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Massachusetts Community Mediation Center Grant Program (CMC-GP) Fiscal Year 2023 Report and Evaluation

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**Massachusetts Community
Mediation
Center Grant Program (CMC-GP)**

Fiscal Year 2023 Report and Evaluation

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

December 2023

The Massachusetts Community Mediation Center Grant Program annual report to the state reports on implementation and impact of the program in its 11th 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 Commonwealth of Massachusetts (MA) continued its investment in affordable, cost-effective community mediation by appropriating \$2,713,465 in Fiscal Year (FY) 2023 for the Community Mediation Center Grant Program (CMC Grant Program or Program), the Program's eleventh year. This appropriation funded the continued operations of qualified Community Mediation Centers (Centers) that deliver free or low-cost dispute resolution services to the public. The Centers serve as the backbone of mediation across the state and are the publicly funded infrastructure on which statewide dispute resolution programs are built.

The FY2023 state funding in the CMC Grant Program budget appropriation amounted to \$2,713,465, which, with the prior appropriation continued from FY2022 of \$268,074, totaling \$2,981,539. In FY2023, 76% of this state funding, or \$2,272,500 was awarded in operational, programmatic and technical assistance grants to 12 Centers across the state. CMC Grant Program funds constituted half of Centers' collective cash income in FY2023 and were critical to the sustainability of Centers and, as a result, to the preservation of statewide access to community mediation.

The 12 MA Centers used the state operational investment to leverage an additional \$1,857,218 from other private, state, local and/or federal government sponsors/funders, including private foundations. Centers used these funds to address critical public needs and to further expand their community mediation missions under the Grant Program's Twelve-Point Model of community mediation.

The Massachusetts Office of Public Collaboration (MOPC), the statutory state dispute resolution office at the University of Massachusetts Boston (UMass Boston) and the 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 grants to support Centers' participation in statewide programs consisting of the MA Housing Mediation Program (HMP), MA Re-entry Mediation Program (ReMAP), MA Youth Conflict Resolution and Restorative Practices Program (Youth Program), and diversity, equity, and inclusion (DEI) organizational capacity building initiatives. The award of these grants was an investment in staffing infrastructure to reinforce Center participation in these Grant Program programs.

The FY2023 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 207 active volunteer mediators from a pool of 501 total mediators across 12 Centers. Centers depended on trainings to recruit additional mediators. A total of 708 trainings, including trainings/workshops in conflict resolution for community members, were offered across the 12 Centers. An estimated 7,491 people participated in the trainings and workshops and a total of 814,772 people overall were reached through public education and outreach conducted by the Centers in FY2023. Initiatives were undertaken to strengthen the quality of mediation services and training across all Centers. A committee convened to examine the impact of Center volunteering practices on DEI crafted recommendations to address structural barriers to community involvement in Centers.

Data regarding 280 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. Although the FY2023 data indicated that most Center mediators continued to be White (103 of 280) and the majority female and White, the number of mediators identifying as non-White has increased (69 out of 280) since FY2022. Regarding parties served, based on 2,025 parties identifying race in demographic surveys, 843 (compared to 755 in FY2022) identified as White while 1,182 (compared to 892 in FY2022) identified as non-White, revealing an increase in party diversity.

In FY2023 MOPC completed a one-of-a-kind study on DEI in community mediation based on community listening sessions that involved literature reviews and creating a new analytical tool to understand the complexity of the structural barriers to engagement of underserved communities. The study will be instrumental in eliminating institutional racism in the delivery of dispute resolution services through grantmaking, scholarships, and other practices in the years to come, and will kick off a community engagement process to re-envision community mediation through a DEI lens in the coming year. In addition to publishing the report, MOPC published an article on this research and presented research findings at several conferences in FY2023.

The services offered by the funded Centers during FY2023 were both in-person and virtual. Pandemic-related limitations on in-person interactions, whether involving individuals or organizations, eased in FY2023 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 broaden access to parties by providing flexibility in scheduling and ease of attendance at mediation sessions.

In FY2023, CMC Grant Program funding helped Centers to provide mediation services to 5,759 parties. The 72% agreement rate achieved through MA community mediation exceeded the typical agreement rate of 66% for community mediation nationally. Among the parties surveyed, a large majority, 92%, were satisfied with their mediation, while 90% were willing to recommend mediation to others, and 84% preferred mediation to alternative services. A majority of responding parties indicated that the impact of mediation on their relationship was positive. Not only did parties benefit from the CMC Grant Program but the Commonwealth also benefited by the estimated \$28 million in cost-savings and leveraged resources calculated as the return on the state's FY2023 investment of \$2.7 million in the CMC Grant Program. This is a return-on-investment ratio of ten dollars leveraged for each dollar invested in community mediation in MA.

Increasing state investment would produce an even greater return by maximizing the CMC Grant Program's support of Center operations and the statewide accessibility of dispute resolution services in response to community feedback and research findings about achieving DEI.

1 Introduction

Through the passage of MGL c.75, §47 in 2013, the Massachusetts (MA) state government committed to expanding access to dispute resolution throughout the Commonwealth by providing for the establishment of the state-sponsored Community Mediation Center Grant Program (CMC Grant Program or Program) that enabled the delivery of locally accessible and affordable mediation services. The purpose of the CMC Grant Program is 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)). State support for the CMC Grant Program is provided through an annual budget appropriation, which in FY2023 amounted to \$2,713,465, the 11th year of the Program's operation.

2 Administration of the CMC Grant Program

The statutory state dispute resolution agency, the Massachusetts Office of Public Collaboration (MOPC) at the University of Massachusetts Boston (UMass Boston), has responsibility for administering the CMC Grant Program (MGL c.75, §47(b) & (c)). MOPC's duties, enumerated in the Program's enabling statute, include 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 convening an advisory committee for the Program. MOPC is also authorized to advocate for CMC Grant Program funding, organize quality assurance for mediator excellence, and provide Grant Program evaluation and reporting to the state.

2.1 FY2023 CMC Grant Program Grant Application Process

Core responsibilities of MOPC as the CMC Grant Program administrator involve devising a performance-based grant application process to determine the award of grant monies to Centers based on their satisfaction of eligibility standards, their track record and compliance with grant application procedures, and consulting with Centers about grant criteria and procedures (MGL c.75, §47(c) & (d)).

For FY2023 grant-making, MOPC launched a two-year procurement or Grant Application Request (GAR) process for pre-qualified Centers, which had been designed in FY2022. The FY2023-2024 GAR provided for Center operational grants (baseline, performance, and case management system database), and program/project grants related to Youth, Re-entry and Housing Programs and Center DEI organizational initiatives. For operational grants, Center applicants demonstrated their continued compliance with standards/criteria under the MA Twelve-Point Model of Community Mediation (see Table 1), and submitted data on caseload activities (intakes, mediations, sessions) and progress on SMART goals. For program/project grants, Centers submitted data and narratives addressing additional requirements for each program/project area.

Table 1. Massachusetts Twelve-Point Model of Community Mediation

Category	Criteria/Standards used for FY2023-2024 Grant Application Request
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.

Grant applications were evaluated by a Grant Review Committee of former Center directors and by MOPC staff. Grant award letters made two-year grant awards subject to funding to all 12 Center applicants. Awards were tied to one-year contract for FY2023 and FY2024. As the grant year

progressed, MOPC awarded Centers technical assistance contracts to two Centers assisting with the development of the new activity manager database and additional funding in the form of an operational bonus award to help cover higher staffing costs at Centers and a DEI bonus award to support activities related to advancing DEI by the Centers, which were accepted by 11 of the 12 Centers (see Table 2).

Table 2. FY2023 Funded Centers and Grants Awarded

Funded Community Mediation Centers	Grants Awarded
Berkshire County Regional Housing Authority’s (BCRHA) Dispute Resolution Center in Pittsfield	Operational, Housing, Youth, Technical, Operational & DEI bonus awards
Cape Cod Dispute Resolution Center (Cape Mediation) in Orleans	Operational, Youth
Collaborative Resolutions Group (CRG) in Greenfield	Operational, Housing, Re-entry, Youth, DEI, Technical, Operational & DEI bonus awards
Community Dispute Settlement Center (CDSC) in Cambridge	Operational, Housing, Re-entry, Youth, DEI, Operational & DEI bonus awards
Family Services of Central Massachusetts Mediation Program (FSCM) in Worcester	Operational, Housing, Operational & DEI bonus awards
Greater Brockton Center for Dispute Resolution (GBCDR) in Brockton	Operational, Housing
Martha’s Vineyard Mediation Program (MVMP) in Vineyard Haven	Operational, Housing, Re-entry, Youth, DEI, Operational & DEI bonus awards
Mediation Services of North Central MA (MSI) in Leominster	Operational, Housing, Re-entry, Youth, DEI, Operational & DEI bonus awards
Metropolitan Mediation Services (MMS) in Brookline	Operational, Housing, Re-entry, Youth, Operational & DEI bonus awards
MetroWest Mediation Services (MWMS) in Framingham	Operational, Housing, Re-entry, Youth, DEI, Operational & DEI bonus awards
Middlesex Community College Law Center (MCC) in Lowell	Operational, Housing, Youth, DEI, Operational & DEI bonus awards
The Resolution Center (TRC) in Beverly	Operational, Housing, Re-entry, Youth, DEI, Operational & DEI bonus awards

During FY2023 a committee of Center representatives served as a sounding board for MOPC in designing a grant renewal process for FY2024, the second year of the two-year grant awards under the FY2023-2024 GAR and provided input on the design of a FY2024 GAR for new Centers that was launched on June 1, 2023. The recommendations of another committee of Center representatives regarding the Grant Program’s policies on volunteerism were also incorporated into the FY2024 GAR for new Centers, along with DEI language adjustments to the Twelve-Point Model.

2.2 FY2023 CMC Grant Program Spending

The CMC Grant Program FY2023 state budget appropriation amounted to \$2,713,465, which, with the prior appropriation continued from FY2022 of \$268,074, totaling \$2,981,539 (see Table 3).

Of this FY2023 total, 76% or \$2,272,500 was awarded to Centers as follows: \$985,000 in unrestricted operational awards (\$820,000 initially and \$165,000 in bonus awards), \$340,000 in Youth Conflict Resolution and Restorative Practices Program awards, \$575,000 in Housing Mediation Program (HMP) awards, \$165,000 in MA Re-entry Mediation Program awards, \$155,000 in Diversity, Equity and Inclusion (DEI) awards (\$100,000 initially and \$55,000 in bonus awards), \$30,000 in technical assistance awards, and \$22,500 in trainers for Re-entry Mediation and Housing Mediation.

State funding from the CMC Grant Program appropriation allocated for MOPC’s grant program administration expenses amounted to \$709,039 or 24%, of which \$149,536 has been requested to be carried into FY2024 through a prior appropriation continued. The CMC Grant Program funding for MOPC’s grant program administration was supplemented by \$225,384 in MOPC state operational funding allocated through UMass Boston for MOPC as the statutory state office of dispute resolution.

