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Massachusetts Community Mediation Center Grant Program: Fiscal Year 2022 Report & Evaluation

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Massachusetts Community Mediation Center Grant Program

Fiscal Year 2022 Report & Evaluation

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

December 2022

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

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EXECUTIVE SUMMARY

The state of Massachusetts appropriated \$2,713,465 in Fiscal Year FY2022 for the Community Mediation Center Grant Program (the CMC Grant Program or Program) to support expanded utilization of community mediation across the state through operational grants, programmatic and other funding to qualified community mediation centers (Centers) that delivered free or low-cost dispute resolution services to the public. Centers serve as the backbone of mediation across the state. They are the publicly funded infrastructure on which alternative dispute resolution (ADR) programs are built.

The FY2022 state funding from the CMC Grant Program budget appropriation amounted to \$2,713,465, which, with the prior appropriation continued from FY2021 of \$132,936 totaled \$2,846,401. In FY2022, 75% of state funding or \$2,114,022 was awarded in operational, programmatic and technical assistance grants to 12 Centers that completed a simplified granting process. CMC Grant Program funds constituted half of Centers' collective cash income in FY2022 and were critical to the sustainability of Centers and, as a result, to the preservation of statewide access to community mediation.

The 12 Massachusetts community mediation centers used the state operational investment to leverage an additional \$1,716,812 from other private, state, local and/or federal government sponsors/funders, including private foundations. Centers used these funds to address critical public needs under the Massachusetts (Twelve-Point) model of community mediation and to further expand their community mediation missions.

The Massachusetts Office of Public Collaboration (MOPC), the statutory state dispute resolution office at the University of Massachusetts Boston and CMC Grant Program administrator, brought operational support through both grant management and the management of statewide programming under CMC Grant Program auspices to attract additional funding and address community needs regarding homelessness, recidivism, youth violence, and systemic injustice. Accordingly, 50% of the grants awarded to Centers consisted of operational program grants to support Centers' participation in the statewide housing mediation program (HMP), re-entry mediation program (ReMAp), youth conflict resolution and restorative practices program (Youth Program), and initiatives to establish diversity, equity, and inclusion (DEI initiative) and other technical services. The award of operational program grants was an investment in Centers' staffing infrastructure to reinforce Center participation in CMC Grant Program programming.

The FY2022 funded Centers were community-based grassroots organizations. They delivered their dispute resolution services through a workforce composed of both paid and volunteer workers. Centers operated with an average of two full-time and three part-time staff per Center. Mediations were mostly conducted by 186 active volunteer mediators from a pool of 610 total volunteers across 12 Centers. Centers depended on trainings to recruit additional mediators. A total of 424 trainings, including training/workshops in conflict resolution for community members, were offered across the 12 Centers. An estimated 5,545 people participated in the trainings and workshops overall. Additionally, quality assurance of mediation services continued to be addressed. The pursuit of consistency and quality of mediation training across all Centers and measures to further improve that as well as the volunteer mediator model were studied in-

depth in special working groups and communities of practice established during FY2022 by MOPC and the Centers for CMC Grant Program funded programs and initiatives.

Data regarding 160 mediators revealed that, like the state's population, females, males, Asians, African Americans/Blacks, Hispanics/Latinos, Whites, and multi-racial individuals were represented among the totality of Center mediators. The data indicated that most Center mediators were still White (99 of 160) and the majority were female and White, although the number identifying as non-White has increased (61 out of 160). Of all the parties served, and based on 1,647 identifying race in demographic surveys, 755 identified as White while 892 identified as non-White.

Feedback analyzed in FY2022 from under-represented communities provided at listening sessions held by eight Centers in FY2021 indicated that, among other things, undocumented status, language barriers and work demands hindered their participation as volunteer mediators. In light of the challenges confronting volunteer recruitment at several Centers as well as the goal to increase diversity, equity, and inclusion (DEI) among Center mediators, MOPC and the CMC continued work in FY2022 on a comprehensive study of DEI in community mediation supported by the institutionalization of two communities of practice conversations on DEI with Centers and the reexamination of the volunteer model of community mediation by one of the working groups to address barriers for increasing center mediator diversity. These activities also led MOPC to incorporate DEI capacity building grants to Centers in its FY2023-FY2024 grant-making plans.

The services offered by the funded community mediation centers during FY2022 were both in-person and virtual. Pandemic-related limitations on in-person interactions, whether involving individuals or organizations, eased in FY2022 as courts and community-based locations reopened. Centers continued to rely on remote technology to increase the use of their services. The option of virtual services continued to expand access to parties by providing flexibility in scheduling and ease of attendance at mediation sessions. Obstacles to the effective delivery of virtual services, such as inexperience in or lack of access to the remote technology, were addressed by the end of FY2022.

In FY2022, CMC Grant Program funding helped Centers to provide mediation services to 5,277 parties. In FY2022, the 72% agreement rate achieved through MA community mediation exceeded the typical agreement rate of 66% for community mediation nationally. Among surveyed parties, large majorities of more than 80% were satisfied with their mediation, were willing to recommend mediation to others, and preferred mediation to alternative services. As for the impact of mediation on the relationship between parties, a substantial majority of the responding parties indicated that the impact of mediation on their relationship was either positive or neutral. Not only did parties benefit from mediating under the CMC Grant Program but Massachusetts as a whole also benefited from the CMC Grant Program by virtue of the estimated \$22.1 million in cost-savings and leveraged resources calculated as the return on the state's FY2022 investment of \$2.7 million in the Program.

Recommendations to maximize the CMC Grant Program include continuing state funding support for Center and program operational grants, considering the working group

recommendations on redefining volunteerism at Centers and on mediator training standards, and responding to community feedback about achieving diversity, equity and inclusion.

1 Introduction

Through the passage of MGL c.75, §47 in 2013, the Massachusetts state government committed itself to expanding access to community mediation throughout the Commonwealth by providing for the establishment of the Community Mediation Center Grant Program (the CMC Grant Program or Program) that enabled the delivery of locally accessible and affordable mediation services. The purpose of the CMC Grant Program was to broaden utilization of community mediation by providing operational support in the form of grants to qualified Centers that deliver dispute resolution services for free or at low cost through trained community volunteers (MGL c.75, §47(a)). Thereafter, the CMC Grant Program received state support through annual legislative budget appropriations, which in FY2022 amounted to \$2,713,465, the tenth year of Program operation.

2 Administration of the CMC Grant Program

The state dispute resolution agency, the Massachusetts Office of Public Collaboration (MOPC) at the University of Massachusetts Boston, was given responsibility for administering the Program (MGL c.75, §47(b) & (c)). MOPC's duties, enumerated in the enabling statute, included awarding operational grants to qualified Centers in accordance with an application process and university contracting protocols, reporting on CMC Grant Program activities and accomplishments, and instituting an advisory committee for the Program. MOPC was also authorized to advocate for CMC Grant Program support, organize quality assurance of mediator excellence, and provide for Program supervision and evaluation.

2.1 FY2022 CMC Grant Program grant application process:

Core responsibilities of MOPC as CMC Grant Program administrator have been to devise a grant application process to determine the award of grant monies to Centers based on their satisfaction of eligibility standards, their track record and performance levels as measured by the quantity of such activities as intakes, sessions, and mediations, and their compliance with application procedures, among other factors, and to consult with Centers about grant criteria and procedures (MGL c.75, §47(c) & (d)).

The performance-based grant application process, established in conformity with this framework articulated in the CMC Grant Program's enabling statute, was implemented as a simplified process in FY2022 (as in FY2021) due to the continuing constraints of the COVID-19 pandemic. This involved awarding grant extensions to Centers based on compliance with community mediation standards under a Twelve-Point Model as demonstrated in their FY2020 grant applications (Table 1).

Table 1. Massachusetts Twelve-Point Model of Community Mediation.

Category	Criteria/standards constituting the Twelve-Point Model of Community Mediation in Massachusetts
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) 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 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-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.

When accepting FY2022 grant award extensions, Centers also had to fulfill procedural requirements such as providing data about their mediation activities, submitting an annual budget, and reporting on progress made towards achieving four specific, measurable, achievable, relevant, and time-bound goals (aka SMART goals) that were related to community mediation standards. For FY2022 all 12 pre-qualified Centers received grant award extensions. Due to changing circumstances, a few Centers did not accept their full award or chose to suspend their award during the year. This led to a lower amount being paid out to Centers overall in grant funding than the previous year.

During the year a committee made up of MOPC staff and Center representatives decided that a full review of the grant application process was due after 10 years of operations and a full review of the twelve-point qualification criteria to update it as needed. However this comprehensive review was deferred until the implementation of the new Community Mediation Activity Manager database system became operational (see below). Instead the group considered smaller usability changes to the existing grant guidelines and application form which were agreed by Centers in the spring and were implemented in the FY2023-2024 grant application request launched on June 1, 2022. It is anticipated this working group will continue to look at the twelve-point model, future grant making and qualification process with the expectation of providing an opportunity for new Centers to apply to join the CMC Grant Program in FY2024.

2.2 FY2022 CMC Grant Program spending:

The CMC Grant Program FY2022 budget appropriation amounted to \$2,713,465, which, with the prior appropriation continued from FY2021 of \$132,936, totaled \$2,846,401 (see Table 2).

Of this total, 75% or \$2,114,022 was awarded to Centers as follows: \$732,160 in unrestricted operational awards, \$307,000 in Youth Conflict Resolution & Restorative Practices Program awards, \$690,000 in Housing Mediation Program (HMP) awards, \$139,500 in Re-entry Mediation Program awards, and \$160,000 in Diversity, Equity and Inclusion (DEI) awards and \$30,000 in technical assistance awards. This total also included \$55,362 or 50% of the total cost for developing the Community Mediation database (Community Mediation Activity Manager).

MOPC's CMC Grant Program administration expenses in FY2022 amounted to \$732,379 or 25%, of which \$268,074 was carried into FY2023 through a prior appropriation continued. The \$732,379 for MOPC staff salaries and program logistical expenses also included \$55,362 for the other 50% of the total cost of developing the Community Mediation Activity Manager database system. The CMC Grant Program funding for MOPC Program administration expenses was supplemented by \$225,395 in state operational funding allocated through the University of Massachusetts Boston to MOPC as the statutory state office.

Table 2. FY2022 Massachusetts CMC Grant Program Spending.

MA Community Mediation Center Grant Program – FY2022 Spending	
	Expenditures
A. Operating, Program Grants & Technical Assistance to Centers	
Operating Grants to Centers	\$732,160
Diversity Grants to Centers	\$160,000
Youth Grants to Centers	\$307,000
Re-entry Grants to Centers	\$139,500
Housing Grants to Centers	\$690,000
Community Mediation Database Technical Team	\$30,000
Community Mediation Database Development (50%)	\$55,362
Subtotal (75%)	\$2,114,022
B. Program Management, Administration & Evaluation Expenses to MOPC	
Program Admin, Mgt, Evaluation Staff & Logistical Expenses	\$408,943
Community Mediation Database Development (50%)	\$55,362
Carried over to FY2023 to complete database and MOPC staff hires	\$268,074
Subtotal (25%)	\$732,379
Total FY2022 State Funding	<u>\$2,846,401</u>

CMC Grant Program administration entailed managerial responsibilities beyond the distribution of funds through grant-making, such as monitoring, evaluation, and generally working towards greater utilization of community mediation. Program management involved, for example, advocacy for funding support, setting up programming, assisting funded Centers in making progress with their SMART goals, tracking Center compliance with Program requirements, communicating with Centers on a monthly and semi-annual basis about CMC Grant Program initiatives, sponsoring and arranging mediator trainings, and other matters. With the FY2022 carryover, MOPC’s share of the CMC Grant Program appropriation increased in FY2023 to enable MOPC to build up the staffing needed to better sustain the functioning of the programs and projects under the Program.

2.3 Expanding use of community mediation through budget advocacy:

The CMC Grant Program’s statutory mission to increase utilization of community mediation requires funding support from the state. Therefore, MOPC exercised its authority to “advocate for funding and resources for the statewide Program and for community mediation programming.

(MGL c.75, §47(b))” by engaging in budget advocacy with the legislature and executive branch for state support. As a result of the concerted advocacy efforts of MOPC and funded Centers in FY2022, the CMC Grant Program was sustained in FY2023 through a \$2.7 million appropriation that included coverage for community mediation programming such as the youth, housing and re-entry programs.

To secure the way forward for the CMC Grant Program in FY2023, MOPC and Centers held a virtual legislative briefing on January 27, 2022 involving presentations by several Centers and MOPC with a focus on achievements of the Grant Program after 10 years of operations which was attended by legislators and their staff as well as by MOPC staff and Center staff, board members and volunteers. Besides MOPC’s presenting the budget request for level funding, the Centers made presentations that highlighted the programs and projects that operated under CMC Grant Program auspices as a review as the Grant Program entered its 10th year of operations . The breadth of Centers’ youth-oriented projects, the revisions planned for the re-entry mediation program, the impact of the housing mediation program on homelessness prevention, and the value contributed by Centers to the state’s crisis response were described. Since the full budget request was included in each of the three budgets – Governor, House and Senate - there was less need for extensive legislative outreach beyond the usual joint letter to House and Senate Ways and Means Chairs which was signed by over 30 legislators demonstrating the continued significant support in both chambers for publicly funded community mediation programming.

2.4 Responding to the needs of the CMC Grant Program and the community:

MOPC brought operational support into the context of community mediation programming by instituting programs under CMC Grant Program auspices thereby serving two ends. Firstly, connecting operational support to programming raises the potential for acquiring supplementary funding for the Programs. Sponsors are more likely to provide funding when their interests align with program purposes. Consequently, programming rather than operations tends to be a preferred funding objective for most sponsors even though programming is dependent on operational support -- consider how the operational funding from the CMC Grant Program enables community mediation in Massachusetts. MOPC’s establishment of CMC Grant Program programming has attracted financial support from other funders for the Program and arguably may be considered a vehicle for fundraising. Secondly, tackling community needs is a community mediation center standard (see Table 1) as well as a factor in determining a center’s value for CMC Grant Program awards: “The grants administered under this section shall be used solely to provide operational funding for Centers to assist them in meeting the needs of local communities,” and “[t]he commonwealth's share of the operating cost of any center funded under this section shall include ... [an additional award that may include among other considerations] the extent services are being provided to underserved or unserved areas of the commonwealth and the center's contribution to identified community objectives within the geographical regions served” (MGL c.75, §47(c)). Current CMC Grant Program programs address the community challenges of homelessness, recidivism, youth violence, and systemic injustice faced by Massachusetts communities.

2.4.1 The Housing Mediation Program (HMP):

The Massachusetts Housing Mediation Program (HMP) is a comprehensive statewide program that provides free housing mediation services as a tool to prevent homelessness as well as mitigate the costs and negative economic impacts of the COVID-19 pandemic. It is administered by MOPC and deploys the community mediation system infrastructure with 11 community mediation Centers (Centers) participating and serving all 14 counties of the Commonwealth to provide free conflict resolution services for tenants and landlords with housing disputes at any stage, from the earliest point a problem occurs, up to, and after any eviction action in court.

