14 community mediation centers. Any return on investment that appears in this report would not have accrued in Fiscal Year 2014 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 \$550,000 in the Community Mediation Center Grant Program in Fiscal Year 2014. In the same year, 14 Massachusetts community mediation centers conducted 3,802 mediations. Using the state grant program investment as the cost, the estimated intervention cost of the grant program is \$144 per mediated case.
- Maryland invests an estimated \$1,200,000 in community mediation every year. An additional \$450,000 is allocated for program administration through the dispute resolution office (MACRO). Community mediation centers across Maryland conducted 2,300 mediations in Fiscal Year 2014 at an average intervention cost of \$522 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 3.6 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 \$550,000 in the Community Mediation Center Grant Program for Fiscal Year 2014.
- 14 grantee Massachusetts community mediation centers served a total of 8,996 persons in Fiscal Year 2014 (5,194 case intakes and 3,802 mediation only).
- The average cost of intervention of the Community Mediation Center Grant Program is less than \$61 per person.
- The hourly rate for a private mediation practitioner is between \$100 and \$300 per hour. Lawyers charge a consultation fee of on average \$100-\$400 an hour.

Cost of intervention:

Based on the state grant program investment as the only public investment in MA community mediation, MA community mediation centers cost between 39% -174% less per hour per person served, and between 39%- 232% less than the cost of hiring a lawyer.

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.³⁵ 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.³⁶

i. Cost-effective grant program administration

- Maryland’s Mediation and Conflict Resolution Office (MACRO) receives \$200,000 from the state for its operating expenses, excluding salaries.³⁷
- In addition, Community Mediation Maryland (CMM), the state’s community mediation technical assistance provider receives state operating funds amounting to \$240,000 in

³⁵ Levin & McEwan, *op. cit.*

³⁶ Duignan, *op. cit.*

³⁷ Parker, A., November 9, 2011, personal communication.

Fiscal Year 2014 to provide technical assistance, including monitoring and evaluation to Maryland community mediation³⁸

Importantly, grant program administration services are conducted by the Mediation and Conflict Resolution Office of Maryland (MACRO).

- In Fiscal Year 2014, the Massachusetts Office of Public Collaboration (MOPC) received only \$110,000 (reduced from \$130,000 in Fiscal Year 2013) for administering grants to fifteen community mediation centers and related operational expenses, designing and implementing the Community Mediation Center Grant Program for 14 Massachusetts community mediation centers and the provision of technical services such as grant administration, and monitoring and evaluation.
- In Fiscal Year 2014, MOPC received \$148,620 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 for program administration in Maryland is over \$450,000 (excluding salaries for MACRO staff).
- The total state operational funding for program administration in Massachusetts is \$258,620, which is lower than Fiscal Year 2013 funding (\$274,402).

Cost-effectiveness:

Massachusetts's community mediation is managed with just 58% of the administrative cost of Maryland's community mediation administrative costs. The cost-effectiveness ratio of Maryland community mediation program administration compared to Massachusetts program administration is 1:1.7.

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.³⁹ If the cost-benefit ratio is above one, that 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:

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

³⁸ Community Mediation Maryland FY 2014 Annual Report, retrieved December 18, 2014 from <http://mdmediation.org/sites/default/files/FY14%20Annual%20Report%2011-21-14.pdf>.

³⁹ Levin & McEwan, *op. cit.*

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.⁴⁰ 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.
- Two Massachusetts community mediation centers conducted 35 successful juvenile mediations in Fiscal Year 2014.

Cost-benefit:

At an average saving of \$882 per case to the District Court, Massachusetts community mediation centers mediated 35 juvenile cases with an estimated cost saving of \$30,870 for the respective District Courts. If not for these mediations, the cost of 35 juvenile cases going through court would have amounted to \$54,425. At a mediation cost of \$673 per case, the total mediation cost would amount to only \$23,555.