Table 3. FY2023 MA CMC Grant Program Spending

MA CMC Grant Program – FY2023 Spending	
A. Operating, Program Grants and Technical Assistance to Centers	Expenditures
Operating Grants to Centers	\$985,000
Diversity Grants to Centers	\$155,000
Youth Grants to Centers	\$340,000
Re-entry Grants to Centers	\$165,000
Housing Grants to Centers	\$575,000
Community Mediation Database Technical Team	\$30,000
Trainers for Re-entry Mediation and Housing Mediation	\$22,500
Subtotal (76%)	<u>\$2,272,500</u>
B. Program Management, Administration and Evaluation Expenses to MOPC	Expenditures
Program Admin, Mgt, Evaluation Staff and Logistical Expenses	\$559,503

Carried Over to FY2024 to Complete Database	\$149,536
Subtotal (24%)	<u>\$709,039</u>
Total FY2023 State Funding	<u>\$2,981,539</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.

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. In FY2023, MOPC and the Centers requested a \$500k increase in Grant Program state funding for FY2024, with the additional monies to cover rising staffing costs for Centers and MOPC; continued work on the new cloud-based activities management database; and the opportunity to fund up to two new Centers. Due to the concerted advocacy efforts of MOPC and funded Centers in FY2023, the funding increase was included in the final FY2024 budget at \$3.2 million.

MOPC recruited new legislative advocacy leads in the House and Senate to replace the outgoing leads, and with the new leads convened a virtual legislative briefing in late January 2023 as a capstone of its legislative outreach. The event was attended by 75 legislators and legislative staff, as well as all 12 Center Directors and 42 Center staff, volunteers, and other supporters. Based on positive feedback from attendees, and, significantly, approval by both the House and the Senate of MOPC’s increased budget request, the briefing was very impactful. Even more so than in previous years, this briefing was a team effort between MOPC and the Centers and amplified a variety of voices speaking to the power of mediation. As part of a presentation introducing the mediation process to new legislators, MOPC showed a video featuring testimony by Center mediators, mediation participants, and organizational partners on the benefits and impact of mediation. All 12 Centers were involved in filming these video clips, which highlighted stakeholders across multiple programs and service areas. Other briefing presentations were led by Center Directors speaking about their DEI initiatives and by MOPC presenting the Grant Program budget request. Overall, this briefing incorporated more voices and perspectives than previous ones.

2.4 Responding to the Needs of the Community and the CMC Grant Program

MOPC brought operational support into the context of community mediation programming by instituting statewide 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 statewide programs and the critical services they provide. Funders and 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 funders even though programming is dependent on operational support -- consider how the operational funding from the CMC Grant Program enables community mediation in MA. MOPC's establishment of CMC Grant Program statewide programming has attracted financial support from other funders and may be considered a vehicle for fundraising. Secondly, tackling community needs is a 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 grantees address the challenges of homelessness, recidivism, youth violence, and systemic injustice faced by MA communities.

2.4.1 The MA Housing Mediation Program (HMP)

The MA Housing Mediation Program (HMP) is administered by MOPC and deploys the community mediation system infrastructure with 11 Centers participating and serving all 14 counties of the Commonwealth. It is a comprehensive statewide program that provides free housing mediation services as a tool for housing stabilization. It was originally developed in FY2021 as part of the Governor's Eviction Diversion Initiative (EDI), which included a comprehensive and coordinated set of federal and state programs, as well as funding sources to support tenants and landlords facing financial challenges stemming from the pandemic. The EDI wrapped up in FY2022, and in FY2023 MOPC expanded HMP eligibility to include not only housing disputes over rental arrears but also any type of housing disputes that could lead to loss of housing or eviction. During FY2023 MOPC also worked to develop and strengthen partnerships to sustain the HMP, as the critical need for housing services continued.

HMP Funding

The FY2023 CMC Grant Program state appropriation explicitly provided that funds be expended for housing mediation services. Accordingly, MOPC allocated approximately \$700,000 to the HMP in FY2023, of which \$575,000 was awarded in grants to 11 Centers at three different funding levels, based on the volume of housing mediation services and HMP staffing needs. The grants enabled Centers to employ one or two staff to conduct outreach, coordinate the delivery of remote and in-person mediation services, and serve as liaisons for agency and organizational HMP partners. MOPC also expended \$20,000 on HMP training and consultation services from BCRHA's mediation program, one of the Centers which has significant expertise in this area.

HMP Partnership Expansion

MOPC continued working with the Executive Office of Housing and Livable Communities (EOHLC), formerly the Department of Housing and Community Development (DHCD), to find opportunities to support housing agencies to leverage HMP services. MOPC and EOHLC worked to streamline the referral process for Regional Administering Agencies (RAA), and in August 2022, presented the process and guidance at a webinar for RAA staff. MOPC also collaborated with EOHLC's Public Housing

Division to explore effective approaches for providing housing mediation services to local housing authorities (LHA). Housing Authority tenants who are evicted are at a heightened risk of homelessness and often face many challenges as the most vulnerable of tenants. This led to the issuance of Public Housing Notice 2023-06 which encouraged LHAs to share information about the program with staff and residents, as well as work with Centers serving their geographic area to offer HMP services for their residents. MOPC also expanded the HMP through a new partnership with MassHousing to begin in FY2024 that will provide HMP services to housing sites through the Tenancy Assistance Program.

HMP Eligibility Expansion

MOPC worked with EOHLIC to expand eligibility of the HMP, which required tenants to be at risk of eviction or homelessness due to a financial crisis from COVID-19. The eligibility expanded to encompass disputes related to housing issues that could ultimately lead to eviction or loss of housing. MOPC also expanded the types of services available under the HMP to include conflict coaching and restorative and community-building circles. The change began on January 1, 2023, and MOPC and EOHLIC revised the MOU to reflect this update. The MOU was also updated to reflect adjustments to reporting frequency. Case load and activity had become steady, and thus the need to monitor activity at a biweekly and monthly rate diminished. As a result, MOPC and EOHLIC agreed to shift reporting to a monthly and quarterly basis, starting in FY2024.

HMP Administration and Learning Groups

MOPC and participating HMP Centers continued to identify areas for innovation and streamlining, as well as maintaining quality services. Biweekly communications to Center HMP coordinators shifted to monthly, as adjustments to program policies and practices slowed down. The monthly HMP learning community meetings continued, and were a place where HMP coordinators could collectively problem solve issues that arose, share successes, tips on outreach, effective case management practices, survey administration, etc.

The monthly learning series for HMP mediators continued in FY2023 and focused on mediation skills for housing-related conflicts. Topics included: supporting party decision-making and brainstorming; raising issues during agreement writing; impacts of the expiration of the eviction moratorium on mediation; effective use of joint and private sessions; and identifying mediator practice issues through case studies. MOPC also organized a summary process mediation training for mediators in June 2023, which was attended by 16 mediators. Several Centers experienced HMP staff turnover and transition, and to support continued quality services, the MOPC HMP Program Manager began offering an onboarding/orientation session for new and interim staff. The onboarding/orientation session included information on the history of the HMP, program policies and processes, and reporting requirements. The HMP Program Manager continued to be available for any questions until Center staff were ramped up.

HMP Service Delivery

In FY2023, the HMP fielded 1221 referrals, of which 1148 were screened, resulting in 1117 cases. Of these cases, 428 cases were mediated in 464 mediation sessions. In the cases that the HMP handled, 279 tenancies and 72 housing subsidies were preserved. Centers served 954 landlords and 1091 tenants located in 14 MA counties through the HMP. Services were still primarily provided remotely, with some provided in-person, as communities, agencies, and government continued to open up.

HMP Data Collection and Research

HMP data collection and reporting to EOHLC is managed by MOPC using a unified database deployed by the Centers. Additionally, HMP data is collected from case-related documents, and surveys and interviews of HMP participants. MOPC undertakes the systematic evaluation of implementation and impact data using indicators developed in consultation with EOHLC to measure and verify HMP success and demonstrate the value of public investment in this program. The FY2023 HMP program evaluation report will be published in FY2024.

2.4.2 The MA Re-entry Mediation Program (ReMAp)

The MA Re-entry Mediation Program (ReMAp) is administered by MOPC under MOUs with the MA Department of Correction (DOC) and County Sheriff Departments in partnership with qualified 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 specific ReMAp goals are to provide the state with a statewide, re-entry mediation program for those who have experienced incarceration and to deliver it pre-release, post-release and pre-incarceration using existing state-funded conflict resolution infrastructure.

ReMAp Funding

The CMC Grant Program FY2023 state appropriation earmarked “at least” \$200,000 for re-entry mediation services. MOPC’s FY2023 spending exceeded this earmark at \$270,000, of which 66% was awarded to seven Centers to fund ReMAp case coordinators and services and 34% was expended for MOPC program staff and administrative expenses. In addition, funding was used for an in-person re-entry mediation training for 14 additional ReMAp mediators.

ReMAp Partnerships

Although ReMAp services to incarcerated individuals continued to be hampered during FY2023 because of restrictions on in-person access to correctional facilities and staffing issues, there were ten active partnerships covering two DOC-run facilities (MCI Concord and the NE Correctional Center) and eight Sheriff-run facilities (Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Suffolk, Worcester). During FY2023 MOPC and DOC renegotiated their MOU which will be in place as of FY2024 forward. It is expected that this MOU will open doors at several new DOC facilities such as MCI Shirley, Framingham, and Norfolk and the Boston Pre-release Center. During FY2023, ReMAp services started at MCI Concord without the ability to collect evaluation data but allowed for an informational session led by a re-entry mediation colleague from Maryland (MD) that generated several cases and allowed for ReMAp staff to participate and learn. Services began again in FY2023 with the Essex and Suffolk Sheriffs’ Departments and continued at others with plans to re-connect with the Bristol Sheriff next fiscal year. By the end of FY2023, there were seven active Centers, each established with an identified correctional facility partner. With the aim of strengthening partnerships, MOPC wrote to all ReMAp partners to summarize FY2023 activities and identify the challenges to be addressed in the next year.

ReMAp Mentoring

In the fall of 2022, ReMAp mentors completed their initial mentorship training to support the creation of a group of ten experienced re-entry mediators to be mentors for the program. The purpose of mentors is 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 program in MD upon which ReMAp was modeled. Training of mentors included two sessions led by MD on key mediation skills followed by drop-in practice sessions and an intensive two-day training to practice role-plays and review the role of mentors. Mentors were given priority in the allocation of re-entry cases and took part in case de-brief sessions with staff from MD. The ReMAp mentorship scheme allowed mentors to continue to build their skills, observe and participate in role-plays, and actively debrief their mediation experiences. In June 2023, the mentors delivered three in-service sessions for other re-entry mediators to practice skills. All but one of the 12 mentors will continue in FY2024. Mentors will meet regularly as a learning community with continuing education opportunities provided and required for six hours per year.

ReMAp Learning Groups

Center ReMAp case coordinators met monthly as a learning community during FY2023 to provide updates, consider challenges, and share experiences. The November 2022 meeting focused on best practices for informational sessions and case intakes and drew on the knowledge of more experienced Centers and the event at MCI Concord. In addition, MOPC staff provided two case coordinator training courses in August 2022 and December 2022 to refresh the skills of existing case coordinators and on-board new staff. The sessions focused on practical aspects and documentation. At another session the EOPSS Undersecretary for Criminal Justice gave an overview of the carceral system in MA.