The HMP was developed in FY2021 as part of the Eviction Diversion Initiative (EDI), which included a comprehensive and coordinated set of federal and state programs and funding resources to support tenants and landlords through the financial challenges caused by the pandemic. The HMP was designed to leverage existing community-based infrastructure by expanding it from handling eviction cases in court to also handling upstream housing cases, which would provide multiple entry points to mediation at earlier stages of a housing crisis. Remote services continued in FY2022 and slowly incorporated in-person services as needed. The HMP also expanded eligibility for free services to those indirectly affect by COVID to account for the continued housing crisis experienced by tenants and landlords across the Commonwealth.

Funding from the Legislature allowed MOPC to award \$690,000 in grants and technical assistance to 11 Centers to sustain their staffing capacity to continue delivering free housing mediation services to their service areas, maintaining or strengthening referral relationships with partner agencies, and fulfilling other duties for the program. Centers employ one to two staff to serve as liaisons for agency and organizational partners as well as coordinate the delivery of remote mediation services. In FY2023, MOPC is continuing its funding for the HMP, granting awards to Centers at different levels that reflect the demand for services in the prior fiscal year and sustain the necessary staff to administer the program.

In FY2022, the HMP fielded 937 referrals, of which 812 were screened, resulting in 732 cases. Of these cases, 287 were mediated in 325 mediation sessions. Centers served 660 landlords and 733 tenants located in 13 Massachusetts counties. Much of these services were provided remotely, as necessitated by the pandemic, but as communities, agencies, and government began to open up, some services were provided in person.

HMP Monitoring Program Impact and Quality

As part of the evaluation process, MOPC surveyed and/or interviewed landlords, tenants, lawyers representing either party, representatives of agencies from the Eviction Diversion Initiative (EDI) like housing agencies, Center mediators and case coordinators. The response was overwhelmingly positive about the impact of mediation.

79% of the EDI partners, mostly housing agencies surveyed indicated that mediation reduced landlord-tenant conflict. 68% reported that mediation improved landlord-tenant communication while 42% indicated that mediation expedited resolution, addressed interpersonal issues, and enabled creative payment solutions.

A key value of mediation is providing an opportunity for landlords and tenants to develop creative solutions to eviction. In 75% of cases, as indicated in mediator surveys, the tenant came up with ideas for solutions and landlords came up with ideas in 61% of cases.

In interviews, a tenant indicated that: “The mediation went well. I’ve never had to deal with anything like that before because I never had to face an eviction. The mediators were very understanding, they clarified everything for me, they were with me every step of the way...And they told me that if I ever needed any other assistance to always reach out.”

A landlord noted in an interview that: “The mediator was very informative, very professional... I don’t think we could have gotten to an agreement without the mediation..”

As a tenant noted in an interview, if not for mediation: “I think I probably would have been evicted, if not then, then eventually.” A landlord noted that: “I would not have seen my rent and we’d still be going through the eviction process.”

Data from the current centralized case management database system (MADtrac) indicates that mediating landlord-tenant cases resulted in 96% of the tenants preserving their tenancy in FY2022 where Centers served 287 housing cases under the Housing Mediation program resulting in 276 tenancy preservations (evictions and/or homelessness avoided). Additionally, 32 subsidies were preserved. For 276 potential evictions avoided, \$662,400 was saved in lost rent, \$49,680 in pre-trial costs, \$138,000 in trial costs, and \$469,200 in post-trial costs for a total saving of \$1,319,280. Adjusted for inflation, this would amount to \$1,685,994. Assuming that a sample of just 100 of the mediation cases where tenancy was preserved for families also avoided shelter use for those families, and based on the \$61,985 per family of avoided costs per shelter stay, the state of Massachusetts saved an estimated \$6,198,500 due to the HMP.

FY2023 HMP expansion

Building on the work accomplished in FY2022 in partnership with 11 Centers, the HMP plans to expand free conflict resolution services to housing case types beyond evictions in FY2023. Eligible cases would include all housing-related issues, not just rental arrears issues, as the need for housing stability continues in Massachusetts. Additionally, eligibility for free services is anticipated to expand to case types beyond mediation, including conflict coaching and restorative or community-building circles. MOPC will continue to partner with DHCD to identify ways to support housing stability and promote mediation following the closure of the EDI, this includes expanding the partnership to the public housing division and developing a formal program for the local housing authorities.

2.4.2 The Prisoner Re-entry Mediation Program (ReMAp):

The Massachusetts Re-entry Mediation Program (ReMAp) is administered by MOPC in partnership with qualified community mediation Centers (Centers) from regions across the state. The Program vision is that re-entering individuals who are incarcerated can break the cycles of reincarceration and recidivism upon returning to the community by strengthening

their family and social relationships with the support of community-based conflict resolution services.

The CMC Grant Program FY2022 state appropriation earmarked \$200,000 for re-entry mediation services. MOPC's spending exceeded this earmark at \$233,994, of which 67% was awarded to Centers to fund ReMAp case coordinators and services and 33% expended for MOPC program staff and administrative expenses. In addition, funding was used for an in-person re-entry mediation training for new mediators.

Although ReMAp services to incarcerated persons were initially hampered during FY2022 because of restrictions on in-person access by participating correctional facilities and resistance to the use of virtual services, MOUs with MOPC were signed by three new County Sheriff's Departments bringing the total number of County Sheriff ReMAp partners to nine for the year.

Despite continued closures, informational/educational sessions were provided to 283 incarcerated individuals across five different facilities in FY2022. From those events 33 new mediation cases were initiated. Those that attend informational sessions were offered evaluation forms. Of those offered, 121 submitted forms and on a scale of 1-10 with anything above 6 being counted as satisfactory or very satisfactory, 85.9% found the presentations to be satisfactory or very satisfactory.

Two Centers who were initially part of ReMAp at the start of the year decided that they were unable to continue due to staffing shortages and other issues. As a result, the initial nine Centers was reduced to seven active Centers by the end of FY2022, with each of the seven paired with correctional facility partners for the purpose of outreach and service delivery.

During FY2022, ReMAp launched a mentorship initiative that involved creating a group of 10 experienced re-entry mediators to be trained as mentors. The purpose was for these mentors to coach and guide other re-entry mediators in building expertise in the Inclusive Listening Model of mediation deployed by ReMAp, based on the successful re-entry mediation program in Maryland upon which ReMAp is modeled.

FY2023 ReMAp Plans

For FY2023, in partnership with seven Centers, ReMAp intends to increase services to DOC and Sheriff facilities, further build on the mentorship initiative and expand the Program's re-entry mediator roster. With the full re-opening of all facilities and a steady stream of pre-release mediation services, it is expected that progress will be made on the development of post-release mediation services with partner facilities as well. The Commonwealth's continue investment in the Program is fundamental to the stabilization and continued growth of ReMAp.

2.4.3 The Youth Conflict Resolution & Restorative Practices Program:

The Youth Conflict Resolution & Restorative Practices Program (Youth Program) is administered by MOPC in partnership with qualified community mediation Centers (Centers) from regions across the state. The program goal is to reduce youth violence through a positive

youth development approach that cultivates youth as assets who contribute to their families, neighborhoods, and communities.

The projects funded through the Youth Program seek to improve school climate, community health, community safety, and family and community engagement by leveraging the experience and expertise of the Centers in multiple domains like schools, neighborhoods, and courts, and by systematically gathering evidence of program implementation and impact through evaluation, with investments from community partners, sponsors and funders to ensure sustainable youth programming throughout Massachusetts.

MOPC invested \$307,000 in youth-centered programming in FY2022. Grants were awarded to ten Centers for sustaining and expanding eight continuing projects and developing two new ones. These grants raised more than \$145,370 in matching funds and in-kind donations from community-based partners.

During FY2022, MOPC continued to coordinate a Youth Program Learning Community, offering youth staff from the Centers a forum where progress can be shared, challenges discussed, and new opportunities for youth programming explored locally, regionally, and statewide. Feedback from Center youth staff was overwhelmingly positive, and collaboration among Centers increased.

Youth Program Research

Youth project grants are an opportunity for Centers and MOPC to work together in gathering data to inform programming and research and support fundraising. The goals of these projects are twofold: (a) to address youth/community needs through community dispute resolution and restorative practices to implement long-term solutions to pressing youth-related public problems; and (b) to demonstrate accountability and learning while also conducting advocacy to diversify funding sources to promote long-term sustainability of community mediation Centers and their youth-focused initiatives.

This youth programming has provided support to partners, but also built community among the partners, which has been particularly impactful during the challenges of the past few years. In the partners' own words:

"We need to work towards this path of mental health, physical health, and prevention by using a Restorative Practices framework, BUT we need organizational and logistical support. CRG's Restorative Practices Program can provide this support."

~ Middle School Guidance Counselor, Hampden County School Partner

"Really what we're trying to do is create a caring structure and a positive sense of community. It's all about community wellness and connectedness. The community is suffering, and we need to talk about what we can do to help each other. Restorative Practices are a foundation for that conversation to begin."

~ Assistant Principal, Hampshire County School Partner & Learning Community Participant

In addition to student evaluations being overwhelming positive, school administrators have also seen the important impacts of the Youth Program:

“The peer mediation program at AMSA has been an invaluable tool for helping our middle school students resolve conflicts and learn conflict resolution skills. Throughout the school year, middle school students were referred to the program to help them resolve a variety of conflicts and other social issues. The program has allowed for school counselors and administrators to receive support in resolving student disputes so that they can focus on the many other areas of their roles. Students have gained the ability to have a safe and supportive environment in which to talk through their conflicts and learn valuable skills along the way. The mediation program, with the partnership of Metrowest Mediation Services, is a thriving and important program to our school.”

~ Dean of Students, Middle School

“AMSA’s Mediation program has been successful promoting healthy relationship building and conflict resolution. The Mediators have created a comfortable non-judgmental environment for students to feel like they are cared for and listened to. One aspect we are most proud of in the program is that we have not had any repeat conflicts after mediation has happened! The mediation program has given the kids that it served the ability to stay in class with others who they may not have been able to cohabitate with before mediation. This has created more time on learning for these students as well as cut down on the amount of in class behavior referrals that the Dean needed to work through. I personally loved seeing my mediators grow as people and enjoy the work they committed to at the beginning of the year.”

~ Dean of Students, High School

FY2023 Youth Program Grants

For FY2023-FY2024, the Youth Program sustained funding for ten grants totaling \$340,000. This funding has provided Centers with the ability deploy at least one part- or full-time youth program staff person to support existing programming and develop additional projects within their service area.

2.4.4 The Diversity, Equity, Inclusion Initiative (DEI):

The Twelve-Point Model set of standards for community mediation directs Centers to strive for diversity among their mediators, the parties they serve and their referral sources (see Table 1). The commitment to greater diversity was reinforced by the joint decision of MOPC and funded Centers to pursue changes to break down barriers against realizing diversity, and also pursue changes to create greater equity and inclusion in community mediation.^[4]

The DEI Initiative was created as a means of accomplishing greater diversity under the Twelve-Point Model and greater equity and inclusion in Centers’ and MOPC’s operations as well as the operations of CMC Grant Program programming. MOPC created a multi-year strategic goal to promote DEI values and practices within the office and its programs and incorporated DEI-

related activities in all staff performance plans. As an initial step, MOPC launched its own DEI organizational assessment and awarded \$160,000 in grants to community mediation Centers to initiate the same. DEI grants to support center-based organizational work were designed as a component of the FY2023-2024 grant application process launched on June 1, 2022.

The initial FY2022 DEI grant award was created to help Centers with their DEI efforts and resulted in mediation training scholarships and stipends, a mediation training for a diverse cohort, DEI trainings for staff, board, and volunteers, an initiative to begin a DEI assessment, community listening sessions, and hiring of Spanish and Portuguese language interpreters. An additional DEI bonus award was granted later in the year and had two components. The first supported the continuation of Center DEI efforts (training scholarships and stipends, translation of materials and additional outreach); and the second supported Centers in planning for organizational changes to promote and incorporate DEI with the support of FY2023-2024 grants.

DEI Research

MOPC completed data collection and analysis for a diversity research project funded through a UMB public service grant in partnership with eight Centers and engaging a MGS graduate student researcher. This project involved listening sessions with diverse communities throughout the state to better understand barriers to inclusion in community mediation and formed a committee to examine the structural barriers inherent in the volunteer mediator model. This research report will be completed in FY2023 and findings and recommendations will be used to make strategic DEI adjustments for the statewide community mediation system. MOPC also sponsored a staff member to participate in a yearlong DEI training program called Lead Boston to develop expertise and bring it back to MOPC and its affiliated community mediation Centers.

In the fall of FY2022, MOPC presented key findings from the DEI listening sessions and study at the Association for Conflict Resolution (ACR) Conference and in the spring made second presentation on this topic to the Northeastern Political Science Association.

FY2023 DEI grants

For FY2023-FY2024, MOPC awarded DEI grants totaling \$100,000 to seven Centers to conduct DEI organizational assessments, create DEI organizational plans and implement DEI strategies around long-term changes for dismantling of institutional racism, inequity, and exclusionary practices. MOPC also launched a DEI learning community with Centers to support collaboration, access to resources and engagement of diverse groups outside their organizations in these efforts.

2.5 Reporting and accountability:

MOPC demonstrated its accountability for the administration of the CMC Grant Program through accounts of the Program's operations and accomplishments in quarterly reports to the Grant Program's advisory committee and its annual program evaluation report by the MOPC Research Unit to specified officials in the executive, legislative, and judicial branches of the state government (see MGL c.75, §47 (h)). Reports were based on information from surveys, a

database reporting system, various Center reports about their activities under the CMC Grant Program, and internal office records.

2.5.1 Data collection:

Funded Centers are required by statute to provide information about their budget, their services, and other matters needed by MOPC to fulfill reporting responsibilities (MGL c.75, §47 (h)). Over the years, MOPC helped Centers generate the necessary data about their operations by conducting a year-end survey and providing access to the unified case management database system, known as MADtrac.

In FY2022, MOPC continued development of the Community Mediation Activity Manager database system, having contracted with software developer Evensel in FY2021 to create a new database system for collecting operational and programmatic data from state-funded community mediation centers used by MOPC for evaluation, performance-based grant making, compliance, reporting and advocacy. The new system to be produced through this multi-year project will replace the current outdated technology allowing for a secure, cloud-based database with the capability to allow the utmost flexibility for users that will aggregate data in close to real time.

In FY2023, MOPC and Center representatives serving on the technical team will complete user testing and implement the new system by FY2024. Feedback from every funded Center about the system design and testing will be solicited in FY2023. The software development is subsidized out of CMC Grant Program funds and eventually the ongoing maintenance, servicing, hosting and continuous improvement of the system will need to be funded through the Program as well.

2.5.2 Program Advisory Committee (PAC):

To help MOPC fulfill its administrative responsibilities for the CMC Grant Program, MOPC met with the Grant Program Advisory Committee (PAC), established in accordance with the enabling statute, twice during FY2022 to seek input on policy and implementation issues and discuss program developments. MOPC provided the PAC with quarterly progress reports as well.

Several PAC positions opened up when members' terms expired and for job retirements in FY2022 and as a result, MOPC recruited several new PAC members. The recruitment process was guided by the need to achieve a committee with a "balanced representation of interests" (MGL c.75, §47(b)) that also encompassed diversity, equity, and inclusion. One of the new members came from the Attorney General's Office, a funder of consumer mediation grants.