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

Effect-size estimation:

- Twelve Massachusetts community mediation centers conducted 1,239 successful small-claims mediations that avoided trial in Fiscal Year 2013. Centers also conducted 1,007 successful summary process mediations and 27 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.”⁴¹
- Assuming a conservative cost-saving to the court of \$500 per case, Massachusetts community mediation centers have saved an estimated \$1,136, 500 to the court system from 1,239 successfully mediated small-claims cases, 1,007 successfully mediated summary process cases and 27 successfully mediated minor criminal cases in Fiscal Year 2013.

⁴⁰ From a report titled *Expanding juvenile mediation in Massachusetts* from the Crime and Justice Foundation, cited by Cratsley, *op. cit.*

⁴¹ Oregon Department of Justice figures, retrieved December 17, 2012 from www.doj.state.or.us/adr/pdf/gen74031.pdf

- Costs to parties would include filing fees that are between \$40 and \$150 per party in Massachusetts. For small claims disputes concerning amounts less than \$7000, private mediation practitioners charge between \$250-\$300/hour⁴². Additionally, lawyers could charge between \$250-\$500 in legal fees per case (for sending Lawyer's Letters, court appearances etc.).⁴³
- Assuming a conservative cost-saving of \$100 per party to a case, Massachusetts community mediation has saved \$227,300 to parties from 1,239 successfully mediated small-claims cases, 1,007 successfully mediated summary process cases and 27 successfully mediated minor criminal cases in Fiscal Year 2014.

Cost-benefit:

Massachusetts community mediation centers have saved an estimated \$1,136, 500 for the court system and \$227,300 for parties in 1,239 successfully mediated small-claims cases, 1,007 successfully mediated summary process cases and 27 successfully mediated minor criminal cases in Fiscal Year 2017.

iii. Cost-benefit of leveraged pro bono mediation services

Effect-size estimation:

- Fourteen Massachusetts community mediation centers maintained a roster of 505 active volunteer community mediators who contributed 9,094 hours of pro bono mediation services in Fiscal Year 2014.
- At private market rates, the value of this pro bono work is estimated at \$909,400 at a \$100 per hour (based on private practitioner minimum hourly rate).
- Is employed as an hourly wage earner, with the mean hourly wage for a mediator in the nation is \$36.94⁴⁴, the total value of these pro-bono mediation hours would amount to \$335,932.

Cost-benefit:

Five hundred five volunteer mediators at 14 Massachusetts community mediation centers contributed 9,094 hours of pro bono mediation services in Fiscal Year 2014, the value of which is estimated at \$ 909,400 at \$100 per hour (based on private practitioner minimum hourly rate) or \$335,932 at an hourly wage of \$36.94 for a permanent employee.

⁴² Massachusetts Dispute Resolution Services. Fee schedule. Retrieved November 4, 2011, from <http://www.mdrs.com/fees>

⁴³ Example of lawyers' fees for small claims cases available at http://www.masmallclaims.com/index.php?p=1_7_Legal-Fees

⁴⁴ United States Department of Labor, Bureau of Labor Statistics. Retrieved December 8, 2014 from <http://www.bls.gov/oes/current/oes231022.htm>

The benefit-cost ratio of leveraged pro bono mediation services is 1:1.65, or for every dollar invested by the legislature in Fiscal Year 2014, centers generated a benefit worth \$1.65 in pro bono mediation services (calculated at private market rates), 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 7,692 hours of pro bono administrative services from staff/volunteers/board members and interns in Fiscal Year 2014 (up from 6,624hrs in Fiscal Year 2013).
- At an estimated cost of \$19.2 an hour (mean hourly wage for administrative services in Massachusetts⁴⁵), the pro bono administrative services are worth \$147,686 (up from \$127,180.80 in Fiscal Year 2013).

Cost-benefit:

Community mediation centers leveraged 7,692 hours of pro bono administrative services from staff and volunteers in Fiscal Year 2014 worth \$147,686.