A full five-day re-entry mediator training held in April 2023 was attended by 14 pre-screened and experienced mediators from Centers participating in ReMAp. It was felt that the screening was valuable to ensure that trainee expectations were correctly set about the training and there was a willingness to learn and adhere to a different approach to mediation than is commonly used in MA.

ReMAp Data and Service Delivery

To streamline submission of case data, the MOPC ReMAp Program Manager implemented a direct upload process to secure shared files with limited access to ensure confidentiality. ReMAp forms continue to be reviewed to make sure they are easy to understand by program participants and processes are reviewed for effectiveness, efficiency, and ease. Steps are being taken to improve the case conversion rate (intake screening to mediation rate), which currently is low. After consulting with MD about the provision of remote services when there are obstacles to in-person attendance, MOPC decided that such services can be offered in very exceptional circumstances when full confidentiality of the process and materials can be assured. To date, no such cases have taken place. The relaxing of Covid restrictions and opening of facilities has in general made services and gathering of evaluation data and post-release follow-up information easier. The challenges continue to relate to logistical difficulties with facilities. Another challenge is re-connecting with service users post-release to provide follow up services.

Despite continued closures, informational/educational sessions were provided to 246 incarcerated individuals across six different facilities in FY2023. From those events 42 new mediation cases were

initiated. Those that attended informational sessions were offered evaluation forms. Of those offered, 138 submitted forms and on a scale of 1-10 with anything above six being counted as satisfactory or very satisfactory, 92% found the presentations to be satisfactory or very satisfactory. Comments ranged from “Everything was explained to my satisfaction” to “Not a need right now, but good service.” Information about parties’ mediation experience and its immediate effect on their relationship was gathered from the two ReMAp mediations that were conducted at Sheriff facilities during the last six months of FY2023, indicating an overall positive experience. The second half of FY2023 saw significant developments in the post-release area, due to the ReMAp Program Manager attending several events organized through DOC to build connections. As a result, ReMAp staff will be attending more re-entry events in the year ahead. MOPC and Centers made presentations to several statewide organizations specializing in post-release services. Due to these efforts, two post-release mediation cases took place at Centers’ offices.

2.4.3 The MA Youth Conflict Resolution and Restorative Practices Program

The Youth Conflict Resolution and Restorative Practices Program (Youth Program) is administered by MOPC in partnership with qualified 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 MA.

Youth Program Grants and Projects

FY2023 CMC Grant Program funding from the Legislature allowed MOPC to allocate approximately \$400,000 to the Youth Program, of which \$340,000 consisted of grants for youth-centered programming. These grants were awarded to ten Centers for sustaining and expanding projects within Center-based youth programs, and during FY2023, they enabled the Centers to raise more than \$311,000 in matching funds and in-kind donations from community-based partners. Youth grant funding is awarded to cover the expenses of one part-time or one full-time dedicated Center staff member to lead the development and implementation of funded youth projects and programs.

Cape Mediation, Orleans - \$25,000: The Center worked with Nauset Regional High School to launch a peer mediation program and provided a workshop for the Barnstable County Human Rights Academy entitled “Pathways to Peace.” Over 140 students attended the workshop, representing 12 schools across the county. New workshops were offered to Provincetown International Baccalaureate Schools and Cape Cod Lighthouse Charter School.

Metropolitan Mediation Services, Brookline - \$25,000: MMS continued to develop peer mediators at the English High School, expanding to train native Spanish speaking students. Additional peer mediator trainings and workshops were provided to Rafael Hernandez School, Lilla G. Frederick Pilot Middle School, and Prospect Hill Academy. A new partnership with the Boston Public Schools was forged to provide a mediator training for the Student Diplomat Program, reaching 47 students across nine schools. MMS also offered online training sessions for

school staff that partner with its parent organization's Tele-behavioral Health Program.

Community Dispute Settlement Center, Cambridge - \$25,000: The Center provided peer mediation training and program support at several schools in the area, including Cambridge Matignon, Cambridge Rindge and Latin, Acera School, and Putnam Ave Upper School. The Center also worked to expand its mediator pool for the juvenile court.

Martha's Vineyard Mediation Program, Inc., Vineyard Haven - \$30,000: The Center developed its own Peace curriculum which was provided to Edgartown Elementary School and Oak Bluffs Elementary School. MV Public Charter School also received the Peace curriculum and peer mediation training. The Peace curriculum was shared with over 50 teaching staff on the island.

Metro West Mediation Services, Framingham - \$30,000: This Center's programming expanded in FY2023 from its established peer mediation program at Advanced Math and Science Academy (AMSA), to Wayland High School, Dover-Sherborn High School, and Natick High School.

Mediation Services of North Central MA, Inc., Fitchburg - \$35,000: The Center continued its peer mediation program with the Sizer Charter School and partnership with the Boys and Girls Club of Fitchburg and Leominster, to offer conflict coaching and Social Emotional Learning skill building. New partnerships included peer mediation program development at Leominster High School, and conflict management training for the Leominster Junior Police Academy.

Middlesex Community College Law Center, Lowell - \$35,000: MCC continued its work with Lowell High School, in existence since 1991. The Center provided the Sullivan Middle School with the Ambassadors program, based on Social Emotional Learning core competencies. A new Peace Leadership Through Dance program was provided to Girls Inc, a new partner this year.

Berkshire County Regional Housing Authority's Dispute Resolution Center, Pittsfield - \$45,000: Over 100 mediations, restorative circles, and conflict coaching sessions were provided to Reid Middle School and Conte Elementary School. The Center worked with school administration to prepare for a peer mediation program at Reid Middle or Taconic High School in FY2024.

The Resolution Center, Beverly - \$45,000: TRC provided peer mediation trainings for over 65 students at Amesbury Middle School, Andover High School, Essex North Shore Agricultural Technical School, Greater Lawrence Technical High School, and Peabody High School and restorative circles for 6th and 7th grade classes at the Waring School. Across schools, a Student Advisory Group (SAG) was begun with eight students to identify program needs. The Center's annual Peer Mediator's Forum had over 150 students in attendance.

Collaborative Resolutions Group, Greenfield - \$45,000: CRG continued to provide learning community gatherings for staff, students, and service providers in its region with access to resources, trainings, and workshops on restorative practices. The Center also worked on building a coalition of practitioners/advocates in support of restorative frameworks and collected regional, statewide, and national data showing the efficacy of restorative practices in schools.

Youth Program Learning Community

MOPC continued to coordinate a Program Learning Community (PLC) offering Center youth staff forums where progress is shared, challenges are discussed, and new opportunities for youth

programming are explored both locally, regionally, and statewide. Feedback from Center youth staff has been overwhelmingly positive, and collaboration among Centers has increased since PLC launch.

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 Centers and their youth-focused initiatives. These grants and the projects they supported have had a direct impact on young people served.

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

The Twelve-Point Model set of standards for community mediation direct 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 create greater equity and inclusion in community mediation.

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 grants to Centers to initiate the same as a component of the FY2023-2024 grant application process.

DEI Grants and Projects

With an allocation of CMC Grant Program state funding, MOPC awarded FY2023 DEI grants totaling \$100,000 to seven Centers for DEI organizational initiatives around long-term changes for dismantling of institutional racism, inequity, and exclusionary practices. In FY2023, four of the seven DEI grantees underwent a DEI assessment and developed plans for implementation. Three grantees with organizational assessments completed in prior years developed and implemented strategic plans based on those assessments. All seven implemented various projects and initiatives based on their respective plans, which included the hiring of additional bilingual staff to implement and manage those projects and initiatives, changes in HR policies, changes in compensation structures, and the creation of advisory groups to incorporate voices of the community into Center programming and practices.

The Resolution Center - \$15,000: In FY2023 TRC completed a board assessment with the assistance of a DEI consultant, as well as reviewed and updated the organization's strategic plan with a DEI lens. In executing the updated strategic plan, TRC updated HR policies to be more equitable and inclusive, implemented a budget that included providing livable wages to staff, and created an Apprentice Committee that identified and removed barriers to entry for those interested in becoming mediators.

MetroWest Mediation Services - \$15,000: MWMS's recently developed strategic plan had identified a gap in serving the Brazilian community in their service area, and thus the Center's focus in FY2023 was to invest in a staff person connected with that community. MWMS brought in a Portuguese interpreter and converted her to a part-time bilingual staff member at 20 hours per week which increased to 24 hours per week by the end of the fiscal year.

Martha's Vineyard Mediation Program - \$15,000: Building on a prior DEI work, MVMP focused on gender and intersectionality in FY2023 in addition to continuing its work to integrate DEI into all aspects of the organization. The Center hired a consultant to guide them in the creation of a gender-neutral guidance document for staff and volunteers. The board added a member of the Brazilian community to fill a gap in representation from a large and underserved community. MVMP also created a Community Advisory Board to expand inclusivity in programming.

Mediation Services of Central Massachusetts - \$15,000: MSI underwent a DEI organizational assessment at the end of FY2022; the resulting recommendations were presented to the board in for planning FY2023 priorities and goals. MSI hired a bilingual staff person to assist with outreach as well as case management for Spanish-speaking parties. MSI also translated into Spanish all training materials for their Basic Mediation Training and delivered the training in both Spanish and English.

Middlesex Community College Law Center - \$15,000: MCC underwent a DEI organizational assessment and MCC hired a student to focus on outreach, who helped MCC evaluate current practices, identify gaps, and develop priorities for the year. The Center also began a study to gain a greater understanding of cultural differences in conflict in communities within their service area, which culminated in the launch of a survey to collect this data.

Collaborative Resolutions Group - \$15,000: CRG created an Anti-Oppressions Strategic Planning Committee to lead the organization in building anti-oppression knowledge and capacity in staff and address systemic injustices, inequities, and oppression. This resulted in the integration of anti-oppression principles into CRG's mission, hiring and onboarding process, and development of compensation equity and launch of a values-based compensation structure.

Community Dispute Settlement Center - \$10,000: CDSC's board created a working group of staff, board members, and volunteers to administer a DEI self-assessment, which led to the revision of the Center's onboarding process and documentation of unwritten policies and practices to create more transparency. This group was converted to a permanent DEI committee.

Later in FY2023 MOPC awarded \$55,000 in DEI bonus awards to 11 Centers to fund supplement organizational DEI initiatives and other Center-based activities in support of promoting greater DEI such as training scholarships, translation of materials, language interpreters, and community outreach.

DEI Learning Community

In FY2023 MOPC launched a DEI learning community with Centers to support collaboration, access to resources and engagement of diverse groups outside their organizations. These learning sessions have

provided a support system for Centers in continuing the challenging work of integrating DEI values and practices into their organizations and community services.

DEI and Volunteerism

The Volunteer Model Committee of Center representatives convened by MOPC to examine Center volunteering practices through the lens of DEI crafted recommendations on how Grant Program policies on volunteering could address structural barriers to community involvement in Center services and operations. While acknowledging that volunteerism is an important part of the identity of community mediation and is a statutory obligation, the committee advocated for de-centering volunteering and focusing on engaging community members in figuring out how to attract more diversity at Centers.

