SUPREME COURT OF OHIO
MEDIATION INSTITUTIONALIZATION PROJECT
FINAL REPORT

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Foreword and Acknowledgements

The purpose of this report is to summarize and present the experiences of the eleven courts who participated in the Supreme Court of Ohio Mediation Institutionalization Project (Project) from November 1997 to June 2000. All eleven courts received grant funding from the Supreme Court in order to establish or expand various mediation programs throughout the state. The Project was developed to provide the necessary financial and technical support to enable the courts to incorporate mediation services into the menu of traditional court-based dispute resolution processes. In addition, the Supreme Court intended for the Project to increase bench, bar and public awareness of and use of mediation by providing increased opportunities for collaborative problem-solving. Further, the Supreme Court hoped that the Project would serve to expedite case processing, decrease judicial involvement and produce early, effective resolution of pending cases through voluntary settlement.

In order to evaluate the effectiveness of the Mediation Institutionalization Project, the consultants conducted extensive interviews with over one hundred and fifty participants, including judges, magistrates, court administrators, program coordinators, mediators, clerical support staff, attorneys and former mediation clients. The participants were asked to describe and discuss current mediation services, program structure, future funding plans, program policies, mediator training opportunities and operation issues of each court program. Through this interview process, the consultants were able to ascertain perceptions of program structure and effectiveness, mediator fairness and neutrality, and the costs and benefits of each program.

The success of this Project is the direct result of the hard work and dedication of all parties involved. Through the course of compiling the data for this report, the overwhelming support of the bench for these programs was quite apparent. This support from the bench proved to an essential aspect for the success of each program.

In particular, the consultants would like to recognize the participation and support of the following individuals: The Honorable Al Mackey, The Honorable Ron Vettel, The Honorable Gary Yost, Ashtabula County, Court of Common Pleas; The Honorable Joseph N. Monnin, Clark County Juvenile Court; The Honorable Peter Sikora, Cuyahoga County Juvenile Court; The Honorable Joseph Schmenk, Defiance County Common Pleas Court; The Honorable Mark R. Schweikert, Hamilton County Court of Common Pleas; The Honorable Keith Muehfeld, Henry County Common Pleas Court; The Honorable Katherine S. Lias, Franklin County Domestic Relations and Juvenile Court; The Honorable James A. Ray, Chief Magistrate Donna Mitchell, Lucas County Court of Common Pleas, Juvenile Division; The Honorable Michael Murphy, The Honorable Nick Kuntz, Montgomery County Common Pleas Court, Juvenile Division; The Honorable Luann Cooperrider, Perry County Juvenile Court; The Honorable Dean Wilson, Perry County Court; The Honorable Ron Spon, Richland County Court of Common Pleas, Domestic Relations and Juvenile Division; The Honorable James DeWeese, The Honorable James Henson, Richland County Court of Common Pleas, General Division; and, The Honorable Arlene Singer, Toledo Municipal Court.

We would also like to recognize the program coordinators for the tremendous effort they have all given to ensure the viability of the programs and the thoroughness of this report. For their efforts, we thank the following program coordinators, Mr. John Polanski, Ms. Wendy Hawbaker, Esq., Ashtabula County Joint Court Mediation Program; Ms. Sharon Travis, Clark County Juvenile Court; Ms. Mary Malloy, Esq., Cuyahoga County Juvenile Court; Ms. Marya Kolman, Esq., Ms. Nancy Catena, Ms. Olga Dyas, Franklin County Court of Common Pleas, Domestic Relations Division; Ms. Norton B. Roberts, Esq., Hamilton County Court of Common Pleas; Mr. Richard Altman, Esq., Henry, Fulton, Defiance and Williams Court Mediation Program; Magistrate Brenda Rutledge, Lucas County Court of Common Pleas, Juvenile Division; Ms. Teresa

Martin Kosier, J.D., Lucas County Court of Common Pleas, Juvenile Division; Ms. Patti Smith, Main Street Mediation; Ms. Deborah L. Taylor, Montgomery County Juvenile Court; Ms. Martha Green, Richland County Court of Common Pleas; and Mr. James Petas, Toledo Municipal Court.

Finally, the consultants must thank those without whom none of this would have been possible: Chief Justice Thomas J. Moyer of the Supreme Court of Ohio for his unwavering support of mediation programming in the state of Ohio; Ms. C. Eileen Pruett, whose name has become synonymous with dispute resolution in the state of Ohio, for her immeasurable contribution of time, energy and expertise that have brought mediation to the forefront of dispute resolution alternatives; and Ms. Crevon Tarrance, Mr. Bruno Romero, Ms. Quincella Harris and Ms. Charlsia Brown staff of the Supreme Court of Ohio Office of Dispute Resolution Programs, whose tireless efforts have contributed to the continued advancement of mediation programming in the state of Ohio.

Richard E. Boettcher, Ph.D.
Maara A. Fink, J.D.
January 4, 2001

Supreme Court of Ohio
Mediation Institutionalization Project
Final Report

Executive Summary

This document summarizes the content of the final report of the Supreme Court of Ohio Mediation Institutionalization Project (Project). Originally, the Court funded twelve proposals, but one (Mahoning County Court of Common Pleas) withdrew from the project. The programs that remained in the Institutionalization Project and that are the subject of the final report are: (1) Ashtabula County Joint Court Mediation Project; (2) Clark County Domestic Relations Court, Juvenile Section; (3) Cuyahoga County Court of Common Pleas, Juvenile Court Division; (4) Franklin County Division of Domestic Relations Court and Juvenile Branch; (5) Hamilton County Court of Common Pleas and Municipal Court; (6) Henry, Defiance and Fulton County Court Mediation Project; (7) Lucas County Court of Common Pleas, Juvenile Division; (8) Montgomery County Juvenile Court; (9) Perry County Court of Common Pleas, Juvenile Division and Perry County Court; (10) Richland County Court of Common Pleas, General Division, Juvenile Division and Domestic Relations Division; (11) Toledo Municipal Court. The grants supporting these programs ended June 30, 2000.

The final report of this project was authored by Richard Boettcher, Ph.D., and Maara Fink, J.D. The authors base their report on extensive interviews with mediation coordinators, staff mediators, program support staff, judges, court administrators and advisory committee members. The perceptions and experiences of attorneys, community leaders and other stakeholders were also gathered through focus group interviews. Whenever feasible, the opinions and experiences of former mediation

participants were also solicited and obtained. All data gathering for the project final report occurred between July and September 2000.

This executive summary is divided into six parts: Program Design and Development, Program Support, Staff Qualifications and Training, Continuation Funding, Evaluations, and Lessons Learned.

Program Design and Development

The programs stimulated by the began between November 1997 and April 1998. The eleven programs that are the focus of this report, continue to operate up to the present at a full level of implementation, even though their Supreme Court grants ended June 30, 2000. Two of the programs (Hamilton County and Toledo Municipal Court) are focused exclusively on civil cases; three are designed primarily to provide child protection mediation (Cuyahoga, Franklin, and Montgomery Counties); and six used their grant funds to develop a multiple range of mediation programs including, for example, civil, domestic relations, juvenile unruly, termination of parental rights as well as, child protection. The counties, which expanded to include multiple case types, are: Ashtabula, Clark, Henry, Defiance and Fulton, Lucas, Perry and Richland.