3 Impact of CMC Grant Program participation on funded Centers

3.1 Funded Centers:

Twelve community mediation centers received Grant Program grants in FY2022 (see Table 3).

Table 3. FY2022 funded Centers, Center status and the counties of parties served.

Funded community mediation center	Center status	Counties of parties served by center
Housing and Consumer Mediation Center (BCRHA) in Pittsfield	Parent organization: Berkshire County Regional Housing Authority	Berkshire*
Cape Cod Dispute Resolution Center (Cape Mediation) in Orleans	Independent non-profit	Barnstable,* Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, Worcester
Community Dispute Settlement Center (CDSC) in Cambridge	Independent non-profit	Bristol, Essex, Hampden, Middlesex,* Nantucket, Norfolk, Plymouth, Suffolk
Family Services of Central Massachusetts Mediation Program (FSCM) in Worcester	Parent organization: Family Services of Central Massachusetts and affiliated with the Seven Hills Foundation	Hampden, Middlesex,* Norfolk, Plymouth, Suffolk, Worcester*
Greater Brockton Center for Dispute Resolution (GBCDR) in Brockton	Independent non-profit	Bristol, Norfolk, Plymouth,* Suffolk, Worcester
Martha’s Vineyard Mediation Program (MVMP) in Vineyard Haven	Independent non-profit	Dukes*, Bristol
Middlesex Community College Law Center (MCC) in Lowell	Parent organization: Middlesex Community College	Essex, Middlesex,* Suffolk, Worcester
MetroWest Mediation Services (MWMS) in Framingham	Independent non-profit	Essex, Middlesex,* Norfolk, Plymouth, Suffolk, Worcester
Metropolitan Mediation Services (MMS) in Brookline	Parent organization: Brookline Community Mental Health Center	Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk,* Worcester
Mediation Services of North Central MA (MSI) in Leominster	Independent non-profit	Middlesex, Suffolk, Worcester*
North Shore Community Mediation Center (NSCMC) in Beverly	Independent non-profit	Bristol, Essex,* Hampden, Middlesex, Norfolk, Plymouth, Suffolk, Worcester
Collaborative Resolutions Group (CRG , formerly The Mediation & Training Collaborative or TMTTC) in Greenfield	Independent non-profit	Berkshire, Bristol, Essex, Franklin.* Hampden, Hampshire, Middlesex, Worcester

*Region predominantly served by the center

The funded Centers were community-based grassroots organizations, which were either independent non-profits (8 Centers) or components of a non-profit or public agency parent organization (4 Centers).

3.2 Centers' workforce:

Centers delivered their dispute resolution services through a workforce composed of both paid and volunteer workers.

3.2.1 Center staff:

Based on their collective survey responses,^[5] Centers operated with more staffing in FY2022 than in FY2021. From the 12 Centers, 7 recorded an increase in staffing, while 5 recorded no change. A total of 24 full-time staffers were employed by the 12 Centers. During this fiscal year, 41 part-timers also worked at the 12 Centers. Staff numbers were further expanded by 610 volunteers across 12 Centers. In FY2022, the three most important needs identified by all 12 Centers were the following: 9 out of 12 Centers reported that they needed additional staff, 7 out of 12 Centers identified the need for mediator recruitment and retention as vital, and the third highest priority need of FY2022 was reported by 8 out of 12 Centers as need for salary benefits for staff. In terms of the three most important staffing needs identified by Centers, additional staff was a high priority need at 4 Centers. Centers' increased staffing might well be attributable to the use of Grant Program grant monies to strengthen Center employee infrastructure particularly for program participation, which might also account for the reduction in the number of Centers in need of a larger staff. For broader context, in FY2021, staffing and salary had also been identified as a high priority needs by the majority of Centers.

3.2.2 Centers mediators:

Mediations were mostly conducted by 495 volunteer mediators (186 active) across 12 Centers with some Centers such as NSCMC and CRG having 64 and 94 volunteer mediators, respectively, and other Centers such as GBCDR having only 9 volunteer mediators.^[6] The collective mediator rosters contained 495 volunteer mediators, compared to 364 in FY2021. Mediation hours totaled 5,452 hours during FY2022 and was contributed by 495 volunteer mediators. In addition, 12 Centers collectively deployed one paid mediator and five consultants, compared to 55 in FY2021.

Centers depended on trainings to recruit additional mediators. As in FY2022, virtual training was effectively incorporated, which served to mitigate pandemic-related concerns even as other challenges arose.

Survey reports indicated that although center outreach led to an increase in volunteer mediators at 6 Centers, their numbers declined at 2 Centers and held steady at 4 Centers. Ultimately, the increase in mediation skill trainings and in trainees, contributed to an increase across 5 Centers of active volunteer mediators, 4 remained unchanged, and 3 marked a decrease. There were more active volunteer mediators across the 12 Centers in FY2022 than in FY2021. Unsurprisingly, the number of Centers that considered mediator recruitment and retention a pressing need decreased

only slightly from 11 Centers in FY2021 to 7 Centers in FY2022. The decrease of active volunteer mediators at one center was attributed to the use of remote methods for mediating. The center found that mediator training was one of the biggest challenges posed by remote services. Aversion to mediating remotely might also have been a factor in the temporary relegation of some mediators to inactive status.

In FY2022, Centers had 610 total volunteers (495 volunteer mediators) across 12 Centers. Additionally, increases across diversity, equity, and inclusion among center mediators was increased in 7 out of 12 Centers (slightly more than half of Centers surveyed).

3.3 Center performance -- activities and accomplishments under the Grant Program:

3.3.1 Outreach & education initiatives:

Centers worked to increase outreach efforts that relied in part on remote activities in place of in-person events. Centers' efforts to publicize community mediation as well as their specific services largely took the form of trainings, educational initiatives, and distribution of written materials.^[7] All 12 Centers offered trainings, conducted workshops, distributed literature, and maintained websites. Nearly all Centers held presentations, and a majority of Centers had a social media presence. Newsletters were produced by some of the Centers, and conferences were also attended by the Centers.

A total of 424 trainings, including training/workshops in conflict resolution, were offered across the 12 Centers.^[8] An estimated 5,545 people participated in the trainings, including the conflict resolution trainings/workshops. Centers' outreach and educational activities, which included social media, websites, conferences, and fundraisers, attracted 110,948 people while 301,033 people received newsletters from 9 Centers and 89,439 individuals received outreach materials from 12 surveyed Centers. Overall, perhaps as many as 412, 528 members of the public were made aware of community mediation and center services through center trainings and other outreach efforts.

3.3.2 Promoting mediator availability and excellence:

Mediators are critical to the essential function of the Centers, namely, the delivery of dispute resolution services. Centers, therefore, have an enduring interest in maintaining an adequate supply of skilled mediators on hand to serve the community. Accordingly, each center held mediation trainings (mostly online) in FY2022 both to assure the quality of their mediation services and to recruit additional mediators. MADtrac records indicated that out of the 5,545 individuals who collectively participated in the 424 trainings that focused on mediation skills, 185 received training in basic mediation, 515 were trained in advanced mediation, 916 participated in specialized mediation training, and 810 received peer mediation training. Compared to FY2021, FY2022 mediation skill trainings increased, and training participants

increased as well. Another 3,119 individuals attended 99 trainings or workshops in conflict resolution during FY2022.

3.4 Diversity among center mediators in FY2022:

The assessment of the extent to which mediator diversity was achieved at Centers involved two different considerations. One metric entailed comparing the diversity of the totality of center mediators to the diversity of the entirety of Massachusetts' population since Centers collectively offered their services in all Massachusetts counties. Hence, apropos gender and racial/ethnic diversity, MADtrac data regarding 251 mediators revealed that, like the state's population, females, males, American Indian and Alaskan Native, Asians, Hawaiian Native Pacific Islander, African Americans/Blacks, Hispanics/Latinos, Whites, and multi-racial individuals were represented among the totality of center mediators. The data also indicated that female and White mediators predominated. Out of those who self-identified, females outnumbered males as mediators, to a greater extent than in the Massachusetts population, which was 52% female.^[9] Among the described mediators, 99 mediators identified as White and comparable to the proportion of 80.6% Whites in the state population. In contrast, the proportions of center mediators from each of the three other major racial/ethnic groups in the state were lower than those in the state population. 18 identified as Hispanic/Latino, 11 identified as African American/Black, and 1 identified as Hawaiian Native Pacific Islander, 1 identified as American Indian or Alaska Native, and 7 identified as Asian.

A second metric for evaluating mediator diversity concerned comparisons between the mediator diversity at individual Centers and the diversity in their particular communities, which was involved in the Twelve-Point Model community mediation standard that urged individual Centers to aim for a mediator pool that reflected the diversity of the communities they served. Accordingly, mediator pools were not racially/ethnically diverse at every center. However, when surveyed seven Centers reported that diversity of mediators at their Centers had increased during FY2022. Centers consulted with representatives from under-represented groups in their service area at listening sessions to identify obstacles to their becoming volunteer mediators and to explore ways to surmount the obstacles.

3.5 Providing access to center services:

Pandemic-related limitations on in-person interactions decreased at some Centers throughout FY2022. Centers relied on both remote technology as well as in person meetings to conduct outreach activities to increase utilization of their services, and the revitalization in center services shown by the increased frequency of new cases and mediations in FY2022 indicates that the impediments caused by COVID-19 were at least partially overcome.

All Centers made sure that economic barriers to using their services were minimized. The vast majority of cases (2,444 of 2,698 pending and newly opened cases) were free of charge. Sliding scales, used to adjust service fees to accommodate parties' financial situation, were collectively applied by six Centers in 123 cases.

3.5.1 Remote center services:

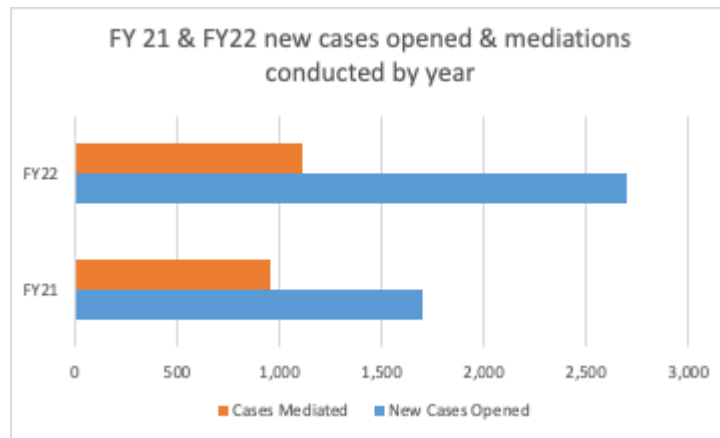
For much of FY2022, the availability of Center services critically depended on remote technology as well as witnessing a return to in-person services. The combination of virtual and in-person mediation services offered by some Centers meant that “mediations were more accessible to clients.” Furthermore, remote services offered the prospect of greater convenience and increased access by removing geographical, transportation, and temporal obstacles to scheduling and attending mediation sessions.

One center noted a key benefit of offering remote services, reporting that “[w]e continue doing all mediation remotely. If that were to change, we would not be able to cover all courts in our present capacity.

3.6 Growth of center services during FY2022:

In FY2022, remote and in person services increased across most Centers. The number of new cases opened nearly doubled compared to 1,700 in FY2021, to 2,499 in FY2022. Cases mediated also increased to 1,697 in FY2022. This information is reflected in the graph below.

Figure 1. FY2021 and FY2022 new cases opened & mediations conducted by year



3.7 Variety in the types of disputes addressed and in the variety of services offered by funded Centers:

Concerned to address the manifold conflict management needs of their communities, Centers endeavored to provide a variety of services for a comprehensive array of disputes.

3.7.1 Assortment of dispute types:

During FY2022, of the new cases, Centers recorded 1,975 referrals for cases in 10 different broad categories of disputes, including business, discrimination, family, government, housing, interpersonal, neighborhood, school, workplace, and juvenile. In FY2022, cases related to business accounted for 1402, family for 215 housing for 461, school for 320, juv/youth (not school) 85.^[10] The variety of disputes addressed through Centers’ services increased at 10 Centers

as a result of their Grant Program grants. The types of disputes handled by 2 Centers remained unchanged, and no Centers saw a decrease in their portfolio of disputes due to their Grant Program grants.

3.7.2 Variety in Center services:

Mediation, whereby disputants discuss their issues and explore ways to achieve a mutually acceptable resolution to their dispute with the assistance of a trained neutral person,^[11] was the primary dispute resolution service offered by Centers. When appropriate, Centers also provided disputants with alternative methods of resolving issues that, like mediation, were discourse-based and non-adversarial, such as conflict coaching, peer mediation, and restorative practices. Utilization of these services was impacted by pandemic restrictions but began to return to pre-pandemic baseline.

Conflict coaching is a one-on-one process in which a dispute resolution specialist, such as a mediator, helps a party improve his or her conflict management skills.^[12] This service is particularly useful when one side in a dispute is interested in dispute resolution assistance and the other side is not. One Center, MVMP, for example, served as a resource for conflict coaching related to financial planning.

Peer mediation is mediation conducted for disputing youth by a neutral peer trained as a mediator.^[14] This form of mediation -- included among the youth-oriented projects run by Centers with funding under the CMC Grant Program's Youth Program -- is typically but not exclusively used in school settings. During FY2022, the operation of peer mediation services was hampered slightly less by pandemic limits on in-person school gatherings. One center stated that "remote services have stayed steady though we had expected a decline; there has not been the anticipated uptick in request to return to in-person services, though it is happening just not at the level we had imagined."

Restorative practices, rooted in the principle of remedying harm, evolved into various structured personal interactions that aim to promote prosocial conduct among participants.^[15] This form of conflict resolution was delivered by Centers for some of the Youth Program grant-funded projects under the CMC Grant Program.

4 Snapshot of center activities over the year

4.1 Changes in center operations in FY2022:

In general, community mediation center operations and services changed for the better for the 12 Centers, but not all, in FY2022. Regarding staff turnover, 4 Centers marked an increase, 1 marked a decrease, 6 marked unchanged, and 1 marked non applicable. Regarding staff professional development, 10 Centers marked an increase, 2 reported that their situation was unchanged. Regarding the diversity of the mediator pool, 11 Centers reported an increase in diversity, while 1 center recorded no change in the situation. Regarding expansion of mediation services to more segments of the population, 9 Centers marked an increase, and 3 Centers

reported an unchanged situation. Regarding the use of sliding scale fees, 1 center reported an increase, 1 reported a decrease, 7 Centers reported no change, and 3 Centers reported that sliding scale fees were not applicable to their Centers' operation. Regarding fee waivers, 5 Centers reported an increase, 5 reported an unchanged situation from FY2021, and 2 Centers reported that fee waivers were not applicable to the operation of their Centers. Regarding in kind donations, 1 center reported an increase, and 11 reported an unchanged situation. Regarding the number of active volunteer mediators, 5 marked an increase, 3 marked a decrease, and 4 marked an unchanged situation.