DEI Update to Twelve-Point Model

In FY2022 MOPC committed to revisiting the Twelve-Point Model through a DEI lens. After discussion within MOPC about what the process should look like, it was decided that MOPC and Centers would first do an initial round of edits to update language in light of expansion of Center service methods and DEI considerations, but not change the substance of the points, and that a deeper structural examination that brought in community perspectives could take place afterwards in a second phase review. In FY2023, both MOPC and Centers undertook the initial review and round of updates to the Twelve-Point Model. This initial updated version was incorporated into the FY2024 GAR for new Centers. The second deeper view is expected to take place in FY2025, with community feedback being a key part of the process. MOPC plans to work with a consultant to help structure and guide this engagement.

DEI Research

MOPC completed data analysis for a multi-year diversity research project funded through both a UMass Boston public service grant and supplemented by MOPC's CMC Grant Program appropriation. The research was done in partnership with eight Centers and engaged a McCormack Graduate School 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 was completed in FY2023 and published in August 2023. The 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 year-long DEI training program called Lead Boston to develop expertise and bring it back to MOPC and its affiliated Centers. The staff member completed the training and developed a project to re-envision community mediation and center the voices of those who are most impacted by the services. As an initial step, MOPC reviewed and updated the Twelve-Point Model through a DEI lens, with input from the Centers. The review also encompassed updating the model to current practices. The plan for the broad visioning process will be developed in FY2024 to be implemented in FY2025.

On September 14, 2022, MOPC presented key findings from the DEI listening sessions and study at the Association for Conflict Resolution (ACR) Conference in a session titled: Rules of Engagement: Increasing the Involvement of Traditionally Underrepresented Populations in Community Mediation. This was followed by an invitation to submit an article in the Association for Conflict Resolution

ACResolution Magazine, which was published in June 2023. Additional presentations were made to conflict resolution practitioners within MA and beyond.

2.5 Reporting and Accountability

MOPC demonstrated its accountability for the administration of the CMC Grant Program and the impact of the public funding invested in it through accounts of the Grant Program's operations and accomplishments in quarterly reports to the Grant Program's advisory committee and through annual program evaluation reports prepared by the MOPC Research Unit filed with specified public officials in the executive, legislative, and judicial branches of the state government (see MGL c.75, §47 (h)). Program evaluation reports were based on information from surveys, a database reporting system, various Center reports about their activities under the CMC Grant Program and related programming, and internal MOPC program and financial records. The FY2022 report was filed in January 2023.

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 FY2023, MOPC continued development of a new Resolution Activities Manager (RAM) database system under its contract with software developer Evensel. This multi-year project to create a new database system for collecting operational and programmatic data from state-funded Centers used by MOPC for evaluation, performance-based grant making, compliance, reporting and advocacy was launched in FY2021. The new system will replace the current outdated MADtrac 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.

During FY2023, MOPC held regular meetings with developers and two Centers on the Community Mediation Technical Team (CMTT) and undertook testing and refinement of the various database components and functionalities under development. Currently the initial release of the full system is scheduled for 2024, with Centers transitioning to RAM in stages while continuing to enter data in MADtrac. Training for Center staff will be phased throughout the onboarding and full adoption to support Centers in integrating the new system into their practices.

The new system will involve a significant culture shift for Centers because it allows for data entry in real time, by multiple participants with administration privileges set at different levels and will be available as a tool for managing cases as well as other Center operations. While the current MADtrac system also offers some case management functions, Centers do not consistently use them, whereas with RAM this will be a requirement to allow for full data collection.

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 FY2023 to seek input on policy and implementation issues and discuss program developments. MOPC provided the PAC with written quarterly progress reports as well.

In FY2023, 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 DEI. The new members represented a wider range of professional backgrounds and spheres of expertise than found within previous cohorts. In particular, this year’s PAC has more human services expertise beyond the legal and judicial spheres. The cohort of advisors is also younger and more ethnically diverse than the previous one.

3 Impact of CMC Grant Program on Funded Centers

3.1 Funded Centers

12 MA community mediation Centers received CMC Grant Program grants in FY2023 (see Table 2).

The FY2023 funded Centers were community-based grassroots organizations, which were either independent non-profits (eight Centers) or components of a non-profit or public agency parent organization (four Centers) (see Table 4).

Table 4. FY2023 Funded Centers, Center Status and the Counties Served by Center

Funded Community Mediation Centers	Center Status	Counties Served
Berkshire County Regional Housing Authority’s (BCRHA) Dispute Resolution Center in Pittsfield	Parent organization: Berkshire County Regional Housing Authority	Berkshire*
Cape Cod Dispute Resolution Center (Cape Mediation) in Orleans	Independent non-profit	Barnstable*, Nantucket
Collaborative Resolutions Group (CRG) in Greenfield	Independent non-profit	Franklin*, Hampden, Hampshire
Community Dispute Settlement Center (CDSC) in Cambridge	Independent non-profit	Middlesex*, Suffolk
Family Services of Central Massachusetts Mediation Program (FSCM) in Worcester	Parent organization: Family Services of Central MA and affiliated with the Seven Hills Foundation	Worcester*, Norfolk
Greater Brockton Center for Dispute Resolution (GBCDR) in Brockton	Independent non-profit	Plymouth*, Bristol, Norfolk

Martha’s Vineyard Mediation Program (MVMP) in Vineyard Haven	Independent non-profit	Dukes*, Bristol, Barnstable
Mediation Services of North Central MA (MSI) in Leominster	Independent non-profit	Worcester*, Middlesex
Metropolitan Mediation Services (MMS) in Brookline	Parent organization: Brookline Community Mental Health Center	Norfolk*, Middlesex, Suffolk
MetroWest Mediation Services (MWMS) in Framingham	Independent non-profit	Middlesex*, Norfolk
Middlesex Community College Law Center (MCC) in Lowell	Parent organization: Middlesex Community College	Middlesex*
The Resolution Center (TRC) in Beverly	Independent non-profit	Essex*

*Primary region served by the Center

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 and MADtrac data,^[1] many Centers operated with more staffing in FY2023 than in FY2022. More specifically, from 12 Centers, five recorded an increase in staffing. For instance, CCDRC hired an additional basic mediation trainer to assist with ongoing training development, a technical support staff person for their basic mediation training team, and three roleplay coaches while MWMS hired a Dispute Resolution Specialist to provide training and coordination services for their Youth Program. Similarly, MVMP hired a new Assistant Director through a rigorous process of selection. Of the remaining Centers, four recorded no change, two recorded a decrease in staffing, and one stated that this was not applicable.

This increase in staffing might well be attributable to the use of Grant Program grant monies to strengthen Center employee infrastructure. During this fiscal year, 25 full-time staff and 39 part-time staff were employed by the 12 Centers, with an average of two full-time and three part-time staff per Center. Staff numbers were further expanded by 644 volunteers across 12 Centers. In FY2023, the three most important needs identified by all 12 Centers were the following: additional staff (seven out of 12), mediator recruitment and retention (seven out of 12), and salary benefits for staff (nine out of 12). This reveals that although many Centers experienced an increase in staffing in FY2023, the need for

additional staff still exists. For broader context, in FY2022, staffing and salary had also been identified as a high priority needs by many Centers.

3.2.2 Centers Mediators

In FY2023, several Centers recruited additional volunteer mediators. For example, BCRHA recruited and trained a team of skilled mediators who are passionate about resolving school-based conflicts and supporting students while MMS recruited six trained mediators who participated in their six-month Supervised Mediation Placement (internship/practicum) in Court and reconnected with two other volunteer mediators. As a result of recruitment efforts such as these, the collective mediator rosters of the 12 Centers contained 501 volunteer mediators (207 active), compared to 495 (186 active) in FY2022 with some Centers such as CRG and TRC having as many as 91 and 75 volunteer mediators, respectively, and other Centers such as GBCDR having only ten volunteer mediators.^[2]

Centers depended on trainings to recruit additional mediators. For example, GBCDR scheduled and completed a 30-hour basic mediation training and as a result, two of the six students who participated submitted volunteer applications for their program. Virtual training was effectively incorporated during the pandemic, which served to mitigate pandemic-related concerns even as other challenges arose. This trend continued into FY2023. Similarly, the increase in mediation skill trainings and in trainees contributed to an increase of active volunteer mediators across eight Centers. For instance, CCDRC scheduled three basic mediation trainings, provided ten skill-building and two advanced skill-building workshops for their volunteers and offered ongoing coordinator support and mentorship to new and experienced mediation volunteers. Of the remaining Centers, three remained unchanged and one stated this was non-applicable. The number of Centers that considered mediator recruitment and retention a pressing need was the same in FY2022 and FY2023, seven Centers.

Centers also depended on outreach to recruit additional mediators. For example, to expand their efforts in providing mediation services to both neighborhood groups and workplace groups, CDSC completed neighborhood outreach and started workplace outreach through activities such as creating email templates, flyers, newsletter articles, newsletter blurbs, etc., which resulted in the recruitment of two mediators with expertise in neighborhood disputes. Survey reports indicated that although Center outreach led to an increase in volunteer mediators at nine Centers, their numbers held steady at three Centers.

Additionally, the increase in interest from former experienced mediators at one Center was attributed to the return of in-person mediation services while one Center faced an adjustment period, as volunteer mediators had to get used to going back to face-to-face mediations. Furthermore, increases across DEI among Center mediators were increased in seven out of 12 Centers (slightly more than half of Centers surveyed). More specifically, one Center, MCC, noted that in addition to the potential for expanding their mediator hours, these new mediators—who come from various backgrounds, cultures, and life experiences—will benefit the Center by providing different voices and perspectives for their clients.

These 501 volunteer mediators contributed to a total of 5,852 mediation hours. In addition, 12 Centers collectively deployed five paid mediators and seven consultants, compared to one paid mediator and five consultants in FY2022.

3.3 Center Performance - Activities and Accomplishments under the Grant Program

3.3.1 Outreach and 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 took the form of trainings, educational initiatives, and distribution of written materials. For example, BCRHA hosted three outreach events for students and faculty members to promote the availability and benefits of mediation services at Taconic High School which totaled four hours with 100 participants. As a direct result of these outreach efforts, the Center received 11 referrals from Taconic High School and facilitated eight mediation sessions. Additionally, MSI improved their social media posts and posted some information in Spanish, offered event days for conflict coaching/mediation and two special events for conflict resolution week, and worked with local community partners to inform people about their programs. As a result of their efforts, they are now working with multiple organizations. Overall, all 12 Centers offered trainings, had a social media presence, and maintained websites. Nearly all Centers distributed literature (e.g., brochures, fliers) and produced newsletters while most attended workshops, presentations, and conferences.