In that of the counties there were pre-existing court-connected mediation programs which had successfully demonstrated the effectiveness of mediation in some particular area of each court's work. In these counties the motivation behind the grant application was most often to build on previous success and to increase the availability of a proven methodology of dispute resolution in relation to other, untested case categories. In the other three venues, however, there was no prior experience with court-connected mediation and very little mediation available through private providers. These sites include Perry and Richland Counties and the joint program of Henry, Defiance and Fulton Counties. In these three locations, the mediation programs were

designed and developed as "pioneering" ventures, although in Perry County, the courts contracted with Main Street Mediation, a small private non-profit agency. Nevertheless, this was very uncharted territory for these three courts.

The first significant benchmark for all programs involved recruitment and retention of a mediation coordinator who was then expected to provide leadership and direction for the full implementation of the programs promised by the grant proposals. This event was typically followed by an expansion of mediation capacity by hiring professional staff, training volunteers or developing contract mediators. This phase of development may or may not have included hiring a support person.

Also during the early phase of staff acquisition and training, case referral mechanisms were proposed and agreed to. Typically initial referral arrangements were in some combination of three forms: referral by random selection of every nth case, by judicial or magistrate selection and order, by voluntary request from an attorney or a community agency such as a school or children services board.

In time, as program acceptance has improved, voluntary requests have overshadowed the need for mandatory referral or referral by rule. In fact, in several venues, referral by rule has tended to contribute to "wasted effort" insofar as the cases are not appropriate for mediation.

All eleven programs report that they have experienced a reasonable degree of growth in cases referred and mediated over the course of the grant period. Initially, most of the programs found it necessary to employ some fairly aggressive outreach efforts to interpret the utility of mediation to potential referral sources. However, in time, caseloads have begun to approach or actually reach the upper limits of program capacity. In most sites, educative outreach continues to be necessary in order to encourage appropriate referrals.

Program Support

The eleven programs enjoy the support, nurturance, and active encouragement of significant numbers of judges in each venue. In fact, it may be axiomatic that without judicial support, mediation program development of the type illustrated by the Project would be virtually impossible. Additionally, in every venue, there is strong support for mediation programming among court administrative leadership and support staff.

Strong support from the bar is also found in relation to each program. Typically, however, this support was hard won, not only by the mediation coordinators' educative efforts, but also, and primarily, by demonstrating the effectiveness of mediation in relation to a wide range of issues and case problems. "Nothing succeeds like success," is well demonstrated by these court-connected mediation programs. Moreover, many of the new mediation programs were greatly assisted by the successes of predecessor programs. This is true, for example, in Lucas County where judges and court personnel were strongly supportive of an expansion into child protection mediation because of the extensive experience of the court with the mediation of unruly and delinquency juvenile cases.

Program coordinators also won the support of attorneys by delivering continuing legal education to them on the subject of mediation. Attorney support was also gained by involving them involved directly in a mediation engagement. Some programs reported extraordinary attitude shifts by attorneys once they experienced and witnessed the value of mediation. These changes, of course, had a snowball effect on others. Data from the evaluation show that other stakeholders experienced progressive acceptance similar to that of the bar. Educational programs aimed specifically at them were similarly effective.

Every program has an advisory committee, that is also another important source of support. Programs were required as a condition of the grant to have an advisory

committee, and the origins of these committees varied. In Montgomery County a large multi-professional task force on child protection helped sponsor the Supreme Court Grant application and became the program's advising committee. In Richland County, on the other hand, the program began without a defined advisory committee, but eventually formed a four-person board of county officials and the local bar association president. These committees serve as sounding boards for issue and problem focused discussions, and they help with communication and interpretation to the various constituencies served by the program.

The presence of a personal computer is also an important source of support for these programs. These computers were purchased with grant funds, and they are widely used to produce settlement agreements for the parties at the conclusion of mediation. In Hamilton County a software program called 'The Court Management System,' greatly expedited the work of this program.

Despite a great deal of support, several programs continue to have serious space allocation limitations that impact negatively upon practice. There are also some examples of a lack of basic office equipment.

Staff Qualifications and Training

The mediation coordinators employed at each site are highly qualified for these positions. The coordinators come from a variety of educational backgrounds with six having J.D. degrees and five having other professional credentials. Stability in these positions over time has been positive, and there has been a turnover in these positions in only two of the eleven sites. Mediation coordinators report that a substantial amount of their time is devoted to administrative and interpretive functions, e.g., enhancing public awareness and relations. Estimates range from a low of 25% of time devoted to these two functions (Henry/Fulton/Williams/Defiance Counties) to a high of 90%

(Cuyahoga County) with the central tendency ranging from 40-65%. In general, the larger courts in larger municipalities require more attention to administrative and communicative functions in terms of the allocation of mediation coordinator time.

Staff mediators employed at the sites are well qualified for these positions, both in terms of professional education, mediation training and experience. Volunteer mediators used by some of the programs are similarly well qualified for their roles by virtue of both training and experience. All staff and volunteer mediators have had basic mediation training and almost all have had advanced training as well.

The programs at all sites are strongly invested in the principle of professional development through training. During the grant period, these programs have taken maximum advantage of the training conferences and institutes offered by the Supreme Court's Office of Dispute Resolution Programs. The staff of several programs have made use of local resources to secure training, e.g., through the local bar association or a local non-profit mediation center. A few counties provide local money for mediation staff to participate in training programs or professional conferences (e.g., Hamilton, Lucas and Toledo Municipal Court). A preponderance of the advanced training is targeted to match the focus of the particular mediation program.

Continuation Funding

In most cases, planning for long term funding began immediately following the award of the grant. In part, because of this early and persistent attention to economic necessity and also because of the considerable successes of these programs, all remain operational today and may be expected to continue well into the future years.

Local funding support for program continuation has taken three forms. In several sites, the programs will be completely supported by general funds (e.g., Franklin, Montgomery Counties and Toledo Municipal Court). In some counties, (Lucas,

Richland and Hamilton) general revenue support has been combined with funds generated by designated add-on or filing fees. The third method of continuation financing has come from grants and contracts from school systems, County Departments of Jobs and Family Service and Children Services Boards. Grant financing is found in combination with general revenue or add-on fee funding.

The Supreme Court gave two programs (Cuyahoga and Perry Counties) short-term extended funding to supplement local resources. Two other programs (Hamilton and Henry, Defiance and Fulton Counties) received expansion grants from the Supreme Court due to the outstanding success of their programs and increased demand for mediation services.

Several county and city governments provided operating costs. They also provided mediation programs with rent-free space and some supplies. Continuation funding, regardless of the source, however, has not eradicated office/mediator space deficiencies or replaced training funds.

Evaluation

The program evaluations provided by judges, court personnel, practicing attorneys, community leaders, and associated professionals were uniformly highly favorable. Program stakeholders have strong praise for the eleven programs in the Project both in terms of the process and completeness of grant implementation as well as for the outcomes and results of the work itself.

A scenario repeated in nearly all of the sites began with: 1) some doubt and uncertainty on the part of court leadership, 2) combined with disapproval and resistance by practicing attorneys, and 3) progressed to enthusiastic praise and support for the mediators and their programs. In the words of one judge, "Mediation has become a natural part of scheduling."