4.2 Center activities during FY2022:

According to 10 of the 12 surveyed community mediation centers, the increased sustainability of their center was attributable to their CMC Grant Program grants. As 1 Center acknowledged, "the funding from MOPC remains imperative to Center functioning." In addition, 2 other Centers held that center sustainability remained stable (that is to say, was unchanged), and no center reported a decline in center sustainability. Centers' budget numbers speak to the importance of the CMC Grant Program for Center viability. The \$2,058,660 in CMC Grant Program grants received by the Centers was the source of more than 50% of income for 7 out 12 Centers in FY2022. The collective income revenue for all 12 Centers was \$3,775,472.^{16]} In contrast, monetary contributions from non-MOPC sources (state, local government, donations, fundraising, the Attorney General's Office (AGO), etc.) amounted to \$1,716,812 in FY2022. The contributions from other major single sources of funding to Centers fluctuated in FY2022. Trial Court funding decreased to \$362,999 (from \$430,359 in FY2021). However, AGO grants increased to \$382,800 in FY2022 compared to \$378,000 in FY2021.

According to several Centers, their assessment of the impact of grants on their services was influenced by pandemic circumstances. On the one hand, the pandemic negatively affected some Centers. Thus, one center attributed the decline in its mediation services to the fact that "courts remained closed during [the] pandemic [and] we continued to offer remote services -- re-entry was adversely impacted -- hardest hit was district court mediations since many could not offer remote. (Center Survey, 2022)." However, another center noted that "in person services again at the District Courts in FY2022, which has had a positive impact on client service and mediator retention." (Center Survey, 2022). The challenge presented by the pandemic led some Centers to find innovative measures to maintain and/or increase productivity. Thus, for one center, "more in-person workshops and trainings" were offered. Yet another center reported that "[i]n FY2021, 74% of cases were delivered remotely. In FY2022, 44% cases were delivered remotely. This can be attributed to the courts and office opening back up. In FY2022, the Center was able to offer services both in-person and remote which made mediations more accessible for clients (Center Survey, 2022)."

5 Impact of Center services on the population served

The Grant Program's contribution to the continued functioning of funded Centers during pandemic times redounded to the benefit of the people who received center services.

5.1 Court and non-court referrals:

The funded Centers were all approved alternative dispute resolution (ADR) providers for the Massachusetts court system. As such, Centers maximized the potential for providing their services to people from all over the state.

Pandemic-related constraints, introduced during the third quarter of FY2020 and endemic during the last quarter of that year, persisted in varying degrees throughout FY2021 and, to a lesser extent, throughout FY2022.

Table 4. Numbers for Massachusetts Trial Court Departments and Divisions served by Community Mediation Centers funded through the CMC Grant Program in FY2022 (to FY2023)^[17]

Court Departments	Total Number of Divisions	Number of Divisions that involve CMC grantees	Number of CMC grantees involved with Divisions
Boston Municipal Court	8	8	2
District Court	62	38	12
Juvenile Court	15	9	8
Probate & Family Court	14	10	9
Superior Court	13	14	7
Land Court	1	1	1
Housing Court	6	2	2
Total	116	82	n/a

Even so, the limited number of courts that slowly opened and accepted remote ADR services over the year generated 2,294 referrals to community mediation, an increase from referrals in FY2021.

5.2 Diversity in the population served by Centers in FY2022:

Grant money helped 6 Centers to increase diversity in the number of people they served in FY2022. During FY2022, 1,697 cases were mediated. However, assuming a minimum of two

parties per case and given an FY2022 total of 2,757 pending and newly opened cases, the number of parties served in FY2022 might be much higher. According to surveyed Centers, diversity among the population served increased at 6 Centers while remaining unchanged at 5 and was inapplicable at 1. Out of 5,277 parties, 1,647 identified their race/ethnicity. This low response rate from parties about their racial/ethnic origin precludes a determination of the racial/ethnic composition of the entire FY2022 population served. At most, party responses indicated that all the major racial/ethnic groups of the Massachusetts population were represented: nearly two-thirds of the survey sample (67.8%) self-identified their race/ethnic origin.

In terms of concrete numbers of those who self-identified, 755 identified as White, 335 identified as Hispanic or Latino, 214 identified as Black or African American, 75 identified as Asian, 16 identified as American Indian or Alaskan Native. Categories of ‘Other’ and Multi races’ numbered 200 and 45, respectively. 8 Centers reported serving more low-income or un/underserved people, while 4 reported no change. This reported increase might refer to the growth in the proportion of low-income parties served rather than their absolute numbers. Thus, the 2,627 FY2022 surveyed parties who reported their income level, indicated that people of all income levels -- from \$0-9,999 to more than \$65,000 -- were served by Centers. The majority of respondents (2,023) were lower income, earning less than \$40,000 per year. Among all the listed income levels (from \$0-9,999, increasing in \$10,000 increments to more than \$65,000), the lowest income level contained the greatest number of parties: 1,892 respondents earned between \$0-9,999 annually.

In FY2022, Centers say in their grant applications that they strove to expand their services to parties who represented the diversity of the communities in their region with respect to such characteristics as gender, education, age, race, ethnicity, income level, among others, through a variety of initiatives.

5.3 Mediation benefits conferred upon parties:

Disputing parties were able to settle their disputes through agreements reached through mediation provided by community mediation centers. In FY2022, out of 2,219 closed cases, 791 were not mediated and 1,428 were mediated. As a result of mediation, a 72% agreement rate was achieved, where 1096 of mediated cases involved full agreements, 100 involved partial agreements. The resultant agreement rate of 72% not only aligned with earlier agreement rates from FY2017 to FY2021 but also continued the multi-year trend of attaining agreement rates that exceeded the typical agreement rate of 66% for community mediation in general.^[19]

The benefits accruing to parties from mediation may be illustrated by the successfully mediated consumer, landlord-tenant, and parenting disputes during this fiscal year. Thus, a total of \$3,078,682.07 were recovered by parties in consumer and landlord-tenant disputes that were resolved with assistance from mediators at Centers that collectively received \$382,800 (compared to \$378,000 in FY2021) in Face-To-Face (FTF) program grants from the Attorney General’s Office (AGO). As a result of Centers’ mediation services, the amount recovered amounted to a four-fold increase of the AGO’s FY2021 investment. As for parenting disputes

arising from the context of access and visitation, funded by the Department of Revenue (DOR) which were mediated by Centers under the auspices of MOPC's Parent Mediation Program, all surveyed parties were assisted by mediators in completing or partially developing a parenting plan that, among other things, included arrangements for parent's access to and time with the child. Both the Face-to-Face Consumer Mediation Program and the Parent Mediation Program are built on community mediation infrastructure funded through the CMC Grant Program, which enables the leveraging of additional programmatic funding.

5.4 Impact of Center services on parties' relationship:

For most parties, mediating through a community mediation center was a positive experience. Out of the 544 clients who submitted evaluations, 469 were satisfied with mediation. 494 clients from 544 reported that they would recommend mediation to others. 440 reported that they preferred mediation to alternative services.

Collecting documents, particularly surveys, from parties was especially challenging in cases where community mediation was remote. Nonetheless, 11 Centers were able to obtain survey information about the impact of mediation on parties' relationships from 544 parties, an increase from 253 parties in FY2021. The vast majority of responding parties reported improvements in their party relationships. According to a substantial majority of the respondents, the impact of mediation on their relationship was either positive or neutral.

6 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 from Centers generated through a case management database system (MADtrac) and through a comprehensive 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, money saved to parties and other mediation outcomes, and even demographic information, where its provided. A second software program 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 estimates ^[20] (some estimates are derived from other states' empirical estimates).^[21]

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 non-monetary 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, 1999).^[22] 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.”^[23]

Charkoudian further observes: “government and charitable subsidies 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 as well as the non-monetized outcomes of community mediation. However, this section of the report deals solely with the monetized outcomes or the Return on Investment (ROI) of state operational funds spent on publicly funded services of the state dispute resolution office (MOPC) and 12 state-funded community mediation centers.

This economic analysis of Massachusetts community mediation is divided into three 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;^[24] and 3) cost-benefit analyses, which show the overall costs and benefits of an intervention.^[25]

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.^[26]

In the following analysis, all three models will be utilized to develop preliminary estimations of the economic impacts of Massachusetts community mediation. Where relevant in this analysis, cost measurement data from past studies has been adjusted for inflation.

6.1 Cost of intervention analysis of Massachusetts Community Mediation

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

Methodology:

A cost-of-intervention analysis looks at the cost of an intervention and allows us to estimate that cost 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 FY2013 funding, Centers without any state funding through the trial court since FY2009 were facing dire financial issues. There was a possibility that most/some Centers would go out of business.
- According to a 2000 study based on a late 1990's survey of court-connected ADR programs shows the average annual administrative cost (at the time) per each program/center was \$34,500, which would be \$58,300 in FY2022 when adjusted for inflation.^[27]
- In FY2022, the total cost of operating the twelve community mediation Centers, with state operational funding was \$3,762,484 which is an average of \$313,540 per center.
- 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: If all 12 Centers active in Massachusetts in FY2022 closed without state operational funding, using the administrative costs of programs from the 2000 court-connected

ADR study as a baseline start-up cost, \$699,600 would have to have been appropriated by the Commonwealth of Massachusetts just to restart 12 community mediation Centers in FY2022. Any return on investment that appears in this report would not have accrued in FY2022 until Centers launched their operations in full by recruiting new staff, re-establishing networks of volunteers, referral sources and other funders. This would amount to \$3,762,484, which is an average of \$313,540 per center to regain their operations to the current level. 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:

- The Massachusetts Legislature invested \$732,160 in state operating grants to 12 community mediation Centers. In the same year, 12 Massachusetts community mediation Centers conducted 1,697 mediations (up from 954 mediations in FY2021 but down from 2,320 mediations in FY2020). Using the state grant program investment as the cost, the estimated intervention cost of the grant program is \$512 per mediated case.

Cost of Intervention:

The Massachusetts cost of intervention is \$512 per mediated case.

iii. Cost per community mediation hour vs private mediation hour

Effect-size estimation:

- 12 grantee Massachusetts community mediation centers provided a total of 5,507 pro bono mediation hours.
- The hourly rate for a private mediation practitioner is around \$225-\$300 an hour per party, or a total of \$450-\$600 per hour of mediation.^[29]

Cost of intervention:

Paid private mediation costs at least \$225 per hour per case for one or both parties which would cost an estimated \$1,404,285 for 5,507 hours of mediation charged to parties while state funded community mediation is free to parties.

6.2 Cost-effectiveness analysis of Massachusetts Community Mediation.

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

Methodology:

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

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

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 comparing this across more than one intervention.

i. Cost-effective grant program administration

- In FY2018 Maryland's Mediation and Conflict Resolution Office (MACRO) received \$274,279 from the state for its operating expenses, excluding salaries, which when adjusted for inflation would be \$317,895.
- In addition, Community Mediation Maryland (CMM), the state's community mediation technical assistance provider, received state operating funds amounting to \$260,000, which adjusted for inflation would be \$302,345 to provide technical assistance, including monitoring and evaluation to Maryland community mediation. Importantly, grant program administration services are conducted by MACRO. The total state operational funding in FY2018 for mediation program administration in Maryland was \$554,279, which adjusted for inflation would be \$642,420 (excluding salaries for MACRO staff). The total of these funding amounts is \$1,262,660.
- In FY2022, the Massachusetts Office of Public Collaboration (MOPC) spent \$423,942 for administering grants to 12 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.

Cost-effectiveness:

The administrative expenses of the state dispute resolution office (MOPC) in Massachusetts, combined with the program administrative expenses of Massachusetts's community mediation grant program costs **66% 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 1:3.

6.3 Cost-benefit analysis of Massachusetts Community Mediation.

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

Methodology:

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

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

Cost

i. Cost-benefit of homelessness prevention from eviction prevention mediation

Effect-size estimation:

- Data from the Massachusetts Housing Mediation Program recorded in the centralized case management system (MADtrac) indicates that mediating landlord-tenant cases resulted in 96% of the tenants preserving their tenancy in FY2022.
- 11 community mediation centers served 287 housing cases under the Massachusetts Housing Mediation program (HMP), 276 of which resulted in tenancy being preserved (evictions and/or homelessness avoided).
- The cost of one eviction in Massachusetts in 2013 was estimated between \$4,780-\$5,180 in lost rent (\$2,400), pre-trial costs (\$180), trial costs (\$500), and post-trial costs (\$1,700 to \$2,100).^[35]
- For 276 potential evictions avoided, \$662,400 was saved in lost rent, \$49,680 in pre-trial costs, \$138,000 in trial costs, and \$469,200 in post-trial costs (\$1,700 x 276) for a total saving of \$1,319,280. Adjusted for inflation, this would amount to \$1,685,994.27 in 2022.
- From Q1 to Q4 2019, the average length of stay for a family in a shelter was 363 days. The average daily rate for a shelter or motel stay in 2019 was \$150. The average annual cost for a family shelter stay is calculated as 363 * \$150 = \$54,450.^[36] Adjusted for inflation, this would amount to \$61,985.

Cost-benefit:

Based on the \$61,985 per family of avoided costs per shelter stay, and assuming that a sample of just 100 of the mediation cases where tenancy was preserved for families also avoided shelter use for those families, the state of Massachusetts saved an estimated \$6,198,500. Additional

costs of 276 potential evictions, if not for housing mediation in Massachusetts, are \$662,000 in lost rent, \$49,680 in pre-trial costs, \$138,000 in trial costs, and \$469,200 in post-trial costs (\$1,700 x 276).

ii. 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.^[38] This is an average saving of \$882 per case, which when adjusted for inflation would be \$1,829 for a total cost savings of \$6,694,140.
- Based on the above figures, the cost of a juvenile case going through court was \$1,555 or \$3,225 when adjusted for inflation. The cost of mediation, according to the same study, was \$673 per case or \$1,396 when adjusted for inflation.
- Massachusetts community mediation centers received 71 cases from the Juvenile Court and helped resolve 44 juvenile cases in FY2022 (43 full agreements, one partial agreement).

Cost-benefit:

At an average saving of \$1,829 per case to the District Court, Massachusetts community mediation centers mediated 44 juvenile cases referred by the Juvenile Court^[39] with an estimated cost saving of \$80,476 for the respective District Courts.

iii. Cost-benefit to the court from successful mediations avoiding trial

Effect-size estimation:

- Twelve Massachusetts community mediation centers conducted 665 successful mediations in the District, BMC, Probate & Family, and Land Courts in FY2022.
- The 1996 Civil Action Mediation pilot project in California estimated an average .76 court days, or 713 court days for 935 cases in which savings to the court was estimated at \$3,943 per day resulting in savings to the court totaling \$2.8 million in savings. Adjusted for inflation, this would amount to \$7316 saved per day to court from mediations.
- Assuming a conservative cost-saving to the court of \$3000 per case, and that all 665 cases avoided trial, Massachusetts community mediation centers have saved an estimated \$1,995,000 to the court system from avoided trials in FY2022.