A total of 708 trainings (basic mediation, advanced mediation, special mediation peer mediation, and conflict resolution training/workshop) were offered across the 12 Centers. For example, MMS provided training for ten community staff members in Chelsea, collaborated with CDSC to provide 12 hours of mediation and conflict resolution training for 14 community organizing workers, and led a basic mediation training on zoom in collaboration with MSI, providing training conducted solely in Spanish for a group of six professionals whose primary language is Spanish. An estimated 7,491 people participated in these trainings. Centers' outreach and educational activities, which included fundraising, newsletters, social media, conferences, and websites attracted 678,497 people while 136,275 individuals received outreach materials from four Centers. Overall, as many as 814,772 members of the public were made aware of community mediation and Center services through Center training.

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 FY2023 both to assure the quality of their mediation services and to recruit additional mediators. MADtrac records indicated that out of the 6,279 individuals who collectively participated in the 563 trainings that focused on mediation skills, 645 received training in basic mediation, 1,040 were trained in advanced mediation, 3,922 participated in specialized mediation training, and 672 received peer mediation training. Compared to FY2022, in FY2023 the number of mediation skill trainings and training participants increased. An additional 1,212 individuals attended 145 trainings or workshops in conflict resolution during FY2023 as well.

3.4 Diversity Among Center Mediators in FY2023

The assessment of how much 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 MA's population since Centers collectively offered their services in all MA counties. Hence, apropos gender and racial/ethnic diversity, MADtrac data regarding 280 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 also indicated, however, that female and White mediators predominated. Out of those who self-identified (184 out of 280), females outnumbered males as mediators (121 vs. 63), to a greater extent than in the MA population, which was 51% female. Among those who self-identified (172 out of 280), 103 mediators identified as White (60%) compared to the proportion of 79.4% 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: 19 identified as Hispanic/Latino, 15 identified as African American/Black, and none identified as Hawaiian Native/Pacific Islander. In addition, none identified as American Indian or Alaskan Native, 12 identified as Asian and three identified as multi-racial.

A second metric for evaluating mediator diversity concerned comparisons between the mediator diversity at individual Centers and the diversity in their 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, nine Centers reported that diversity of mediators at their Centers had increased during FY2023. For instance, with the DEI money provided by MOPC, FSCM held a Basic Mediation Training in April with 11 Scholarship Participants and as a result of this effort, brought on a total of ten new volunteers leading to a more robust volunteer roster with active mediators and an increase in diversity. Similarly, MSI attended a board recruitment event hosted by the United Way, which resulted in a new Portuguese speaking volunteer that has assisted them with intake calls and translations of informational brochures into Portuguese and also hired a Spanish speaking staff member that focuses on increasing diversity and adopted a values statement that was made available to all staff, volunteers, and board members on race, diversity and implicit bias. Their efforts have resulted in them being able to directly service Spanish and Portuguese speaking clients and recruit more diverse mediators.

3.5 Providing Access to Center Services

Pandemic-related limitations on in-person interactions decreased at some Centers throughout FY2023. 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 FY2023 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 (2,913 of 3,731 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 seven Centers in 165 cases.

3.5.1 Remote Center Services

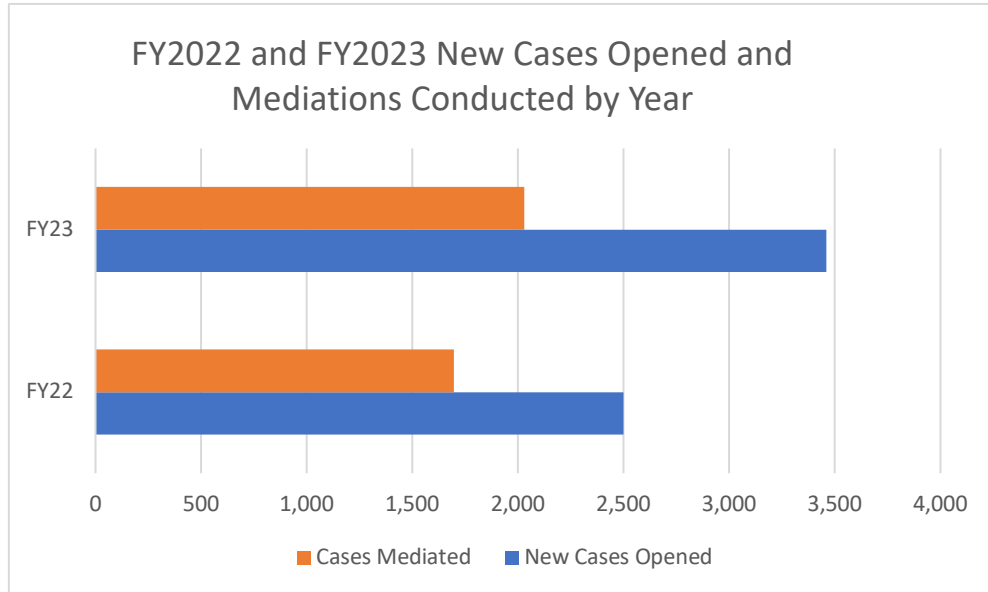
For much of FY2023, the availability of Center services critically depended on remote technology, although Centers witnessed a return to in-person services. The combination of virtual and in-person mediation services offered by some Centers allowed them to “provide services to residents regardless of their current geographic location.” 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, TRC, noted a key benefit of offering remote services, reporting that “The reduction in pandemic disruptions that had shifted us toward more heavily remote services has had a positive impact on our operations and clients, as we now can offer what is best for the situation and the people involved.”

3.6 Growth of Center Services during FY2023

In FY2023, the number of new cases opened increased from FY2022 (2,499) to FY2023 (3,460). Cases mediated also increased from 1,697 in FY2022 to 2,029 in FY2023. This information is reflected in the figure below.

Figure 1. FY2022 and FY2023 New Cases Opened and Mediations Conducted by Year



3.7 Variety in the Types of Disputes Addressed and in the Variety of Services Offered by Funded Centers

Centers try to provide a variety of services for many disputes in order to address the conflict management needs of their communities.

3.7.1 Assortment of Dispute Types

During FY2023, of the new cases (3,460), Centers recorded 3,313 referrals for cases in 14 different broad categories of disputes, including business, family, government, housing, interpersonal, neighborhood, school, workplace, juvenile, restorative justice, facilitation, conflict coaching, prisoner re-entry, and conciliation. In FY2023, there were 1422 business cases, 258 family cases, 944 housing cases, 274 school cases, and 113 juvenile/youth (not school) cases, to name a few. For example, BCRHA partnered with correctional facilities, probation and parole offices, and non-profit organizations that support individuals post-release, and due to these connections, they received 11 referrals and facilitated 15 mediation sessions through these partnerships. The variety of disputes addressed through Centers' services increased at seven Centers and remained unchanged at five Centers because of their Grant Program grants. 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,^[3] 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.^[4] 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, CDSC, for example, recruited and hired interested volunteers for their new conflict coaching program which aims to aid and support disputants for whom full mediation is not possible.

Peer mediation is mediation conducted for disputing youth by a neutral peer trained as a mediator.^[5] 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. One Center, MMS, for example, continued to develop peer mediation and conflict resolution in their partner schools, in both English and Spanish, and started training with participants from nine other Boston Public Schools. As a result of these efforts, MMS has solidified its good reputation and visibility in these communities.

Restorative practices, rooted in the principle of remedying harm, evolved into various structured personal interactions that aim to promote prosocial conduct among participants.^[6] This form of conflict resolution was delivered by Centers for some of the Youth Program grant-funded projects under the CMC Grant Program. For example, BCRHA facilitated five restorative circles within classrooms and small groups which aimed to improve relationships among students and teachers.

4 Snapshot of Center Activities Over the Year

4.1 Changes in Center Operations in FY2023

In general, Center operations and services improved for most Centers in FY2023. Regarding staff turnover, three Centers reported an increase, two reported a decrease, six reported no change, and one reported that this was not applicable to their Center. CRG, for example, was faced with staff turnover as both Co-Executive Directors left their positions, and four additional staff left the organization. Between a strong mediator/trainer community, experienced consultants familiar with CRG, and a dedicated Board of Directors, however, they were able to continue providing quality services and carrying out the Center's mission and responsibilities related to training.

In terms of staff professional development, six Centers reported an increase and six reported that their situation was unchanged. TRC, for example, hosted a three-part continuing education series with sessions on Trauma Stewardship (eight participants), Mediator Wellbeing (16 participants), and Trauma Informed Mediation (16 participants) while MWMS offered eight mediator roundtables on a variety of topics such as neutrality, agreement writing, challenging parties, and ending mediations, with each roundtable including at least ten mediators.

Regarding the diversity of the mediator pool, nine Centers reported an increase in diversity, while three Centers recorded no change in the situation. In terms of expansion of mediation services to more segments of the population, six Centers reported an increase, five Centers reported an unchanged situation and one Center reported that this was not applicable to their Center. Regarding the use of sliding scale fees, one Center reported a decrease, seven Centers reported no change, and four Centers reported that sliding scale fees were not applicable to their Centers' operation. In terms of fee waivers, five Centers reported an increase, one Center reported a decrease, three reported an unchanged situation from FY2022, and three Centers reported that fee waivers were not applicable to the operation of their Centers. Regarding in-kind donations, two Centers reported an increase, one Center reported a decrease, seven reported an unchanged situation, and two Centers reported that in-kind donations were not applicable to the operation of their Centers. Finally, regarding the number of active volunteer mediators, eight reported an increase, three reported an unchanged situation, and one reported that this was not applicable to their Center.

4.2 Center Activities during FY2023

According to seven of the 12 surveyed Centers, the increased sustainability of their Center was attributable to their CMC Grant Program grants. As one Center, BCRHA, acknowledged, "The CMC Grant Program continues to be imperative to successful Center operations. The funding and support provided by MOPC allows for continued growth and sustainability for our Center." In addition, three other Centers held that Center sustainability remained stable (that is, unchanged), and two Centers reported a decline in Center sustainability with the loss of staff members. Centers' budget numbers speak to the importance of the CMC Grant Program for Center viability. The \$2,272,500 in CMC Grant Program grants received by the Centers was the source of more than 50% of income for seven out 12 Centers in FY2023. The collective income revenue for all 12 Centers was \$4,209,669.14. In contrast, monetary contributions from non-MOPC sources (state, local government, donations, fundraising, the

Attorney General’s Office (AGO), etc.) amounted to \$1,857,218 in FY2023. The contributions from other major single sources of funding to Centers fluctuated in FY2023. For example, Trial Court funding increased to \$543,500 (from \$362,999 in FY2022) while AGO grants increased to \$415,800 in FY2023 compared to \$382,800 in FY2022.

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. For example, one Center, GBCDR, noted that they faced several challenges with setting up their basic mediation class via zoom such as having to send handouts via email (not everyone receives these in a timely manner depending on their ISP) and identifying people for the roleplays in advance of the class. They managed this challenge by “getting buy-in from the students at the very beginning of the class and using the Zoom chat to deliver some of the role-play information that wasn’t distributed timely via email.” Additionally, another Center, MMS, dealt with the slow return to in-person mediation in some of the courts they work with which “delayed [their] efforts to increase participation.” To address this challenge, they provided continuing education for some interested mediators while the caseload was still low, helping retain them and increase their interest in mediation. However, for one Center, CDSC, there was a “slight uptick in in-person mediation and training services” while another, BCRHA, indicated that they saw more “in-person mediations than remote” this fiscal year and that “many parties and mediators still prefer mediating in-person.” In FY2023, 61% of cases were served by Centers remotely. This can be attributed to the courts and office re-opening. Ultimately, in FY2023, Centers were able to offer services both in-person and remote which made mediations more accessible for clients.

