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Massachusetts Community Mediation Center Grant Program

Fiscal Year 2016 Report & Evaluation

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

December 2016

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



Executive Summary

The Massachusetts Office of Public Collaboration (MOPC) is the statutory state dispute resolution agency for the Commonwealth (M.G.L. ch.75 §46). The office's public mandate is to assist state and local government entities and officials with development and implementation of evidence-based dispute resolution policies and programming and to provide effective forums for collaborative problem-solving and community engagement on contentious public issues (referred to as "collaborative governance"). MOPC has been administering the statutory state-funded, performance-based Community Mediation Center Grant Program under M.G.L. ch.75 §47 since July 2012. The program goal is to advance the mission of community mediation as a cost-effective public service that increases access to justice for Massachusetts citizens, particularly for low-income residents. A core purpose of the Grant Program is to provide operating funds to support the delivery of mediation services for dispute resolution in neighborhoods and local communities from community mediation centers. As the program administrator, MOPC is responsible for grant making, program management, data collection, evaluation, research, reporting, program development and outreach. In Fiscal Year (FY) 2016, the fourth year of program operation, MOPC awarded state operating grants to centers based on the volume of their mediations and the amount of progress they made on SMART goals to strengthen their missions under the 12-point model of robust MA community mediation.

During FY 2016, the Massachusetts Community Mediation Center Grant Program (Grant Program) made a difference to the continued viability of community mediation centers that provided affordable dispute resolution services to the community, and they, in turn, made a difference in the lives of people in Massachusetts.

Funded by a FY 2016 state appropriation of \$750,000, MOPC ensured the fulfillment of the Grant Program's purpose by timely completion of the administrative tasks needed to run the program and meet the standards of state of the art community mediation program, such as grant-making, managing program operations, advocating for state funding, collecting data, assuring compliance, providing accountability, developing programs, engaging in outreach, and navigating challenges. Some key accomplishments in program administration included the establishment of an additional communication channel between MOPC and community mediation centers that were grant recipients (funded centers or centers) and a growing partnership between MOPC and these centers to lay the groundwork for programming initiatives that broaden access to community mediation. Programs to address youth conflict, municipal public conflicts, and prisoner re-entry issues were among the most prominent initiatives pursued. Furthermore, in accordance with statutory authorization, progress was made towards establishing a quality assurance system for mediator excellence through the implementation of such principles as sharing best practices and reflective practices by way of Grant Program-sponsored sessions in skill building, peer mentoring, and delivering feedback to mediators.

At the same time, FY 2016 was spent on preparing to further support community mediation centers in FY 2017 through the Grant Program. To this end, MOPC and funded centers engaged in advocacy for a FY 2017 state appropriation, which included a well-attended

legislative briefing at the State House in January 2016. While awaiting the outcome of the advocacy efforts, and after consultation with centers, further refinements were made to the grant application process for the FY 2017 cycle. By the end of FY 2016, \$750,000 was again appropriated for the Grant Program to advance the efforts of community mediation centers to benefit the people of Massachusetts in FY 2017.

The value of the Grant Program was ultimately demonstrated by the contribution made by centers towards reducing conflict and increasing access to procedural justice for Massachusetts residents. By virtue of the legislature's \$750,000 appropriation to fund the Grant Program in FY 2016, operating grants with required matches were awarded to thirteen community mediation centers based upon the quantity of services delivered and progress in achieving and maintaining compliance with a Massachusetts model of community mediation standards. The grant amounts, which ranged from \$25,500 to \$65,500 and totaled \$586,500, were critical to the sustained existence and thriving of the centers. The individual grants (which averaged \$45,000 per center) comprised from 14% to 64% of center cash incomes and, on average, amounted to 35% of individual center income. Ten of twelve reporting centers confirmed that their sustainability increased as a result of grant money. In particular, center operations relating to staff, mediators, delivery of services, scheduling of services, fees, and fundraising either increased or remained constant at eight or more centers. At six or more centers, the three most prevalent operational needs that were unfulfilled by the end of FY 2016 were for additional staff, enhanced mediator recruitment and retention, and salary benefits for staff.

Supported by Grant Program funding, centers delivered services that responded to the conflict resolution needs of the community and had a positive impact on the people who received these services. Collectively, these centers provided services throughout the state – in all of Massachusetts' 14 counties, including at least 370 Massachusetts towns and cities.

During the fiscal year, centers received 7,301 inquiries that led to 4,619 intakes, which resulted in 3,826 mediation cases. Compared to the previous year, FY 2016 intake numbers were 15% lower while the number of mediated cases was 1% higher. Altogether, 8,373 people were served by the funded centers, 254 more than the year before. Responses from two-thirds of those served by centers' services suggested that the demographics of those served roughly reflected the diversity of Massachusetts' population. Based on the 1,475 individuals who reported on their financial situation, most of those served by centers (55% of 1,475) were lower-income, earning less than \$30,000 annually. Two-thirds of 12 funded centers reported that the Grant Program grants helped them increase their services to low-income or underserved populations.

Centers utilized various strategies to ensure the breadth and inclusiveness of their service. They had a court presence at 75% of 110 Massachusetts Trial Court Divisions, offering mediation to disputants who came to court, seeking access to procedural justice, that is, seeking to settle disputes through legal processes. Centers provided parties in 3,868 court-referred cases (84% of 4,625 cases handled by centers in FY 2016, a 4% decrease since the previous fiscal year) with access to justice in lieu of court procedures. The District Court contributed 86% of

these FY 2016 court-referred cases. Apart from the courts, 29 referral sources yielded another 761 case referrals to funded centers. The two most prolific referral sources were self and schools.

Funded centers provided mediation services for an assortment of disputes, and two-thirds of centers increased the number of dispute types they handled. Conflicts concerning small businesses, divorce and family, elders, agricultural producers, prisoner re-entry, and youth were some of the non-court based dispute types that were addressed by centers. The 4,626 cases served by centers whose disputes were recorded exemplified seven major dispute categories – business, housing, school, family, juvenile, minor criminal, and work. Business disputes were the most prevalent. Nine centers acknowledged the contribution made by Grant Program grants in supporting the variety of disputes they handled.

Centers were assiduous in removing scheduling and transportation impediments to their mediation services. Party convenience was consulted in scheduling and situating mediation sessions. In all, 120 sites were available for sessions. Seven centers found that the increase in their mediation locations was attributable to Grant Program grants.

Centers made a difference to people by reducing the conflict in their lives through mediation and by strengthening their conflict resolution capacity through training and education. More than 99% of cases handled by centers were attended by some degree of conflict. Conflict abated as a result of agreements that were mediated in 71% of 3,826 mediated cases during FY 2016. This FY 2016 agreement rate exceeded the 66% agreement rate for community mediation of disputes across the nation. People also benefited economically from mediation. The monetary value of mediated agreements was not generally tracked except in cases mediated under the auspices of the Massachusetts Attorney General's Office. The cash value of center-mediated agreements in these cases, where money was returned to consumers, totaled \$3,953,716.

Agreements were achieved in FY 2016 in no small part because of the skill of mediators at funded centers. There was universal compliance with the basic requirements for mediation competency set forth by the Massachusetts Supreme Judicial Court. Centers undertook to improve their mediator quality assurance measures with all 12 reporting centers offering continuing education opportunities, and at least half the centers providing advanced mediation training and mentorship/apprenticeship programs, adjusting their record-keeping procedures, and recognizing volunteer mediators. Confirmation of the high quality of the mediation services from eight funded centers was indicated by survey responses from 2,911 mediation parties, 98% of whom were satisfied with mediation, 93% were willing to recommend mediation to others, and 82% preferred mediation to alternatives.

Social capacity for conflict resolution was strengthened – and future conflicts probably minimized – in communities where 1,931 people received training in mediation or conflict resolution offered through the various types of trainings and workshops conducted by eleven centers. Consequently, volunteer numbers increased at five centers, remained unchanged at five centers while decreasing at two centers. As for mediator diversity, the mediator pool became more diverse at four centers compared to the previous fiscal year but otherwise remained stable at eight centers. Grant Program grants accounted for an increase in volunteer and diversity

numbers at four centers, no change at another four centers, and a decrease at three centers. The impact of the grants on mediator diversity was more positive, with greater diversity in the mediator rosters of five centers, unchanged diversity at six centers, and no dwindling of diversity at any center. Additionally, different groups in the community were targeted for training and education in mediation and conflict resolution in order to fulfill community needs for greater conflict resolution capacity. Examples included teen parents, older and disabled housing authority residents, emergency service recipients, and students dealing with cyber bullying and social media misuse and with managing their feelings. Municipal officials received training to better prepare them for public conflict.

Funded centers laid a foundation for reducing conflict through increased use of mediation and mediation training by engaging in outreach and educational activities that raised public awareness of community mediation. A minimum of 87,857 members of the public were contacted through center outreach activities, including distributing literature, providing trainings and workshops, participating in conferences, and establishing a media presence through websites, newsletters, television interviews, etc. Three-fourths of funded centers found that their outreach led to increased numbers of trainees, mediation requests, and mediation referrals.

Services delivered by the funded centers redounded to the economic benefit of the commonwealth during FY 2016. When the impact of the activities of funded centers was monetized, an estimated \$7 million in cost savings and \$3.7 million in leveraged resources, totaling a return of \$10.7 million on the state's \$750,000 investment in the Grant Program, accrued to Massachusetts through community mediation funded by the Grant Program.

The Grant Program demonstrably added value to Massachusetts communities in FY 2016. To assure the continued effectiveness of the Grant Program, it is recommended that MOPC and centers together seek additional public and private funding for the Grant Program and centers; persist in efforts to broaden community mediation access, not only through new centers and programming initiatives, but also through coverage at more court divisions; consider the advisability of explicitly adopting service to lower-income and underserved individuals as a Model standard; and continue to develop a quality assurance system for mediator excellence.

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I. Introduction

Massachusetts reinforced its commitment to diminishing the frequency of harmful conflict and to expanding access to justice when it established a policy of state support for community mediation through passage of M.G.L. ch.75 §47 in July 2012. The legislation enabled the creation of the Massachusetts Community Mediation Center Grant Program (the Grant Program), administered by the Massachusetts Office of Public Collaboration (MOPC)¹, to award operating funds to qualified community mediation centers in order “to promote the broad use of community mediation in all regions of the state.”²

Community mediation centers are non-profit or government entities, structured to serve all members of the community by empowering people to use mediation to settle their disputes whatever the level of conflict may be or subject matter of the dispute and irrespective of ability to pay.³ As a result, the breadth of disputes that can be addressed through community mediation is not confined to those that come to the attention of the judicial system, but also encompasses disputes that fall outside the jurisdiction of the courts as well as problems with unrealized conflict.⁴

In community mediation, disputing parties engage in a voluntary and consensual mediation process that involves searching for a mutually satisfactory agreement by discussing issues and exploring options for agreement, with the assistance of a neutral third party – typically a trained volunteer mediator – under the auspices of a community mediation center.⁵ The mutuality that characterizes mediation combined with the self-determination that arises from parties’ retention of decision-making authority make community mediation a non-adversarial and autonomous dispute resolution process through which conflict is managed.⁶ As such, community mediation offers opportunities for change and problem-solving that arise when conflict is

¹ MOPC, originally known as the Massachusetts Office of Dispute Resolution, is the statutory state dispute

² “The mission of the grant program shall be to promote the broad use of community mediation in all regions of the state” (M.G.L. ch.75 §47(b)).

³ Gazley, B., Chang, W.K., & Bingham, L.B. (2006). Collaboration and citizen participation in community mediation centers, *Review of Policy Research*, 23:4, 843- 863; Hedeon, T. & Coy, P. G. (2000). Community mediation and the court system: The ties that bind. *Mediation Quarterly*, 17:4, 351-366. Also see the definition of “community mediation center” in the grant program’s enabling statute.

⁴ Shonholtz, R. (2000). Community mediation centers: Renewing the civic mission for the twenty-first century. *Mediation Quarterly*, 17:4, 331-338.

⁵ Wilkinson, J. (August 2001). *A study of Virginia and ten states: Final report and recommendations*. Charlottesville, VA: Virginia Association for Community Conflict Resolution (VACCR), Institute for Environmental Negotiation, University of Virginia.

⁶ American Bar Association. (2006). What you need to know about dispute resolution: The guide to dispute resolution processes. ABA Section of Dispute Resolution. Retrieved March 15, 2016, from http://www.americanbar.org/content/dam/aba/migrated/2011_build/dispute_resolution/draftbrochure.authcheckdam.pdf.

handled well⁷ while avoiding the heightened risk of violence, worsened relationships, unfulfilled goals, and other harms yielded by poorly-managed conflict.⁸

Community mediation's dispute resolution function makes it a valuable adjunct to the courts' work of providing access to procedural justice (henceforth "access to justice") by settling disputes through legal procedures.⁹ However, the expense, inconvenience, and legal sophistication involved in court-centered dispute resolution put access to justice out of reach for vulnerable populations and for people with modest incomes, including lower-income and middle-income individuals.¹⁰ By embracing the use of mediation services from community mediation centers, the court system can minimize these impediments to access to procedural justice by making use of the affordable dispute resolution services offered by centers that operate as neutral forums, free of the technicalities of court procedures. Access to justice may increase as a result. And so, public entities, which include the courts, are exhorted in the Grant Program's enabling statute to employ community mediation as a matter of state policy.¹¹

The Massachusetts legislature appropriated \$750,000 to fund the Grant Program and support its mission during Fiscal Year (FY) 2016. This report examines whether the state's investment in community mediation added value to Massachusetts communities. To this end, the administration of the program is reviewed and the effectiveness of the grant program is assessed in terms of the impact of the grants on the operation of funded centers and on the people, communities, and organizations receiving center services.