Based on the Fiscal Year 2014 state investment in community mediation, the benefit-cost ratio of pro bono administrative services generated by centers is .27 or for every dollar invested in community mediation by the legislature in Fiscal Year 2014, centers are capable of leveraging 27 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 \$550,000 in the Community Mediation Center Grant Program in Fiscal Year 2014.
- The Community Mediation Center Grant Program awarded \$461,730 in operational funds to 14 community mediation centers (\$407,730 in baseline and performance grants and \$54,000 in community project grants).
- Using the state operational grants, thirteen Massachusetts community mediation centers leveraged \$594,306 (\$539,960.75 in matching funds using the baseline and performance grants and \$54,345.25 in matching funds leveraged from community project grants).

⁴⁵ 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

- Additionally, 13 MA community mediation centers leveraged the state operational investment to go beyond the matching funds raised (above) to leverage an additional \$2,574,851 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 129% of the total operational funding provided under the Community Mediation Center Grant Program. This is almost a dollar and thirty cents leveraged from every dollar of operational funding provided by the Community Mediation Center Grant Program and a dollar and thirty two cents to every dollar of baseline and performance grants provided to them. Centers also leveraged over 100% of the community project grants provided under the same program.

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

Effect-size estimation:

- Eleven Massachusetts community mediation centers trained 497 (down from 1,246 in Fiscal Year 2013) community members as mediators in Fiscal Year 2014.
- Each mediation course has a market value of \$600 or more per trainee.
- The total benefit of these mediation services are worth an estimated \$298,200 (down from \$747,600 in Fiscal Year 2013).

Cost-benefit:

Eleven Massachusetts community mediation centers trained 497 community members as mediators in Fiscal Year 2014, the total benefit of which is worth an estimated \$298,200.

Based on the Fiscal Year 2013 state investment in community mediation, the benefit-cost ratio of leveraged mediation trainings to communities is .54 – or for every dollar invested by the state legislature in Fiscal Year 2014, centers can leverage fifty four cents worth of mediation training to community members.

vi. Cost-benefits leveraged through consumer mediation grants

- The Massachusetts Attorney General’s Office provided an estimated \$429,559 to twelve Massachusetts community mediation centers funded by the CMC Grant Program in Fiscal Year 2014 for conducting face-to-face consumer mediations.

- Using the AGO numbers, twelve Massachusetts community mediation centers helped parties recover \$3,722,074.96 (\$3,857,032 recovered in Fiscal Year 2013 by fifteen centers).

Cost-effectiveness:

The Massachusetts Attorney General’s Office provided an estimated \$429,559 to twelve Massachusetts community mediation centers in Fiscal Year 2014 for conducting face-to-face consumer mediations. The twelve centers helped parties recover \$3,722,074.96 in Fiscal Year 2014.

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 sixty six 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 164 successful peer mediations that may well have resulted in avoided student suspensions or expulsions in Fiscal Year 2014⁴⁷.

Cost-benefit:

Schools saved an estimated \$54,284 (down from \$88,046 in Fiscal Year 2013) from avoided student suspensions or expulsions as a result of 164 (down from 266 in Fiscal Year 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.

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).

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
- Five Massachusetts community mediation centers conducted 96 successful divorce mediations in Fiscal Year 2013.

Assumed cost-benefit:

The average cost of private divorce mediation is estimated at \$5,000 per case.⁴⁹ Five Massachusetts community mediation centers conducted 93 (down from 96 in Fiscal Year 2013) successful divorce mediations in Fiscal Year 2014. Assuming the mediations were conducted free, parties to the 93 successful divorce mediations saved an estimated \$465,000 (down from \$480,000 in Fiscal Year 2013).

ix. Assumed cost-benefit to local businesses/organizations

Effect-size estimation:

- Five Massachusetts community mediation centers conducted seven (up from four in Fiscal Year 2013) successful workplace mediations in Fiscal Year 2014.
- The Mediation Training Institute International (MTI) found that a conflict cost a New England organization \$60,916.77.⁵⁰
- 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 \$70,000 (up from \$40,000 in Fiscal Year 2013) was saved for local businesses/organizations by Massachusetts community mediation centers in Fiscal Year 2014.

IV. 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 program’s statutory mission is to promote such broad use. The subsidiary goals or objectives required to achieve this overarching goal include

⁴⁸Hoffman, 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.