5 Impact of Center Services on the Population Served

The Grant Program’s contribution to the continued functioning of funded Centers benefited 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 MA 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 FY2022 and, to a lesser extent, throughout FY2023.

Table 5. Numbers for MA Trial Court Departments and Divisions served by Centers Funded through the CMC Grant Program in FY2023 (to FY2024) ^[7]

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	1

District Court	62	38	12
Juvenile Court	15	9	5
Probate and Family Court	14	10	3
Superior Court	13	14	1
Land Court	1	1	0
Housing Court	6	2	3
Total	116	82	n/a

Even so, the limited number of courts that slowly opened and accepted remote ADR services over the year generated 1,919 referrals to community mediation in FY2023, a slight decrease from court referrals in FY2022.

5.2 Diversity in the Population Served by Centers in FY2023

Grant money helped seven Centers to increase diversity in the number of people they served in FY2023. For example, MWMS hired a Portuguese interpreter and converted her to a part-time bilingual staff member in order to address the gap in serving the Brazilian community in their service area. Similarly, MSI hired a bilingual staff person to assist with outreach and case management for Spanish-speaking parties and translated into Spanish all training materials for their Basic Mediation Training and delivered the training in both Spanish and English. During FY2023, 2,029 cases were mediated. However, assuming a minimum of two parties per case and given an FY2023 total of 3,876 pending and newly opened cases, the number of parties served in FY2023 might be much higher. According to surveyed Centers, diversity among the population served increased at six Centers while remaining unchanged at four and inapplicable at two. Out of 5,759 parties, 2,025 identified their race/ethnicity: 843 (compared to 755 in FY2022) identified as White while 1,182 (compared to 892 in FY2022) identified as non-White, revealing an increase in party diversity. This low response rate from parties about their racial/ethnic origin precludes a determination of the racial/ethnic composition of the entire FY2023 population served. At most, party responses indicated that all the major racial/ethnic groups of the MA population were represented.

In terms of concrete numbers of those who self-identified, 843 identified as White, 357 identified as Hispanic or Latino, 338 identified as Black or African American, 96 identified as Asian, 12 identified as American Indian or Alaskan Native, and 11 identified as Hawaiian Native/Pacific Islander. Categories of ‘Other’ and ‘Multi Races’ numbered 316 and 48, respectively. Six Centers reported serving more low-income or un/underserved people, while six 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 514 FY2023 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 (269) had a higher income, earning more 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 highest income level contained the greatest number of parties: 119 respondents earned more than \$65,000 annually.

In FY2023, Centers reported 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 settled their disputes through agreements reached through mediation provided by Centers. In FY2023, out of 3,315 closed cases, 1,286 were not mediated and 2,029 were mediated. As a result of mediation, a 72% agreement rate was achieved, where 1357 mediated cases involved full agreements and 86 involved partial agreements. The resultant agreement rate of 72% not only aligned with earlier agreement rates from FY2017 to FY2022 but also continued the multi-year trend of attaining agreement rates that exceeded the typical agreement rate of 66% for community mediation in general.^[8]

For most parties, mediating through a Center was a positive experience. Out of the 704 clients who submitted evaluations, 649 were satisfied with mediation while 640 clients reported that they would recommend mediation to others. Additionally, 591 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 obtained survey information about the impact of mediation on parties' relationships from 704 parties, an increase from 160 parties in FY2022. The vast majority of responding parties reported improvements in their party relationships. According to most of the respondents, mediation's impact on their relationship was positive.

Additionally, in this year's Peer Mediators Forum, organized by TRC, peer mediators vocalized mediation's positive impacts on their skills development. For example, through peer mediation training, one student learned to be "empathetic, clearly hear both sides, and stay neutral" and these skills "personally helped [them] in [their] life." Another student similarly reflected on the benefits of peer mediation: "I have learned to be aware of my perceptiveness and adaptability. I have focused on my alertness and active listening skills as well. Active listening helps me focus on what the individual in conflict is saying to best understand their message. These factors have improved my approachability, as good mediators are seen as friendly, empathetic, and respectful." In addition to the skills gained as a mediator, students also identified real benefits of having a peer mediation program at their school: "I believe that peer mediation assists students in developing critical thinking and problem-solving skills, builds self-confidence, and provides numerous possibilities for them to improve the culture of their school. Additionally, it improves communication among students and between students, teachers, administrators, and parents." Another student emphasized mediation's ability to create a safe environment for students: "Peer mediation is really the only way to create an environment in which students can solve their issues while feeling safe and comfortable. When students do this it not only makes their lives better, but the school as a whole, as it boosts happiness and gives important problem-solving skills."

Faculty, staff, and administrators likewise see the value in these programs. Participants in the Learning Community offered by the Restorative Practices Program noted several goals and aspirations they have in using restorative practices in their schools and with young people: “My number one goal is to make my class one where ALL students who enter the door have the opportunity to learn. I would love to gain more strategies, knowledge, experiences, where the choices of a few do not negatively impact or take away the right to educational opportunities for the rest of the class. In addition, those who make the less than desirable choices would allow themselves the opportunity to learn as well.” Ultimately, as one participant stated, restorative practices “offer opportunities for students and families to work through challenging situations in school and their community.”

5.4 Additional Programming Leveraged to Communities

The benefits accruing to parties from mediation may be illustrated by the successfully mediated consumer, landlord-tenant, parenting and agricultural disputes during this fiscal year. A total of \$3,434,908.89 were recovered by parties in consumer and landlord-tenant disputes that were resolved with assistance from mediators at Centers that collectively received \$415,800 (compared to \$382,800 in FY2022) in Face-To-Face (FTF) Consumer Mediation Program grants from the Attorney General’s Office (AGO). Due to the Centers’ mediation services, the amount recovered amounted to an eight-fold leveraging of the AGO’s FY2023 investment. As for parenting disputes arising from the context of child 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 parents’ access to and time with the child. Through the MA Agricultural Mediation Program administered by MOPC with funding from the U.S. Department of Agriculture participating Center mediators helped resolve disputes to sustain community/family farm businesses and farmlands. All three of these statewide mediation programs are built on community mediation infrastructure funded through the CMC Grant Program, which enables the leveraging of these additional programmatic funding streams.

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 it’s provided. A second software program is used to aggregate the data from all Centers. MOPC reviewed this data's reliability through the definition of various data points, continuous training of Center staff and triangulation with data from the survey and grant applications.

MOPC expects these cost and outcome measurements will lead to 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 ^[9] (some estimates are derived from other states' empirical estimates).^[10]

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). Noting 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).^[11] 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 consider 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.” ^[12] Charkoudian further observes that: “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 the monetized and 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 Centers.

This economic analysis of MA 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;^[13] and 3) cost-benefit analyses, which show the overall costs and benefits of an intervention.^[14] 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 straightforward analyses can be applied any time before, after, or during a program implementation, and they can assist decision-makers in assessing a program's efficiency.^[15]

In the following analysis, all three models will be utilized to develop estimations of the economic impacts of MA 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 MA Community Mediation

1. Cost of Intervention Analysis of MA 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 One – \$1,000 per participant; Program Two – \$1,500 per participant). In the following analysis, the cost is primarily the state funding provided to Centers through a structured grant process by the Commonwealth of MA 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 some/most Centers would go out of business.
- According to a 2000 study based on a late 1990s survey of court-connected ADR programs, the average annual administrative cost (at the time) per program/Center was \$34,500, which would be \$62,907 in FY2023 when adjusted for inflation.^[16]
- In FY2023, the total cost of operating the 12 Centers, with state operational funding was \$2,981,539 which is an average of \$248,562 per Center.
- Re-investing in existing Centers with established networks of volunteers, referral sources, and programmatic funders, instead of creating new Centers averted the necessity of re-launching MA community mediation.

Cost of Intervention: If all 12 Centers active in MA in FY2023 closed without state operational funding, using the administrative costs of programs from the 2000 court-connected ADR study as a baseline start-up cost, \$754,884 would have to have been appropriated by the Commonwealth just to restart 12 Centers in FY2023. Any return on investment that appears in this report would not have accrued in FY2023 until Centers launched their operations in full by recruiting new staff and re-establishing networks of volunteers, referral sources, and other funders. This would amount to \$2,981,539 which is an average of \$248,562 per Center to regain their operations to the current level. Centers would also have had to reestablish goodwill, reputation, trust, and social capital through community outreach and education. This would have taken months or 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 MA Legislature invested \$985,000 in state operating grants to 12 Centers. In the same year, 12 MA Centers conducted 2,029 mediations. Using the state grant program investment as the cost, the estimated intervention cost of the grant program is \$485 per mediated case.

Cost of Intervention:

The MA cost of intervention is \$485 per mediated case.

iii. Cost Per Community Mediation Hour vs. Private Mediation Hour

Effect-size Estimation:

- 12 grantee MA Centers provided 5,463.32 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.^{[17][18]}

Cost of Intervention:

Paid private mediation costs at least \$225 per hour per case for one or both parties which would cost an estimated \$1,229,247 for 5,463 hours of mediation charged to parties while state-funded community mediation is generally free to parties.

6.2 Cost-effectiveness Analysis of MA Community Mediation

2. Cost-effectiveness Analysis of MA 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:

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

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 \$330,895 in FY2023.
- 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 in FY2023 would be \$313,669, 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 in FY2023 would be \$668,692 (excluding salaries for MACRO staff). The total of these funding amounts is \$1,313,256.

- In FY2023, MOPC spent \$559,503 for administering grants to 12 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 CMC Grant Program administrative expenses of the MA state dispute resolution office (MOPC) costs **57% less** than the administrative cost of the Maryland dispute resolution office (MACRO) and Maryland’s community mediation administrative (CMM) costs. The cost-effectiveness ratio of Maryland community mediation grant program administration compared to MA grant program administration is 1:2.

6.3 Cost-benefit analysis of MA Community Mediation

3. Cost-benefit Analysis of MA 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, 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:

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

i. Cost-benefit of Homelessness Prevention from Eviction Prevention Mediation

Effect-size Estimation:

- Data from the MA Housing Mediation Program (HMP) recorded in the centralized case management system (MADtrac) indicates that mediating landlord-tenant cases resulted in 65% of the tenants preserving their tenancy in FY2023.
- 11 Centers mediated 428 housing cases under the MA HMP, 279 of which resulted in tenancy being preserved (evictions and/or homelessness avoided).
- The cost of one eviction in MA 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).^[19]
- For 279 potential evictions avoided, \$669,600 was saved in lost rent, \$50,220 in pre-trial costs, \$139,500 in trial costs, and \$474,300 in post-trial costs (\$1,700 x 279) for a total saving of \$1,333,620. Adjusted for inflation, this would amount to \$1,734,255 in 2023.
- 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.^[20] Adjusted for inflation, this would amount to \$64,520.