Focus group evaluations were conducted with attorneys and community stakeholders, and whenever feasible, former clients were interviewed about their experiences. Both the focus group evaluations and the client evaluations were very positive. Some minor criticisms of the programs were voiced in the focus groups in the spirit of "corrective feedback," not in the sense of opposition or disapproval. A very large majority of those who participated in the evaluations of these programs recommended that mediation practice expand to address other types of case problems.

As a method of resolving conflict, mediation is very different from the standard adversarial process, which characterizes legal institutions, and it is evident in several sites that these differences are having an impact on court culture. Frequently, both judges and attorneys expressed positive support for the problem-solving qualities displayed by the process of mediation and for the "win-win" strategies employed by mediators. One judge expressed the view that mediation was helping his court get a reputation for "peace-making", and he approved of this trend. On several occasions, attorneys observed that mediation encourages lawyers to work together in the interests of both justice and fairness, and these attorneys found these results to be professionally gratifying. Another judge expressed the belief that mediation is a more appropriate methodology for solving some types of domestic problems that arise out of relationship conflicts. In these types of cases, the judge avowed that mediation is a better problem solving method and its solutions are likely to be more durable. In all these ways, mediation is becoming an integral part of the socio-cultural environment of the Project courts.

Finally, the Supreme Court Mediation Institutionalization Grants are regarded as the critical catalytic elements in the expansion of court-connected mediation services in the programs. As a result, a great deal of appreciation and positive regard is extended

to the Supreme Court of Ohio for its leadership in the facilitation and implementation of this project.

Lessons Learned and Recommendations

The combined experiences of the courts that participated in the Project provide fertile ground for the extrapolation of principles related to mediation program initiation and development. What lessons have we learned from this project? What ideas, processes and procedures would we recommend to others who are contemplating program development in mediation? Below is a brief discussion of a few salient lesson's which merit serious consideration.

- When initiating a new court-connected mediation program, it is essential to have the strong support of one or more judges. The required number will vary with the size and complexity of the court, but authentic judicial support is the *sine qua non* of mediation program development.

- When beginning a mediation program it would be prudent to rely on referrals by rule, e.g., every *nth* case filed. With the accumulation of successful experience, the program should be able to move toward an increasingly intentional and voluntary system of referrals. However, it will be necessary to continue educational programs with referral sources indefinitely in order to maintain strong relationships and to increase the appropriateness of referrals.

- When initiating and developing a new mediation program, a substantial and diligent effort should be given to securing strong leadership for the mediation coordinator position. This person is critical to the eventual successful development of the program. Ideally, this leader should have demonstrated technical competence in the practice of mediation, be very open to growth through training and education and possess strong social relations skills.

- Staff mediators, contract mediators and volunteer mediators should possess a basic level of training and experience for practice in a court-connected program. Their competence is critical to demonstrating program effectiveness and to enhancing the reputation of the program throughout the community of the court. Like the mediation coordinator, staff should be eager to enhance skills through training and evince effective social relations skills.

- Court-connected mediation programs do not exist, survive and grow in a vacuum. These programs are part of a large context of structure and relationships, both internal to the host court and external to

community organizations and stakeholders. Therefore, program success is importantly related to a myriad of communication processes including networking, public relations and education, community service and the construction of meaningful evaluation and feedback loops.

Ashtabula County Joint Court Mediation Project

Background and Context

The Ashtabula County Joint Court Mediation Project (JCMP) began in January 1998, with funding from the Supreme Court of Ohio. Prior to the start of the project, mediation was being utilized in both civil cases, through Settlement Week, and in pre-decree domestic relations cases. Settlement Week cases were mediated by volunteer attorneys. Domestic relations cases were initially assessed in-house through Family Court Services (FCS) and were then referred out to private mediators. In January 1996, the coordinator of FCS began mediating a majority of the domestic relations cases in-house.

According to the court administrator who authored the grant proposal, the purpose for establishing the program was to improve case management. The judges wanted to see an overall change in the environment of the Court in efforts to increase citizen satisfaction. They looked at the success of mediation in domestic relations cases and saw a process that would achieve settlement more quickly, allow parties to reach agreements themselves, and reduce the high cost of litigation. The judges were tired of "mediating" in their courtrooms and felt that a formal court mediation program would be a more appropriate way to address the needs of the consumers.

The judges wanted to see a comprehensive program that would provide mediation services for disputes from every jurisdiction in the county. The initial focus of programming was to establish the availability of mediation in pre-filing and post-filing

civil and small claims cases. Later, emphasis was to be placed on mediation in the juvenile area and expansion of the existing domestic relations program.

Program Description

The Court began the project by staffing the mediation coordinator position. In December 1997, they hired veteran mediator, John Polanski, to fill this position. An additional full-time mediator was hired in March 1998. Wendy Hawbaker, J.D., an attorney with vast experience in mediation, was hired for this position. As the program progressed, Mr. Polanski and Ms. Hawbaker found that it was easier for them to share the coordinator and mediator duties. Administrative duties are divided between them and both are responsible for the supervision of volunteer mediators. No support person was hired for the department at the start of the grant period. At the present time, the program shares a support person with Family Court Services.

In May and June of 1998, the coordinators trained seventeen volunteers to mediate small claims cases. The volunteers were members of the community, many of who became interested in the program after reading a spotlight article in the local paper. The volunteer mediators interviewed stated that they felt very well prepared to mediate after the training with the coordinators. In addition to the training, the volunteers met with the coordinators every month for case review and continuing mediation education. As of June 2000, twelve of the original seventeen volunteers remain very dedicated to the program.

Referrals of civil cases began on a regular basis during the fourth quarter of 1998. Cases are referred either by the judges or upon attorney request. At the time of filing, attorneys may request that a particular case be referred to mediation by positive

indication on the Court's case designation sheet. A case identification system was implemented in early 1999, which resulted in a significant increase in the rate of referrals. Civil case referrals rose from approximately 5 per month in the fourth quarter of 1998 to approximately 15 per month at the present time.

Small claims cases are automatically referred to mediation in the lower jurisdiction courts. Parties to a case can also request mediation services. Once a referral to JCMP has been made, the case is scheduled with one of the volunteer mediators. Since the volunteers began in July 1998, the number of cases referred has doubled from 15 per month to 30 per month. The program intends to increase the number of referrals at every court by educating the participants and the public about the benefits of mediation through newspaper articles and presentations at various organizations throughout the community.

Domestic relations cases continue to be referred to mediation by rule of the court. All parties file with children who for divorce are referred to FCS for mediation assessment. In addition, never-married parents may also be referred from the bench, to FCS. Those who choose to participate in mediation receive services through either FCS or JCMP. The majority of domestic relations cases are still mediated through FCS with overflow cases being mediated by one of the coordinators of JCMP. Having two additional in-house mediators available through JCMP has reduced the need for referral to outside, private mediators. Approximately 20 new domestic relations cases are mediated each month.

The final area for implementation of the program was in juvenile unruly, truancy and delinquency cases. Referrals of these cases began in April 1999 and have

remained steady through June 2000. Presently, all first-time offenders are referred to mediation from the juvenile intake department resulting in approximately 15-20 referrals per month. These numbers are expected to increase when the Court expands its referral sources for mediation to include individual families, schools and children services.