Cost-benefit:

Massachusetts community mediation centers have saved an estimated \$1,995,000 to the court system from 665 successful mediations in the District, BMC, Probate & Family, Juvenile, Housing and Land Courts in FY2022.

iv. Cost-savings in legal fees for disputing parties

- The U.S. Department of Justice report found cost-savings from avoided litigation or discovery expenses from using ADR is \$15,521,275 in 2017 from 367 successful mediations.^[40] Adjusted for inflation, this would amount to a cost savings from litigation of \$50,214 per case in FY2022.
- On average, parties can save between 40-78 hours in attorney time through mediation.^[41] Massachusetts community mediation centers mediated 1,697 cases in FY2022. If each mediated case in Massachusetts reduced attorney time by 4 hours, mediating parties saved around 6,788 hours of attorney time thanks to mediation.
- Lawyers can charge \$388-\$595 an hour^[42] (associate vs. partner) in legal fees per case for sending Lawyer's Letters, court appearances, etc.). In some cases, this figure may be as high as \$1,500 per hour. Assuming a very conservative legal fee avoidance of only \$200 per party per case, Massachusetts disputing parties served by community mediation centers saved a minimum of \$1,357,600 in legal fees alone.
- 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 \$225 an hour.^[44] Assuming an extremely conservative figure of only \$100 was avoided in filing fees, Massachusetts disputing parties served by community mediation centers saved a minimum of \$169,700 in avoided filing fees.

Cost-benefit:

Massachusetts disputing parties saved a minimum of \$1,527,300 in legal fees and avoided filing fees from 1,697 cases mediated in FY2022.

v. Cost-benefit of leveraged volunteer community mediator hours

Effect-size estimation:

- Twelve Massachusetts community mediation centers maintained a roster of 495 volunteer community mediators who contributed 5,507 hours of volunteer community mediation services in FY2022.
- At private market rates, the value of this volunteer work is estimated at \$1,239,075 at \$225 per hour (based on a private practitioner minimum hourly rate).^[45]

- If employed as an hourly wage earner, with the mean hourly wage for a mediator in Massachusetts could be as high as at \$53,^[46] or \$57 inflation adjusted. The total value of these volunteer mediation hours would amount to \$269,838.

Cost-benefit:

495 volunteer community mediators at twelve Massachusetts community mediation centers contributed 5,507 hours of volunteer mediation services in FY2022, the value of which is estimated at \$1,239,075 at \$225 per hour (based on a private practitioner minimum hourly rate)^[47] or \$269,838 at an hourly wage of \$39.35 for a permanent employee (hourly wage for mediator – national average).^[48]

vi. Cost-benefit of leveraged volunteer administrative hours by staff, volunteers, board and interns

Effect-size estimation:

- Centers leveraged an extra 2,941 hours of volunteer administrative services from staff/volunteers/board members and interns in FY2022.
- At an estimated cost of \$20.50 an hour (mean hourly wage for administrative assistant in Massachusetts),^[49] the volunteer administrative services leveraged by the twelve Centers are worth \$60,290.

Cost-benefit:

Community mediation centers leveraged 2941 hours of volunteer administrative services from board members, staff and volunteers in FY2022 worth \$60,290.

vii. Cost-benefit from funds leveraged by community mediation

- The Massachusetts Legislature invested \$2,713,465 in the Community Mediation Center Grant Program in FY2022. The Community Mediation Center Grant Program awarded \$2,114,022 in operating, program and technical assistance grants to community mediation centers. Of this total, \$732,160 was for center operations.
- The 12 Massachusetts community mediation centers used the state operational investment to leverage an additional \$1,716,812 from other private, state, local and/or Federal government sponsors/funders, including private foundations.
- Centers used these funds to address critical public needs under the Massachusetts (Twelve-Point) model of community mediation and to further expand their community mediation missions.

Cost-benefit:

Twelve Massachusetts community mediation centers leveraged a dollar and twenty cents (\$1.20) for every dollar invested by the Commonwealth of MA, or a benefit-to-cost ratio of 1:1.2 per

every dollar of operational funding provided under the Community Mediation Center Grant Program.

viii. Cost-benefit of leveraged mediation trainings for community members

Effect-size estimation:

- According to records from MADTrac, 12 Massachusetts community mediation centers trained 148 community members as mediators in FY2022. Each 40-hour mediation course has a market value of \$1225 per trainee.^[50] The total value of these basic mediation trainings amounts to \$181,300.
- According to records from MADTrac, twelve Centers also trained 3,119 persons in conflict resolution. The net cost of a conflict resolution training is \$250 at a private mediation training institution.^{[51] [52]} The total value of these conflict resolution trainings amounts to \$779,750.
- According to records from MADTrac, 12 Centers provided advanced mediation training (divorce, eviction, etc.) to 515 persons. The net cost of an advanced mediation training at a private mediation training institute is estimated at a private market rate of \$1,700/person.^{[53][54]} The total value of these advanced mediation trainings amounts to \$875,500.
- Centers trained 5,545 in total trainings. At a very conservative cost estimate of \$50 per person, these trainings could cost an estimated \$277,250 in other venues.
- The total value of the first three types of training services to the communities is worth an estimated at \$1,836,550.

Cost-benefit:

Twelve Massachusetts community mediation centers trained 5,545 community members (148 in basic mediation, 515 in advanced mediation, 3,119 in conflict resolution trainings) in FY2022, the total benefit of which is worth an estimated \$1,836,550.

Based on the FY2022 state investment in community mediation, the benefit-cost ratio of leveraged mediation training to communities is 1:2.5 – or for every dollar invested by the state Legislature in FY2022, Centers leveraged an extra two dollars and fifty cents worth of mediation training to community members.

ix. Cost-benefits to Massachusetts consumers

- The Massachusetts Attorney General’s Office provided \$382,800 to twelve Massachusetts community mediation centers funded by the CMC Grant Program in FY2022 for conducting face-to-face consumer mediations.

- Using the AGO numbers, twelve Massachusetts community mediation centers helped parties recover \$3,078,682 in FY2022.

Cost-benefit:

The Massachusetts Attorney General’s Office provided approximately \$382,800 to twelve Massachusetts community mediation centers in FY2022 for conducting face-to-face consumer mediations. The twelve Centers helped parties recover \$3,078,682 in FY2022.

The benefit-cost ratio of the consumer mediation funds provided by the Massachusetts Attorney General’s Office is 1:8– or for every dollar invested by the AGO in Massachusetts community mediation, consumers are recovering eight dollars from face-to-face consumer mediations.

x. Assumed cost-benefit to schools

Effect-size estimation:

- The Ohio Commission on Dispute Resolution in 2003 found that schools managed to save an average of \$331 or \$524 when adjusted for inflation from each averted student suspension or expulsion through the successful use of student peer mediations.^[55] More recently, a 2016 study by UCLA found the national loses \$35 billion from school suspensions.¹ In California alone, a single non-graduate generates \$579,820 in economic losses over his or her lifetime, on average which adjusted for inflation would be \$703,102.
- Massachusetts community mediation centers conducted 187 successful peer mediations that is assumed to have resulted in avoided student suspensions or expulsions in FY2022.^[56]

Cost-effectiveness:

Schools saved at least an estimated \$97,988 from avoided student suspensions or expulsions as a result of 187 successful peer mediations conducted by Massachusetts community mediation centers valued at \$524 per case. But the actual cost savings could be much higher. Assuming that the 187 mediations did not occur and resulted in a student suspension and/or drop-out for the 187 students, the cost to the state could be as high as \$131 million dollars in economic losses over the life of the students.

xi. Cost-benefit to divorcing couples

¹ Crockett, B., & Losen, D. (2017, March 7). *School suspensions cost California billions*. School Suspensions Cost California Billions - The Civil Rights Project at UCLA. Retrieved December 14, 2022, from <https://www.civilrightsproject.ucla.edu/news/press-releases/2017-press-releases/school-suspensions-cost-california-billions-1>

Effect-size estimation:

- The average cost of private divorce mediation is estimated to cost up to \$5,000 per case.^[57]
- Eight Massachusetts community mediation centers conducted 57 divorce mediations in FY2022.

Cost-effectiveness:

The average cost of private divorce mediation is estimated at \$5,000 per case. Massachusetts community mediation centers conducted 57 successful divorce mediations in FY2022. Assuming the mediations were conducted for free, parties to the 57 successful divorce mediations saved an estimated \$285,000.

xii. Cost-benefit from complex multi-party mediations

Effect-size estimation:

- Massachusetts community mediation centers conducted 19 complex multi-party mediations in FY2022.
- If the complex multiparty mediations involved four parties and concluded in one seven-hour session (full-day mediation session), the estimated cost of one complex multi-party mediation case would amount to \$14,200, based on a private, full day, 3-member panel hearing, which is \$3,500.00 per party.^[58]
- Assuming an average cost benefit of \$7,100 per case (50% of private mediator charges), these Centers have saved a total of \$134,900 to the disputing parties.

Cost-effectiveness:

Massachusetts community mediation centers saved \$134,900 to disputing parties in 19 complex multi-party mediations in FY2022 at an average saving of \$7,100 per case.

xiii. Cost-benefit of avoided legal fees in family mediations

Effect-size estimation:

- Massachusetts community mediation centers conducted 111 successful family mediations in FY2022. Research indicates that family mediation can reduce legal fees by between \$270-\$730.^[59]
- Assuming an average cost of benefit of reduced legal fees of only \$270, Massachusetts community mediation centers have saved \$29,970 in legal fees to parties from 111 family mediations.

Cost-effectiveness:

At an average saving of \$270 in legal fees per case, Massachusetts community mediation centers have saved \$29,970 in legal fees to parties from 111 family mediations.

xiv. Cost-benefit to local businesses/organizations

Effect-size estimation:

- 5 Massachusetts community mediation centers conducted 5 successful workplace mediations in FY2022.
- A study on workplace conflict found that U.S. employees spend 2.8 hours per week dealing with conflict, equating to approximately \$359 billion in paid hours in 2008, where 25 percent of employees said that avoiding conflict led to sickness or absence from work.^[60]

Replacing an employee will cost a business 150 to 200 percent more than that employee's salary and benefits which means that losing even a mid-level employee making \$30,000 a year could cost a company \$70,000 or more to replace.² Adjusted for inflation, this would amount to \$93,429 in FY2022.³

- This estimation will use an assumed conservative cost of \$10,000 per workforce conflict.

Cost-effectiveness:

Assuming a resolved workplace conflict saved a conservative average sum of \$10,000 for a local organization, a total of \$50,000 was saved for local businesses/organizations from 5 workplace mediations by Massachusetts community mediation centers in FY2022.

6.4 Summary of Economic Analyses

Cost-savings from Community Mediation in FY2022: \$16,487,619

1. \$6,198,500 saved in shelter costs from 276 avoided homeless shelter use.
2. \$3,078,682 recovered by consumers from consumer mediations.
3. \$1,995,000 to the court system/state from 665 successful mediations avoiding trial.
4. \$1,685,994 saved in lost rent, avoided pre-trial, trial and post-trial costs from 276 mediations.
5. \$1,527,300 in avoided legal and filing fees from 1,697 cases mediated.

² Lawler, J. (2010, June 21). *The real cost of workplace conflict - employee conflict*. Entrepreneur. Retrieved December 14, 2022, from <https://www.entrepreneur.com/leadership/the-real-cost-of-workplace-conflict-employee-conflict/207196>

³ CPP Global. (2008). (rep.). *Workplace conflict and how businesses can harness it to thrive*. Retrieved December 14, 2022, from https://img.en25.com/Web/PPP/Conflict_report.pdf.

6. \$1,404,285 saved from 5,507 private mediation hours avoided.
7. \$285,000 saved to parties from not using private mediators in 57 divorce mediations.
8. \$134,900 saved to parties from 19 complex multi-party disputes.
9. \$97,988 from avoided student disciplinary actions from 187 peer mediations
10. \$50,000 saved for local businesses/organizations from 5 workplace mediations.
11. \$29,970 saved in legal fees to parties from 111 family mediations

Resources Leveraged by Community Mediation in FY2022: \$5,632,803

1. \$1,716,812 in additional state, federal and/or private foundation funds raised by Centers from \$732,160 in state operating grants.
2. \$1,836,550 of mediation and conflict resolution trainings for 5,545 community members.
3. \$1,239,075 leveraged from 5,507 volunteer community mediator hours.
4. \$699,600 from re-investing in existing Centers with established networks of volunteers, referral sources and programmatic funders.
5. \$80,476 from 44 juvenile cases avoided from going to court.
6. \$60,290 leveraged from 2,941 hours of volunteer administrative services.

The total return on the state's FY2022 investment of \$2,713,465 in the CMC Grant Program was **\$22,120,422**.

This sizable increase in the CMC Grant Program return on investment from \$14 million in FY2021 to \$22.1 million in FY2022 may be attributable to the following factors: a) the increased services by Centers due to the reopening in FY2022 of courts, public agencies, schools and businesses after COVID-9 related closures; b) the maintenance of the increased state investment in the community mediation system with expanded programming, particularly housing mediation; and c) adjustments for inflation in the economic analysis effect-size estimate data to account for the ten-year period of the CMC grant program operations.

7 Conclusion

The Commonwealth's \$2.7 million investment in the CMC Grant Program for FY2022 was critical to the functioning of 12 qualified community mediation centers and enabled the Centers to rise to the challenge posed by the COVID-19 pandemic. The state's support effectively underwrote Center initiatives to preserve the option of community mediation services for meeting communities' conflict resolution needs. In FY2022, remote and in person services increased across most Centers. The number of new cases opened nearly doubled, compared to FY2021. Cases mediated also increased in FY2022 resulting in a higher agreement rate. Ultimately, Massachusetts as a whole benefited from the CMC Grant Program in FY2022 by virtue of the estimated \$22.1 million return on the state's investment in the Program. The impact further deepened with the implementation of the first full year of services under the Housing Mediation Program (HMP). HMP data indicates that mediation of landlord-tenant cases resulted in a higher percentage of the tenants preserving their tenancies and avoiding homelessness in FY2022 than in FY2021. Importantly, millions of dollars were saved through avoided shelter

stays and trial costs, reinforcing evidence that the community mediation is cost-effective public service and highly leveraged investment for the Commonwealth.

8 Recommendations

The FY2022 evaluation report continues to demonstrate the link between state investment and service expansion/improvements across the community mediation network through foundational operating grants and additional program grants to Centers. The ability of the Governor's Office to use this existing established publicly funded dispute resolution infrastructure to serve important housing needs in the Commonwealth arising from the COVID-19 pandemic demonstrated that the CMC Grant Program continues to be both responsive and relevant in an increasingly challenging world. A high rate of agreements reached in mediation and evaluation data indicating widespread party satisfaction both point to continued operational successes.

The pandemic-related closure of courts, schools and correctional facilities have considerably eased and the overall volume of mediation activities and cases served by community mediation centers have regained significantly, closer to pre-pandemic numbers.

The substantially increased state funding of FY2021 and maintained in FY2022 allowed Centers to build their staffing capacity to an average of two full-time staff and over three part-time staff per Center and helped Centers offer a wider range of services to a broader segment of the public in partnership with more organizations like prison systems, youth programs, housing agencies, courts and schools.