II. Community Mediation Center Grant Program Administration

Administration of the Grant Program during FY 2016 was the responsibility of MOPC and encompassed grant-making, managing program operations, advocating for state funding, collecting data, assuring compliance, providing accountability, developing programs, engaging in outreach, and navigating challenges. The Program Manager was in charge of implementing nearly all these functions, with oversight provided by the Executive Director. Reporting and evaluation was the purview of the Research and Evaluation Unit at MOPC. In accordance with

⁷ Brahm, E. (2004, September). Benefits of intractable conflict. In G. Burgess & H. Burgess (Eds.). *Beyond intractability*. Boulder, CO: Conflict Information Consortium, University of Colorado, Retrieved November 27, 2013, from <http://www.beyondintractability.org/essay/benefits>

⁸ Horowitz, S. V. & Boardman, S. K. (1995, May). The role of mediation and conflict resolution in creating safe learning environments. *Thresholds in Education*. 43-49. Retrieved November 27, 2013, from <http://m.cedu.niu.edu/lepf/foundations/thresholds/journal/1995.Volume.XXI/Issue.2/43.The.Role.of.Mediation.and.Conflict.Resolution.pdf>

⁹ See Eisenkraft, K. O. (2016, May). *Access to justice in the United States with Massachusetts examples: An introduction*. Boston, MA: Massachusetts Office of Public Collaboration, University of Massachusetts Boston. Available at http://scholarworks.umb.edu/cgi/viewcontent.cgi?article=1016&context=mopc_pubs

¹⁰ "An estimated four-fifths of the individual legal needs of the poor, and a majority of the needs of middle-income Americans, remain unmet." (Rhode, D. L. (2009). Whatever happened to access to justice. *Loyola of Los Angeles Law Review*, 42, 869-911, 869. Retrieved March 3, 2016, from <http://digitalcommons.lmu.edu/llr/vol42/iss4/2>. Also see Rhode, D. L. (2001). Access to justice. *Fordham Law Review*, 69, 1785-1819. Retrieved March 3, 2016, from <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=3709&context=flr>

¹¹ "Public agencies shall use community mediation in support of statewide and community objectives" (M.G.L. ch.75 §47(b)).

statutory requirements, advice about various initiatives was sought from funded centers and from a Program Advisory Committee, composed of community mediation center and stakeholder representatives (see M.G.L. ch.75 §47(d)). MOPC consulted with the centers before and after each grant-making cycle regarding the grant-making criteria and procedures. This consultation resulted in modifications and refinements which were implemented in the next grant cycle. The accomplishment of these administrative tasks and the legislative appropriation of \$750,000 were a condition precedent for the FY 2016 cycle of Grant Program operations.

A. Administrative Activities that Guided the Grant Program in FY 2016

1. Awarding performance-based grants to thirteen qualified centers:

The Grant Program awarded grants with required matches for FY 2016 to 13 qualified community mediation centers (henceforth, funded centers or centers) that successfully participated in a performance-based application process, which included the center's continuing growth in achieving and maintaining compliance with a Massachusetts model of community mediation standards. These awards were the outcome of an application process that began near the end of FY 2015 and concluded in early FY 2016. During this time period, applications from 13 centers were evaluated for merit by a three-member Grant Review Committee. The committee's assessment of each application was shared with the MOPC Executive Director, who made the final decisions about issuing the grant and the size of each award.

Basis for the award of grants: The Grant Program budget for FY 2016 was financed in its entirety by the \$750,000 appropriation. State funds were apportioned by MOPC according to an 80/20 formula, 80% for funded centers and 20% for Grant Program administration. For FY 2016, \$604,000 or 80.5% of the \$750,000 appropriation was spent on centers, with \$17,500 expended for center training and technical assistance and \$586,500 disbursed as grants.

The grant amount awarded to each center, accompanied by a match requirement, was the total of three component sums related to center compliance, performance, and progress, plus funds for two optional components involving community projects and municipal trainings. Center applicants were thereby rewarded both for productivity and for growth in compliance with a Massachusetts model of community mediation standards.

In order to qualify for a baseline funding of \$20,000, centers demonstrated compliance with a 12-Point Model (Model), which articulates 12 standards for state of the art community mediation that serves to expand the resolution of conflict throughout the community, promotes quality mediation services, and advances community involvement (see Table 1). Centers demonstrated compliance with this Model by describing their operations relative to each of the Model's 12 points over the course of the year prior to the application period. The baseline amount was supplemented by an additional sum that was based on the center's performance as determined by its level of casework. The casework level consisted of the quantity of intakes and mediations performed by the center that fit into a particular range of intake and mediation numbers. Each performance data range was associated with a sum of money to be added to the baseline amount. The added sums in this performance category ranged from \$500 to \$12,000.

The part of the grant award associated with the center’s progress under the 12-Point Model was determined by the center’s account of its activities in meeting a minimum of four goals of their own choosing – so-called SMART goals or goals that were specific, measurable, achievable, realistic/relevant, and time-bound – that were connected to the four Model categories relating to service, accessibility, quality, and diversity (see Table 1). As a result of center feedback, a requirement for reports of progress in meeting at least one SMART goal for each Model category was introduced into FY 2016 applications to replace the previous FY 2015 requirement for reports on center progress in achieving goals under each and every one of the twelve Model points. Centers’ descriptions of SMART goal progress were incorporated into their compliance narratives. Funding awarded under this performance area accounted for \$5,000 to \$22,000 of their overall state grant. Additional optional project grants, totaling \$64,000, included funding for five youth-related projects and for six trainings for municipal officials.

Table 1. 12-Point Model of Massachusetts community mediation by category.

Category	Criteria constituting the 12-Point Model of Massachusetts Community Mediation in FY 2016
Service to the community	1-Provide a range of mediation services - to address community needs, including but not limited to housing, consumer, family, neighborhood, peer/youth and workplace mediation.
	2-Establish collaborative community relationships - with other service providers to meet community needs.
	3-Educate community members - about conflict resolution and mediation.
	4-Work with the community in center governance and center development (including fundraising ¹²) by involving community members as staff, volunteers, board members and project partners.
Providing accessible services	5-Provide mediation and conflict resolution services at no cost or on a sliding scale.
	6-Hold mediations in neighborhoods where disputes occur.
	7-Schedule mediations at a time and place convenient to the participants.
	8-Provide mediation at any stage in a dispute - including the early use of mediation for conflict prevention and collaborative problem solving.
Providing quality services	9-Maintain high quality mediation services by providing intensive, skills-based training, apprenticeships, continuing education AND on-going evaluation of volunteer mediators.
Reflecting diversity	10-Train community members, who reflect the community’s diversity with regard to age, race, gender, ethnicity, income and education, to serve as volunteer mediators.
	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 Fundraising language was added to Point 4 after the FY 2015 grant application process.

	12-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.
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2. Broadening access to community mediation with new centers and service to more types of disputes:

MOPC spent the 2016 fiscal year laying the groundwork for two strategies to broaden access to community mediation through the Grant Program, namely, by working to increase the number of funded centers and by expanding the types of disputes handled by centers.

Growing the Grant Program by adding new centers: With respect to the former strategy, MOPC took the initiative and contacted a community mediation center in the Bristol County city of New Bedford to gauge its interest in participating in the Grant Program. MOPC is awaiting a response. Additionally, MOPC joined a committee of representatives from local community groups to explore the feasibility of establishing a community mediation center to serve the Roxbury and Dorchester areas of Boston. The inclusion of new community mediation centers into the Grant Program would be conditional upon the availability of funding. In the event that these overtures produced new grant applicants, additional financial support for the Grant Program would be needed.

Growing the Grant Program by expanding programming: The second strategy of expanding dispute types was diligently pursued by MOPC and centers. Programs to address youth conflict, public conflicts at the municipal level, and prisoner re-entry issues were at different stages of development during FY 2016. Grant Program funding was critical to progress in these areas.

Prisoner re-entry programming proceeded through an initial phase. Sparked by Martha's Vineyard's experience with local law enforcement interest in using conflict resolution practices for prisoner re-entry issues and by a mediator's familiarity with a successful program in Maryland, other centers proceeded to test the waters in their region to determine local support for re-entry services while MOPC explored the feasibility of prisoner re-entry mediation programming on a statewide scale. MOPC designed a state re-entry program, which was modeled on an existing effective program in Maryland and then tailored to Massachusetts circumstances, and proposed that the program be piloted in four county facilities with services to be provided by funded centers for county prisoners and for step-down inmates in the state system. Two series of training sponsored by MOPC provided two dozen mediators and staff with expertise in mediating prisoner re-entry issues. Meanwhile, MOPC and centers continued to seek sponsors and funding from correctional and law enforcement agencies as well as private foundations.

Programming to assist municipal officials with public conflict advanced to a second development phase. The first phase, a needs assessment study of the conflict resolution needs of

municipalities in handling destructive public conflict, was completed in FY 2016,¹³ and the second phase – instituting solutions for municipal needs recommended in the study – was set in motion. MOPC proposed the creation of a statewide technical assistance program for supporting municipalities in handling public conflict and controversial public issues through conflict resolution and collaborative methods. Part of this program was implemented on a trial basis by way of Grant Program-funded pilot projects to train local officials in conflict resolution. Besides conducting an educational workshop for centers on understanding municipal issues, MOPC awarded grants to centers to furnish conflict resolution training to officials from housing authorities, schools, and other municipal agencies. A FY 2017 legislative appropriation for this municipal program failed to materialize and the search for sponsors and funding for the program is continuing.

For FY 2016, five community project grants for positive youth development/peer programs were awarded to increase access to community mediation services for inner city youth and rural youth.¹⁴ One of these FY 2016 projects involved training the gang violence interrupters at the Boston Centers for Youth and Families (BCYF) and several youths in their Summer Dream Team in using conflict resolutions skills for dealing with violent conflict. In this project, at-risk inner-city youth were trained in conflict resolution and empowered to share their experience through photos of their everyday life through a technique called Photovoice. Rather than being a “problem group” and receivers of external services, these youths were empowered to discuss, through their photos, the strengths they have to transform conflict and to present their perceptions of the underlying causes of conflict and youth violence. Photo-elicited group discussions and individual interviews revealed the potential impact of conflict resolution skill-building, as well as existing strengths and needs for addressing youth violence by the youth, public programs, and policymakers. These projects have been pilots for a comprehensive approach to create an evidence-based model for youth conflict resolution

Four other FY 2016 community project grants involved involving peer mediation, resolution of parent-teacher conflicts, and conflict resolution training, were also sustained by small grants from the Grant Program in FY 2016. Across four years, according to Grant Program evaluation reports from FY 2013 to FY 2016, a total of \$234,017 was saved to schools from avoided student suspensions or expulsions from 707 successful peer mediations. Results from surveys administered to school staff revealed that the peer mediation programs were beneficial to schools. In a 2015 survey of staff at the Sizer (formerly North Central) Charter School, 73% of the school staff surveyed indicated that peer mediation helped teachers by reducing the amount of student conflict that they had to deal with. In a 2016 survey, 75% of the staff surveyed at the Great Falls Middle School felt the peer mediation services funded by the Grant Program were

¹³ See Massachusetts Office of Public Collaboration. (2016, January). *Legislative study: Massachusetts municipal conflict resolution needs assessment*. Boston, MA: Massachusetts Office of Public Collaboration, University of Massachusetts Boston. Available at http://scholarworks.umb.edu/mopc_pubs/14/

¹⁴ Since FY 2014, MOPC has been awarding community project challenge grants to community mediation centers in several regions of the state for positive youth development/peer programs in partnership with schools and community-based organizations. The CMC grant program provided a total of \$156,000 over four years for youth conflict resolution work in school and community settings.

generally effective in helping students resolve their conflicts and 92% said that they were willing to make referrals to the peer mediation program. Eighty-two percent of the staff surveyed at the Amesbury Middle School and Innovation High School also said that they planned to make referrals to the peer mediation program in the future. As evidence from these pilots supports scaling up these youth conflict programs, additional funding would be required.

3. Developing a quality assurance system for mediator excellence:

Quality programming is unlikely to happen apart from excellent mediation services. The development of a system to assure excellence of mediation services is a key component of the Grant Program not only because of the dependence of quality programming upon quality service but also because of the statutory authorization for developing a quality assurance system for mediation excellence (see M.G.L. ch.75 §47 (b)). A work group of funded centers was formed during FY 2015 to generate the foundational principles for a model of mediator professional development that would provide quality assurance. Six principles emerged from the group's deliberations: the sharing of best practices, region-based training, reflective practices, Grant Program sponsorship of continuing education, encouragement to exceed court standards for mediators, and celebrating mediator excellence. In FY 2016, these principles were implemented when opportunities for skill building and peer mentoring were offered at the centers' semi-annual group meetings. A skill building session and case coordinator meeting, in which center coordinators shared their experiences with various issues, was held in parallel to the first FY 2016 group meeting, and a workshop on giving and receiving feedback was scheduled in tandem with the second group meeting. In addition, prisoner re-entry mediation skill-building training was sponsored by the Grant Program. Throughout the year, centers continued to share best practice and educational material through a central data depository on the MOPC website and to exchange information about regional training opportunities on a shared Google calendar.

4. Improving the functioning of the Grant Program:

MOPC and centers worked together on improving the functioning of the Grant Program by focusing on internal communication and program compliance.

Communication between centers and MOPC: Communication between MOPC and funded centers was enhanced through frequent and regular group discussions organized by the Program Manager. Already established communication channels – namely, semi-annual group meetings of all centers and email and telephone exchanges on an as-needed basis – were supplemented by informal, monthly conference calls among centers and MOPC to discuss issues and exchange information in a timely manner, though not to engage in decision-making. More specific discussion of the Grant Program's future was reserved for a special group meeting to take place in FY 2017.

MOPC's shared its plan with centers and the Program Advisory Committee for a planning session in which funded centers would join MOPC to discuss goal alignment across all centers and the Grant Program. Understanding that MOPC envisioned its role primarily as a participant, the Committee counseled MOPC to be wary of its positional power over centers as a grantor. Accordingly, the session was repurposed with agreement of the centers as a process to

develop a common vision for Massachusetts community mediation and a set of strategic goals for deploying the Grant Program in achieving that vision, which would be facilitated by a neutral third party. The session was tentatively scheduled for FY 2017.

Non-compliance policy: To improve clarity of Grant Program responsibilities, MOPC issued a revised non-compliance policy to address potential center failure to fulfill Grant Program obligations. The policy specified the procedures and consequences of neglecting the contractual duties that centers face upon accepting their Grant Program grant. Opportunities for justifying and remedying compliance deficiencies were included.

5. The use of volunteer mediators as a condition of community mediation center eligibility:

A question was raised about tying eligibility as a community mediation center for Grant Program purposes to some minimum number of volunteer mediators. Although the text of the Grant Program's enabling statute defined "community mediation center" in terms of trained community volunteers without specifying that the volunteers be mediators,¹⁵ MOPC contended that this statutory definition was to be interpreted by reference to extensive research contained in the Community Mediation Legislative Study that informed creation of the statute, which described volunteer mediators as an integral element of community mediation.¹⁶ Given the challenge of recruiting people to volunteer as mediators in less affluent regions of the state, some centers worried that imposing a quota on volunteer mediators might threaten their future status as eligible community mediation centers. In response, volunteerism rates were investigated by a working group, after which MOPC and centers developed a definition of "volunteer mediator" and a category for volunteer mediators was added to MADtrac, a unified case management database system, to enable tracking and monitoring of this situation by centers and MOPC.¹⁷ Further discussion of the issue was postponed until more data became available.