The JCMP appears to have been a profound success. At the close of the grant period, JCMP has successfully integrated mediation into all courts within the county's jurisdiction. Referrals continue to increase and plans for future program expansion are already underway. JCMP is highly regarded and enjoys the full support of all individuals interviewed for this report.

Sources and Nature of Program Support

The program enjoys significant support from participants at every level. Many credit the foundation laid by the domestic relations mediation program for the unusually high level of support at the start of project. Most members of the bench and domestic relations bar recognized the benefits of mediation before JCMP even began. Even with this recognition at the start of the project, Administrative Judge Al Mackey stated that JCMP turned out even better than expected. He is no longer surprised by the continued accomplishments of JCMP as he has simply grown accustomed to having a very successful mediation program. Judge Gary Yost indicated that the grant project has been a really positive experience. He is no longer hesitant to send particular cases to mediation because of his level of confidence in the ability of the mediators. Judge Ron Vettel echoed this sentiment and added that JCMP has very qualified mediators and that the Court is very happy with the work they have done.

While the domestic relations attorneys were very supportive of the mediation process, some other members of the bar were not quite as familiar with the benefits of mediation. From the start of the program, JCMP made it a priority to be responsive to the needs of the attorneys. The coordinators indicate that these efforts have been successful as attorney support for JCMP has been fantastic. The judges have observed a real change in the attitude of the bar. Attorneys are now requesting that cases be referred to mediation. The coordinators confirm that they have seen a significant increase in referrals from attorneys.

Interviews with other court personnel echoed similar support for the program. The Small Claims Clerk stated that the program is a real asset to the court, county and the judicial system. She states that it has been wonderful working with both the coordinators and the volunteer mediators. Others interviewed added that the program has taken a great weight off the shoulders of the judges since mediation has been so successful in these cases.

An advisory committee was established during the first two months of the project. The committee included four lawyers, four court employees and 4 members from the community. The goal of the committee was to crystallize plans for implementation of JCMP in Ashtabula County and to resolve any issues which arose as a result of this implementation. The coordinators met with the committee on a quarterly basis for the first year of the project. The Committee no longer meets regularly but is "on-call" at all times.

Public support for the project appeared early on. The local paper published a piece on small claims mediation. The volunteers self-selected after reading the article

and expressed an interest in becoming mediators for the program. Two other articles were published at the beginning of the project – one on domestic relations mediation and the other on the use of mediation in civil cases. The coordinators have taken advantage of several opportunities to attend meetings of the Chamber of Commerce and other service organizations in an effort to further educate the public about the mediation process.

Training and Mediation Development

Both coordinators came to the program with a great deal of training and experience in mediation. Opportunities for additional training in civil mediation were available to both coordinators during the course of the grant. There appeared to be some confusion as to how much grant money could be used for training. There is a line item in the new budget for training and travel expenses for the program. JCMP has not yet seen the new budget, but the coordinators anticipate that the request for expenses will be approved. Mediator qualifications and training are summarized in Table 1 (Attachment A).

In May 1998, the coordinators conducted a 16-hour training for volunteer mediators. The volunteers now conduct mediations in small claims cases. Several volunteers have indicated an interest in receiving additional training in order to allow them to mediate juvenile court referrals. JCMP also sponsors bi-monthly continuing education opportunities for volunteer mediators. The coordinators also remain committed to the continued education of the bar about the mediation process through various meetings and continuing legal education presentations.

Program Policy and Operation Issues

Problems resulting from the lack of clerical support continued to resurface throughout the grant period. The coordinators were responsible for all clerical duties including correspondence, filing, and phone calls. In October 1999, the program made arrangements with FCS to share its administrative assistant. At the present time, the FCS administrative assistant devotes 20% of her time to address the clerical needs of JCMP. This arrangement appears to be working for the time being, but the coordinators both stated that they hope to have additional clerical support, at least on a part-time basis, in the future.

A significant concern for the program is the potential for loss of volunteers in the future. Both coordinators state that the volunteers are absolutely necessary to the program; it would be very difficult to continue without them. The coordinators indicate that they are a wonderful group and that they have been very satisfied with the quality of services the volunteers have provided. Ms. Hawbaker stated that it would be nice to be able to compensate them for their time. Currently, no funds are available to provide stipends for the volunteers.

The coordinators gave no indication that any other major policy or operational problems exist. JCMP appears to have adequate space in which to conduct its mediations. Both coordinators have up-to-date computer equipment. The program is currently receiving the "perfect" number of case referrals. When a reduction in referrals does occur, it appears to be a reflection of a reduced number of cases on the docket. The two staff and twelve volunteer mediators remain able to more than adequately cover the Courts' demand for mediation services.

During the grant period, Ms. Hawbaker divided her time as follows:

Activity	% of time
Program Administration	20
Public Education and Relations	15
Mediation	55
Training Mediators	10

During the grant period, Mr. Polanski divided his time as follows:

Activity	% of time
Program Administration	20
Public Education and Relations	10
Mediation	50
Training Mediators	5
Other	5

Statistical Summary

Cases mediated by year and by case type are presented in Table 2 (Attachment B).

Future Funding Plans

The program is fully funded for the current fiscal year. Considerable efforts were made over the last two and a half years of the project to ensure that JCMP would have sufficient funding at the termination of the Supreme Court grant. One significant funding source is a grant from the Family & Children First Council (FCFC). This grant was awarded in response to the joint proposal of JCMP, the Juvenile Court, and

Children Services Board. The FCFC grant will provide 30% of JCMP's current fiscal year budget. In addition to the grant, 50% of the budget will be raised from add-on filing fees. The final 20% will be supplied through the county general fund.

Evaluative Information

The efforts of the Joint Court Mediation Program to institutionalize mediation throughout Ashtabula County proved to be undeniably successful. As Magistrate Pat Walsh stated, the coordinators had the competence to take a somewhat controversial program and make it work. Though some members of the bench and bar initially may have been apprehensive about the program, all parties interviewed state that they have seen a real transformation in the attitudes of the bench and bar.

Much of this transformation is the result of the judges and attorneys gaining a better understanding of mediation through increased exposure to the process. Judges and magistrates are seeing "converted" attorneys requesting that cases be referred to mediation. Members of the bar now come to the mediation table fully prepared to participate. Judge Ron Vettel anticipates that attorneys who have participated in the process will begin to convince attorneys from other counties that mediation is indeed a worthwhile venture.

Providing in-house services has resulted in the increased use of mediation in a wide variety of cases. Before the project began, clients who were referred to private mediators were less likely to follow through with mediation. Clients are becoming more aware of mediation and less hesitant to participate in the process. Parties are often more willing to try something if there is not an added cost. Clients appear to be quite satisfied with the level of services provided and there have been no reports of client

complaints. Participants feel that the process provides a greater opportunity for the development of party-centered solutions.

The coordinators both feel that the program has been a fantastic success. They indicate that they enjoy a high level of job satisfaction and feel that this is due, in large part, to the tremendous support of key players. They give particular credit to the Supreme Court of Ohio for its generosity in both money and support. As an advocate for expanded use of mediation in the court setting for almost a decade now, Magistrate Pat Walsh is pleased to see the wonderful change in the effectiveness of the program. She stated, "After much fine-tuning, the Court now has an ideal situation."