⁴⁹*Ibid.*

⁵⁰Mediation Training Institute International. Retrieved December 20, 2012 from <http://www.mediationworks.com/mti/costs1.htm>

subsidiary goals or objectives that apply to the activities of the funded centers in serving the community. These objectives consist of the underlying aims of the Twelve-Point Model – which encompasses the standards for excellence in community mediation – including responsiveness to community resolution needs, providing quality services, reflecting the diversity of the community, and assuring access to services. To determine the extent to which these objectives were met, the results of actions undertaken by the funded centers were assessed with respect to specified outcomes identified as indicators of success. 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 that are germane to program evaluation are listed in Appendix A. Figure 5 presents the application of this evaluation process to the actions taken by funded centers to achieve their objectives; Figure 6 does the same for the CMC Grant Program itself.

Figure 5. Outcomes/indicators of success resulting from actions undertaken by funded centers to achieve subsidiary goals/objectives germane to satisfying the overarching goal.

Overarching goal	Means/actions to goal	Outcomes/Indicators of success
Broad access to community mediation state-wide	Promote broad access to community education state-wide	Member of communities throughout Massachusetts have access to and receive the benefits of services offered by community mediation centers.
Subsidiary goals/objectives	Means/actions to goal	Outcomes/Indicators of success
Broad geographic coverage	Grants to 14 centers throughout state	<ul style="list-style-type: none"> • Funded centers have geographic coverage across • 14 counties • 9 regions • Area served by 78 court divisions in FY 14 versus 82 divisions in FY 13
Responsiveness to community conflict resolution needs – reduced conflict	Funded centers performed intakes and mediations for a variety of conflicts	<ul style="list-style-type: none"> • 5,194 intakes, averaging 371 intakes/center in FY 14 versus 5,410 intakes averaging 361/center in FY 13 • 73% of intakes led to mediation • 3,802 mediations, averaging 272 mediations/center in FY 14 versus 4,219 mediations, averaging 281 mediations/center (6% difference) in FY 13 • At least 7,765 people served in

		<p>FY 14 versus 7,813 people served in FY 13 (0.006% difference)</p> <ul style="list-style-type: none"> • Over 30 types of disputes mediated • Over 80% of mediated disputes were intermediate in intensity, with remainder at high, low or preventative levels of intensity
	Parties explored options for agreement in mediation	<ul style="list-style-type: none"> • 2,607 full agreements • 41 partial agreements • 67% average agreement rate • 83% average compliance rate
	Parties explored options for agreement in consumer and landlord/tenant mediations	<ul style="list-style-type: none"> • At least \$3,722,075 returned to consumers served by funded centers
	Parties discussed their issues and explored agreement options during mediation	<ul style="list-style-type: none"> • Estimated monetary benefits to parties: estimated \$227,300 in savings for mediation of court-based cases • Qualitative benefits to parties: • Probable 90% party satisfaction with process • Probable improvement in party communication for 1/3 to almost 1/2 of cases
	Funded centers provided intakes and mediations for court-based cases	<ul style="list-style-type: none"> • 4,528 District Court referrals • 97 Probate & Family Court referrals • 15 Juvenile court referrals • 286 Boston Municipal Court referrals • 1 Land Court referral • 1 Housing Court referral • Decreased court caseload in 78 court divisions: • 3,747 court-based intakes • 85% court-based intakes led to mediation • 3,177 court based mediations • 1,212 small claims cases mediated • 1,159 summary process cases mediated • 2 permanency cases mediated • 42 juvenile cases mediated • 211 housing cases mediated • 34 minor criminal cases

		<p>mediated</p> <ul style="list-style-type: none"> • Mediation of court-based cases resulted in an estimated \$1,136,500 of savings to the District Court
<p>Responsiveness to community conflict resolution needs – increased social capacity for conflict resolution</p>	<p>Funded centers provided training and education in mediation and conflict management</p>	<ul style="list-style-type: none"> • Nearly 500 people received mediation training • 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, veterans, service providers to disabled, lawyers, therapists.
<p>Responsiveness to community conflict resolution needs – heightened public awareness of community mediation</p>	<p>Majority of funded centers provided training, informational material, workshops, participated in conferences, had a web-site presence, or used social media</p>	<ul style="list-style-type: none"> • 5,827 referrals received • At least 23 referral sources • Most common referral sources: courts, schools, self, and internet • 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 • Majority of centers found that the number of paid staff increased
	<p>Funder centers partnered with other community organizations</p>	<p>Funded centers had contacts with more than 108 non-court organizations</p>