8.1 The Commonwealth should continue to sponsor and invest in community mediation through the CMC Grant Program.

Increased operational and program grants in FY2022 greatly enhanced the resiliency and sustainability of community mediation Centers. Centers operated with more staffing in FY2022 than in FY2021. However, the needs around staffing still remain. 9 out of 12 Centers reported that they needed additional staff, 7 out of 12 Centers identified the need for mediator recruitment and retention as vital, and the third high priority need of FY2022 was reported by 8 out of 12 Centers as need for salary benefits for staff. In terms of the three most important staffing needs identified by Centers, additional staff was a high priority need at 4 Centers in contrast to the previous year when 9 Centers prioritized additional staff. Centers' increased staffing might well be attributable to the use of CMC Grant Program grant monies to strengthen center employee infrastructure particularly for program participation, which might also account for the reduction in the number of Centers in need of a larger staff.

8.2 The CMC Grant Program should continue to support Centers' efforts to build public awareness to increase utilization of services.

Centers relied on both remote technology as well as in-person meetings to conduct outreach activities to increase utilization of their services, and the revitalization in Center services shown by the increased frequency of new cases and mediations in FY2022 indicates that the impediments were at least partially overcome.

All Centers made sure that economic barriers to using their services were minimized. The vast majority of mediation cases (1,974 of 2,757 pending and newly opened cases) were served free of charge in FY2022. Sliding scales, used to adjust service fees to accommodate parties' financial situations, were collectively applied in 115 cases. Grant Program must continue to invest in Center operations so that Centers can remove existing barriers while increasing public awareness of community mediation services over time.

8.3 Centers should integrate learning on DEI from listening sessions with under-served communities into their culture and practices.

In FY2022, Centers implemented projects funded by \$160,000 in CMC Program grants to broaden diversity, equity, and inclusion (DEI) practices. As preliminary findings from MOPC's diversity research indicate, the underutilization of community mediation is far more complex than one can imagine. Various structural, economic, linguistic and other barriers are closely intertwined with each other, impeding traditionally marginalized populations to access justice through community mediation. While it is challenging to change social structure, it is important to start identifying where community mediation Centers can improve access and diversity. Smaller but incremental steps have to be taken to address the more systemic issues like power and economic marginalization, while more immediate steps like increasing cultural awareness and collaborating with organizations serving the marginalized, and diversifying Center leadership, staff, mediator pool and governance structures would not only increase access to justice through community mediation but make Centers more sustainable over time.

8.4 The community mediation model of delivering services through volunteers should be assessed for impacts on diversity and inclusion.

The model of community mediation supported by the CMC Grant Program is based on volunteerism. In FY2022, MOPC and the Centers established a committee to study challenges and opportunities of the existing community mediation volunteer model under the twelve-point model with a view to dismantling any elements of structural racism within the community mediation system. MOPC and the Centers should continue to identify and implement ways to incentivize, recruit and retain volunteers using stipends, training resources, and other assistance, and a workable threshold for volunteerism that does not shift the financial burden to parties or upset the foundations of community mediation in Massachusetts as a high-quality, free/low cost access to justice mechanism for all residents. As the CMC Grant Program administrator, MOPC also needs to clarify grant guidelines for Centers regarding the use of volunteers and staff in future years. The resulting changes should reflect a significant improvement in diversity, equity, and inclusion at the funded Centers and across the state-funded system.

8.5 The CMC Grant Program should investigate consistent training standards among Centers to enhance the quality of community mediation services.

During FY2022 community mediation centers continued their efforts to building new skills for mediators around the use of technology, housing mediation, re-entry mediation and diversity , equity and inclusion training. Mediators can now mediate across the state and even over state

boundaries because of remote service delivery, and there are many examples of collaboration and Centers using each other's human resources and of CMC Grant Program-funded programming across the state which actively promotes such collaboration. The current standards of training for mediators set by the Trial Court allow for a great deal of flexibility in approach, and each court-approved center is responsible for complying with court requirements. MOPC and the Centers should continue to explore the consistency of training quality standards.

8.6 Improvements in data gathering methods and technology should be funded to increase evidence of impact and value of community mediation.

CMC Grant Program-funded community mediation centers are offering an ever-expanding range of services, including housing mediation, conflict coaching and restorative practices and, by virtue of new programming and remote service delivery, are significantly expanding the involvement of various parties in data sharing. The new cloud-based Community Mediation Activity Manager database system currently under development should allow for a wider range of data to be captured that reflects current and future practice and can support the demonstration of impact and value of services offered across the spectrum. New features maybe needed to further integrate the cloud-based agile platform to meet the needs of Centers. The software, once implemented, will require maintenance, servicing, hosting and continuous improvement, which will require continued investment of state funding. Funding should also be secured to help support the Centers to be trained in and adjust to the new system over a period of time.

Appendices

Appendix A: Housing Mediation Program

The Massachusetts Housing Mediation Program (HMP) is a comprehensive statewide program that provides free housing mediation services as a tool to prevent homelessness as well as mitigate the costs and negative economic impacts of the COVID-19 pandemic. It is administered by the Massachusetts Office of Public Collaboration at the University of Massachusetts Boston (MOPC) and deploys the community mediation system infrastructure with 11 community mediation centers (Centers) participating and serving all 14 counties of the Commonwealth to provide free conflict resolution services for tenants and landlords with housing disputes at any stage, from the earliest point a problem occurs, up to, and after any eviction action in court.

HMP Background

The HMP was developed in FY2021 as part of the Eviction Diversion Initiative (EDI), which included a comprehensive and coordinated set of federal and state programs and funding resources to support tenants and landlords through the financial challenges caused by the pandemic. Through DHCD, the initiative brought together housing agencies, community mediation, agencies administering the Tenancy Preservation Program, and legal services to collaborate on and develop referral processes in order to fully support tenants and landlords during the pandemic. The HMP was designed to leverage existing community-based infrastructure by expanding it from handling eviction cases in court to also handling upstream housing cases, which would provide multiple entry points to mediation at earlier stages of a housing crisis. Centers adjusted their practices and case handling to the virtual environment, due to the pandemic, providing case management and mediation services remotely, either by telephone or videoconferencing. During the development of this program, Centers and MOPC heavily invested in developing upstream infrastructure to help tenants and landlords access mediation services prior to court. Remote services continued in FY2022 and slowly incorporated in-person services as needed. The HMP also expanded eligibility for free services to those indirectly affected by COVID to account for the continued housing crisis experienced by tenants and landlords across the Commonwealth.

HMP Funding

Funding from the legislature allowed MOPC to award \$660,000 in grants to 11 Centers to sustain their staffing capacity to continue delivering free housing mediation services to their service areas, maintaining or strengthening referral relationships with partner agencies, and fulfilling other duties for the program. Centers employ one to two staff to serve as liaisons for agency and organizational partners as well as coordinate the delivery of remote mediation services. MOPC also spent \$30,000 in Center training and consultation services from the Berkshire County Regional Housing Authority mediation program which has significant expertise in this area. In FY2023, MOPC is continuing its funding for the HMP, granting awards to Centers at different

levels that reflect the demand for services in the prior fiscal year and sustain the necessary staff to administer the program.

HMP Service Delivery

In FY2022, the HMP fielded 937 referrals, of which 812 were screened, resulting in 732 cases. Of these cases, 287 were mediated in 325 mediation sessions. Additionally, 276 tenancies and 32 subsidies were preserved. Centers served 660 landlords and 733 tenants located in 13 Massachusetts counties. Much of these services were provided remotely, as necessitated by the pandemic, but as communities, agencies, and government began to open up, some services were provided in person.

HMP Outreach

MOPC regularly met with DHCD to discuss opportunities for outreach and ways to refine the message to promote mediation. Outreach included presentations to numerous statewide organizations or at statewide events. Statewide organizations included the Massachusetts Landlords Association, Massachusetts Realtors Association, NAHRO, Massachusetts Association of Regional Service Centers, Age Strong Commission Boston, Massachusetts Community Foundations, MASSCAP, Massachusetts Volunteer Lawyers Program, and CELHP.

MOPC communicated to Centers when presentations occurred and shared presentation slides and other material so that Centers could coordinate their own outreach to the local branches of these organizations. Centers also outreached to local organizations and at local events to promote the HMP. DHCD continued to provide MOPC-developed resources to housing agencies, 211, and in-person outreach to targeted neighborhoods in Massachusetts. Furthermore, the community mediation website maintained by MOPC, ResolutionMA, continued to see a large and steady stream of unique visits. This collective effort accounted for the non-EDI agency referrals, which was approximately 11% of all referrals, as well as a significant portion of self-referrals, which was approximately 39% of all referrals.

HMP Monitoring Program Impact and Quality

As MOPC and the Centers transitioned from launching the HMP to sustaining it in FY2022, efforts focused on identifying areas for innovation or streamlining as well as maintaining quality services. Weekly communications to Center HMP coordinators shifted to biweekly, as the frequency of changes or updates to the EDI leveled off. Similarly, case reporting shifted from weekly to biweekly as referral and case activity became steadier, reducing the need for such frequent monitoring. Biweekly check-in meetings with the Center HMP coordinators shifted to monthly. The focus of such meetings also changed. Originally set up as a means for communicating updates and problem-solving issues that Centers encountered, the meetings became a learning community, intended to develop coordinators' practice skills, support them, and help them learn from each other through sharing experiences and challenges. MOPC and the Centers co-developed the HMP mediator pool for Centers to share mediators as the need arose. Mediators certified for the HMP were required to be experienced, skilled mediators and have advanced training in summary process mediation. Because of such strict requirements, Centers could be assured that they were drawing from a highly skilled mediator from this pool.

To maintain quality services, MOPC established a 4-hour yearly continuing education requirement for qualified housing mediators. To remain qualified for the HMP, mediators had to take 4 hours of continuing education, which could be fulfilled by taking a housing specific training, or by coaching other mediators in housing cases. MOPC launched a monthly learning series for HMP mediators to be able to fulfill the requirement, called “Housing Happy Hour”. Each session focused on mediation skills and practice in relation to housing matters. In September, MOPC organized a summary process mediation training to train experienced mediators interested in mediating for the HMP. Later in the year, MOPC organized a role play training session, open to any housing mediator and those more recently trained on summary process mediation.

Additionally, MOPC continued to review processes and collaborate with Centers to solve issues that arose. Forms, such as the Intake Form and the Agreement to Mediate underwent updates based on feedback from legal services, DHCD, and the Centers. Training requirements were streamlined and updated based on feedback from mediators and Center staff, changes to rental and housing assistance programs, such as the Residential Assistance for Families in Transition and Emergency Rental Assistance Program, as well as programmatic adjustments made by other EDI partners. MOPC’s evaluation team reported a decline in returned mediation participant surveys, which prompted the MOPC HMP program manager to investigate the root causes and develop an approach to address the decline. This resulted in the development of a best practices guide for survey administration, a dedicated learning community session on how to apply these best practices, and a push for Centers to give mediation parties the choice to opt in to be interviewed by the evaluation team. The approach helped increase the number of party interviews completed for the evaluation of the HMP.

As part of the evaluation process, MOPC surveyed and/or interviewed landlords, tenants, lawyers representing either party, representatives of agencies from the EDI like housing agencies, HMP mediators and case coordinators. The response was overwhelmingly positive about the impact of mediation.

79% of the EDI partners, mostly housing agencies surveyed indicated that mediation reduced landlord-tenant conflict. 68% reported that mediation improved landlord-tenant communication while 42% indicated that mediation expedited resolution, addressed interpersonal issues, and enabled creative payment solutions.

A key value of mediation was providing an opportunity for landlords and tenants to develop creative solutions to eviction. In 75% of cases, as indicated in mediator surveys, the tenant came up with ideas for solutions and landlords came up with ideas in 61% of cases.

In interviews, a tenant indicated that: “The mediation went well. I’ve never had to deal with anything like that before because I never had to face an eviction. The mediators were very understanding, they clarified everything for me, they were with me every step of the way...And they told me that if I ever needed any other assistance to always reach out.”

A landlord noted in an interview that: “The mediator was very informative, very professional... I don’t think we could have gotten to an agreement without the mediation..”

As a tenant noted in an interview, if not for mediation: “I think I probably would have been evicted, if not then, then eventually.” A landlord noted that: “I would not have seen my rent and we’d still be going through the eviction process.”

Data from the centralized case management system (MADtrac) indicates that mediating landlord-tenant cases resulted in 96% of the tenants preserving their tenancy in FY2022 where Centers served 287 housing cases under the HMP resulting in 276 tenancy preservations (evictions and/or homelessness avoided). For 276 potential evictions avoided, \$662,400 was saved in lost rent, \$49,680 in pre-trial costs, \$138,000 in trial costs, and \$469,200 in post-trial costs for a total saving of \$1,319,280. Adjusted for inflation, this amounted to \$1,685,994.27 in 2022. Assuming 100 of the housing mediation cases resulted in tenancy preservations, which also avoided shelter use for families, and based on the \$61,985 per family of avoided costs per shelter stay, the state of Massachusetts saved an estimated \$6,198,500 due to the HMP.

HMP FY2023 expansion

Building on the work accomplished in FY2022 in partnership with 11 Centers, the HMP plans to expand free conflict resolution services to housing case types beyond evictions. Eligible cases will include all housing-related issues, not just rental arrears issues, as the need for housing stability continues in Massachusetts. Additionally, eligibility for free services is anticipated to expand to approaches beyond mediation, such as conflict coaching and restorative or community-building circles. MOPC will continue to partner with DHCD to identify ways to support housing stability and promote mediation following the closure of the EDI and plans to expand the partnership to the public housing division and develop a formal program for the local housing authorities.

Appendix B: Re-entry Mediation Program (ReMAp)

The Massachusetts Re-entry Mediation Program (ReMAp) is administered by the Massachusetts Office of Public Collaboration at the University of Massachusetts Boston (MOPC) in partnership with qualified community mediation centers (Centers) from regions across the state.

The ReMAp vision is that re-entering individuals who are incarcerated can break the cycles of reincarceration and recidivism upon returning to the community by strengthening their family and social relationships with the support of community-based conflict resolution services. The specific Program goals are to provide the Commonwealth with a specific, statewide, state-sponsored re-entry mediation program for those who have experienced incarceration and to deliver it pre-release, post release and to those at risk of experiencing incarceration using existing state-funded conflict resolution infrastructure that:

1. builds better pro-social relationships, post-release stability and conflict skills
2. reduces the rate of reincarceration, recidivism, and post-incarceration risks (instability).
3. involves formerly incarcerated people in the program

ReMAp Funding

Funding of “at least \$200,000” for pre-release services has been appropriated in fiscal years 2021 and through the state budget as part of the Community Mediation Center Grant Program line item (7100-0700) supplemented by in-kind contributions from community partners. This state funding has allowed for continued ReMAp grants to all Centers who wished to be part of the Program with funding for one part time member of staff and their routine program expenses. Previously the Program had been funded in its pilot phases in FY2018-20 by grants from local foundations. Centers received 25% of their \$18,000 total re-entry funding for each quarter of the financial year. The actual spending for stat fundig for re-entry was 233,994, 67% of which was awarded to Centers for ReMAp case coordinators and services and 33% for MOPC program staff and operations. This continued state funding allowed for expanded services in FY2022 being delivered through seven community mediation Centers with Memoranda of Understanding (MOUs) for services with nine correctional facilities (Massachusetts Department of Correction (DOC) and County Sheriff’s Departments) across the state. Most significantly it also allowed for the hiring of a designated Program Manager at MOPC who started in October 2021 and who was able to step into the role effectively because of her significant mediation experience and experience as a re-entry trained Center mediator and ReMAp case coordinator. In addition to the hiring of this Program Manager, the legislative funding also allowed for an in-person re-entry mediation training for new mediators to finally take place in October, after prior COVID-19 related cancellations.