Parties Interviewed

Honorable Al Mackey – Ashtabula County, Court of Common Pleas

Honorable Gary Yost – Ashtabula County, Court of Common Pleas

Honorable Ron Vettel – Ashtabula County, Court of Common Pleas

Magistrate Pat Walsh

Mary Field, Small Claims Clerk

Bob Taylor, Small Claims Volunteer

Debbie Pitzer, Court Administrator

Kathy Thompson, Assistant Court Administrator

Wendy Hawbaker, Esq., JCMP Coordinator

John Polanski, JCMP Coordinator

Sandy Wintz – Family Court Services, Coordinator

Attachment A

Name of Person Completing Form: John Polanski
Name of Court: Ashtabula County Joint Court Mediation Project

Table 1

Mediator Background and Development

**Please provide information for all mediators who have provided mediation services for your court over the course of the three-year grant period.

Name	Staff (S), Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Exp. Mediating (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-Ct. grant monies)		# of Cases Mediated for 12-Ct. Project
				Pre-Grant	During Grant	
Wendy S. Hawbaker	S	J.D.	5	Mediation & Conflict Management Services – Robert Benjamin	NJC, Reno, NV August, 2000*	Approx. 350
John Polanski	S	M.Ed	8	Mediation & Conflict Management Services – Robert Benjamin	NJC, Reno, NV November, 1999*	Approx. 350

Attachment B

Name of Person Completing Form: John Polanski
Name of Court: Ashtabula County Joint Court Mediation Project

Table 2

Mediation Project – Case Information Summary

Note: Figures may be **estimated** from November 1997 through December 1999. Beginning January 2000, please indicate use the **actual** figures.

November – December 1997 (Estimated Figures) NON-APPLICABLE

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection			
Juvenile – Parentage			
Domestic Relations – Pre-Decree			
Domestic Relations – Post-Decree			
Civil – Small Claims			
Other Civil – _____			

January – December 1998 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	NA		
Juvenile – Parentage	NA		
Domestic Relations – Pre-Decree	24	3	1.5 hours
Domestic Relations – Post-Decree	30	4	1.5 hours
Civil – Small Claims	65	1	1.0 hours
Other Civil – Common Pleas	25	1	2.5 hours

January – December 1999 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	NA		
Juvenile – Parentage	NA		
Domestic Relations – Pre-Decree	20	3	1.5 hours
Domestic Relations – Post-Decree	10	4	1.5 hours
Civil – Small Claims	150	1	1.0 hours
Other Civil – Common Pleas	70	1	2.5 hours

January-June 2000 (Actual Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	NA		
Juvenile – Parentage	NA		
Domestic Relations – Pre-Decree	21	3	1.5 hours
Domestic Relations – Post-Decree	8	4	1.5 hours
Civil – Small Claims	86	1	1.0 hours
Other Civil – Common Pleas	74	1	2.5 hours

Clark County Court of Common Pleas,
Domestic Relations Division, Juvenile Section Mediation Services

Background and Context

In March 1997, the Juvenile Section of the Domestic Relations Division of the Clark County Common Pleas Court applied for a Mediation Institutionalization Grant from the Supreme Court of Ohio. The purpose of the requested funds was "to expand the scope of programming related to our existing mediation services" with no areas of court activity being precluded from mediation services. Other purposes of the grant application included the provision of mediation training to attorneys and volunteers, the broadening of public awareness of the benefits of mediation services through the offering of educational events and a brochure, and the establishment of a truancy mediation program in one county and one city elementary school. The grant was awarded in 1997 and implementation of the grant's objectives began in January 1998.

The history of court-connected mediation services in this court dates from June 1995 with the establishment of a program to mediate parent/child conflicts and victim/offender cases before the Juvenile Court. Additionally, in 1996 this court initiated a pilot truancy mediation project at Lincoln Elementary School in Springfield, Ohio. Mediation services were also extended in 1997 to domestic relations cases involving visitation and custody disputes as well as to abuse, neglect and dependency cases. Thus with the advent of the Mediation Institutionalization Grant in 1997, mediation was already reasonably well established in this court system.

Sharon Travis was hired in January 1997 to provide leadership and coordination of the court's existing mediation programs. Ms. Travis is a well-respected professional mediator with a Master of Arts degree in Conflict Resolution from Antioch University. Ms. Travis was designated to be the mediation coordinator for the Project and has served in this capacity for its.

Program Description

The overarching goal of this project has been to increase the volume of mediation service provided in domestic and juvenile court cases and to extend this service more deeply into the Springfield and Clark County public schools. Accordingly, the mediation coordinator has employed a systems strategy aimed at gaining broad public support for the value of mediation. Early in the project (May 1998) Ms. Travis formed the Clark County Mediation Center Advisory Committee. The membership of this committee is broadly reflective of the major educational and social service institutions of the community and includes the city and county superintendents of schools, the Clark County Sheriff, a Clark County Commissioner, the Springfield Police Chief, the County Prosecutor, a representative from the Springfield City Commission as well as from Wittenberg University, Clark State Community College and the Directors of the County Department of Human Services and the local Family and Children First Council. The committee also includes Judge Thomas Capper, Thomas Wilson, Court Administrator; Karen Benton, Director of Diversion Programming and Grants Coordinator for the Juvenile Court; and Ms. Travis. This advisory committee reflects the extent to which the mediation coordinator and her staff have been able to demonstrate the versatility and benefits of conflict resolution through mediation. The influential nature of the

membership of the committee has greatly enhanced program expansion into the schools as well as the domestic and juvenile courts. Ms. Travis and her staff have been very active in their public relations and community education efforts. They have sought to increase public awareness of the use of mediation by providing talks to various service clubs such as Rotary and Kiwanis, and they have provided training to the local United Way Information and Referral Program. They also publicize their mediation services through school bulletins. They have produced a brochure, that explains the truancy mediation program and a more general one that explicates the services available through the mediation center.

In the second year of the project the program sought to raise support and understanding by reaching out to the Springfield Bar Association. This outreach resulted in the provision of two annual mediation training sessions for a total of 150 attorneys.

The result of all this community organizing and communication has brought about a considerable increase in referrals for mediation from both within the court and from the community. Initially referrals were from the domestic relations and juvenile courts and one pilot elementary school for truancy. Currently, the program is receiving referrals from all city elementary and middle schools as well as many county system schools. There also has been an increase in referrals from the Clark County Department of Jobs and Family Services for cases of abuse, neglect and dependency as well as program expansion to include civil mediation. Referrals for mediation increased from 148 in 1997 to 427 in 1999 and 319 from January to June 30, 2000. During this time program staff has grown from one mediation coordinator and no

support staff to a mediation coordinator, two full-time staff mediators and one full-time administrative assistant.

Sources and Nature of Program Support

Support for the development and expansion of the Clark County Common Pleas Court Mediation Center, as this program now calls itself, has come from both the court itself and the larger community. From within the court the center enjoys the strong support of Judge Joseph N. Monnin, Court Administrator Thomas Wilson and Karen Benton, Director of Diversion Programming and Grants Coordinator. Ms. Benton is the author of the Juvenile Court's grant proposal to participate in the Mediation Institutionalization Project.