¹⁵ "Community mediation center", a community-based program of a private nonprofit or public agency organized for the resolution of disputes or for a public service, charitable or educational purpose, that provides direct access to free or low-cost mediation services at any stage of a conflict through trained community volunteers and involves community members in the governance of the center (M.G.L. ch.75 §47(a)).

¹⁶ "Community Mediation is defined as: community-based services, organized as private nonprofits or public agencies, with mediators, staff and a governing board representative of community diversity, providing direct access to free or low-cost mediation services, at any stage of a conflict, using trained community volunteers, which would be both an alternative to the judicial system as well as an enhancement to an integrated comprehensively-designed justice system" (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, p. 38, quoting Community Mediation Coalition of Massachusetts, Mission statement and operating guidelines). Available at http://scholarworks.umb.edu/cgi/viewcontent.cgi?article=1000&context=mopc_pubs

¹⁷ "Volunteer mediator" was defined for MADtrac use as: Volunteer - someone who provides services without pay. This includes people who receive direct payment as reimbursement for out-of-pocket expenses, people who receive small annual or periodic stipends in recognition of out of pocket expenses, people who receive subsidized training and people who are working outside their normal functions as a staff member but without pay. People who receive payment on a regular hourly basis or on a per case basis exceeding an amount equivalent to the coverage of their reasonable out of pocket expenses are not regarded as volunteers and should be counted as staff or consultants according to the nature of their working agreement with the center."

6. Reporting and evaluation:

The statutory requirements for evaluation of and reporting on the Grant Program and funded centers (M.G.L. ch.75 §47 (b), (h)) were satisfied for FY 2015 upon submission in January 2016 of the *Massachusetts Community Mediation Center Grant Program: Fiscal Year 2015 Report & Evaluation* to officials in the executive, legislative, and judicial branches of government.¹⁸ The report was also posted on the web to enable public access.¹⁹

Data collection for FY 2016 evaluation and reporting purposes proceeded apace. Twelve of the 13 funded centers responded to surveys to provide information about their activities during the 2016 fiscal year and feedback concerning the FY 2016 grant application process. Thirteen centers submitted quarterly and annual reports containing extensive numerical data that each center had entered into MADtrac. Center descriptions of their FY 2016 activities and achievements contained in their FY 2017 grant applications proved useful for understanding and illustrating the numerical data. Administrative records and input from the MOPC Program Manager supplied particulars about administrative functions. The resulting report and evaluation will be available in January 2017.

B. Administrative Actions to Prepare for FY 2017

1. Changes to Grant Program application:

Once the Grant Program's FY 2016 grant application process was completed, it was subjected to review. Feedback was solicited from centers in accordance with the administrator's statutory duty to seek center advice about grant criteria and procedures (see M.G.L. ch.75 §47(d)). Changes were instituted for later use in the FY 2017 grant application process.

Adjusting the use of caseload data to determine performance grant amounts: Equity considerations led to two changes in the use of caseload data to determine performance grant amounts: (1) an additional measure was added; and (2) the method of apportioning funding was changed. In response to center concerns about the inequity of equating multiple-session mediations that dealt with complex issues with single-session mediations, dealing with relatively few issues, it was decided that the number of sessions would be added as a third data point to be reported on in the grant application along with the number of intakes and mediations. This entailed the centers tracking session numbers during FY 2016 for inclusion in their FY 2017 grant applications.

¹⁸ MOPC conducts an annual comprehensive evaluation of the Grant Program that examines the return on investment and provides a written report on Grant Program performance to the Governor, legislature and others. MOPC utilizes monitoring and evaluation to ensure learning and accountability by systematically gathering and analyzing data necessary to justify expenditures of public money. The overall goal of evaluating the CMC Grant Program is to: a) establish successful implementation of the CMC Grant Program; and b) demonstrate the impact of the program to the legislature, citizens in the commonwealth, sponsors and other stakeholders – including current and future sponsors/funders of community mediation. The Grant Program evaluation has five primary purposes: Grant Program implementation; Grant Program monitoring; Grant Program improvement, continuous development of an effective Grant Program model; and accountability and measurement of short and medium-term impacts.

¹⁹ Available at http://scholarworks.umb.edu/cgi/viewcontent.cgi?article=1012&context=mopc_pubs

Equity interests were also implicated by MOPC's practice of connecting centers' caseload volume (intake and mediation numbers) to a range of performance levels with corresponding funding amounts. Because performance grant amounts were determined by a range, higher-performing centers would occasionally get the same amount of the performance award as a lower-performing center because their respective numbers were in the same range. To remedy this situation, MOPC shifted to a percentage-based approach in which centers would receive a share of the funds available for the performance portion of the grant that was commensurate to the percentage of the total performance numbers attributable to the center. Learning that the effect on the size of their grants would be minor, centers agreed to a one-year trial for this approach.

Limit to four SMART goals: In FY 2016 applications, many centers adopted more than four SMART goals. Moreover, out of 12 centers responding to a post-grant-making survey, only one spent less time on the application, with the remaining centers almost evenly split between spending more time (5 centers) and spending the same amount of time (6 centers) as before. Consequently, for the sake of greater simplicity and consistency, a restriction to four SMART goals of the center's own choosing was adopted for the FY 2017 grant application. Furthermore, the section of the grant application containing the centers' description of progress in meeting SMART goals was separated from their narratives of compliance with the 12-Point Model, though cross-referencing between the two sections was allowed. By separating these sections in the grant application, it was expected that center accounts of their situation would be more comprehensive, and thus, serve a dual purpose. Evidence of the center's compliance and SMART goal progress would be presented for consideration in the application even as the rich information about centers' situation would enable greater thoroughness in reporting on the overall achievements of the Grant Program.

Concerned about the burden entailed by separate compliance and progress accounts, centers proposed that they provide only an attestation of their continued compliance in the application and furnish evidence of compliance at a later date. Acknowledging center concerns but unable to adopt such an approach for a performance-based framework, MOPC introduced a further modification to help centers by not requiring documentation for their compliance narratives in the grant application. Guiding questions would be added to each Model point in the application to help centers provide specific relevant information. The deadline for submitting the grant application would be extended to July 15. Centers would be able to use their compliance narrative in subsequent applications, with changes to be made only in the event of new developments. Centers agreed to a two-year trial for this change to separate compliance and progress sections.

Recognizing center collaborations: An opportunity for recognizing center activities that added value to other centers and to the Grant Program was inserted into the grant-making process. An optional bonus question was added to the FY 2017 grant application to allow centers to highlight their collaborations with each other and with MOPC as contributions to the continued viability of the Grant Program. Engaging in budget advocacy, collaborating on program development and fundraising pilots, sharing training evaluation forms, and participating

in Grant Program work groups were among the kinds of activities centers could cite. A bonus award would be the centers' reward.

2. Grant Program Budget Advocacy:

Budget advocacy to obtain legislative support for the Grant Program in FY 2017 was undertaken during FY 2016. The proposed Grant Program budget provided for funding of grants, administration, community project grants and training grants, along with education and training opportunities for centers. The January 2016 legislative briefing included a presentation by two of the centers on the favorable reception given by local officials to their conflict resolution trainings, as well as a celebration of volunteer mediators and their contribution to reducing conflict that was organized by another center. Funded centers sent community representatives to attend the briefing and used the occasion to meet with their legislators. The 2016 briefing was the most heavily attended since the inception of the Grant Program.

MOPC and key legislative champions from the House and the Senate led the centers during FY 2016 in advocating for two budget requests for FY 2017 funding: one for the Grant Program appropriation and another for a new municipal dispute resolution technical assistance program to implement recommendations in its legislative municipal study. The number of signatories to the budget request letter for community mediation funding and the number of co-sponsors of community mediation and municipal program budget amendments were at all-time highs as were the number of attendees at the legislative briefing. At the end of FY 2016, Massachusetts reaffirmed its commitment to community mediation by appropriating \$750,000 to fund the Grant Program in FY 2017, although municipal funding did not materialize due to the tight fiscal climate.

III. The Impact of Grant Program on Funded Centers

The impact of state funding on the work of local centers and, ultimately, on the people receiving center services is a measure of the value of state support for community mediation.

A. Profile of Funded Community Mediation Centers

Thirteen center applicants received state grants under the Grant Program totaling \$586,500 for FY 2016. The successful applicants (funded centers) are listed in Table 2.

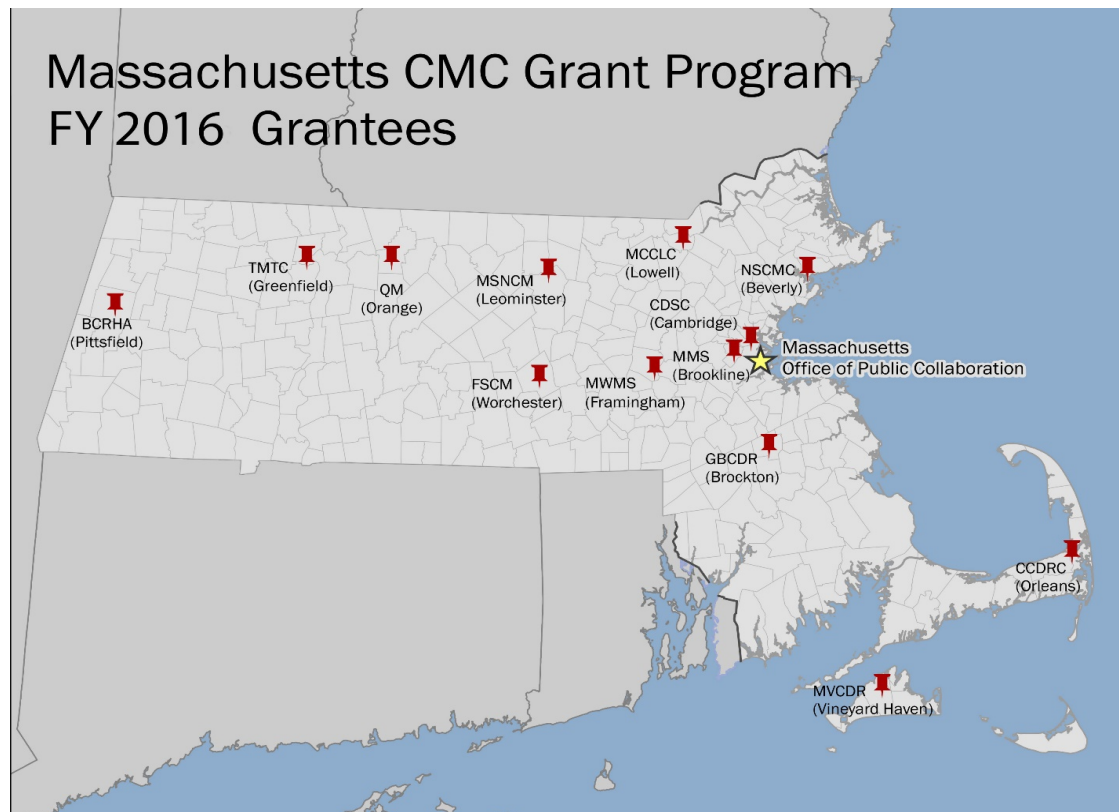
Table 2. Community mediation centers funded for FY 2016 and the counties covered.

FY 2016 Funded Community Mediation Center	County Served
Berkshire County Regional Housing Authority (BCRHA)	Berkshire County
Cape Cod Dispute Resolution Center (Cape Mediation)	Barnstable County, Nantucket County
Community Dispute Settlement Center (CDSC)	Middlesex County
Family Services of Central Massachusetts (Family Services)	Worcester County

Greater Brockton Center for Dispute Resolution (Greater Brockton)	Bristol County, Plymouth County
Law Center at Middlesex Community College (MCC Law)	Middlesex County
Martha's Vineyard Center for Dispute Resolution (Martha's Vineyard)	Dukes County
MetroWest Mediation Services (MetroWest)	Middlesex County
Metropolitan Mediation Services (MMS)	Middlesex County, Norfolk County, Suffolk County
Mediation Services of North Central MA (MSI)	Worcester County
North Shore Community Mediation Center (North Shore)	Essex County
Quabbin Mediation (Quabbin)	Franklin County, Hampden County, Hampshire County, Worcester County
The Mediation & Training Collaborative (TMTC)	Franklin County, Hampden County, Hampshire County

As Figure 1 below shows, the funded centers were located throughout the state. Collectively, these centers provided services in all 14 counties of Massachusetts (see Table 2). According to information about more than two-thirds of mediation parties, residents from approximately 370 of the state's towns and cities were served by funded centers. The largest number of mediation participants who identified their place of residence came from Fitchburg (225 parties), Hyannis (117 parties) Lowell (490 parties), Pittsfield (311 parties), and Waltham (124 parties).

Figure 1: Geographical distribution of FY 2016 funded centers.



Eight of the funded centers were independent non-profits, and five were entities subsumed under the umbrella of larger non-profit organizations, viz., a community college and four other agencies severally focused on mental health, housing, and social services. The centers varied in size with respect to human and financial resources. In terms of paid personnel, 12 reporting centers employed from 0-2 full-time staff for a total of eight full-timers at an average of two-thirds of a full-time staff member per center; a total of 47 part-time staff, ranging from 0-9 part-timers and averaging 3.9 part-time staff people per center. These 12 centers had between 5-70 volunteer mediators on their rosters, for a total of 513 volunteer mediators. Four centers also relied upon volunteer staff, with three centers each aided by a single staff volunteer and a fourth center assisted by four volunteer staff persons.