Cost-benefit:

Based on the \$64,520 per family of avoided costs per shelter stay, and if 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 MA saved an estimated \$6,452,000. Additional costs of 279 potential evictions, if not for housing mediation in MA, adjusted for inflation, would amount to \$1,734,255 in 2023.

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 MA 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.^[21] This is an average saving of \$882 per case, which when adjusted for inflation would be \$1,904 for a total cost savings of \$6,968,640.
- Based on the above figures, the cost of a juvenile case going through court was \$1,555 or \$3,357 when adjusted for inflation. The cost of mediation, according to the same study, was \$673 per case or \$1,453 when adjusted for inflation.
- MA Centers received 127 cases from the Juvenile Court and helped resolve 84 juvenile cases in FY2023 (81 full agreements, three partial agreements).

Cost-benefit:

At an average saving of \$1,904 per case to the District Court, MA Centers mediated 84 juvenile cases referred by the Juvenile Court with an estimated cost saving from case processing alone of \$159,936 for the respective District Courts. This is also an estimated cost saving of \$281,988 saved to the court from 84 juvenile cases going through all court proceedings.

iii. Cost-benefit to the Court from Successful Mediations Avoiding Trial

Effect-size Estimation:

- 12 MA Centers conducted 1,002 successful mediations in the District, BMC, Probate and Family, and Land Courts in FY2023.
- 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 \$7616 saved per day to court from mediation.
- A U.S. Department of Justice report found cost-savings from avoided litigation or discovery expenses from using ADR of \$15,521,275 in 2017 from 367 successful mediations. ^[22] Adjusted for inflation, this would amount to cost savings from avoided litigation of \$19,182,503 or \$52,268 per case in FY2023.
- Assuming a conservative cost-saving to the court of \$3000 per case, and that all 1,002 cases avoided trial, MA Centers have saved an estimated \$3,006,000 to the court system from avoided trials in FY2023.

Cost-benefit:

MA Centers have saved an estimated \$3,006,000 to the court system from 1,002 successful mediations in the District, BMC, Probate and Family, Juvenile, Housing and Land Courts in FY2023.

iv. Cost-savings in Legal Fees for Disputing Parties

- On average, parties can save between 40-78 hours (about three and a half days) in attorney time through mediation.^[23]
- MA Centers mediated 2,029 cases in FY2023. If each mediated case in MA reduced attorney time by four hours, mediating parties saved around 8116 hours of attorney time due to mediation.
- Lawyers can charge \$388-\$595 an hour ^[24] (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 lawyers' fee avoidance of only \$100 per party per case, for each two-party case, MA disputing parties served by Centers saved a minimum of \$1,623,200 in legal fees alone.
- Costs to parties would include filing fees that are between \$40 and \$150 per party in MA.^[25] For small claims disputes concerning amounts less than \$7,000, private mediation practitioners can charge \$225 an hour.^[26] Assuming an extremely conservative figure of only \$100 was avoided in filing fees per case, MA disputing parties served by Centers saved a minimum of \$811,600 in avoided filing fees.

Cost-benefit:

MA disputing parties saved a minimum of \$1,623,200 in legal fees and an additional \$811,600 in avoided filing fees for parties from 2,029 cases mediated in FY2023.

v. Cost-benefit of Leveraged Volunteer Community Mediator Hours

Effect-size Estimation:

- 12 MA Centers maintained a roster of 501 (207 active) volunteer community mediators who contributed 3,455 hours (about 4 and a half months) of volunteer community mediation services in FY2023.
- At private market rates, the value of this volunteer work is estimated at \$777,375 at \$225 per hour (based on a private practitioner minimum hourly rate). ^[27]
- If employed as an hourly wage earner, the mean hourly wage for a mediator in MA could be as high as \$47.^[28] The total value of these volunteer mediation hours would amount to \$162,385.

Cost-benefit:

501 (207 active) volunteer community mediators at 12 MA Centers contributed 3,455 hours of volunteer mediation services in FY2023, the value of which is estimated at \$777,375 at \$225 per hour (based on a private practitioner minimum hourly rate) or \$162,385 at an hourly wage of \$47 for a permanent employee (hourly wage for a mediator – MA).

vi. Cost-benefit of Leveraged Volunteer Administrative Hours by Staff, Volunteers, Board and Interns

Effect-size Estimation:

- Centers leveraged an extra 2252 hours (about 3 months) of volunteer administrative services from staff/volunteers/board members and interns in FY2023.
- At an estimated cost of \$25.50 an hour ^[29] (mean hourly wage for administrative assistant in MA), the volunteer administrative services leveraged by the 12 Centers are worth \$57,426.

Cost-benefit:

Centers leveraged 2,252 hours of volunteer administrative services from board members, staff, and volunteers in FY2023 worth \$57,426.

vii. Cost-benefit from Funds Leveraged by Community Mediation

Effect-size Estimation:

- The MA Legislature invested \$2,713,465 in the CMC Grant Program in FY2023. The Program awarded \$2,272,500 in operating, program, and technical assistance grants to Centers. Of this total, \$985,000 was for Center operations.
- The 12 MA Centers used the state operational investment to leverage an additional \$1,857,218.14 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 MA (Twelve-Point) model of community mediation and to further expand their community mediation missions.

Cost-benefit:

12 MA 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 CMC Grant Program.

viii. Cost-benefit of Leveraged Mediation Trainings for Community Members

Effect-size Estimation:

- According to records from MADtrac, 12 MA Centers trained 645 community members as mediators in FY2023. Each 40-hour mediation course has a market value of \$1,525 per trainee. ^[30] The total market value of these basic mediation trainings at Centers would amount to \$983,625.
- According to records from MADtrac, 12 Centers also trained 1,212 persons in conflict resolution. The net cost of a conflict resolution training, like workplace conflict resolution training is \$1495 at a private mediation training institution. ^[31] The total market value of these conflict resolution trainings at Centers would amount to \$1,811,940.
- According to records from MADtrac, 12 Centers provided advanced mediation training (divorce, eviction, etc.) to 1,040 persons. The net cost of an advanced mediation training at a

private mediation training institute is estimated at a private market rate of \$1,900/person.^[32] The total value of these advanced mediation trainings amounts to \$1,976,000.

- Centers trained 7,491 in total trainings. At a very conservative cost estimate of \$50 per person, these trainings could cost an estimated \$374,550 in other venues.
- The total value of the first three types of training services to the communities is estimated at \$5,146,115.

Cost-benefit:

12 MA Centers trained 7,491 community members (645 in basic mediation, 1,040 in advanced mediation, 1,213 in conflict resolution trainings) in FY2023, the total benefit of which is worth an estimated \$5,146,115.

Based on the FY2023 state investment in community mediation, the benefit-cost ratio of leveraged mediation training to communities is 1:1.7 – or for every dollar invested by the state Legislature in FY2023, Centers leveraged an extra \$1.70 cents worth of mediation training to community members.

ix. Cost-benefits to MA Consumers

Effect-size Estimation:

- The MA AGO provided \$415,800 to 12 MA Centers whose operations are funded by the CMC Grant Program in FY2023 for conducting Face-To-Face (FTF) consumer mediations.
- Using the AGO numbers, 12 MA state-funded Centers helped parties recover \$3,434,909 in FY2023.

Cost-benefit:

The MA AGO provided \$415,800 to 12 MA Centers in FY2023 for conducting FTF consumer mediations. The 12 Centers helped parties recover \$3,434,909 in FY2023.

The benefit-cost ratio of the consumer mediation funds provided by the MA AGO is 1:8 - or for every dollar invested by the AGO in state-sponsored MA community mediation, consumers are recovering \$8 from FTF 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 \$545 when adjusted for inflation in 2023 from each averted student suspension or expulsion through the successful use of student peer mediations.^[33] More recently, a 2016 study by UCLA found the national loses \$35 billion from school suspensions.^[34] 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 \$731,856.
- MA Centers conducted 188 successful peer mediations that are assumed to have resulted in avoided student suspensions or expulsions in FY2023.^[35]

Cost-effectiveness:

Schools saved at least an estimated \$102,460 from avoided student suspensions or expulsions because of 188 successful peer mediations conducted by MA Centers valued at \$545 per case. However, the actual cost savings could be much higher. If the 188 mediations did not occur and resulted in a student suspension and/or drop-out for the 188 students, the cost to the state could be as high as \$137.5 million dollars in economic losses over the life of the students.

xi. Cost-benefit to Divorcing Couples

Effect-size Estimation:

- The average cost of private divorce mediation is estimated to cost up to \$5,000 per case.^[36]
- Eight MA Centers conducted 82 divorce mediations in FY2023.

Cost-effectiveness:

The average cost of private divorce mediation is estimated at \$5,000 per case. MA Centers conducted 82 successful divorce mediations in FY2023. Assuming the mediations were conducted for free, parties to the 82 successful divorce mediations saved an estimated \$410,000.

xii. Cost-benefit from Complex Multi-party Mediations

Effect-size Estimation:

- MA Centers conducted 27 complex multi-party mediations in FY2023.
- 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 mediation session, which is \$3,500.00 per party. ^[37]
- Assuming an average cost benefit of \$7,100 per case (50% of private mediator charges), these Centers have saved a total of \$191,700 to the disputing parties.

Cost-effectiveness:

MA Centers saved \$191,700 to disputing parties in 27 complex multi-party mediations in FY2023 at an average saving of \$7,100 per case.

xiii. Cost-benefit to Local Businesses/Organizations

Effect-size Estimation:

- MA Centers conducted eight successful workplace mediations in FY2023.
- 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% of employees said that avoiding conflict led to sickness or absence from work. ^[38]
- Replacing an employee will cost a business 150 to 200% 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. ^[39] Adjusted for inflation, this would amount to \$93,429 in FY2023. ^[40]

- 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 \$80,000 was saved for local businesses/organizations from eight workplace mediations by MA Centers in FY2023.

6.4 Summary of Economic Analyses

Cost-savings from MA Community Mediation in FY2023: \$18,623,499

1. \$6,452,000 saved in avoided shelter costs from 279 avoided homeless shelter use.
2. \$3,434,909 recovered by consumers from consumer mediations.
3. \$3,006,000 to the court system/state from 1,002 successful mediations avoiding trial.
4. 2,434,800 avoided lawyer fees and filing fees from 2,029 cases mediated.
5. \$1,734,255 saved in lost rent, avoided pre-trial, trial and post-trial costs from 279 mediations.
6. \$777,375 saved from 3,455 private mediation hours avoided.
7. \$410,000 saved to parties from not using private mediators in 82 divorce mediations.
8. \$191,700 saved to parties from 27 complex multi-party disputes.
9. \$102,460 from avoided student suspensions from 188 peer mediations
10. \$80,000 saved for local businesses/organizations from eight workplace mediations.

Resources Leveraged by MA Community Mediation in FY2023: \$9,326,878

1. \$5,146,115 of mediation and conflict resolution trainings for 7,491 community members.
2. \$1,857,218 in additional state, federal, and/or private foundation funds raised by Centers from \$985,000 in state operating grants.
3. \$1,229,247 leveraged from 5,463 volunteer community mediation hours.
4. \$754,884 from re-investing in existing Centers with established networks of volunteers, referral sources and programmatic funders.
5. \$281,988 from 84 juvenile cases that avoided going to court.
6. \$57,426 leveraged from 2,252 hours of volunteer administrative services.