The Center's Advisory Committee has proven to be a great source of support for the goals and objectives of this Project. The full committee meets twice a year but there are frequent contacts with committee members to help "open doors," provide endorsements or assist with ongoing community education.

The support enjoyed by the programs of this center has been earned through the successful demonstration of mediated settlements. This has been a process of circular reinforcement whereby success produces support and support sustains growth.

Training and Mediator Development

There was no financial support provided for staff training in the Mediation Institutionalization Grant. However, staff training events were provided through the Supreme Court of Ohio Office of Dispute Resolution, and the staff of the center participated in a substantial number of these events. In addition, the staff of the center hold periodic meetings with mediators from nearby Dayton, Ohio and provide

educational experiences for each other. The grant did provide continuing education on mediation for area attorneys, and this training was delivered in two consecutive years. Mediator qualifications and training are summarized in Table 1 (Attachment A).

Program Policy and Operation Issues

For the majority of the project period the center was located in an older public school building on the south side of Springfield called the Keifer Alternative Center. The physical surroundings presented some challenges in terms of affording appropriate for multiparty mediation. Since there was no budget for facilities and equipment, the space was furnished as an in-kind donation from the school system. The building houses other organizations and offices of the Springfield Public Schools and the Center has benefited from its proximity with these operations, especially the school attendance officers who are involved in truancy mediation.

In August 2000 the Center moved to a new location and now occupies several offices on the campus of the Clark County Children's Home. This is on the north side of town.

The Center's Advisory Committee has provided guidance for program initiatives and policy development. This committee has served well as a sounding board, and in one instance the committee was used to establish a fee structure for contract mediators used by the center.

The division of labor for the program coordinator has been as follows:

Activity	% of time
Program Administration	40
Public Education and Relations	15

Mediation	40
Training Mediators	5

Statistical Summary

Cases mediated by year and by case type are presented in Table 2 (Attachment B).

Future Funding Plan

In 1999 a $25 add-on filing fee was attached to every case filed in Juvenile Court. These funds are used to pay the salary of the program mediation coordinator. County general funds pay for the salary of the administrative assistant as well as equipment costs, e.g., copier, phones and consumable supplies. Two full-time staff mediators are funded through the alternative schools grant ($80,000 per year) and through the county Department of Jobs and Family Services ($53,000 per year). In July 2000 the Clark County Court of Common Pleas received a grant from the Supreme Court of Ohio to consolidate all mediation services of the court in one central location. As noted earlier this mediation program has moved to the new location. Additionally, Mr. Stanley Phillips has been appointed to be the administrator of the consolidated center and coordinator of civil mediation. It is expected that the center will continue to provide all present services and add civil case mediation to its spectrum of services.

Evaluation Information

Judge Joseph N. Monnin expresses strong support for mediation in general and for this particular program. He perceives the program as contributing to the expeditious processing of cases, decreasing heavy court caseloads and enabling people to settle their own disputes. He also perceives that acceptance for mediation

has grown among practicing attorneys and he attributes this growth to the successful efforts of the staff of the mediation center and their implementation of the grant provided by the Supreme Court of Ohio. He is also pleased with the community involvement and support engendered by the program and summarizes his sentiments by stating, "The program has met expectations and exceeded them."

Judge Monnin's positive assessment was echoed by other court personnel including Thomas Wilson, Court Administrator and Karen Benton, Diversion Director and Grants Coordinator. Mr. Wilson believes the program has been successful because it has produced favorable tangible results. He attributes much of the success of the program to the leadership of Sharon Travis who "reconstructed a moribund program" with the help of Judge Monnin's leadership and the support of the Supreme Court grant. Karen Benton sees the program in the schools as an effort to prevent children and families from future involvement with the court due to delinquency. She believes that the program has surpassed the goals of the grant. She is especially pleased with the program's success in developing public awareness of the value of mediation. She applauds the program's "forte in marketing" and "exposure by demonstration."

Two focus groups evidenced strong support and very positive evaluations of the program. These groups included a school superintendent, a school principal, a former school administrator, social service workers, guardians ad litem, the Director of the Department of Jobs and Family Service, the Clark County Sheriff, an attorney for Children Services and a magistrate. These parties gave the center and its program very high marks and expressed strong support for not only continuation of the program

but expansion of it as well. The mediation staff were praised for their effectiveness and professionalism.

Although he could not participate in the focus groups, Judge Thomas Capper sent a letter expressing very strong support and appreciation for the program's effectiveness, for the training provided to the local bar association and for the professionalism of the mediation staff.

Six former clients were contacted by phone. They had all used the mediation service within the past year and none had ever used mediation previously. They all reported they had been treated with courtesy and respect by the mediator and support staff. Five reported full settlement and one partial. Five said that their mediator was fair and unbiased while one indicated that she told the mediator that she thought he was favoring the other party and the mediator became more neutral as a result of this feedback. All interviewed clients said they would use mediation again and would recommend it to friends. One party said: "It beats going to court." And another stated: "I like being able to settle it myself rather than having a judge tell me what to do."

Parties Interviewed

George Brose, Staff Mediator
Susie Hyland, Administrative Assistant
Sharon Travis, Mediation Coordinator
Dick Wiggins, Staff Mediator
Hon. Joseph N. Monnin, Clark County Juvenile Court
Karen Benton, Director of Diversion Programming/Grants Coordinator
Thomas Wilson, Court Administrator

Focus Group Participants

Angela Evans, Supervisor of Social Services, Department of Jobs & Family Services
Nancy Flinchbaugh, Mediator
Jean Hardy, CASA/GAL
Gene Kelly, Clark County Sheriff
Rita Lane, School Principal
Janie Skosstram, Magistrate
Robert Suver, Director Department of Job & Family Services
Roger Ward, Attorney for Children Services
Dick Wiggins, Former District School Administrator
Bob Willman, Superintendent Clark-Shawnee Local Schools

Attachment A

Name of Person Completing Form: Sharon L. Travis
Name of Court: Clark County

Table 1

Mediator Background and Development

** Please provide information for all mediators who have provided mediation services for your court over the course of the three-year grant period.

Name	Staff (S) Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediation (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-court grant monies)		# of Cases Mediated for 12-Court Project
				Pre-Grant	During Grant	
Sharon Travis	S	MA Conflict Resolution	6	Basic Advanced Specialized	Specialized Dependency	Not Available by Mediator
George Brose	S	MA	3	Basic	Dependency Advanced Specialized	N/A
Richard Wiggins	S	MA	0		Dependency	N/A
Martha Antolik	S	MA	10	Basic Advanced Specialized	Dependency	N/A
Margaret Miller	S	MA	3	Basic Advanced Specialized	Dependency	N/A
Ron Jakels	V	MA	0		Basic Truancy	N/A

Name	Staff (S) Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediation (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-court grant monies) Pre-Grant	During Grant	# of Cases Mediated for 12-Court Project
Robert Luther	V	N/A	5	Basic Landlord/Tenant	Truancy	N/A
Mona Avery	V	N/A	2	Basic	Truancy	N/A
Bruce Heckman	C	MA	3	Basic Advanced Family		N/A

Attachment B

Name of Person Completing Form: Sharon L Travis
Name of Court: Clark County

Table 2

Mediation Project – Case Information Summary

Note: Figures may be **estimated** from November 1997 through December 1999. Beginning January 2000, please indicate the **actual** figures.