B. Impact of State Grants on Center Budgets

With respect to income, centers' commitment to providing affordable services irrespective of ability to pay constrained their capacity to achieve financial independence and stability by charging for services. As in past years, state-supported Grant Program grants were essential to the sustained existence and thriving of the centers. The collective cash income of the 13 funded centers for FY 2016 equaled \$1,964,895 and individual center annual cash incomes ranged from a low of \$39,703 to a high of \$263,405. However, only a minor portion of this collective income – that is, 11% percent or \$224,450 – derived from center earnings, including earned income, training fees, and sliding scale mediation fees. Otherwise, centers depended heavily on the funding and contributions of others for their operation. Centers relied upon the pro bono services supplied by trained community volunteers who furnished mediation services and by volunteer staff who provided administrative assistance, which added an estimated \$790,435 and \$74,420, respectively, in value to centers' incomes. As for actual cash revenue, apart from Grant Program funds, nearly 88% of centers' collective annual cash income (\$1,736,497) consisted of funding support from federal, state, and local government entities, from private foundations, and from individual contributions through fundraising and from other donation sources. Like FY 2015, the totality of FY 2016 Grant Program grant monies constituted 30% of the annual cash incomes of all funded centers. Individual grant amounts comprised from 14% to 64% of center cash incomes, averaging 35% of individual center income.

C. Impact of State Grants on Center Sustainability

State-supported Grant Program grants contributed to the continuing vitality of funded centers during FY 2016.

1. Effect of grants on center operations:

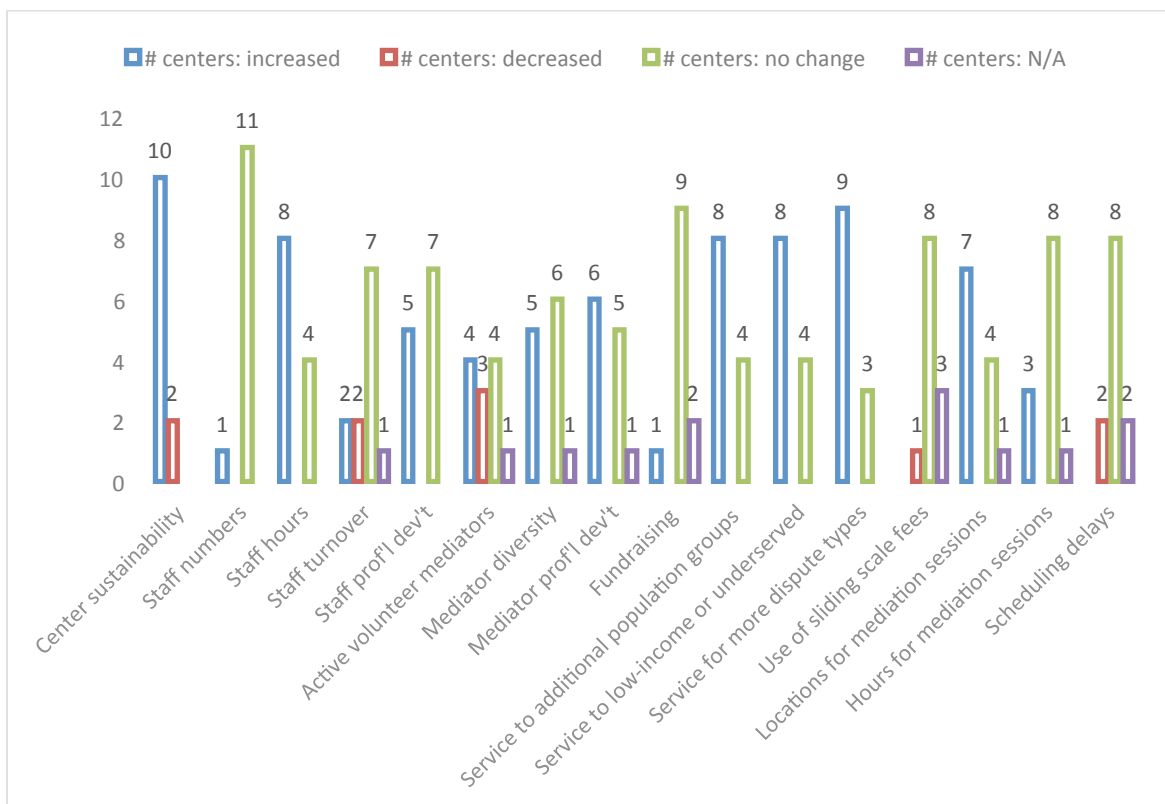
Center sustainability in general increased as a result of grant money according to 83% or 10 of 12 responding centers. This sustainability was exhibited through either increases in or maintenance of various aspects of center operations relating to staff, mediators, delivery of services, scheduling of services, fees, and fundraising for at least 75% of responding centers (see Figure 2). At least three-fourths of centers experienced an increase in staff hours and in the delivery of their services with respect to the number of client populations, the number of low-

income or underserved populations, and the number of dispute types. A minimum of three-fourths of centers also found that their situation regarding fundraising, staff size, scheduling session times, mediation delays, and use of sliding scale fees remained constant. Three or fewer centers continued to experience sustainability challenges around staff resources, including turnover, and a decrease in the number of active volunteer mediators. Quite possibly, the grants these centers were awarded were not large enough to fully address these issues.

2. Unmet center needs and prospective plans:

The sufficiency of the state operating grants fell short in other respects according to centers. The three most prevalent needs that remained unresolved by the end of FY 2016 were for additional staff (at eleven centers), enhanced mediator recruitment and retention (eight centers), and the provision of salary benefits for staff (six centers). Future center plans for stabilizing the center operations mostly focused on staffing. Nine out of 12 surveyed centers aimed to increase their staff hours overall, seven centers hoped to increase staff hours to achieve the equivalent of a full-time position, and seven centers planned to restructure staff positions, hours, or duties in response to center needs. Funding and staffing, however, are inextricably linked. So, the need for more resources underlies the aforementioned center needs and plans: additional funding is required for center needs to get met and their plans to be realized.

Figure 2. Impact of grant on center sustainability and aspects of center operations



IV. Impact of the Grant Program on the People of Massachusetts

The value of the Grant Program ultimately resides in the breadth of delivery by funded centers of mediation services that respond to the conflict resolution needs of the community and that positively impact the people who received these services. The extent of center services, as indicated by the quantity of the services provided and the size and diversity of the population served, are key measures of the extent to which the community was served.

A. Amount of Mediation Services Provided to Community Members

Over the fiscal year, centers received 7,301 inquiries that included referrals for services²⁰ as well as requests for information, and led to 4,619 intakes, with an average of 355 intakes per center (see Table 3). Intakes denote a screening process in which information between the center and disputing parties is exchanged to determine the appropriateness of using mediation for the dispute and the readiness of the parties to participate in mediation. Eighty-three percent of intakes proceeded to mediation, for a total of 3,826 mediation cases, and averaged 294 mediations per center. The mediation cases entailed 4,135 mediation sessions. Compared to previous years, the quantity of intakes in FY 2016 and the average intakes per center decreased by 15% since the previous year, constituting a three-year low. On the other hand, the number of mediation cases in FY 2016 amounted to a three-year high, exceeding the previous year's numbers by 1%, and indicating stability (see Table 3).

Table 3. Intakes and mediations from FY 2014-FY 2016.

Center services	FY 2014 (14 centers)	FY 2015 (13 centers)	FY 2016 (13 centers)
Number of intakes	5, 194	5,429	4,619
Intake average	371	418	355
Number of mediation cases	3,802	3,784	3,826
Mediation case average	272	291	294

Altogether, 8,373 people were served through mediation services delivered by the funded centers, 254 more than the year before. All received intake services, and 6,747 of these individuals also received mediation services. Thus, just over 0.1% of the entire Massachusetts population of 6,794,422 people used mediation from funded centers.²¹

²⁰ A referral is an action by a third party that directs a person to mediation.

²¹ Based on estimated census figures for Massachusetts for the period 2010-2015, see United States Census Bureau / American FactFinder. "Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2015". 2015 Population Estimates Program. Available at http://www.massachusetts-demographics.com/counties_by_population

B. Making Access to Center Mediation Services More Inclusive

1. Increasing and diversifying the population served:

Centers pursued a number of initiatives to both enlarge and diversify the population receiving their services. In order to ensure that all members of the community could avail themselves of center services, community mediation centers were held, under the 12-Point Model of community mediation, to a standard of service to people whose diversity mirrored the diversity in the community (see Point 11, Table 1). Relevant diversity factors included race/ethnicity, income level, and geographic location. The demographic diversity profile of the population served by funded centers in FY 2016 suggested that, as a whole, centers met with some success in living up to this standard. Seventy-four percent of the 5,522 people who self-identified along racial/ethnic lines commonly used for census purposes were white. Black/African Americans formed the next largest racial/ethnic group at 11%, followed by Latino/Hispanics at 8% and Asians at 3%. Even though this diversity profile is perforce tentative because only a fraction of parties provided demographic details, it is roughly comparable to the racial/ethnic diversity of the state's population. Statistics for 2015 indicate that 82.1% of the state population was white, 11.2% was Hispanic/Latino, 8.4% was Black/African American, and 6.6% was Asian.²²

Examples of initiatives to diversify the population served: In addition to their service to parties with disputes before the court, a number of the individual centers developed or initiated development of various projects to expand their services to groups in their community whose conflict resolution needs were underserved. Two centers – BCRHA and CDSC – developed procedures for collecting demographic data to help identify groups who were under-represented in the population receiving their community mediation services. Two other centers – MCC Law and TMTC – offered cultural competency workshops to make mediation services more responsive to people from other cultures, whether from a different ethnicity or socio-economic class. Some centers undertook additional efforts to reach out to non-English-speakers with conflict resolution needs. For instance, the Spanish-speaking community received particular attention from MCC Law and MSI as did the Portuguese-speaking and Brazilian community from Cape Mediation, MCC Law, MVMP, and MetroWest. Consequently, MCC Law, for one, successfully conducted an intake involving a Portuguese speaker and MVMP, for another, conducted a mediation with the assistance of a Portuguese translator to accommodate a Portuguese-speaking party. Centers also worked on ways to assist people at either end of the age spectrum with their disputes. BCRHA mediated disputes between teachers and parents over student-related matters. Other centers – MCC Law, MSI, North Shore, and TMTC – ran peer mediation programs, in which trained students mediated student-on-student conflicts. Elder mediation was offered by Cape Mediation, Martha's Vineyard, MetroWest, and North Shore, and was under development at MCC Law. Assorted occupational groups that also received assistance from centers included the farming community in western Massachusetts (from TMTC and BCRHA) and small businesses on the Cape (from Cape Mediation). Initial steps were taken to

²² *Ibid.*

include released prisoners among the recipients of mediation services in a joint effort coordinated by MOPC with active support from North Shore, CDSC, TMTC, and BCRHA. MCC Law began exploring extending mediation services to veterans.

2. Achieving geographical diversity of mediation services:

The population served by centers in FY 2016 was also geographically diverse. Based on 6,747 parties whose county of residence was identified, the extent to which Massachusetts counties were represented in the population served varied. The size of a county's population was relevant but not decisive in determining the number of people served by centers (see Table 4). The largest proportion of people served by centers resided in Middlesex County, the most densely populated county, while the least populated county, Nantucket County, had among the fewest number of people served. Otherwise, no consistent direct relationship between the size of a county's population and the number of those served by a funded center in the county was evident. Populous Bristol County, with over one-half million people, was the least served county by Grant Program funded centers,²³ and Barnstable and Berkshire Counties, with fewer than a quarter million people each, were among the most heavily served.

None of the funded centers refused services to people residing outside the region usually served by the center, though for the most part, out-of-county parties were few (the largest number of out-of-county parties were the 30 or so served by three centers, respectively). BCRHA achieved broad geographic coverage of more than 70 communities through, among other methods, employing telephonic communication with 161 households, as well as the use of technology like a toll-free number and video-conferencing. Skype, telephone, or video mediations were also used by MCC Law, Martha's Vineyard, and TMTC to encourage participation.

Table 4. County population and number of people served by funded centers in FY 2016 in each county.²⁴

County	Number of people served by funded centers*	County population (in state population of 6,794,422)
Barnstable County	773	214,333
Berkshire County	671	127,828
Bristol County	16	556,772
Dukes County	139	17,299

²³ MOPC identified this region as a target area for development of a state-funded center and reached out to a mediation program operated out of the New Bedford city government for potential inclusion in the Grant Program.

²⁴ Based on estimated census figures for Massachusetts for the period 2010-2015, see United States Census Bureau / American FactFinder. "Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2015". 2015 Population Estimates Program. Available at http://www.massachusetts-demographics.com/counties_by_population

Essex County	622	776,043
Franklin County	274	70,601
Hampden County	191	470,690
Hampshire County	246	161,292
Middlesex County	2,196	1,585,139
Nantucket County	22	10,925
Norfolk County	255	696,023
Plymouth County	169	510,393
Suffolk County	751	778,121
Worcester County	391	818,963

*The number of persons receiving mediation services in the county listed does not take into account the individuals served who did not identify a Massachusetts county of residence.

3. Expanding inclusivity by increasing access to justice through court service:

For the most part, geographic access to center services was accomplished through the center's role as a court-approved Alternative Dispute Resolution (ADR) program. The number of court divisions that approved funded centers for court referrals grew from 74 in the first half of FY 2016 (or 67% of 110 divisions) to 82 or 75% of divisions in the latter half of this fiscal year (see Table 5). All funded centers served the District Court Department, but not in every county. The District Court divisions in Bristol County were not covered by any funded center. The increase in center presence at the courts in the second half of the fiscal year occurred because, at the District Court level, MMS and Family Services established a presence at a total of three more court divisions; Greater Brockton won approval from a Probate & Family Court division; and MCC Law obtained approval from four additional Superior Court divisions.

Table 5. Number of funded community mediation centers that served court divisions as court-approved ADR programs during FY 2016.

Court Dep't	Total Number of Court Divisions	Number of Court Divisions that involve funded centers		Number of funded centers involved in Court Divisions	
		July-Dec 2015	Jan-June 2016	July-Dec 2015	Jan-June 2016
Boston Municipal Court Dep't	8	8	8	2	2
District Court	62	38	41	13	13
Juvenile Court	11	8	8	8	9

Probate & Family Court	14	9	10	8	9
Superior Court	14	10	14	6	6
Land Court	1	1	1	1	1
Total	110	74	82	n/a	n/a

As court-approved ADR programs, centers were allowed to receive court referrals of cases to mediate, which accounted for the bulk of the population served by centers. Indeed, centers' service to parties caught up in the court system was critical to center efforts to broaden the population they served through increasing the size and diversity of that population. As Cape Mediation noted, "Our mediation services strongly correlate to community needs as disputes come directly from the actions filed by community members in their regional courts." Out of 4,625 cases, the vast majority or 84% (3,868 cases) were court-referred, down somewhat from the 88% of 3,784 mediated cases (or 3,338 mediated cases) that were court-referred in FY 2015. The District Court contributed 86% of these FY 2016 court-referred cases, and the remainder came from the Boston Municipal Court (8%), the Probate & Family Court (4%), the Juvenile Court (2%), and the Land Court (0.1%). Centers were neither compensated by any of the courts for the dispute resolution services they provided in court-based cases nor were they allowed to charge fees to parties for their services in cases referred by the District and Juvenile Courts. By accepting court-referred cases, centers effectively shouldered some of the responsibility for expanding access to justice in the state.