The total return on the state's FY2023 investment of \$2,713,465 in MA Community Mediation through the CMC Grant Program was \$27,950,377.

This sizable increase in the CMC Grant Program return on investment from \$14 million in FY2021 to \$28 million in FY2023 may be attributable to the following factors: a) the increased services by Centers due to the reopening in FY2023 of courts, public agencies, schools and businesses after COVID-19 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 11-year period of the CMC Grant program operations.

7 Conclusion

The CMC Grant Program is the backbone of all community mediation funding in MA. The \$2,272,500 in CMC Grant Program grants was the source of more than 50% of the income of MA Centers in FY2023. This is because the state-sponsored community mediation programming has attracted financial support from other funders that enabled increased access and utilization of community mediation services by courts, schools, communities, businesses, correctional facilities, and housing agencies. This has resulted in more peer mediations and restorative circles that improve school climate and social and emotional learning for youth; increased child welfare for MA children; improved housing stability for tenants and economic viability for landlords; worked to lower recidivism for formerly incarcerated persons; millions in recovered funds for consumers; and greater DEI for Centers services across the state.

The FY2023 CMC Grant Program 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 various state agencies to use this existing established publicly funded dispute resolution infrastructure to serve important needs like housing stability, recidivism, youth violence, child welfare, consumer protection and agricultural sustainability in the Commonwealth arising from a host of complex social problems demonstrates 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 eased, and the overall volume of mediation activities and cases served by Centers have regained significantly, closer to pre-pandemic numbers.

The state funding in FY2023 allowed Centers to offer a wider range of services to a broader segment of the public in partnership with more organizations like houses of correction, youth programs, housing agencies, courts, and schools. For example, the CMC Grant Program in FY2023 helped MOPC award funding to Centers to help empower youth as conflict resolvers in dozens of schools and communities through local initiatives, and to address recidivism by providing informational/ educational sessions for 246 incarcerated individuals across six different facilities in FY2023 resulting in 42 new mediation cases and a 92% satisfaction rate. The FY2023 CMC Grant Program funding also allowed MOPC to award funding to Centers to handle 1117 housing disputes of which 428 were mediated with 279 tenancies and 72 housing subsidies preserved, serving 954 landlords and 1091 tenants in 14 counties.

FY2023 also signals a major shift in addressing diversity, equity, and inclusion in community mediation. This is evidenced in MOPC DEI grants totaling \$155,000 used for DEI organizational assessments, organizational plans, and implementation of strategies around long-term changes for dismantling 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. In FY2023, slightly more than half of the Centers surveyed reported increases across DEI among Center mediators. In FY2023, MOPC recruited new PAC members representing a wider range of professional backgrounds, demographic groups, and spheres of expertise.

FY2023 also symbolizes MOPC's renewed commitment to data-driven program management and evaluation as evidenced by efforts to further streamline effective data collection through the new community mediation activities manager database system slated for implementation in June 2024.

The commitment to sustain and grow MA community mediation was also evidenced by Centers operated with more staffing overall in FY2023 than in FY2022. Centers employed 25 full-time staff in FY2023, in addition to 39 part-timers for an average of two full-time and three part-time staff per Center, with Center capacity further expanded by 644 volunteers. However, more staffing needs persist with seven out of 12 Centers surveyed reporting that they needed additional staff and seven out of 12 Centers indicating the need for mediator recruitment and retention as well as nine out of 12 Centers indicating the need for salary benefits for staff. Center outreach led to an increase in volunteer mediators at nine Centers. There were more active volunteer mediators across the 12 Centers in FY2023 than in FY2022. Seven Centers still considered recruitment and retention a pressing need.

Overall, in terms of financial cost-benefit, MA benefited from the CMC Grant Program in FY2023 due to the estimated \$28 million return on the state's investment in the Program. This is an ROI of 1:10, or for every dollar invested in MA Community Mediation, Centers leveraged an additional \$10 in cost-benefit. This is a sizable increase in the CMC Grant Program ROI from \$14 million in FY2021 and a further reinforcement of the fact that community mediation is a cost-effective public service and highly leveraged investment for the Commonwealth.

8 Recommendations

8.1 The Commonwealth should increase investment in community mediation through the CMC Grant Program.

CMC Grant Program operational and program grants in FY2023 not only enhanced the resiliency and sustainability of Centers but also expanded their impact on the communities they serve in tackling systemic issues, while producing a record \$28 million in cost savings and leveraged resources. However, staffing needs remain reflected in the programmatic expenses and increased demand for services. The majority of the Centers report a continuing need for additional staff and more mediators, as recruitment and retention are vital. The overwhelming majority of Centers indicated as a high priority the need for salary benefits for attracting and retaining staff. While the additional funding appropriated for the Grant Program in FY2024 to cover staffing and related costs should be helpful in addressing these operational issues for Centers, a greater investment in the CMC Grant Program by the Commonwealth in future years would help to ensure greater stability of Center staffing and an even more benefits to the state.

8.2 The CMC Grant Program should continue to address public dispute resolution needs while addressing gaps in services identified through objective criteria.

The CMC Grant Program has expanded services to address public needs like homelessness and recidivism; youth conflict and violence; agricultural sustainability; systemic racism; child access; and visitation. MOPC has also developed evaluation plans and indicators to measure the implementation and impact of these publicly funded programs. However, the DEI research study concluded in FY2023, and other secondary data indicates both geographic and demographic community mediation service deserts in Boston, Worcester, Springfield, and other major cities and towns, both urban and rural. Addressing some of these needs should become an express strategy for the CMC Grant Program to increase

sustainability and expand access, which will ensure the fulfillment of its public service mission. For this purpose, MOPC should identify/develop a set of evidence-based objective criteria for identifying certain public needs that can be addressed through community mediation that goes beyond the SMART goals and other grantmaking criteria and strategies established already by MOPC to ensure accountability. These additional objective criteria should be developed using reliable data gathered by agencies like EOEEA, EOHLC, HUD, the U.S. Census Bureau, and others to guide the way MOPC invests public funding in community mediation in ways that address the diverse public needs identified in the data. This should be an incentive for public and private funders to invest more funding in Centers through CMC Grant Program and for more innovative programs to be developed in partnership with local communities.

8.3 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 FY2023 indicates that remote mediations are here to stay. All Centers made sure that economic barriers to using their services were minimized. The vast majority of mediation cases were served free of charge. Sliding scales, used to adjust service fees to accommodate parties' financial situation, were collectively applied by seven Centers in a small portion of cases. The CMC Grant Program must continue to invest in Center operations so that Centers can remove any existing barriers while increasing public awareness of community mediation services over time.

8.4 Centers should integrate learning on DEI from listening sessions with underserved communities into their culture and practices.

In FY2023, Centers implemented projects funded by \$155,000 in CMC Program grants to broaden DEI practices. Findings from MOPC's three-year DEI study indicates that the underutilization of community mediation is driven by structural, economic, linguistic and other barriers that are closely intertwined with each other, impeding traditionally marginalized populations from accessing justice through community mediation. CMC Grant Program funding has allowed for smaller but incremental steps to be taken to address some of these barriers through DEI organizational planning and assessments, DEI trainings etc. A longer, more sustained engagement on overcoming these barriers should be envisioned using the DEI research study with a new DEI visioning process in FY2024/2025.

8.5 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 FY2023, MOPC and the Centers started considering working group recommendations on redefining volunteerism at Centers and on mediator training standards and responding to community feedback about achieving DEI. 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 MA as a high-quality, free/low-cost access to justice mechanism for all

residents. As the CMC Grant Program administrator, MOPC 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 DEI at the funded Centers and across the state-funded system.

8.6 The CMC Grant Program should continue to promote collaboration among Centers for sharing resources and enhancing the reach of statewide community mediation services.

During FY2023 Centers continued their efforts to build new skills for mediators around housing mediation, re-entry mediation, and DEI 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. MOPC and the Centers should continue to offer remote services and MOPC should help promote even more collaboration between Centers.

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

CMC Grant Program-funded 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 Resolution 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. In addition, MOPC should work on developing spatial analysis using GIS technology to identify gaps in services while also incorporating data visualizations to further advocate for the program. MOPC should also help sustain communities of practice that expand the practice of community mediation while also serving as a sounding board for data collection and evaluation practices, including practices advancing DEI, with a view to building evaluation capacity so that various stakeholders may participate in the data collection and in determining the measures of success of the CMC Grant Program in the years to come.

End Notes

[1] Centers completed this end-of-FY2023 survey by October 2023. 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 2023 there were 25 full-time staff and 39 part-time staff during FY2023.

[2] The data here derived from responses from all Centers to an end-of-FY2023 survey. MADtrac data, which did not contain data from all Centers, indicated that there were 207 active volunteer mediators and 5 paid mediators and 7 consultants.

[3] Massachusetts Uniform Rules of Dispute Resolution ([Supreme Judicial Court Rule 1:18](#)).

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

[5] 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.

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

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

[8] 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.

[9] 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/>

[10] 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. 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.

[11] 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).

[12] 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

[13] 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).

[14] 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).

[15] 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.

[16] 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.

[17] 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.

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

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

[20] 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>.

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

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

[23] 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>

- [24] Massachusetts Lawyer's weekly 2013 rates for lawyers. Retrieved on November 24, 2015, from <http://masslawyersweekly.com/2013/10/11/the-going-rates/>
- [25] Massachusetts Court System <https://www.mass.gov/court-filing-fees-payment-information>
- [26] 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.
- [27] Massachusetts Dispute Resolution Services. Fee schedule. Retrieved November 24, 2015, from <http://www.mdrs.com/fees>
- [28] United States Department of Labor, Bureau of Labor Statistics. Retrieved November 24, 2015 from <http://www.bls.gov/oes/current/oes231022.html>
- [29] 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
- [30] 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. <https://www.mwi.org/mediation-training/how-to-become-a-mediator/>
- [31] Retrieved October 24, 2023, from <https://www.mediationworks.com/events/boston-massachusetts-conflict-resolution-trainer-program/>
- [32] Mediation Works Inc. Retrieved November 21, 2016, from <http://www.mwi.org/mediation-training-careers-in-meditation-advanced-meditation-training/divorce-meditation-training.html>
- [33] 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>.
- [34] 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-%20billions-1>
- [35] 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).
- [36] *Forbes*. Retrieved November 28, 2023, from <https://www.forbes.com/advisor/legal/divorce/how-much-does-divorce-cost/>
- [37] Assumed as a complex, multi-party full-day mediation session Massachusetts Dispute Resolution Services. Fee schedule. Retrieved November 16, 2017, from <http://www.mdrs.com/fees>

[38] 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>

[39] 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>

[40] CPP Global. (2008). (rep.). Workplace conflict and how businesses can harness is to thrive. Retrieved December 14, 2022, from https://img.en25.com/Web/ CPP/Conflict_report.pdf.