November – December 1997 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	24	2	2 .50 hours
Juvenile-Parentage			
Domestic Relations – Pre-Decree	37*	1.5	2.0 hours
Domestic Relations – Post-Decree Common Pleas			
Juvenile – Unruly	53	1.5	1.0 hours
School	34	1.0	1.0 hours

January – December 1998 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	43	2	2.5 hours
Juvenile-Parentage			
Domestic Relations – Pre-Decree	75*	2	2.0 hours
Domestic Relations – Post-Decree Common Pleas			
Juvenile – Unruly	42	1.0	1.0 hours
School	155	1.0	1.0 hours
Non-Court (e.g., Police)	8	1	2.0 hours

January – December 1999 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	40	2	2.5 hours
Juvenile-Parentage			
Domestic Relations – Pre-Decree	46*	2.0	2.0 hours
Domestic Relations – Post-Decree Common Pleas			

January - June 2000 (Actual Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	18	2.0	2.5 hours
Juvenile-Parentage	6	2.0	2.0 hours
Domestic Relations – Pre-Decree	5	2.0	2.0 hours
Domestic Relations – Post-Decree Common Pleas	2	2.0	2.0 hours
Juvenile – Unruly	15	1.0	1.0 hours
School	184	1.0	1.0 hours
Human Services or Police	5	1	2.5 hours

Cuyahoga County Court of Common Pleas, Juvenile Court Division
Mediation Services

Background and Context

Cuyahoga County Juvenile Court began its court-connected custody and visitation mediation program in 1995 through grants from two local groups – the Cleveland Foundation and the George Gund Foundation. The grants were made to the Cuyahoga County Bar Foundation and Association, which developed the program for the Court. During 1995 and 1996, approximately twenty-five to thirty mediators were trained in custody and visitation mediation. Over the course of the next three years, contract mediators mediated approximately 1,250 custody, visitation and re-opened abuse, neglect and dependency[1] cases. Because of the success the program in these areas, the Court became interested in expanding the types of cases being referred for mediation. In 1997, the Court applied to become a participant in the Mediation Institutionalization Project.

Cuyahoga County Juvenile Court began to receive funding from the Supreme Court in May 1998. The Court intended to use the grant to expand the availability of mediation in the areas of abuse, neglect and dependency, juvenile delinquency and juvenile domestic violence cases. Expansion of mediation in these areas would provide parties with increased opportunities for collaborative problem solving, with the expectation mediation of these cases would reduce, the likelihood of future filings. In addition to providing better service to families, the Court expected that the increased

[1] A case is "re-opened" when an interested party files a motion seeking to change an original custody or visitation order that was issued after a finding of abuse, neglect or dependency.

use of mediation would help alleviate backlogged dockets and allow the Court to get the "most for its money."

Program Description

With the success of mediation in custody, visitation and re-opened abuse, neglect and dependency cases, the Court saw mediation as an appropriate vehicle for handling newly filed abuse, neglect and dependency cases. The Court felt that these cases were particularly appropriate for mediation because many of the issues inherent in abuse, neglect and dependency cases typically require repeated involvement of the Court. While the Court had also requested funding to support mediation in delinquency and juvenile domestic violence cases, logistics of expanding mediation into these areas proved difficult.

In 1998, the Court's initial focus was on the staffing needs of the department. Mary Malloy, Esq., the Mediation Project Director since 1996, was asked to expand her role to take on management of the Supreme Court funded program. A full-time support person was hired to perform intake and case management functions. A part-time mediator/trainer was also hired. Four contract mediators were trained, specifically to mediate new abuse, neglect and dependency mediation cases. Contract mediators paid through the county's general fund, continued to mediate private custody, visitation and re-opened abuse, neglect and dependency cases.

From the start of the grant, the Juvenile Court Mediation Program placed its primary emphasis on establishing a sound protocol for mediating newly filed abuse, neglect and dependency cases. During the first two years of the grant period, the program focused on quality and process in addition to case volume. Juvenile

magistrates began referring cases from emergency custody and shelter care hearings, though no set procedure for case referral was established at the outset of the program.

Referrals of newly filed abuse, neglect and dependency cases increased during the first two years of the project. While the program continued to mediate approximately 300 re-opened abuse, neglect and dependency cases per year, the program also began to mediate newly filed cases with 23 cases mediated in 1998 and 34 cases mediated in 1999. A protocol for organizing and mediating these newly filed cases was established during the second year of the grant period. The protocol calls for a referral to mediation after the first court hearing. The mediation program plans and conducts a comprehensive mediation session wherein all legal issues – placement, visitation, adjudication, and disposition are addressed. This is followed by a brief *voir dire* to place the agreement on the record. The entire process is completed within 3 weeks of filing. The next phase of the grant project will focus on increasing the number of referrals to mediation.

Mediation in the area of juvenile delinquency and domestic violence has evolved somewhat more slowly. Prosecutors were very resistant to mediation in these cases. No satisfactory referral mechanism was ever put in place. As a result, the program decided to postpone its push for these referrals and instead focus on the abuse, neglect and dependency area. As the program enters its third year of the grant period, it is seeing a change in the climate in the attitude towards the mediation of juvenile delinquency and juvenile domestic violence cases. As a result of a recent change in the truancy statute, there now seems to be encouragement from both the bench and the Department of Children and Family Services for mediation of truancy and educational

neglect cases. An excellent protocol has been established for handling these cases, so referrals will likely increase.

As of July 2000, mediation appears to be more fully integrated into the Court's menu of dispute resolution options. The department has met its objective of getting the entire program, including mediators and protocols into place before the end of the grant period. Though the number of contract mediators did not change over the course of the grant period, the quality of the mediators improved dramatically as a result of increased training that was made possible through the monetary and programming support provided by the grant. Cases continue to be mediated by the staff, with the assistance of three contract mediators.

In order to ensure that the mediation program will continue to provide quality services, the mediation department is working on various proposals that will provide for the incorporation of mediation programming into the County's annual budget. The Court is hopeful that the County Commissioners will fund the program after the end of the grant period. The mediation department also continues to seek outside funding sources, which will be used to further enhance the services that are currently provided by the Court. The Cleveland Foundation is providing limited continuation funding and support for the program's efforts to obtain permanent funding.

Sources and Nature of Program Support

While the Court began to accept the concept of mediation as a diversion to standard dispute resolution methods prior to the start of the grant, individual support from the attorneys, judges and community was not as favorable at the program's inception. Many of the attorneys, prosecutors and caseworkers who had been working

for years in the child protection area were very concerned that mediation would not only be a waste of time, but would also be an inappropriate method for dealing with new abuse, neglect and dependency cases.

Over the course of the two-year grant period, there has been a remarkable increase in the level of support for both mediation and program expansion. The overwhelming majority of judges, attorneys, and caseworkers now feel that the mediation program has been extremely successful. Attorneys who were interviewed stated that mediation is a much better investment than the addition of more judges and courtrooms. Those who were initially opposed to mediation now feel that the program is indispensable. One magistrate who was interviewed stated that attorneys now have a much better understanding of mediation due to hands-on opportunities and are therefore, not only less resistant to the process, but are actually requesting that cases be mediated as the first effort in dispute resolution. In addition, agency participants believe this process enhances accountability and focuses social workers on services rather than on preparing for court.