FY2022 ReMAp Program

Although originally modelled on a re-entry mediation program in the State of Maryland (MD), which provided in-person pre-release mediation for re-entering people since 2007, the program in Massachusetts was tailored during its pilot phases to fit more easily within the Massachusetts correctional system. Research in Maryland showed that pre-release mediation had a significant

impact on recidivism (10% reduction for one mediation session and 7% for each additional session) because of its focus on relationship building, regardless of whom the mediation was between, what was discussed and even whether a final agreement was reached. Due to the pandemic and closure of correctional facility ReMAp partners to visitors, services in Massachusetts during FY2022 were very limited although started to re-open as the year progressed.

Over the course of the year four ReMAp partner facilities allowed intermittent access while others allowed informational sessions to be delivered but did not allow visitors, making in-person mediation impossible. The alternative of doing virtual mediation was considered but was felt to compromise the quality of the process and risk the core mediation principle of confidentiality since some facilities would not allow the use of technology without staff present or other monitoring. It was also felt to compromise the value brought by bringing people together in-person to have planning conversations supported by a third-party neutral. It however remains an option which could be used in future in exceptional circumstances provided confidentiality and quality of the process can be ensured.

ReMAp Partnerships

Despite the limitations to access, new MOUs were signed by three Sheriff's Departments bringing total Sheriff partnerships to nine. In addition, the MOU format has been generally updated to reflect learning from the earlier pilot phase and to include language about services to post-release facilities and those who are pre-sentenced who may fall within jurisdiction. Steps were also begun to reactivate a DOC facility in the Program with the support of a member of DOC staff working specifically on re-building the ReMAp partnership from scratch. As a result, services began at Northeastern Correctional Center in Concord and were being planned for MCI Concord by the end of the year. It is hoped to begin initial outreach at additional more DOC and County facilities during FY2023.

Significant efforts were also made to re-engage with existing partners, often with new staff, and to carry out required lapsed screening and orientation of mediators and staff to allow them to access the facilities that were open to services. Prior learning from the pilot phase demonstrated the importance of having staff as advocates and facilitators who could encourage access to the Program and make referrals. Materials for outreach and case intake were translated into Spanish with the helpful assistance of the Worcester Center with the goal of improving overall access to services.

Two of the community mediation Centers who were initially part of ReMAp at the start of the year decided they were unable to continue due to staffing shortages and other issues. As a result, there were seven active Centers by the end of the year, who were each established with an identified correctional partner even though, as previously mentioned, not all were allowing in person access (see list of pairings below):

**Centers and Facility Partners (MOUs and active partnerships shown in bold)=
Collaborative Resolutions Group – Hampshire, Franklin and Hampden Sheriffs
Community Dispute Settlement Center – Middlesex Sheriff**

Mediation Services of N Central MA – MCI Shirley and **Worcester Sheriff**
Metropolitan Mediation Services – **Suffolk Sheriff**, MCI Norfolk and Pondville
Martha’ Vineyard Mediation Program – **Dukes** and Bristol County Sheriffs
MetroWest Mediation Services – MCI Concord and **NE Correctional Center**
North Shore Community Mediation – **Essex Sheriff**
(In addition, there is an MOU with the **Berkshire County Sheriff**)

ReMAP Mentoring and Learning Groups

During FY2022 ReMAP launched a mediator mentorship initiative to address a challenge in the Program involving a dependency on re-entry mediation trainers from the Maryland program for training Massachusetts re-entry mediators. While Maryland had supported ReMAP through training and consultancy services since its inception, their continued involvement had brought several logistical challenges and had been costly in time and effort around training design and scheduling. In response, the new MOPC ReMAP Program Manager developed a mediator mentorship proposal that was reviewed with participating Centers and with Maryland partners before being rolled out in the spring. The mentorship scheme selected 10 potential mentors who had been identified as being supportive of the Inclusive Listening mediation model used in re-entry mediation and pioneered in Maryland, and who were strong mediators and represented all the seven re-entry Centers. The group began to meet in May and extensive additional workshops and support will be offered during FY2023. The overall goal of the mentoring initiative to build self-sustainability and program independence is to “create a group of mediators who build expertise in the Inclusive Listening Model and become MA resources to mentor/guide other mediators in the program. In future, members of the mentor group would help design/develop/implement training for new MA mediators.” Initial signs were that the mentors, who met monthly toward the end of the year, were engaged around the plan, and demonstrated significant commitment to the scheme.

ReMAP case coordinators continued to meet monthly throughout the year finding the exchange of information and ideas an important part of the Program and although not a formal learning community, the meetings did provide an opportunity for regular discussion of successes and challenges and the sharing of effective practices.

ReMAP Data and Service Delivery

The continued closing and opening of facilities, often at short notice brought challenges around gathering evaluation data and post release follow up information. To resolve this gap in data, expectations around clear communication around release dates were more clearly laid out in the updated MOUs and emphasized to case coordinators. Mid-year data reporting was nevertheless completed with DOC’s Research Department, and it was agreed with them to skip end of year reporting because of the lack of DOC specific data.

It cannot be over-stated how much effort is involved in launching, maintaining, and running a re-entry mediation partnership. Unlike many other forms of mediation where the participants approach the Center either through a court, referral agency or independently seeking support for

an identified issue, there is a significant investment of time to building trust and generate referrals involved. That effort starts with the correctional facility and staff themselves who may be unfamiliar with the approach before being able to establish a regular and reliable presence with the people who are incarcerated through educational informational sessions.

Those that attend informational sessions are offered evaluation forms. Of those offered, 121 submitted forms and on a scale of 1-10 with anything above 6 being counted as satisfactory or very satisfactory, 85.9% found the presentations to be satisfactory. Comments ranged from “I learned everything I need to know” to “I do not believe this should have been a mandatory session for inmates.” In fact, these sessions are not mandatory, and this misunderstanding points to a lack of clear expectation setting with facility staff or between staff and participants which emphasizes the need for relationship building and clarity with facility staff. Following, or in parallel to the informational sessions, ReMAp case coordinators meet with interested individuals to explore their concerns about re-entry and how re-entry mediation may support them and to get their consent for participation in program evaluation, making clear that they will be offered mediation services, regardless of their consent. Cases are opened for all those wishing to mediate and who can identify an outside person with whom they would like to make a re-entry plan and if willing, they are asked to complete a baseline questionnaire about the status of their relationship. ReMAp case coordinators then seek screening clearances from the facility before doing outreach to the outside person who is also asked to complete a baseline questionnaire. Following mediation, the ReMAp process includes post-release follow up and a further questionnaire to ask about the status of the relationship. Unfortunately, the Program so far been unable to trace any participants for follow up interviews after their release.

During FY2022, despite continued closures, informational/educational sessions were provided to 283 people across 5 different facilities. From those events 33 new cases were started and 3 mediations completed. Such a high attrition rate is something ReMAp will continue to explore in terms of issues over which the Program has any control. However, the Program has several specific hurdles which are related to working in the correctional landscape for example:

1. lack of trust from the population who are new to the concept of mediation and to ReMAp case coordinators who must establish credibility and regularity of contact before many will consider using services.
2. The inside person needs to be within a period of 12 months of release within Massachusetts and not so close that there is no time to schedule mediation sessions.
3. The inside person needs to remain at the facility, and some are moved after infractions of facility rules.
4. The outside person needs to pass an initial screening for stay-away orders etc. before they can be approached, and a significant number do not. The inside person is then offered a chance to pick someone else.
5. The outside person needs to be traceable. ReMAp case coordinators ask the inside person to reach out and introduce the idea before the Program contacts them, but often

people have moved or changed phone numbers. This has been the most common reason why mediations have not proceeded when outside persons have been unreachable.

6. The outside person needs to agree to the mediation and be able to get to the facility for the mediation which may be a long way from where they live.
7. The outside person needs to be screened to allow for access to the facility and ultimate access is determined by the facility.
8. Both parties and mediators need to be able to find a time to mediate and the facility needs to be able to schedule it in a suitably private space.
9. The facility needs to allow access on the day of mediation – there are several security reasons why facilities may be suddenly shut to outside visitors, including sudden outbreaks of COVID-19.

FY2023 ReMAp Planning

For FY2023 in partnership with seven Centers, ReMAp aims to increase services to DOC facilities and expand Sheriff numbers. The Program also expects to further build on the mentorship scheme and expand the ReMAp mediator roster by running a further training if there is demand. With the re-opening of all facilities, subject to COVID-19 realities and the re-starting of services at existing partner facilities as a result, ReMAp will develop post-release service offerings. As mentioned last year, the long-term goal is to recruit and train mediators with experience of incarceration who can help the Program continue to build credibility and cement mediation as an integral part of re-entry services. The Commonwealth's continue investment is fundamental to the stabilization and continued growth of the Program.

Appendix C: Youth Conflict Resolution & Restorative Practices Program

The Massachusetts Youth Conflict Resolution & Restorative Practices Program (Youth Program) is administered by MOPC in partnership with qualified community mediation centers (Centers) from regions across the state. The program goal is to reduce youth violence through a positive youth development approach that cultivates youth as assets who contribute to their families, neighborhoods, and communities. Funding for the program is appropriated annually through the state budget.

The projects and programs funded through the Youth Program seek to improve school climate, community health, community safety, and family and community engagement by leveraging the experience and expertise of the Centers in multiple domains like schools, neighborhoods, and courts, and by systematically gathering evidence of program implementation and impact through evaluation, with investments from community partners, sponsors and funders to ensure sustainable youth programming throughout Massachusetts.

FY2022 Youth Program Funded Projects

In FY2022, MOPC invested \$307,000 in youth-focused programming in Massachusetts. Grants were renewed for eight Centers, totaling \$127,000. These grants raised more than \$145,370 in matching funds and in-kind donations. In addition, bonus awards of \$18,000 per center were awarded to the eight Centers and two additional Centers to support further development of new and existing youth programming across the Commonwealth. Grant funding is awarded to cover the expenses of one part-time or full-time Center staff member to lead the development and implementation of funded projects and programs.

Cape Mediation, Orleans (Barnstable and Nantucket Counties) - \$18,000 (Bonus Award)

Peer Mediation Program at Nauset Regional High School

The Center worked with Nauset Regional High School to introduce mediation, conflict resolution, and restorative practices to students in the Honors Exploring and Respecting Differences course. Work was conducted with the school to launch a peer mediation program in FY2023.

Metropolitan Mediation Services, Brookline (Norfolk, Suffolk Counties) - \$18,000 (Bonus Award)

Youth Conflict Resolution Services, English High School and Boston Arts Academy

Center staff developed new relationships with several schools within Boston Public Schools and began building youth mediation capacity to serve as peer mediators. Bilingual peer mediation training at English High School was provided, thus building capacity for students to mediate in their first language. The Center developed additional partnerships in the community and will further expand upon this work in FY2023.

Community Dispute Settlement Center, Cambridge (Middlesex, Norfolk, Suffolk Counties) – \$21,000

Youth Programming with Cambridge Matignon School, Cambridge Rindge and Latin, et al.

The Center provided peer mediation training and program support at several schools in the area, including Cambridge Matignon, Cambridge Rindge and Latin, Vassal Lane Upper School, and Putnam Ave Upper School. They continued to develop partnerships with schools and community organizations and provided workshops to Youth in Police Partnership and STEPS teen parent summit.

Martha’s Vineyard Mediation Program, Inc., Vineyard Haven (Dukes County) – \$23,000

MVCS Island-Wide Youth Collaborative, MV Public Charter School, Edgartown School

The Center conducted a youth conflict needs assessment survey to learn the specific needs of youth on the island. Over 70 youth responded and provided insights that informed discussions with partner schools. The Center provided conflict resolution and mediation training to a multi-grade group of students, as well as presented a workshop to 50 school faculty and staff at the MV Charter School. The Center also designed curriculum for the fourth grade at the Edgartown School, introducing them to conflict resolution concepts.

Metro West Mediation Services, Framingham (Middlesex County) – \$27,000

Peer Mediation Program Support, Advanced Math & Science Academy

Peer mediation training was provided to 14 new students and 7 previously trained mediators. 25 mediation cases were referred to the program in FY2022, of which 24 mediated, and 100 percent of mediations resulted in agreement. The Center has used the success of this program to reach out to other schools in the region, several of which have expressed interest in building programming in FY2023.

Mediation Services of North Central MA, Inc., Fitchburg (Worcester County) – \$33,000

Assisting Youth in Resolving Conflict, Sizer Charter, Longsjo Middle, Fitchburg High, Boys & Girls Clubs

The Center continued its peer mediation program with the Sizer Charter School and began work with Longsjo Middle and Fitchburg High School to train 31 new peer mediators. The Center also continued its partnership with the Boys & Girls Club of Fitchburg and Leominster, providing two staff trainings. Several schools have been in discussion with the Center to explore peer mediation programming.

Middlesex Community College Law Center, Lowell (Middlesex, Essex, Suffolk Counties) – \$33,000

Peer Mediation & Restorative Justice Programming, Lowell Public, Salvation Army, Middlesex County DA

The Center updated curriculum and trained student mediators at Lowell High School and Sullivan Middle School, bringing current rosters to 21 and 31, respectively. Programming with

the Salvation Army's Bridging the Gap Program returned after COVID-19 impacts, and the Center participated in three series of meetings to support the program's youth. The Center also provided two workshops at the Student Police Academy Camp, reaching 64 students. The work with the Middlesex District Attorney's Office returned, with new referrals being made for mediation and restorative justice.

Berkshire County Regional Housing Authority Mediation Program, Pittsfield (Berkshire County) - \$38,000

Family/School Dispute Resolution Project, Pittsfield Public School District

The program aims to create a school environment within Pittsfield Public School District that reflects youth empowerment and positive youth development. Restorative circles and mediation services were provided to Reid Middle School and Conte Elementary School, with 120 mediations taking place with a 94% success rate. Significant efforts were made to prepare for roll-out at Taconic High School in FY2023.

North Shore Community Mediation, Beverly (Essex County) – \$43,000

Peer Mediation and Restorative Circle Training and Support, Amesbury Middle School, Andover High School, Greater Lawrence Technical High School, Peabody High School, and Cambridge Matignon

The Center provided support to their existing partner schools, including refresher and new mediator trainings. The Center began partnerships with several new schools for mediation and restorative practices programming in FY 2023. They also partnered with fellow Center Community Dispute Settlement Center (CDSC) to develop programming at Cambridge Matignon High School. The Center held their 17th Annual Peer Mediators Forum in Spring 2022 to bring student peer mediations from across the region together for educational programming and networking. Eighty students participated in this first Forum since 2019.

Collaborative Resolutions Group, Greenfield (Franklin, Hampden, Hampshire Counties) – \$53,000

Restorative Practices Program, Franklin Regional Council of Governments

The Center increased school personnel and youth awareness of restorative practices theory, knowledge, and skills, as well as provided access to resource materials to support school-based restorative practices. The existing Learning Community (LC) cohort continued and several think tank sessions with school partners were held to learn more about best practices for building school capacity. In addition, Center staff collaborated with 2 youth facilitators to co-design and co-facilitate a 6-hour workshop on conflict transformation, restorative practices, and circle process for youth and adult participants.