4. Responding to an assortment of referral sources:

The remaining 16% of cases – so-called community cases – were referred by entities other than the courts. Indeed, centers sought to develop ever more referral sources to widen the inclusiveness of their response to community needs while lessening reliance on any single referral source (see Point 12, Table 1). Apart from the courts, 29 referral sources yielded 761 case referrals to funded centers. The top two most prolific referral sources were self (211 case referrals) and schools (200 case referrals) with center websites constituting a distant third (58 case referrals), followed by the AGO (with 34 case referrals), and five more sources that each produced at least 20 case referrals (that is, friend – 29 case referrals, state government – 26 case referrals, housing agency – 20 case referrals, and other – 25 case referrals). By taking on community cases, centers advanced access to justice for the disputing parties in these cases too.

5. Serving people of all income levels, particularly those of lower income:

Income levels of mediation parties: People from across the income spectrum used centers' mediation services (see Table 6). Although most parties served by funded centers were less than forthcoming about their finances, the 1,475 individuals who did reveal their income came from a wide range of income levels. Fifty-three percent of this group (or 788 individuals) had incomes equal to or below \$29,425 or 250% of the Federal Poverty Level for a single

individual household.²⁵ Fifteen percent of responding parties, or 224 people, fell below the Federal Poverty Level of \$11,880 for a single individual. At the upper end of the income spectrum, some portion of the 200 parties with incomes of \$65,000 or more, comprising 14% of served responding parties, may have had incomes that equaled or exceeded the state median income of \$67,846.²⁶

Table 6. Number of parties receiving mediation services at each income level during FY 2016

Income levels	\$0-9,999	\$10,000-19,999	\$20,000-29,999	\$30,000-39,999	\$40,000-49,999	\$50,000-59,999	\$60,000-64,999	\$65,000 or more
Number of parties at income level	224	245	319	144	86	213	44	200

The prevalence of lower-income parties among those receiving mediation services may be attributed to the commitment of centers to providing their services either free of charge or for sliding scale fees, in conformity with the 12-Point Model (see Point 5, Table 1), and thereby eliminating cost as a barrier to mediation. Grant Program grants were instrumental in supporting this commitment: two-thirds of 12 funded centers reported that the grants helped them increase their services to low-income or underserved populations; another four centers found such services were unchanged; and no centers decreased these services.

Providing affordable or free mediation services: Free mediation services were provided to some extent by all the funded centers during the 2016 fiscal year. Disputes involving needy populations – whether lower-income or underserved – came to the attention of centers under a variety of circumstances. For instance, BCRHA dealt with at least 60 housing/neighbor disputes that involved “almost exclusively lower income households with often complex household dynamics, which included substance use issues, domestic violence concerns, and gang related violence.” MetroWest provided mediation services to unemployed single moms, recovering drug addicts, formerly homeless individuals, and to MassHousing residents, who were either low- or no-income, in conflict with neighbors, landlords, or management staff.

Center services were gratis for the overwhelming majority of the 4,324 cases reporting fees, that is, for 95% or 4,106 cases. Sliding scale fees were in effect for 200 or 5% of cases while full fees were charged in 18 or 0.4% of cases. Three centers – viz., Family Services, Greater Brockton, and MCC Law – were steadfast in exclusively providing services free of charge. Nine centers included sliding scale fees or the equivalent in their fee structure. Thus, non-court-based mediations were subjected to sliding scale fees at Cape Mediation, CDSC, MSI, Martha’s Vineyard, North Shore, and TMTC. MSI continued its practice of exempting parties referred by police, housing authorities, and some non-profit agencies. The sliding scale employed by TMTC factored in household size, number of dependents, and income. All of BCRHA’s mediation services were free of charge except for disputes that involved home sales or real estate brokers. MetroWest used sliding scale fees for family, divorce, post-divorce and

²⁵ Available at <https://www.parkviewmc.com/app/files/public/1484/2016-Poverty-Level-Chart.pdf>

²⁶ Rocheleau, M. (2015, December 18). How rich (or not) is your community? *Boston Globe*. Retrieved December 12, 2016, from <https://www.bostonglobe.com/metro/2015/12/18/town-town-look-income-massachusetts/cFBfhWvbzEDp5tWUSfIBVJ/story.html>

community disputes. MSI applied a nominal fee structure to disputes between attorney-referred private parties. The conditions triggering MMS's use of its sliding scale – no fee prohibition, no participation deterrence, and no appearance of bias due to unequal party finances – were not met during the year so all the mediation services supplied by the center were free of charge. Overall, the use of service fees largely remained stable over the last two fiscal years. Sliding scale fee use at nine centers in FY 2016 was unchanged since the previous year. Likewise, fee waivers remained constant from FY 2015 to FY 2016 at eight centers. Whatever the center's fee structure, however, no one was turned away for inability to pay.

C. Eliminating Scheduling Impediments to Accessing Mediation Services

Centers took pains to ensure that neither transportation nor scheduling issues impeded people's access to their mediation services (see Points 6 and 7, Table 1). Centers uniformly used court-based sites at times convenient to parties who were already in court to schedule mediation sessions. Mediation services were also available at center offices during regular business hours. Party convenience was consulted for the use of alternative community-based sites and after-business hours for sessions. Moreover, center mediators traveled to schools and housing authorities to conduct mediations where conflicts had occurred. To illustrate – Cape Mediation described a “crisis call” from a school for assistance with conflict between two youths that was spreading into the student population. The center's “mediators were deployed, and the outcome was the two youths showing solidarity by walking into the cafeteria together.” In all, 120 sites were available for mediation sessions, ranging from three sites for one center and up to 17 sites for each of two centers. More than half the centers (seven out of 12 or 58%) found that the increase in mediation locations was attributable to Grant Program grants.

Some centers went to extra lengths to forestall scheduling problems. For example, in dealing with juvenile cases, North Shore made “every effort to work with school officials, court officials, students and parents to make these mediation sessions work for all involved. This requires first an initial letter of introduction to both families, a phone call with parents and teen, a call and arrangements with either school official and/or school resource officer. Confirming calls are then made and notes to confirm time and place of mediation are mailed.” Cape Mediation was prepared to arrange childcare or approvals for work absence for parties on an as-needed basis. MCC Law had telephone service that could accommodate the hearing-impaired and access to Disability Support Services. TMTC made it a practice to ask participants “if stairs will be an issue and if wheelchair accessibility is needed. We also ask if they have any additional needs regarding the location (such as chemical sensitivities, etc.).” Center success in accommodating parties' scheduling needs may be summed up by MMS' observation that “there have been no instances where inconvenient or inaccessible location has been a barrier to a mediation going forward” and by Martha's Vineyard's remark that it “has never refused a request for a mediation to be scheduled at a particular time.”

D. Increasing Services in Response to the Array of Disputes in the Community

Centers pursued a comprehensive approach to ensuring inclusiveness (see Points 1, 5-8, 11, 12, Table 1) in their efforts to meet the conflict resolution demands of the community, an approach in which centers dealt with a wide array of dispute types as they sought to grow the size and diversity of the population receiving their services. Indeed, according to 12 reporting centers, there was no decrease in the types of disputes addressed at centers. Instead, two-thirds of funded centers increased the number of dispute types they handled while the remaining centers maintained the quantity of dispute types served. Nine centers acknowledged the contribution made by Grant Program grants to support the variety of disputes they addressed.

1. Types of disputes that were handled by centers:

The 4,625 cases whose disputes were recorded exemplified seven major dispute categories – business, housing, school, family, juvenile, minor criminal, and work. Business disputes were the most prevalent. They were handled by all the centers and amounted to 2,869 or 62% of cases, with the most frequent issues concerning business service/trade, consumer-merchant transactions, debt collection, landlord-tenant problems, home improvement, auto repair, and auto sales/lease. All the funded centers also handled housing and family cases, comprising 680 or 15% and 411 or 9% of cases, respectively. Evictions were the primary source of the housing cases while divorce, alternative divorce, post divorce, custody, parenting plans, estate/business/finances, and parent-child issues were commonly dealt with in the family cases. Indeed, free mediation services for parenting disputes arising from divorce or separation were provided by five centers – TMTC, CDSC, Family Services, North Shore, and MetroWest – that participated in the Parent Mediation Program (PMP) administered by MOPC and sponsored by the Massachusetts Department of Revenue. School cases involved the services of eight centers for 358 or 8% of cases, usually dealing with student behaviors such as name calling/teasing, physical altercations, threats, boy friend/girl friend difficulties, and harassment. Another 2% of cases belonged to the dispute categories of work (24 cases including supervisor-supervisee and organizational disputes), juvenile (51 cases involving, for example, assault/battery, delinquency, and harassment), and minor criminal (38 cases).

The variety of disputes handled by centers resulted, to an important extent, from the assortment of cases that came to their attention. MMS, for instance, noted that the “long-term rental housing crisis in Boston and surrounding communities” was responsible for the predominance of housing cases receiving its services. Notably, “landlord/tenant [category was] ... more than 2.5 [times] larger than the next highest sub-type, ‘Business/Service/Trades’ (which ...[were] often also housing related, having to do with many types of home improvements).” This initial dispute variety grew as centers actively pursued an even greater variety in the dispute types they tackled. Centers proceeded carefully, tailoring expansion to capacity. As BCRHA cautioned, “Diversifying mediation programming at the cost of limiting or eliminating other existing mediation programming, that the community is dependent on, is an unacceptable outcome.” Efforts to expand dispute types proceeded along two fronts – initiatives pursued by individual centers and those involving multiple centers.

2. Examples of new and expanded dispute types handled by centers:

Individual center initiatives: On the individual front, every one of the 12 reporting funded centers sought to expand their services to more types of disputes. Service for organizational issues was the focus of two centers: Cape Mediation set up the initial stages of a pilot project to assist small businesses with preventing conflict and engaging in collaborative problem-solving, and facilitation services were offered by CDSC to assist groups with meetings and communication issues, including the City of Cambridge as it conducted a city-wide needs assessment in FY 2107. As for divorce and family disputes: Greater Brockton prepared to undertake divorce and family mediation by establishing a presence at the Plymouth County Probate & Family Court while Family Services piloted a family and divorce mediation program targeting pro se litigants at the Worcester Probate & Family Court.

Three centers worked on expanding services to include elder mediation. After several years of investment to establish elder mediation, Martha's Vineyard mediated its first case this fiscal year. Meanwhile, MMS and BCRHA investigated incorporating elder mediation into their respective portfolios of services. Expanding services to school issues also concerned three centers. BCRHA mediated parent-teacher disputes during the first year of the center's new Parent/Teacher Mediation Pilot Program. Mediation assistance with youth-oriented issues was explored by North Shore with respect to cyber-bullying and by MCC Law concerning bullying and youth violence. The establishment of restorative justice practices was under consideration by Martha's Vineyard and North Shore for prisoner re-entry issues and by MCC Law regarding youth-related bullying and violence. TMTC participated in plans to provide mediation in the context of emergency shelter situations. MetroWest received approval to conduct harassment prevention mediation in court-referred cases. The opportunity to mediate domestic abuse cases was provided to MSI. And MMS worked on offering criminal case mediation during the next fiscal year. As mentioned earlier, nine centers succeeded in increasing the number of dispute types for which services were provided during FY 2016.

Multiple center initiatives: Multiple centers worked together with MOPC to develop regional and statewide mediation programs for disputes involving agricultural, prisoner re-entry, and youth issues.

Agricultural mediation: Under MOPC auspices, BCRHA and TMTC participated in a pilot program to provide free mediation services from community mediation centers to deal with agricultural disputes in western Massachusetts. This pilot was based on a successful model from New York involving the delivery of agricultural mediation services through local mediation centers. FY 2016 funding was provided through MOPC's USDA Agricultural Mediation Program, a program that mediates agricultural credit and rural housing cases referred by USDA agencies and agricultural lenders and other organizations. Involvement in this program offered TMTC the opportunity to fulfill a dual function – besides mediating agricultural disputes, the center was able to reduce its application of sliding scale fees: "We [TMTC] began doing Agricultural Mediation during FY16. More people were provided with free services, less had to pay a fee based on our sliding scale." Funding was requested to continue the pilot in FY 2017.

Prisoner re-entry mediation: Progress was made towards the development of a statewide prisoner re-entry mediation program through the combined efforts of MOPC and centers, including in particular CDSC, BCRHA, North Shore, TMTC, Family Services and Martha's Vineyard. Individual centers gauged the interest and commitment of the relevant government entities in their community: For example, BCRHA consulted with the Berkshire House of Corrections; and TMTC met with the Franklin County Sheriff Office. For its part, MOPC received technical assistance and coaching from a nationally recognized re-entry mediation expert who developed a successful program in Maryland, and not only sponsored training in re-entry mediation to two-dozen volunteer mediation and staff from funded centers, but also worked with centers to develop a model for a statewide re-entry mediation program based the Maryland model. After consultation with the Executive Office of Public Safety & Security, the Massachusetts Department of Corrections, and the Massachusetts Sheriff's Association, MOPC and the centers designed an initial pilot of this program to be tested in four state regions with pre-release services to be provided by centers to both county prisoners and step-down inmates in the state system. The search for funding support and sponsorships for the re-entry mediation program pilot is continuing.

Positive youth development: Groundwork for the eventual launch of a statewide program that addresses youth conflict by strengthening youths' abilities and skills, that is, by using a positive youth development paradigm, also continued in FY 2016. Five centers received Grant Program community project grants, totaling \$49,000 and ranging from \$5,000 to \$15,000, to support center projects that sought to reduce youth conflict by reinforcing the capabilities of the young people involved. These youth-related projects were part of MOPC's long-range plan to collect information about the feasibility and impact of a statewide system of programs for reducing youth conflict through a positive youth development approach.