Providing quality services	Funded centers provided training that met Trial Court URDR 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 13 centers had the opportunity to continue their education or receive advanced training in, e.g., telephonic mediation, elder mediation, restorative justice practices, divorce mediation, juvenile case mediation, landlord-tenant mediation, etc.
	Funded centers recognized contributions of volunteers	Volunteer mediators at three funded centers were recognized for their services
Reflecting the diversity of the community	Majority of funded centers provided mediation services and engaged in outreach activities to different segments of the population	<ul style="list-style-type: none"> • Population served was more diverse at 7 centers • Mediator diversity increased at 7 centers • Staff diversity increased at 4 centers • Diversity among board members increased at 3 centers • Majority of population served was low-income • The number of younger mediators increased at 2 centers • The number of male mediators increased at one center
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 center offices, court sites, and other locations	Parties participated in mediations held at offices convenient to public transportation or parking, during court sessions they were attending, or, upon request, at other sites.
	Mediation sessions were scheduled during business hours, during court sessions, or at other times	Parties participated in mediations at times convenient to them during business hours, court sessions, or other times upon request

Figure 6: Outcomes/indicators of success resulting from actions undertaken by the CMC Grant Program to achieve subsidiary goals/objectives germane to satisfying the overarching goal.

Overarching goal	Means/actions to goal	Outcomes/Indicators of success
Overarching goal: broad access to community mediation state-wide	Promote broad access to community education state-wide	Member of communities throughout Massachusetts have access to and receive the benefits of services offered by community mediation centers.
Subsidiary goals/objectives	Means/actions to goal	Outcomes/Indicators of success
Sustained access to community mediation	FY 2014 appropriation of \$550,000 to support community mediation through the CMC Grant Program	Network of 14 centers across Massachusetts that responded to the conflict resolution needs of the community
	\$461,730 in operating grants awarded to 14 centers	<ul style="list-style-type: none"> • Sustainability of 12 centers increased • Types of disputes mediated by 10 centers increased • More segments of the population received services from 9 centers • The number of staff hours increased at 9 centers • Mediator diversity increased at 7 centers • Services to low-income or un/underserved individuals increased at 6 centers and remained unchanged at 5-6 centers.
Sustained access to quality community mediation services	Grants awarded on the basis of performance and progress under a Twelve-Point Model consisting of standards for state-of-the-art community mediation.	14 centers were awarded grants totaling \$461,730 based on their performance and their progress under the Twelve-Point Model in FY 2014 compared to 15 centers awarded \$472,000 in FY 2013.
	Volunteer mediators were used by all centers	14 centers achieved estimated savings of \$909,400 from 9,094 hours of pro bono mediation services from 505 volunteer mediators.
State funding for community mediation	MOPC and funded centers engaged in advocacy initiatives.	Funding for the CMC Grant Program was included in the House, Senate, and Governor's budgets for FY 2015: \$750,000 in the House budget, \$550,000 in Senate and Governor's budgets, with \$750,000 appropriated for final FY 2015 state budget.

Accountability	Reporting on the activities and accomplishments of funded centers and the CMC Grant Program was required by the enabling statute.	Annual report on the activities and accomplishment of funded centers and the CMC Grant Program during FY 2013 was submitted to specified government officials.
	MOPC requested information about center accomplishments and activities through quarterly reports and an end-of-year survey.	Funded centers provided information about their activities and accomplishments to MOPC by furnishing quarterly reports and responding to an end-of-year survey.
	Case management software and training were provided to funded centers	Test reports were produced by 12 centers to pilot the establishment of systematic and consistent data collection.