Youth Program Learning Community

Launched in FY2021, MOPC staff continued to coordinate a Program Learning Community (PLC), offering youth staff from the participating Centers meetings where progress is shared,

challenges are discussed, and new opportunities for youth programming is explored both locally, regionally, and statewide. Feedback from Center youth staff has been overwhelmingly positive, and collaboration among Centers has increased.

Youth Program Research

Youth project grants are an opportunity for Centers and MOPC to work together in gathering data to inform programming and research and support fundraising. The goals of these projects are twofold: (a) to address youth/community needs through community dispute resolution and restorative practices to implement long-term solutions to pressing youth-related public problems; and (b) to demonstrate accountability and learning while also conducting advocacy to diversify funding sources to promote long-term sustainability of community mediation Centers and their youth-focused initiatives.

FY2022 continued to be a challenging year for youth, schools, and supporting organizations, as the continued aftermath of the pandemic compounded existing challenges and conflicts. The Youth Program funded projects, however, were able to offer support to young people and the institutions which serve them, with several noted impacts below.

Collaborative Resolutions Group (CRG) has built a support system for schools and community organizations in their region through the Restorative Practices Program. To date, they have collaborated with 18 schools and 12 school-adjacent organizations in four counties. This programming has provided support to partners, but also built community among the partners, which has been particularly impactful during the challenges of the past few years. In the partners' own words:

"We need to work towards this path of mental health, physical health, and prevention by using a Restorative Practices framework, BUT we need organizational and logistical support. CRG's Restorative Practices Program can provide this support."

~ Middle School Guidance Counselor, Hampden County School Partner

"Really what we're trying to do is create a caring structure and a positive sense of community. It's all about community wellness and connectedness. The community is suffering, and we need to talk about what we can do to help each other. Restorative Practices are a foundation for that conversation to begin."

~ Assistant Principal, Hampshire County School Partner & Learning Community Participant

MetroWest Mediation Services has worked with the Advanced Math & Science Academy over the past two school years to develop and implement a peer mediation program. In addition to student evaluations being overwhelming positive, school administrators have also seen the important impacts of the program:

"The peer mediation program at AMSA has been an invaluable tool for helping our middle school students resolve conflicts and learn conflict resolution skills. Throughout

the school year, middle school students were referred to the program to help them resolve a variety of conflicts and other social issues. The program has allowed for school counselors and administrators to receive support in resolving student disputes so that they can focus on the many other areas of their roles. Students have gained the ability to have a safe and supportive environment in which to talk through their conflicts and learn valuable skills along the way. The mediation program, with the partnership of Metrowest Mediation Services, is a thriving and important program to our school.”

~ Dean of Students, Middle School

“AMSA's Mediation program has been successful promoting healthy relationship building and conflict resolution. The Mediators have created a comfortable non-judgmental environment for students to feel like they are cared for and listened to. One aspect we are most proud of in the program is that we have not had any repeat conflicts after mediation has happened! The mediation program has given the kids that it served the ability to stay in class with others who they may not have been able to cohabitate with before mediation. This has created more time on learning for these students as well as cut down on the amount of in class behavior referrals that the Dean needed to work through. I personally loved seeing my mediators grow as people and enjoy the work they committed to at the beginning of the year.”

~ Dean of Students, High School

North Shore Community Mediation Center held its first Peer Mediator’s Forum since the pandemic. As part of the Forum, students had the opportunity to participate in discussion groups with their peers and were asked to share with one another their experiences in school and as a peer mediator. Some of the questions and responses are included below, and highlight the challenges students face today, as well as the opportunities mediation programming provides:

What kind of problems/issues do you see impacting you and your peers today?

- Comparisons (social media), body image, LGBTQ, vs. Judging (jealousy)
- Miscommunications between friends, respect, appearances, fist fights, respect for people's differences
- People are not willing to talk to one another, social media being a large source of conflict.
- People using nasty language on the school buses
- 7th/8thgraders have constant conflict (name calling, bullying)

Share a success about their program or a personal success story about mediation?

- Students use mediation as a tool to be open about their feelings
- Using mediation as a tool to use in their everyday lives
- Using mediation to hear one another and becoming friends after having a lot of tension
- Bringing people together to build connections
- As a mediator has brought my confidence up and my grades

- Helping the school and my community
- Someone that went to mediation ended up becoming a mediator

FY2023 Youth Program Funded Projects

In FY2023-2024, MOPC has sustained grant funding for ten (10) youth program grants totaling \$340,000. This funding has provided Centers with the ability to sustain or hire at least one part or full-time youth program staff person to support existing programming and develop additional programming within their service area. Youth staff across the ten participating Centers continue to participate in monthly Program Learning Community meetings to share their progress, discuss challenges, and explore possibilities for future programming.

End Notes

[1] See amount listed in <https://budget.digital.mass.gov/govbudget/fy22/appropriations/education/university-of-massachusetts/?tab=budget-summary>

[2] See Palihapitiya, M., Sulewski, D., Eisenkraft, K.O., Ho, J. (2021, November). *Increasing housing stability through state-funded community mediation delivered by the Massachusetts Housing Mediation Program (HMP): Evaluation report*. Boston, MA: Massachusetts Office of Public Collaboration, University of Massachusetts Boston. Retrieved December 22, 2021, from

https://scholarworks.umb.edu/cgi/viewcontent.cgi?article=1032&context=mopc_pubs

[3] The frequency of these coordinator activities was neither tracked nor recorded during the 2021 fiscal year.

[4] Incidents of violence against Black people by police intensified a national concern with systemic racism and contributed to MOPC's commitment to incorporating DEI into the Grant Program agenda. Also see "Resolution: Massachusetts Community Mediation Centers' update on racism and injustice" on the ResolutionMA website (<https://www.resolutionma.org/home>).

[5] Centers completed this end-of-FY2022 survey by October 2022. Staffing data recorded on MADtrac, a case management system which was used by Centers to record their activities and other data, indicated that by the end of June 2022 there were 24 full-time staff and 41 part-time staff during FY2022.

[6] The data here derived from responses from all Centers to an end-of-FY2022 survey. MADtrac data, which did not contain data from all Centers, indicated that there were 186 active volunteer mediators and 6 paid mediators or consultants.

[7] The information concerning Center trainings and other outreach activities that was recorded on MADtrac and reported by Centers on the end-of-year survey differed in part because some Centers failed to supply the requested information or the activity data categories were not uniform across the two record-keeping systems. The information about center outreach and training activities presented in this paragraph is based upon survey data unless otherwise indicated. Examples of activities conducted by particular Centers are based upon center accounts of their SMART goal progress.

[8] The information about participation in Center outreach and training activities presented in this paragraph is based upon MADtrac data unless otherwise indicated. Examples of Center activities conducted are based upon Center accounts of their SMART goal progress.

[9] US Census Bureau. QuickFacts Massachusetts. Retrieved November 18, 2022, from <https://www.census.gov/quickfacts/MA>

[10] Referrals of housing cases to the HMP might have been recorded under one of two categories -- Housing and Business -- since the latter includes landlord-tenant cases as a subcategory -- which may have skewed the distribution of cases.

[11] Mass.gov. Other alternative dispute resolution services. Available at <https://www.mass.gov/info-details/other-alternative-dispute-resolution-services>

[12] New York Peace Institute. (2018). Conflict coaching. Retrieved January 20, 2023, from <https://nypeace.org/conflict-coaching/>

[13] *Ibid.* Also see Massachusetts Uniform Rules of Dispute Resolution ([Supreme Judicial Court Rule 1:18](#)).

[14] Winkelspecht, C. R. (2007, December 17). Evaluation of a school-based peer mediation program: Assessing disputant outcomes as evidence of success. Dissertation, Auburn University, Auburn, Alabama.

[15] Eisenkraft, K.O. (2021, February). Restorative justice: History and evidence of effectiveness. Boston, MA: Massachusetts Office of Public Collaboration, University of Massachusetts Boston.

[16] The budgets submitted by Centers to MOPC at the end of the fiscal year did not uniformly include the entirety of the FY2022 CMC Grant Program grants that were awarded. Grant payments for the fourth quarter of the fiscal year were distributed after the end of that year, and these payments were included in some Center budgets and not in others depending on Centers' bookkeeping methods. When the entirety of the awarded grants was taken into account, the overall Center budget amount was calculated to be \$3,775,472.

[17] Based on court approved programs list for 2022-2024 unless otherwise indicated:
see <https://www.mass.gov/lists/approved-alternative-dispute-resolution-programs>

[18] Three referrals attributed to the Housing Court involved cases that were pending in the Housing Court but were actually referred to the HMP by an outside organization and not by the Court.

[19] Community mediation agreement rates of 66% per 100,000 disputes were reported by Gazley, B., Change, W.K., & Bingham, L.B. (2006). Collaboration and citizen participation in community mediation Centers. *Review of Policy Research*, 23:4, 843-868.

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

[21] 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.^[21] 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. In most cases, finding a correlation between an alternative and a measure of effectiveness will be possible. It is hoped that the following preliminary economic analysis will provide some direction and guidance for a more robust economic analysis to follow.

[22] 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).

[23] 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

[24] 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).

[25] 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).

[26] 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.

[27] Cratsley, J. C. (2000). *Funding court-connected ADR: Helping people resolve conflicts*. Boston, MA: Supreme Judicial Court-Trial Court Standing Committee on Alternative Dispute Resolution.

[28] This is in line with a notable study conducted in 1985 to compare court costs with dispute resolution program costs per case at the Durham Dispute Settlement Center. The evaluation found that the average per-case cost to Durham City, county, and State to process a case of the type handled by the Center was \$186. In comparison, cases handled by the Center cost \$72 per case. Sheppard, B., *Report to Durham Dispute Settlement Center on the Comparative Costs of Going to Court vs. Mediation*, Durham, North Carolina: Duke University, 1985.

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

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

[31] *The Wall Street Journal*. Legal Fees Cross New Mark: \$1,500 an Hour. Retrieved November 15, 2017, from <https://www.wsj.com/articles/legal-fees-reach-new-pinnacle-1-500-an-hour-1454960708>

[32] Landlords obtained executions in 75% of adjudicated cases and 79.8% of non-mediated/negotiated cases but only 52.7% of the time in mediated cases. The study indicates that mediated cases allow for the possibility of possession reverting to the tenant with “a good number of the mediated cases in which execution did not issue representing cases in which evictions were avoided. This suggests that mediated cases are less likely to lead to evictions than the alternatives.” Kurtzberg, J.; Henikoff, J. (1997). Freeing the parties from the law: Designing an interest and rights focused model of landlord/tenant mediation. *Journal of Dispute Resolution* 1997(1), p. 99.

[33] From July 1, 2019 through June 30, 2020 the Berkshire County Regional Housing Authority’s Mediation Center has mediated 207 Summary Process Eviction cases, with a result of 193 Mediated Agreements or 93% success rate. Out of the 193 Mediated Agreements, 129 resulted in the preservation of the tenants’ (an adult and an individual 18 or under in the household) tenancy or out of all cases mediated, 62% resulted in a tenancy being preserved.

[34] Based on the data from the Berkshire County Regional Housing Authority Mediation Program, many of these instances, tenants were given over a month through mediation whereas a hearing would typically result in a 10 day vacate order. This data shows that even if tenancies are not being preserved through mediation, the process is providing a time frame that is realistic and beneficial for all parties. With more time given to tenants to move out, landlords are also avoiding fees that would otherwise have to be paid to gain possession of the unit.

[35] Mass Landlords.Net figures, retrieved November 29, 2017 <https://masslandlords.net/laws/eviction-process-in-massachusetts/>

- [36] Boston Bar Association. June 2020. *Assessing the Benefits of Full Legal Representation in Eviction Cases in Massachusetts*. Retrieved, December 5, 2020. Available at <https://bostonbar.org/docs/default-document-library/rtc-report-for-web-or-email.pdf>
- [37] *The Growing Challenge of Family Homelessness Homeless Assistance for Families in Massachusetts: Trends in Use FY2008-FY2016*. (2017, February). Retrieved November 30, 2017, from https://www.tbf.org/~media/TBFOrg/Files/Reports/Homlessness%20Report_Feb2017R.pdf
- [38] From a report titled *Expanding juvenile mediation in Massachusetts* from the Crime and Justice Foundation cited by Cratsley, *op. cit.*
- [39] 267 cases reached full agreement, 133 telephone settlement and 1 reconciliation.
- [40] Oregon Department of Justice figures, retrieved December 17, 2012 from www.doj.state.or.us/adr/pdf/gen74031.pdf
- [41] Results of a mediation pilot program in California with comparable services in Massachusetts. Anderson, H. & Pi, R. (February 2004). *Evaluation of the Early Mediation Pilot Programs*. San Francisco, CA: Judicial Council of California, Administrative Office of the Courts. Retrieved from: <http://www.courts.ca.gov/documents/empprept.pdf>
- [42] Massachusetts Lawyer's weekly 2013 rates for lawyers. Retrieved on November 24, 2015, from <http://masslawyersweekly.com/2013/10/11/the-going-rates/>
- [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>
- [45] The actual costs can be higher. The Massachusetts Dispute Resolution Service's standard fee for a mediation session with one neutral of two hours is \$575.00 per party. This is \$287.50 per hour, for the first two hours. Thereafter, the rate is \$225 per hour. Massachusetts Dispute Resolution Services. Fee schedule. Retrieved November 24, 2015, from <http://www.mdrs.com/fees>
- [46] United States Department of Labor, Bureau of Labor Statistics. Retrieved November 24, 2015 from <http://www.bls.gov/oes/current/oes231022.htm>
- [47] Massachusetts Dispute Resolution Services. Fee schedule. Retrieved November 24, 2015, from <http://www.mdrs.com/fees>
- [48] United States Department of Labor, Bureau of Labor Statistics. Retrieved November 24, 2015 from <http://www.bls.gov/oes/current/oes231022.htm>
- [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
- [50] The rate charged by Mediation Works Inc., which is similar to a community mediation Center in that, along with other community mediation Centers, MWI once received funding from the Trial Court. 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] The cost can be as high as \$850. The Institute of Mediation and Conflict Resolution. Community Mediation Training. Retrieved November 11, 2017, from <https://www.imcr.org/community-mediation-training/>

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

[54] The cost can be as high as \$1,650. The National Conflict Resolution Center. Advanced Mediation Training Curriculum. Retrieved November 21, 2017, from <http://www.ncrconline.com/mediation-conflict-resolution-training/workshops/advanced-meditation-skills>

[55] 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>.

[56] 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).

[57] 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.

[58] Full-day mediation session Massachusetts Dispute Resolution Services. Fee schedule. Retrieved November 16, 2017, from <http://www.mdrs.com/fees>

[59] A study conducted in the 1980s in Denver, Colorado found that the average legal fee paid by those successfully using mediation was \$1,630, but that those who rejected mediations paid between \$1,800 and \$2,360 in legal fees. In Pearsons, J., & Theonnes, N. (1984). Mediating and Litigating Custody Disputes: A Longitudinal Evaluation. *Family Law Quarterly*, 17(4), 497-524. Retrieved from <http://www.jstor.org/stable/25739353>

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