Three of the projects, administered by MSI, TMTC and North Shore, were peer mediation programs in three schools where trained student mediators mediated student disputes. Eighty-two peer mediations were conducted through these programs. School personnel tended to view the programs favorably. A majority of the 58 surveyed faculty and staff at two of the schools considered the peer mediation program to be generally effective in dealing with student-student conflict and were willing to refer disputing students for peer mediation. A fourth project, developed by BCRHA, provided mediation services for conflicts between teachers and parents over student-related matters. Resolving such disputes had the potential to improve the student's educational experience and to consequently further the development of his or her abilities. The first year of BCRHA's program generated one-half dozen mediations. The fifth project, conducted by CDSC, involved increasing the conflict resolution skills of at-risk inner-city youth while empowering them to express their experience with conflict through photography (an approach known as Photovoice). CDSC provided conflict resolution training to the Boston Centers for Youth and Families (BCYF) staff, Streetworkers (gang violence interrupters), and formerly troubled youths receiving employment readiness training at BCYF.

E. Reducing Conflict by Resolving and Preventing Conflict

Centers contributed to lowering the amount of conflict afflicting communities by utilizing two kinds of conflict management strategies oriented along two different temporal dimensions. Centers helped to resolve existing conflict through mediation. Centers also provided training and education to build people's conflict management skills as a preventive measure applied before the onset of conflict.

1. Reducing conflict by resolving existing conflicts:

The prevalence of conflict in cases handled by centers: Nearly all cases handled by centers were accompanied by conflict (also see Point 8, Table 1). Out of 4,122 cases whose conflict levels were tracked, 70% or 2,892 cases involved an intermediate level of conflict, that is, disputes that disputants considered serious enough to require the attention of the courts or other public agency. All of the centers' court-referred cases, then, qualified as intermediate level conflicts. With the exception of 24 conflict-free cases (0.5%), the remaining cases were roughly divided between high and low levels of conflict. Sixteen percent (or 671) of mediation cases involved high levels of conflict where emotions ran high and the risk of violence was elevated. To illustrate, MSI's high conflict level disputes consisted of cases scheduled for Minor Criminal Complaint hearings that were referred by police and certain school cases. MetroWest's Harassment Prevention Order mediations also involved high conflict levels. Martha's Vineyard, however, turned away cases that involved violence or domestic abuse. Another 13% or 535 cases were characterized by low conflict, where disputants reached out for mediation assistance on their own. MSI, for instance, dealt with cases in which families sought help with devising their own conflict solutions, including non-married parents who wanted assistance in drawing up a parenting plan. MCC Law found that conflict coaching – which included “brainstorming ideas with the party, addressing the most optimal way of communicating and providing some suggestions on phrasing of needs and requests” – was helpful in disputes where only one of the disputing parties sought assistance. Cases, in which conflict was not actualized but could benefit from prevention and planning services from centers, were few (24 or 0.5% of cases), and were not consistently included in centers' case counts.

Quality assurance of mediation services to enhance the probability of favorable outcomes: In order to ensure that mediation services redounded to the benefit of parties, funded centers engaged in a number of quality assurance procedures (see Point 9, Table 1). There was universal compliance with the basic requirements for high quality mediation set forth in Supreme Judicial Court Rule 1:18: Uniform Rules on Dispute Resolution, such as mediator completion of training, mentoring, evaluation, continuing education, continuing evaluation and verification of said completion. During FY 2016, centers undertook to improve their quality assurance measures. All 12 of the reporting centers provided continuing education opportunities, and at least half the centers offered advanced mediation training (8 centers), modified their record-keeping (7 centers), established a mentorship/apprenticeship program for mediators (6 centers), and formally recognized the contributions of their volunteer mediators (6 centers).

Centers engaged in additional activities to raise the stakes for assuring the quality of mediation services. For instance, training hours exceeded the Rule 8 minimum of 30 hours at Cape Mediation (32 hours) and MMS (36 hours). The evaluation process used by BCRHA included court and party feedback. Volunteers who served more than five years were celebrated at Cape Mediation's Volunteer Appreciation Event. Mediators shared their experience with challenging cases and offered feedback at CDSC's Mediator Roundtable meetings. Newly-trained mediators participated in a debriefing session at Family Services after every mediation. At Greater Brockton, feedback from mediation parties, other mediators, and the program coordinator was incorporated into the post-mediation debriefing process. Individuals who completed basic mediation training were interviewed and subjected to reference checks before advancing to MCC Law's mediation orientation. At MSI, newly-trained mediators first co-mediated with staff before going on to co-mediate with an experienced mediator. Martha's Vineyard planned for a training in mediator ethics led by a Trial Court Department official. MetroWest kept mediators informed about new developments through its monthly newsletter. North Shore required a 25-hour apprenticeship for new mediators. And TMTC surveyed its volunteers to get feedback about the center's practices in qualifying and supporting mediators.

Confirmation of the high quality of the mediation services from eight funded centers was suggested by survey responses from 2,911 mediation parties, 98% of whom were satisfied with the mediation, 93% were willing to recommend mediation to others, and 82% preferred mediation to alternatives. The achievement of mediated agreements and diminished conflict provided additional evidence of the value of center services.

Agreements reached: Conflict abated as a result of agreements reached in 71% of 3,826 (or 2,716) mediated cases during FY 2016. This FY 2016 agreement rate aligned with the agreement rates of 73% and 67% achieved during FY 2015 and FY 2014, respectively, in exceeding the 66% national agreement rate for community mediation of disputes.²⁷ The likelihood that these mediated agreements diminished conflict is supported by other research which found that mediated agreements led parties to have more positive views of their opponents than did parties in adjudicated agreements,²⁸ and by data generated by parents whose parenting disputes were mediated through the Parent Mediation Program (PMP). A large majority of PMP parents – 71% of 122 surveyed parents – reported that some or full progress was made by mediation in reducing their conflict. A similarly large majority of these parents – 69% of 124 surveyed parents – experienced partial or complete progress in reducing court involvement through mediation. Due to the aforementioned 2,716 mediated agreements, then, an estimated 5,432 individual recipients of centers services likely reaped the benefits of diminished dissension and gained access to justice even as the court's caseload burden was lightened.

Monetary value of agreement: Many of the disputes mediated by centers had financial consequences, which, however, were not generally tracked by centers. Nonetheless, records were

²⁷ 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.

²⁸ 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.

kept of the amounts of money that changed hands in consumer and landlord-tenant disputes that were mediated by centers under the auspices of the Attorney General's (AGO) Face-to-Face Mediation Program (FTF). Under FTF, 16 community mediation programs received AGO grants to furnish mediation services to consumers embroiled in disputes.²⁹ Two-thirds of the centers (11 centers) participating in FTF in FY 2016 were Grant Program funded centers. The cash value of agreements in FTF cases mediated by funded centers, where money was returned to consumers, totaled \$3,953,716, in amounts ranging from \$79,433 to \$1,003,882 per center. Center services for FTF cases yielded a 7.8-fold increase in the AGO's initial investment of \$508,005 to support center participation in FTF. These sums constitute evidence that mediated agreements probably brought financial benefits to many parties and provided economic value to the commonwealth by contributing to greater marketplace efficiency through the settlement of consumer disputes.

2. Reducing conflict by preventing future conflicts:

Preventing conflict by strengthening people's capacity to handle disputes: Centers took steps to reinforce people's capacity to deal with conflict by offering prevention services, including conflict coaching, facilitation, as well as training and education, not only as a response to requests for assistance with issues – so-called prevention and planning cases – but also as a contribution to a greater capacity for conflict management within the community.

To illustrate the prevention and planning approach, consider BCRHA, which typically referred low- or no-conflict cases to educational and legal counseling or for information about negotiation and mediation. In another example, MCC Law supplied conflict skills trainings, in which students in two classes with a history of disruptions and suspensions stemming from student fights “were coached on building positive relationships and using better communication skills.”

Centers contributed to the community's capacity for conflict resolution by offering trainings and workshops in mediation and conflict resolution. In all, nearly 2,000 (that is, 1,931) people received training in mediation or conflict resolution offered through the various types of trainings and workshops conducted by eleven centers, thus adding to the social capacity for dispute resolution in their communities. Eight centers conducted 122 trainings, ranging from four to twenty-nine trainings per center.

Besides imparting conflict resolution and mediation skills, these trainings were a source of volunteer mediators and offered centers opportunities for diversifying their mediator roster (see Points 3 and 10, Table 1). At 11 centers, 422 individuals were trained in basic mediation skills while 266 people received advanced mediation training. Volunteer numbers increased at five centers, remained unchanged at five centers while decreasing at two centers. As for mediator

²⁹ See Face-to-Face Mediation Programs, Attorney General of Massachusetts. Retrieved December 26, 2016, from <http://www.mass.gov/ago/consumer-resources/consumer-assistance/mediation-services/face-to-face-mediation.html>

diversity, the mediator pool became more diverse at four centers compared to the previous fiscal year but was otherwise stable at eight centers. As MetroWest pointed out, centers benefit from:

...having a more diverse representation of the community it serves on its mediator roster, staff and board of directors, by being more relatable and approachable. *** The more diversified ,, [a center] becomes, the more relevant it is. An important aspect and a significant part of the conflict resolution theory is being sensitive to others' cultures, beliefs, values and experiences. By being inclusive and opening ... [a center's] door to everyone, without regard to their race, color....or any other legally protected status, [a center] models the behavior it promotes.

To encourage participation in their trainings, particularly on the part of individuals from under-represented groups, centers frequently offered tuition discounts and scholarships. Accordingly, CDSC offered scholarships to trainees in the center's mediation, divorce and Train-the-Trainer trainings as well as in its Mediation Practicum. Greater Brockton did not charge for its trainings or workshops. MMS trainings were available at a discount or for free depending on need. Cape Mediation offered a 36% discount in training fees for its Intensive Skills Mediation Trainings to eligible participants. It held one training at Boston University Theological School in order to tap into a more youthful, international pool of potential volunteers to diversify its roster of mostly older white mediators. A bi-lingual speaker, whose training was subsidized by Cape Mediation, neared completion of the center's mediator training requirements. BCRHA underwrote the cost of training for members of the community, particularly those of low-income or with experience with low-income populations, who agreed to volunteer as mediators.

Grant Program funds might have been instrumental in the ability of centers to subsidize training and workshop fees. According to 12 funded centers, the impact of Grant Program grants on volunteer mediator numbers was mixed. The grants accounted for an increase in the numbers at four centers, no change at another four centers, and a decrease at three centers. The impact of the grants on mediator diversity was more positive, with greater diversity in the rosters of five centers, unchanged diversity at six centers, and no dwindling in diversity at any center.

Additionally, different groups in the community were targeted for training and education in mediation and conflict resolution in order to fulfill community needs for expanded conflict resolution capacity. Information about the availability and benefits of mediation services and benefits was commonly provided by centers at court sessions. Martha's Vineyard offered landlord-tenant workshops to avert potential conflicts. BCRHA provided training in mediation and dispute resolution to county committee members in furtherance of homelessness prevention. Cape Mediation offered workshops (Building Bridges workshops) about mediation and conflict management skills to the staff of service providers. Teen parents and older and disabled housing authority residents learned conflict management skills at workshops run by CDSC. Mothers with housing needs received information about mediation in both English and Spanish from MSI, and youngsters were able to talk about their feelings and conflict and how to manage them in MSI's Anger Buster workshops. Information about preventing cyber bullying and social media misuse was provided by North Shore to middle school students by way of peer mediators. People in

emergency situations were the intended beneficiaries of TMTC's facilitation of meetings to "promote more effective regional emergency management" through the development of a Western Massachusetts Health and Medical Coordinating Coalition.

Centers formed partnerships with various organizations, both governmental and non-governmental, to reach different population groups (see Point 2, Table 1). Housing agencies, schools, police departments, correctional facilities, towns and government departments like the AGO and the Massachusetts Department of Children & Families were among the public agencies receiving center assistance. Senior centers, food pantries, legal aid, religious groups like the Christian Center and the Tabernacle Revival Camp represent some of the non-government organizations served by centers. On the whole centers provided assistance to 78 agencies in the form of training, conciliation, mediation, and facilitation throughout the 2016 fiscal year.

Municipal officials were the focus of a concerted effort, sponsored by MOPC, to supply conflict resolution training from centers to better prepare the officials to handle controversy over issues of public concern. The need for additional assistance, particularly training in conflict management, was documented in MOPC's study of municipal needs in dealing with destructive public conflict.³⁰ MOPC offered a training to center representatives on the special features for training officials on managing conflict over public issues, and funded pilot tests of municipal official trainings with \$2,500 grants (included in their Grant Program operating grants) to six centers. The experience of the municipal official trainings will be the foundation of proposals to institutionalize a statewide system of conflict resolution training for local officials.

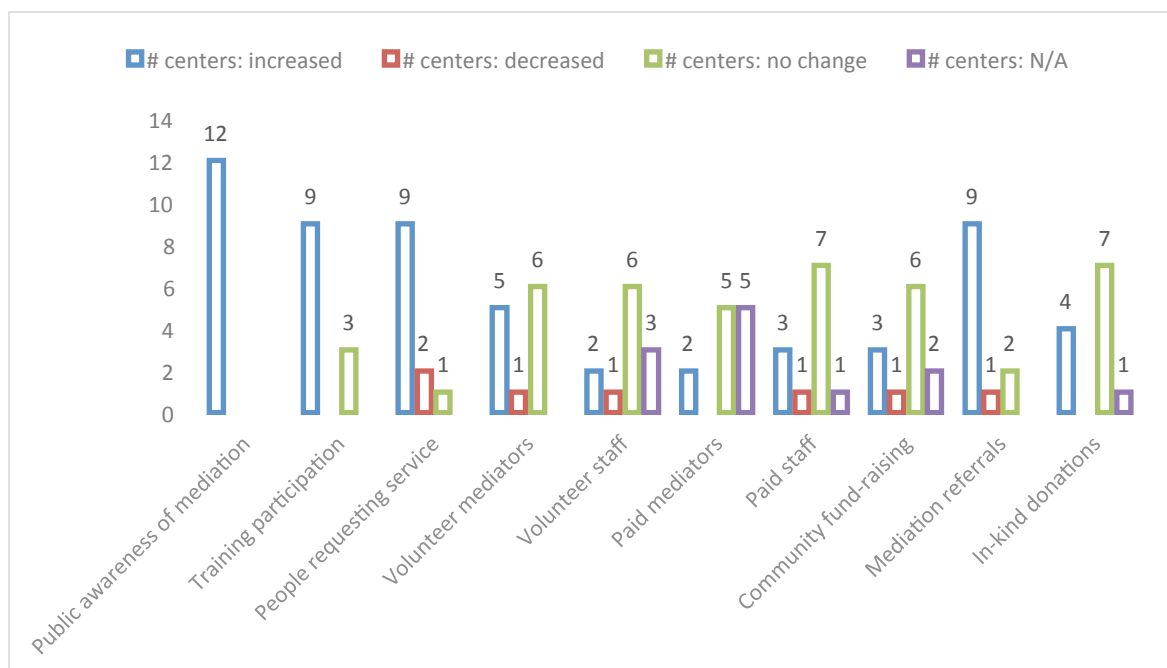
More particularly, Greater Brockton devised a training for directors and staff at a local housing authority that was tailored to the types of issues faced by housing authority employees. This training satisfied 99% of the trainees. MSI organized a round table discussion with officials from five housing authorities who learned how the housing programs could use mediation services. Middle school teachers and administrators received training from MCC Law in dealing with conflict as it related to classroom management. MCC Law also delivered trainings to school resource officers and security guards from the Lowell School District on ways to communicate effectively. Ninety-nine percent of the middle school trainees that responded to the survey thought the MCC Law training was relevant to their work to some degree while the school resource officers and security guards were unanimous about the training's relevance. Three trainings for Franklin County officials, for department heads and supervisors in Greenfield, and for library staff in Greenfield were conducted by TMTC. Training participants generally viewed their TMTC training experience favorably: 80% were satisfied with their experience, all considered the trainer either excellent or good, and a majority found some relevance to their work. Quabbin offered a series of workshops to local officials. MetroWest made plans to offer a workshop on communication skills, particularly active listening, to members of a Suicide Prevention Council in FY 2017.