The results depicted in Figures 5 and 6 indicate that the decrease in the number of centers that were funded in FY 2014 compared to FY 2013 had the effect of reducing the quantity of services provided. However, the rough equivalence in the number of people served and in the average intakes and mediations for the first two years of the CMC Grant Program suggests that MOPC’s decision to maintain the amount of grants awarded helped the funded centers to preserve their level of productivity and maintain their operations. Growth in productivity and coverage by centers require additional financial support.

V. Recommendations

The state support provided to the CMC Grant Program in FY 2014 maintained the stability of Massachusetts community mediation centers that was achieved through establishment of the program with initial funding in FY 2013. Access to quality community mediation services continued to be provided in all 14 Massachusetts counties. To achieve long-term sustainability and to broaden access to community mediation across the state, however, further effort is needed from community mediation centers and the CMC Grant Program, which in turn, requires continued and increased state funding and support. The following recommendations outline the actions that are needed to accomplish the program’s statutory mission.

A. Recommendations for State Action

1. **Fund full implementation of CMC Grant Program to maximize return on investment:** The state should fund the CMC Grant Program with an appropriation at the level recommended in the FY 2012 Legislative Study on Community Mediation. This study created the evidence base for the formation of state-sponsored policy and programming to promote and

strengthen the mission of community mediation in Massachusetts as a cost-effective public service that increases access to justice in the state. The recommended funding level for establishment of a high quality, sustainable grant program with all necessary elements of robust program design was \$1.25 million. The program evaluations for the CMC Grant Program for the first two years of operation (FY 2013 and FY 2014) have demonstrated the cost-effectiveness of the program and the significant return on investment that the state leverages from community mediation supported by this framework – \$8 million. The state has been appropriating only half of the funding needed for the program (approximately 52%) which means that the state is not optimizing its investment. While state funding to date has helped to stabilize community mediation, the funding has not enabled the CMC Grant Program to broaden access to dispute resolution nor broaden impact in addressing community needs. Raising the funding level to \$1.25 million will enable MOPC, the program administrator to fully implement all program components, including those that have been on hold or tentatively explored in the first few years of the program. They include establishment of a mediator excellence and quality assurance system with continuing education and training opportunities for mediators; capacity building for centers in non-profit management and fundraising; establishment of on-going service-learning and research internships for University of Massachusetts students; support for start-up community mediation centers in unserved areas of the state; research to demonstrate impact of community mediation; state-wide program development to address state priorities such as community problem-solving, anti-bullying and homelessness prevention; fundraising to secure federal government, private and corporate investment in community mediation; and pilot projects that build local programming and partnerships around community needs and enable local investment. These components are all critically important to fulfilling the public mission of the CMC Grant Program. This recommendation is fully supported by data set forth in the both the FY 2014 and FY 2013 program evaluation reports.

2. **Fund state operating grants for the employment of core staff to ensure center**

sustainability: The state should appropriate CMC Grant Program funding for state operating grants to centers at the level recommended in the FY 2013 program evaluation report.⁵¹

This report outlined the lack of full-time staff at these centers and the frequent turnover of staff due to low pay and lack of benefits. Adequately paid core full-time staff members are needed at centers to process mediation referrals, coordinate volunteer mediators, conduct training and outreach, track mediation data, prepare reports, and engage in program development, grant-writing and fundraising. These activities performed by core center staff

⁵¹ The FY 2013 program evaluation recommendation for legislative action 1 stated: “The annual legislative appropriation for the CMC Grant Program should be increased to allow 15 centers or more to each receive at least \$50,000 in baseline and performance-based funding in line with Fiscal Year 2009 funding levels through the Trial Court. Additional new sources for raising these funds, such as civil filing fees, should be explored and tapped.”

are tied to the center's ability to manage its operations, provide accessible quality services to courts and communities, and secure financial support to sustain operations through fluctuations in referrals and funding sources. The FY 2013 program evaluation findings and recommendation on center staffing are backed up by 2014 data in this report showing a continuing need for staffing resources at centers. Grants of \$50,000-\$60,000 per center would fund up to two full-time staff or the functional equivalent for each center and would make a significant difference in their ability to carry out current programmatic commitments and take on more commitments to address pressing community needs and state priorities such as municipal conflict resolution.