³⁰ *Op. cit.*, note 12.

Increasing public awareness of community mediation: The potential for growth in the community’s capacity for conflict resolution was further enhanced by center actions to raise public awareness of community mediation and to involve community members in the community mediation enterprise (see Points 3 and 4, Table 1). By the same token, centers sought to ensure their survival by increasing demand for their services. All 12 reporting funded centers distributed literature. Eleven centers succeeded in reaching 70,885 people through these written materials. Eleven centers used a website and offered trainings and workshops to engage the public, and seven centers participated in conferences. Two centers appeared on local television shows, and another two centers gave presentations to college classes. Nine centers had a presence on social media, and newsletters were produced by six centers.

The degree to which center outreach influenced the public may be indicated by the changes in center operations (see Figure 3), the number of people contacted, and the number of contacts received from members of the public. Nearly all centers – except for one or two – agreed that their outreach activities were not detrimental to such operational features as training participation, requests for mediation, staff and volunteer numbers, whether volunteer or paid, mediation referrals, community fund-raising and in-kind donations. In contrast, three-fourths of centers found that their outreach led to increases in the numbers of trainees, mediation requests, and mediation referrals. Increases in the other features of center operations occurred at a minority of centers (between three to five centers). Otherwise, outreach had no impact on the number of paid staff or the amount of in-kind donations at a majority of seven centers. Similarly, the numbers of volunteer mediators and staff members and the amount of community fundraising were unaffected by the outreach activities of half the centers. The remaining operational features were unchanged despite outreach efforts undertaken by five or fewer centers.

Figure 3. Impact of center outreach activities on center operations



Eleven centers succeeded in reaching 70,885 people through written materials. Furthermore, 16,972 people attended outreach and education activities of 11 centers. Accordingly, twelve centers were unanimous that their outreach activities increased public awareness of mediation. Evidence in support of the claim resides not only in the minimum of 87,857 members of the public who were contacted through center outreach, but also in the 7,301 inquiries and referrals made by the public to centers.

Centers' endeavors to involve the community in center governance may have contributed to heightened public awareness of community mediation (see Point 4, Table 1). As vacancies occurred on their governing boards, centers typically looked to members of the community for the expertise and diversity needed to assure responsiveness to community's conflict resolution needs. Accordingly, MetroWest recruited eight new members from the community for its board. CDSC used its database to search for new board members, and succeeded in adding "a community activist, an attorney with ties to the Brazilian community, and [an] attorney/mediator with non-profit experience" to its board. All the directors on Greater Brockton's board lived in the communities served by the center. Sixteen people were involved in governance at Martha's Vineyard, two of whom were people of color and another two were young people. Due to centers' efforts, board diversity increased at four centers and was unchanged at eight. At no centers did board diversity decrease.

V. Economic Impact of State Operational Funding

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

In the interim, MOPC developed the following economic analysis indicating what the costs and benefits from the CMC Grant Program would look like based on empirical as well as assumed estimates³¹ (some estimates are derived from other states' empirical estimates).³²

³¹ 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

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

The major problem with all forms of cost-benefit analysis is that monetary outcomes are the only outcomes considered. Most service providers and some other interested parties believe that the most important outcomes can hardly be quantified, much less monetized (translated into monetary outcomes). To note that some nonmonetary outcomes, such as reduced crime, can be monetized does not eliminate, but only reduces, this problem. This does not necessarily mean that cost-benefit analysis is itself unwise. Problems arise when only one perspective is considered; it is important to adopt multiple perspectives in cost-outcome analyses (Yates, B. 1999).³³

Therefore, it must also be noted that even a robust cost-benefit analysis will struggle to ascertain the holistic outcomes and/or benefits of community mediation. Any holistic estimation of community mediation costs and benefits must take into account the unique features of community mediation, such as, for example, the psychosocial impact of mediation and the utilization of volunteer mediators, which ask for a non-commercial and more holistic analysis of the impact of community mediation. Executive Director of Community Mediation Maryland, Lorig Charkoudian argues 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.”³⁴

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

Hence, in this evaluation of the CMC Grant Program, MOPC analyzes both the monetized AND the non-monetized outcomes of community mediation. However, this section of the report deals solely with the monetized outcomes or the Return on Investment (ROI) of state

Knowledge Base Article No. 251. Retrieved from <http://outcomestheory.wordpress.com/2011/10/21/types-of-economic-evaluation-analysis-2m7zd68aaz774-110/>

³² 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.³² 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.³² In most cases, finding a correlation between an alternative and a measure of effectiveness will be possible.³² It is hoped that the following preliminary economic analysis will provide some direction and guidance for a more robust economic analysis to follow.

³³ 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).

³⁴ 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

operational funds spent on publicly funded services of the state dispute resolution office (MOPC) and 13 state-funded community mediation centers.

Economic Analysis of MA Community Mediation: This economic analyses is be divided into four distinct analyses: 1) cost of intervention analyses, which simply show what it costs to run an intervention; 2) cost-effectiveness analyses, which show what it costs to achieve a certain effect;³⁵ and 3) cost-benefit analyses, which show the overall costs and benefits of an intervention.³⁶

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.³⁷

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

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

Methodology:

A cost-of-intervention analysis looks at the cost of an intervention and allows us to estimate that cost in relation to the investment and its benefit. Cost of intervention analysis multi-intervention comparison allows us to compare the costs of different interventions (e.g., Program 1 – \$1,000 per participant; Program 2 – \$1,500 per participant). In the following analysis, the cost is primarily the state funding provided to community mediation centers through a structured grant process by the Commonwealth of Massachusetts and the State of Maryland.

i. Cost of setting up existing dispute resolution infrastructure

Effect-size estimation:

- Before FY 2013 funding, centers without any state funding through the trial court since FY 2009 were facing dire financial issues. There was a possibility that most/some centers would go out of business.

³⁵ 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).

³⁶ 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)

³⁷ 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.

- A survey administered in the 1990's of court-connected ADR programs shows the average annual administrative cost (at the time) per each program/center was \$34,500.³⁸
- Re-investing in existing community mediation centers with established networks of volunteers, referral sources and programmatic funders, instead of creating new centers averted the necessity of re-launching Massachusetts community mediation.

Cost of Intervention: Assuming that all 13 centers active in Massachusetts in FY 2016 closed without state operational funding, using the administrative costs of programs from the 1990's as a baseline start-up cost, \$448,500 would have to have been appropriated by the Commonwealth of Massachusetts just to restart 13 community mediation centers. Any return on investment that appears in this report would not have accrued in FY 2016 until centers launched their operations in full by recruiting new staff, re-establishing networks of volunteers, referral sources and other funders. Centers would also have had to reestablish good will, reputation, trust and social capital through community outreach and education. This would have taken months or possibly years to accomplish and at the cost of an unknown sum of money.

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

Effect-size estimation:

- Massachusetts Legislature invested \$750,000 in the CMC Grant Program in FY 2016. In the same year, 13 Massachusetts community mediation centers conducted 3,826 mediations. Using the state grant program investment as the cost, the estimated intervention cost of the grant program is \$196 per mediated case.
- \$1,131,000 was awarded to community mediation centers by the Maryland Judiciary in FY 2016. An additional \$250,000 was made for program management through Community Mediation Maryland (CMM). Based on the community mediation award, community mediation centers across Maryland conducted 2,598 mediations in FY 2016 at an average intervention cost of \$532 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 2.7 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:

³⁸ Cratsley, *op. cit.*

- The Massachusetts Legislature invested \$750,000 in the Grant Program for FY 2016.
- 13 grantee Massachusetts community mediation centers served a total of 8,445 cases in FY 2016 (4,619 case intakes and 3,826 mediations).
- The average cost of intervention of the Massachusetts Grant Program is \$89 per person.
- The hourly rate for a private mediation practitioner is around \$185 an hour.³⁹ Lawyers charge \$388-\$595 an hour (Associate vs. Partner) in legal fees.⁴⁰

Cost of intervention:

Based on the state grant program investment as the only public investment in MA community mediation, MA community mediation centers cost 207% less per hour per person served, and between 435%- 669% less than the cost of hiring a lawyer.

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

Methodology:

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

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

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

i. Cost-effective grant program administration

- In FY 2016 Maryland's Mediation and Conflict Resolution Office (MACRO) received \$276,650 from the state for its operating expenses, excluding salaries.
- In addition, Community Mediation Maryland (CMM), the state's community mediation technical assistance provider receives state operating funds amounting to \$250,000 to provide technical assistance, including monitoring and evaluation to Maryland

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

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

community mediation. Importantly, grant program administration services are conducted by MACRO.

- In FY 2016, the Massachusetts Office of Public Collaboration (MOPC) spent \$146,300 (\$130,000 in FY 2013, \$110,000 in FY 2014) for administering grants to 13 community mediation centers and related operational expenses, designing and implementing the CMC Grant Program and the provision of technical services such as grant administration, and monitoring and evaluation.
- In FY 2016, MOPC received \$186,948 in state operational funding for its public mission under Massachusetts General Law ch.75 §46 through the University of Massachusetts Boston.
- The total state operational funding in FY 2016 for mediation program administration in Maryland is \$526,650 (excluding salaries for MACRO staff).
- The total operational funding provided by Massachusetts for the state dispute resolution office and for the administration of the community mediation program is \$333,248.

Cost-effectiveness:

The administrative expenses of the state dispute resolution office (MOPC) in Massachusetts, combined with the program administrative expenses of the Massachusetts's community mediation grant program costs **63% less** than the administrative cost of the Maryland dispute resolution office and Maryland's community mediation administrative costs. The cost-effectiveness ratio of Maryland community mediation grant program administration compared to Massachusetts grant program administration is 1:1.58.

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

Methodology:

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

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

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

Effect-size estimation:

- In 1992, the cost of processing 3,660 juvenile cases in a year using mediation at the Haverhill District Court in Massachusetts was estimated at \$2,464,197, while the cost of

processing this number of cases in court was estimated to be \$5,691,995, which is a cost saving of \$3,227,798 for a year.⁴¹ This is an average saving of \$882 per case.

- Based on the above figures, the cost of a juvenile case going through court was \$1,555. The cost of mediation, according to the same study, was \$673 per case.
- Four Massachusetts community mediation centers conducted 38 successful juvenile mediations in FY 2016.

Cost-benefit:

At an average saving of \$882 per case to the District Court, Massachusetts community mediation centers mediated 38 juvenile cases with an estimated cost saving of \$33,516 for the respective District Courts.

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

Effect-size estimation:

- Thirteen Massachusetts community mediation centers conducted 2,518 successful small-claims mediations that avoided trial in Fiscal Year 2016. Six centers also conducted 424 successful summary process mediations and one center conducted 38 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.”⁴²
- Assuming a conservative cost-saving to the court of \$500 per case, Massachusetts community mediation centers have saved an estimated \$1,490,000 to the court system from 2,518 successfully mediated small-claims cases, 424 successfully mediated summary process cases and 38 successfully mediated minor criminal cases in FY 2016.
- Costs to parties would include filing fees that are between \$40 and \$150 per party in Massachusetts.⁴³ For small claims disputes concerning amounts less than \$7,000, private mediation practitioners can charge \$185 an hour.⁴⁴ Additionally, lawyers could charge

⁴¹ From a report titled *Expanding juvenile mediation in Massachusetts* from the Crime and Justice Foundation cited by Cratsley, *op. cit.*

⁴² Oregon Department of Justice figures, retrieved December 17, 2012 from www.doj.state.or.us/adr/pdf/gen74031.pdf

⁴³ Massachusetts Court System <http://www.mass.gov/courts/court-info/filing-fees/dc-fees-gen.html>

⁴⁴ Massachusetts Dispute Resolution Services. Fee schedule. Retrieved November 24, 2015, from <http://www.mdrs.com/fees>

\$388-\$595 an hour (Associate vs. Partner) in legal fees per case for sending Lawyer's Letters, court appearances etc.).⁴⁵

- Assuming a conservative cost-saving of \$185 per party to a case (based on private mediation practitioner rate, not legal practitioner), Massachusetts community mediation has saved \$551,300 to parties from 2,518 successfully mediated small-claims cases, 424 successfully mediated summary process cases and 38 successfully mediated minor criminal cases in Fiscal Year 2016.

Cost-benefit:

Massachusetts community mediation centers have saved an estimated \$1,490,000 for the court system and \$551,300 for parties in 2,518 successfully mediated small-claims cases, 424 successfully mediated summary process cases and 38 successfully mediated minor criminal cases in FY 2016.

iii. Cost-benefit of leveraged pro bono mediation services

Effect-size estimation:

- Twelve Massachusetts community mediation centers maintained a roster of 513 volunteer community mediators (381 active mediators) who contributed 7,942.65 hours of pro bono mediation services in FY 2016.
- At private market rates, the value of this pro bono work is estimated at \$1,469,390.25 at a \$185 per hour (based on private practitioner minimum hourly rate).⁴⁶
- If employed as an hourly wage earner, with the mean hourly wage for a mediator in the nation is \$34.01,⁴⁷ the total value of these pro-bono mediation hours would amount to \$270,130.

Cost-benefit:

513 volunteer mediators (381 active) at twelve Massachusetts community mediation centers contributed 7,942.65 hours of pro bono mediation services in FY 2016 (6,359 hours contributed by volunteer mediators and 1,583.65 hours pro bono by staff and board mediators) the value of which is estimated at \$1,469,390.25 at \$185 per hour (private practitioner minimum hourly rate) or \$270,130 at an hourly wage of \$34.01 for a permanently employee (hourly wage for mediator – national average).⁴⁸

⁴⁵ Massachusetts Lawyer's weekly 2013 rates for lawyers. Retired on November 24, 2015, from <http://masslawyersweekly.com/2013/10/11/the-going-rates/>

⁴⁶ Massachusetts Dispute Resolution Services. Fee schedule. Retrieved November 24, 2015, from <http://www.mdrs.com/fees>

⁴⁷ United States Department of Labor, Bureau of Labor Statistics. Retrieved November 24, 2015 from <http://www.bls.gov/oes/current/oes231022.htm>

⁴⁸ *Ibid.*

The benefit-cost ratio of leveraged pro bono mediation services is 1:2, or for every dollar invested by the legislature in FY 2016, centers generated a benefit worth two dollars in pro bono mediation services, making Massachusetts community mediation a highly leveraged investment.

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

Effect-size estimation:

- Centers leveraged an extra 3367.7 hours of pro bono administrative services from staff/volunteers/board members and interns in FY 2016.
- At an estimated cost of \$19.20 an hour (mean hourly wage for administrative services in Massachusetts),⁴⁹ the pro bono administrative services leveraged by seven staff are worth \$27,520.
- Centers also leveraged an additional 297.8 hours of pro bono services from 119 board members in FY 2016. Calculated at the same rate as an administrative hour, this pro bono contribution is estimated at \$5717.76.

Cost-benefit:

Community mediation centers leveraged 3367.7 hours of pro bono administrative services and an additional 297.8 hours of pro bono services from board members from staff and volunteers in FY 2016 worth \$70,378.

Based on the FY 2016 state investment in community mediation, the benefit-cost ratio of pro bono administrative services generated by centers is .86 or for every dollar invested in community mediation by the legislature in FY 2016, centers are capable of leveraging almost nine cents worth of pro bono administrative services from staff/volunteers/board members.

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

- The Massachusetts Legislature invested \$750,000 in the Grant Program in FY 2016.
- The Center Grant Program awarded \$586,500 in operational funds to 13 community mediation centers (\$522,500 in baseline and performance grants and \$64,000 in community project grants).
- The 13 MA community mediation centers used the state operational investment to leverage an additional \$1,772,116.01 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.

⁴⁹ 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

Cost-benefit:

Twelve Massachusetts community mediation centers leveraged two dollars and five cents for each dollar of operational funding provided under the Community Mediation Center Grant Program.

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

Effect-size estimation:

- Eleven Massachusetts community mediation centers trained 257 community members as mediators in FY 2016.
- Each 40-hour mediation course has a market value of \$925 per trainee.⁵⁰
- Eight centers also trained 148 persons in conflict resolution.
- The net cost of a conflict resolution training is \$250 at a private mediation training institution.⁵¹
- Five centers provided advanced mediation training (divorce, eviction etc.) to 314 persons.
- The net cost of an advanced mediation training at a private mediation training institute is estimated at \$825.⁵²
- The total benefit of these training services are worth an estimated \$533,775 (down from \$758,500 in FY 2015).

Cost-benefit:

Eleven Massachusetts community mediation centers trained 719 community members (257 in basic mediation, 314 in advanced mediation and 148 in conflict resolution) in FY 2016, the total benefit of which is worth an estimated \$533,775.

Based on the FY 2016 state investment in community mediation, the benefit-cost ratio of leveraged mediation trainings to communities is 1:.71 – or for every dollar invested by the state legislature in FY 2016, centers leveraged an extra seventy one cents worth of mediation training to community members.

- vii. Cost-benefits leveraged through consumer mediation grants

- The Massachusetts Attorney General's Office provided an estimated \$486,005 to twelve Massachusetts community mediation centers funded by the CMC Grant Program in FY 2016 for conducting face-to-face consumer mediations.

⁵⁰ Mediation Works Inc. Retrieved November 24, 2015, from <http://www.mwi.org/mwi-mediation-training-conflict-resolution-skills/mediation-training-weekends-mediator-training.html>

⁵¹ Center for Conflict Resolution Training. Retrieved November 21, 2016, from <http://www.ccrchicago.org/training-programs.html>

⁵² Mediation Works Inc. Retrieved November 21, 2016, from <http://www.mwi.org/mediation-training-careers-in-meditation-advanced-meditation-training/divorce-meditation-training.html>

- Using the AGO numbers, eleven Massachusetts community mediation centers helped parties recover \$3,953,716 in FY 2016. This is more than the monies recovered to parties by twelve centers in FY 2015 (\$3,857,032) and FY 2014 (\$3,722,074.96).

Cost-effectiveness:

The Massachusetts Attorney General's Office provided an estimated \$486,005 to twelve Massachusetts community mediation centers in FY 2016 for conducting face-to-face consumer mediations. The twelve centers helped parties recover \$3,953,716 in FY 2016.

The benefit-cost ratio of the consumer mediation funds provided by the Massachusetts Attorney General's Office is 1:8.1 – or for every dollar invested by the AGO in Massachusetts community mediation, consumers are recovering eight dollars and seven cents from consumer mediation agreements.

viii. 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.⁵³
- Four Massachusetts community mediation centers conducted 145 successful peer mediations that may have resulted in avoided student suspensions or expulsions in FY 2016.⁵⁴

Cost-benefit:

Schools saved an estimated \$47,995 (up from \$43,692 in FY 2015) from avoided student suspensions or expulsions as a result of 145 (up from 132 from FY 2015) 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.

ix. Assumed cost-benefit to divorcing couples

Effect-size estimation:

- The average cost of private divorce mediation is estimated at \$5,000 per case.⁵⁵

⁵³ 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>.

⁵⁴ 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).

- Eight Massachusetts community mediation centers conducted 138 successful divorce mediations in FY 2016.

Assumed cost-benefit:

The average cost of private divorce mediation is estimated at \$5,000 per case. Seven Massachusetts community mediation centers conducted 138 (Up from 125 in FY 2015) successful divorce mediations in FY 2016. Assuming the mediations were conducted free, parties to the 138 successful divorce mediations saved an estimated \$690,000 (up from \$625,000 from FY 2015 and \$465,000 in FY 2014).

- x. Assumed cost-benefit to local businesses/organizations

Effect-size estimation:

- Five Massachusetts community mediation centers conducted 23 (up from 14 in FY 2015) successful workplace mediations in FY 2016.
- The Mediation Training Institute International (MTI) found that a conflict cost a New England organization \$60,916.77.⁵⁶
- 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 \$230,000 (up from 140,000 in FY 2015 and \$70,000 in FY 2013) was saved for local businesses/organizations by Massachusetts community mediation centers in FY 2016.

D. Summary of Economic Analyses

Cost-savings from Massachusetts Community Mediation in FY 2016: (est. \$7 million)

- \$3,953,716 saved to parties from face-to-face mediations conducted by twelve centers.
- \$1,490,000 to the court system and \$551,300 saved to parties from 2,980 successfully mediated small-claims, summary process and minor criminal cases.
- \$690,000 saved to parties from 138 successful divorce mediations.
- \$230,000 was saved to local businesses/organizations from workplace mediations.
- \$47,995 from avoided student suspensions or expulsions as a result of 145 successful peer mediations conducted by four Massachusetts community mediation centers.
- \$33,516 saved by preventing 38 juvenile cases from going through court.

⁵⁵ Hoffman, L. (2006, November 7). To have and to hold on to. *Forbes*. Retrieved December 14, 2012, from http://www.forbes.com/2006/11/07/divorce-costs-legal-biz-cx_lh_1107legaldivorce.html.

⁵⁶ Mediation Training Institute International. Retrieved December 20, 2012 from <http://www.mediationworks.com/mti/costs1.htm>

Resources Leveraged by Massachusetts Community Mediation in FY 2016: (est. \$3.7 million)

- \$1,469,390 leveraged by 493 active volunteer mediators at thirteen centers.
- \$533,775 worth of mediation trainings including workshops for 719 community members.
- \$448,500 from re-investing in existing centers with established networks of volunteers, referral sources and programmatic funders.
- \$1,185,616 in additional state, federal and/or private foundation funds raised by centers, excluding individual contributions, from \$586,500 in state operating and project grants.
- \$70,378 from 3,368 hours of pro bono administrative services from staff, volunteer administrators, and interns, and 298 hours of pro bono services from board members.

All told, the return on the state's FY 2016 investment of \$750,000 in community mediation supported by the Grant Program was **\$10,704,166**.

VI. Conclusion

The administration of the Grant Program by MOPC effectively carried out the tasks needed to implement the state's support for community mediation services from qualified centers in FY 2016. Challenges were addressed. The grant application process was further refined so as to encourage centers to apply for grants and still maintain an evidence-based determination of merit. The scope of the Grant Program was expanded in accordance with its mission to broaden access to community mediation while staying within the limits of available resources. Ultimately, the FY 2016 grants issued through the Grant Program were instrumental in enabling funded centers to supply the benefits of community mediation to the public.

State operating grants were critical in sustaining funded centers, comprising an average of at least one-third of individual center cash income in FY 2016. Center operations were largely stabilized, enabling centers to pursue strategies to ensure inclusiveness of access to quality services and thereby continue to help with reducing conflict and providing access to justice in the community. Like the Grant Program itself, funding was a key constraint on center impact on the community. Nevertheless, the state's \$750,000 appropriation in FY 2016 led to an estimated \$10.7 million return on investment by virtue of the activities of funded centers. In sum, the accomplishments of funded centers in FY 2016 demonstrate that the Grant Program is worthy of both support and expansion.

A key finding in the evaluation is new evidence of the benefit of the Grant Program to community stakeholders, particularly those unserved, under-served and/or marginalized by current state-funded programs. These include, among others, low-income individuals and families as well as troubled youth, who have little or no access to public services to address needs like conflict resolution skill building. As with any successful program, the success of the Community Mediation Center Grant program lies in its ability to have a positive impact on those whom it serves, especially those who are marginalized by other programs and/or services.

VII. Recommendations

Considering the value added to the people of Massachusetts from community mediation supported through the Grant Program, the following actions by the Commonwealth of Massachusetts, and MOPC, in partnership with funded centers, are recommended:

A. Recommendations for State Action

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

Although a degree of stability has been achieved, the long-term sustainability of Massachusetts community mediation is still uncertain. Without core operational funding that supports full-time or full-time equivalent staff, community mediation center efforts to serve the diverse needs and populations in communities will always fall short. Since funding is a key constraint on center impact on the community, and impact is greatest when centers have the ability to provide services to those who are marginalized by other programs and/or services, the Commonwealth of Massachusetts should invest additional public funds in the Grant Program to: (1) further stabilize and sustain core institutional staffing functions of state-funded community mediation centers; and (2) enable community mediation centers to broaden their services to unserved, under-served and/or marginalized groups. Services to at-risk or proven-risk inner-city and rural youth, the elderly and incarcerated populations for example have the potential to leverage significant cost benefit, including savings to the criminal justice system, prison system, courts and schools from a reduction in gang violence, recidivism and school suspensions and drop-outs, among other impacts. To support long term sustainability and leverage state investment, resources should also be sought for the Grant Program from a variety of additional sources, including funding from public agencies and private foundations. The importance placed on reducing conflict and increasing access to justice across the state, plus the demonstrated ability of funded centers to contribute to reduced conflict and increased access to justice together justify robust support for the Grant Program and for community mediation centers through the Grant Program.

B. Recommendations for Grant Program Action

2. Increase efforts to expand and strengthen community mediation services and the network of state-funded centers as viable community non-profits.

MOPC should continue its efforts to expand the network of Grant Program funded centers across all regions of Massachusetts, particularly in Bristol County and other pockets of unmet need. Furthermore, MOPC and centers should continue their work individually and together to grow community mediation services and programming through expansion of dispute types and development of sustainable evidence-based mediation programs in areas with the most impact, where there is the ability to attract additional funding from state agencies and grant foundations and where centers have skills and interest, such as youth violence prevention, municipal conflict resolution, prisoner re-entry mediation, restorative justice and elder mediation. Additionally, measures should be taken to strengthen community mediation centers as strong community-based non-profits by maintaining high quality professional staff, diversifying funding and responding to community needs. Funded centers should seek to use any increased funding to

institute full-time positions or functional equivalents, and adopt measures to ensure sufficient salaries and professional development to retain core professional staff.

3. Consider articulating a priority of serving low income/underserved/marginalized populations in the 12-Point Model for Massachusetts community mediation.

MOPC and the centers should consider explicitly including service to lower-income, underserved and marginalized populations as a standard to be met under the 12-Point Model for Massachusetts community mediation. The historical impetus behind the creation of community mediation was, in part, to provide conflict resolution services to lower-income, unserved and underserved people and those marginalized by other services.⁵⁷ That priority was incorporated into the Grant Program’s enabling statute, where “the extent services are being provided to underserved or unserved areas of the commonwealth” is suggested as a possible criterion for awarding grants (M.G.L. ch.75 §47(c)). Indeed, the legacy of service to lower-income, unserved and underserved members of the community lives on in the work of funded centers. However, the 12-Point Model does not expressly reflect this priority. It identifies lower-income and underserved populations as one among several diversity sources to be considered (see Points 10 and 11, Table 1), but does not explicitly designate service to lower-income, unserved or underserved populations as a desired outcome in and of itself. MOPC and centers should consider whether modifying one of the Model points to clearly include service to these populations as a desired outcome would be beneficial or whether doing so would constrain the continued growth and well-being of community mediation centers.

4. Continue development of a community mediation excellence system

The beginnings of a mediator excellence system for Massachusetts community mediation have been developed, principles have been articulated and peer-learning activities have been launched through successful collaboration among centers and with MOPC. The centers and MOPC should continue to develop a comprehensive mediator excellence system for community mediation staff and volunteers in future years. Such a system will not only strengthen the knowledge and skills of mediation practitioners, but will also ensure the high quality of state-sponsored mediation practice available to the Commonwealth and its citizens.

⁵⁷ Shonholtz, 2000, *op. cit.*