3. **Expand funding for community project grants to further support municipalities:** The state should continue to support and scale up funding to community mediation centers for local projects with municipal partners such as schools and elder service agencies on peer and elder mediation programs and other areas of needs. Grant should also fund centers to provide conflict resolution training for municipal officials and employees to help build local dispute resolution capacity.⁵² Community mediation centers are existing local assets that already work with local government in a variety of ways and which can be leveraged to serve a broader array of municipal problems and conflict resolution needs such as greater civility at public meetings, and the use of collaborative approaches to addressing contentious local and regional issues such as school district financing and land use disputes.
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 working together through pilot projects to collect data for a proposed study on effective deployment of peer mediation and youth conflict resolution under a positive youth development framework. This effort seeks to scale up existing work being done by the centers in schools and communities and to re-establish a state-wide program on the order of the former SCORE (Student Conflict Resolution Experts) Program funded through the Attorney General's Office for 19 years which operated in 24 schools in the Commonwealth.

B. Recommendations for CMC Grant Program Action

1. **Support center development of human resources:** 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. FY 2014 data reveal that a shortfall in staffing resources continues to hinder the optimal deployment of center services and center sustainability (see #2 above). This indicates that

⁵² MOPC's Interim Report on the Legislative Study on Municipal Conflict Resolution dated January 2015 (pursuant to outside section 204 of the FY 2015 budget) contains data confirming the pressing needs of municipalities and their constituencies for access to conflict resolution and collaborative public engagement resources and skill-building training.

the analysis of center staffing needs that was presented in the FY 2013 CMC Grant Program annual report continues to be relevant to understanding and addressing centers' staffing needs.

2. **Initiate design of a mediator excellence system:** MOPC and funded centers should work together to develop a framework for mediator excellence, and investigate resources to support implementation of the framework. Such a system should be initiated by MOPC in accordance with its statutory responsibilities as the CMC Grant Program administrator, and should serve as a learning network for the centers to share experiences, showcase best practices, offer advanced training and recognition for mediators and staff. The starting point should be a mapping of current center efforts regarding mediator excellence, which can be shared among the centers to create a community of best practices.
3. **Fully implement and deploy MADtrac:** MOPC and funded centers should commit to full implementation and utilization of MADtrac in order to ensure efficiency of mediation case management and data collection and reliability of data reporting. As a consequence, a repository of reliable data will be created that can be used to demonstrate the value of community mediation to funders and sponsors and for ensuring accountability for public resources.
4. **Create a public education and outreach plan for the CMC Grant Program:** MOPC and funded centers should work together to craft a plan and promotional materials for increasing visibility and awareness of the state-sponsored CMC Grant Program which would complement the outreach and education done by individual centers. This program outreach plan should include the development of initiatives with the goal of increasing utilization of community mediation in courts and communities, and attracting investment from state-wide and local funders.
5. **Continue program development and fundraising partnerships:** MOPC and funded centers should continue to work together to pursue grants to support existing programs and institute new ones as opportunities arise in order to weather the challenges of shrinking funding resources and the changing landscape of sponsor/funder requirements. To strengthen this partnership, MOPC and funded centers should work to further refine the common vision for Massachusetts community mediation and align the individual missions of each center and MOPC to that vision. This alignment will enhance fundraising capability of the CMC Grant Program by further clarifying how the program and the centers add measurable value to courts and communities.
6. **Build capacity in non-profit management:** Funded centers, with MOPC support, should seek out and take advantage of expertise available through educational institutions and non-profit consultants to learn more about the management of non-profits, including fundraising, development, marketing, public relations, strategic planning, information management and technology.
7. **Launch student internship program:** MOPC and centers should engage students at the University of Massachusetts for service learning and research internships in ways that enhance the mission and operations of the CMC Grant Program and funded centers.

8. **Recruit new centers for CMC Grant Program:** New community mediation centers should be invited to apply for CMC Grant Program grants to fill in gaps in geographic service area of the state. New centers or start-ups in unserved areas should be a priority.

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Appendix A

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