A general program advisory committee began in 1995 to work with mediation in the area of custody and visitation. The committee initially met weekly, then monthly and now meets on a quarterly basis. A smaller steering committee was also established to specifically oversee the project in the new abuse, neglect and dependency area. This committee also met weekly in the beginning and now meets on a quarterly basis. The committee serves as a sounding board, a decision-making body, and as an advisory panel to the mediation project. Problems that have arisen over the course of the grant period have been addressed and taken care of right away because

fact that key people are on the committee. Both committees share the objectives of obtaining continued funding and growth for the program.

Training and Mediation Development

Training opportunities continue to be available for both staff and volunteer mediators. At least twelve different opportunities for training have been available each year over the past two years. Continuing education for staff, contract and volunteer mediators has been built into the project's budget and is available based on the development needs of the program. Training required as a condition of the grant was provided by the Supreme Court at no cost to the mediators. Mediator qualifications and training are summarized in Table 1 (Attachment A).

Program Policy and Operation Issues

As a result of its efforts to establish case management and protocol procedures, the program continues to be quite successful. While no one particular method for referral of cases is utilized, the number of referrals continues to be on target with what the department is currently able to handle.

Lack of sufficient space and additional support staff currently prevents the program from handling an increased caseload. The program does not have a designated mediation room. The department has access to a basement conference room three mornings per week and periodically uses a conference room located in the mediation office. At the present time, the Court is unable to devote additional space to conduct mediations. The program is exploring the availability of additional space in the vicinity of the court complex for expansion.

As indicated above, another barrier to increasing the current caseload is the lack of sufficient support staff. The program has developed a protocol for new abuse, neglect and dependency cases which results in a nearly 100% attendance rate, but which is also labor intensive. At the present time, Susan Jankite, Esq., serves as both support person and mediator for the department. The director of the program indicates that a full-time support person, with a complete understanding of the child protection cases, is critical. The amount of pre-mediation preparation necessary in these cases is inherently greater than in other types of mediations. The number of parties to be served, contacted and prepared is often three times the number required in the average custody and visitation case. The department could increase the number of cases it mediates if it had an additional support person who could perform secretarial functions. However, there are no funds available at the present time to hire an additional support person.

The program director indicated that her time is allocated in the following manner:

Activity	% of time
Program Administration	30
Public Education and Relations	60
Mediation	5
Training Mediators	5

Statistical Summary

Cases mediated by year and by case type are presented in Table 2 (Attachment B).

Future Funding Plans

Cuyahoga County will continue to receive funding from the Supreme Court Grant through December 31, 2000. According to Ms. Marita Kavalec, Court Services Director, the Court would like to see the program continue after the end of the grant period. Future funding sources for the continuation of mediation in the areas of abuse, neglect, dependency, delinquency and juvenile domestic violence are still being discussed at the present time.

Though no decisions had been made at the time of the interview, the department believes that the Court will establish adequate funding for the continuation of the program through add-on filing fees or a separate line item in the Court budget. This belief is bolstered by the fact that the custody and visitation mediation program is entirely funded through the county general fund and add-on filing fees. The department will continue to seek alternative funding sources, such as grants, to supplement the program's budget.

Evaluative Information

Overall, the relatively young program has received a great deal of support from most parties interviewed. As Judge Sikora stated, "there is no opposition on the part of the judges. They are accepting, due in large part to the level of confidence in the program." He went on to say that the goals of the program were definitely accomplished and that he has only seen a handful of cases that have come back into Court after reaching a full mediation agreement.

Other court personnel echoed the sentiments of Judge Sikora. All stated that the program has been a surprising success in these types of cases. The program gives

parties a controlled setting in which to work through problems and create viable solutions for their own families. There is a great deal of support from Court Administration and the magistrates for not only the continuation, but expansion, of the Court's use of mediation in various types of cases.

A focus group including individuals involved as parties in child protection cases evidenced strong support for the program. The group interviewed also included attorneys, guardian ad litems, social workers and prosecutors from the Department of Family Services. All interviewed admitted to initially possessing strong feelings of opposition to mediation in abuse, neglect and dependency cases. These feelings of opposition were based on a lack of confidence in the appropriateness of mediation in this area. Others indicated an initial sense that the mediation process was not only a waste of time, but also an ineffective process which served to duplicate the efforts of the attorneys in these cases.

The overall change in the attitude of focus group members was astounding. All present are now self-proclaimed "true believers" in the mediation process. Many were able to participate in local bar and/or court-sponsored mediation trainings, that allowed them to more fully understand the mediation process. One attorney stated that he had been a pure litigator and completely unsupportive of mediation until just 18 months ago, when he experienced a "catharsis" as a result of both training and participation as a party in mediation. He felt that the mediation process saved several months of court time and that mediation encourages members from all professions to participate in conciliatory efforts early on.

Only one attorney felt that mediation is not useful. He commented that the process is a waste of time; unless settlement is reached, it is an unnecessary step. This attorney also seemed to indicate that there is no room in these cases for parent participation in decision-making because many of the issues are non-negotiable. All other prosecutors, attorneys and guardians interviewed applauded the success of the program. The majority of the attorneys stated that the process expedites the administration of justice and empowers the parents by allowing them the opportunity for input.

With few exceptions, those from whom comments were gathered felt that the program has been extremely successful and indicated great confidence in the level of mediator competence. All supporters felt that this program should continue, not only in the area of child protection, but also in other areas of the Court's jurisdiction, as well. The statement of one attorney seemed to summarize the sentiments of all individuals interviewed. She stated, "...even if we are able to save one child from the log jam, it would be worth it."

Persons Interviewed

Mary Malloy, Program Director
Magistrate Darlene Brusnahan
Marita Kavalec, Court Services Director
Hon. Judge Peter Sikora, Cuyahoga County Juvenile Court
Tom Kozel, Esq., Mediator
Susan Organiscak, Esq., Mediator
Susan Jankite, Esq., Support Staff, Mediator
Virginia Wallace-Curry, Esq., Mediator

Michael Weiss, Esq.
Jodi Wallace, Esq.
Gayle Vojtush, Esq.
John Mayer, Esq.
Ty Fazio, Esq.
George Coghill, Esq.
Cheryl Alikhan, Esq.

Focus Group Participants

Bernie Brooks, KIDS Hotline Chief, DCFS
Debra Obed, Esq., Prosecutor
Dorothy Reichenbach, Esq., Prosecutor
Lee Koosed, Esq., Attorney Participant
Lisa O'Rear Lassen, GAL Director
Ray Froelich, Esq., Attorney Participant
Cara Santosuosso, Esq., Prosecutor
Joan Soucie, Supervisor, DCFS
Paige Penny, Social Worker, DCFS

Attachment A

Name of Person Completing Form: Susan Jankite
Name of Court: Cuyahoga County Juvenile Court

Table 1

Mediator Background and Development

**Please provide information for all mediators who have provided mediation services for your court over the course of the three-year grant period.

Name	Staff (S), Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediating (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-Ct. grant monies)		# of Cases Mediated for 12-Ct. Project
				Pre-Grant	During Grant	
Susan Glatki	Staff	J.D.	2	12Hr Basic 40Hr Advanced Legal & GAL Trainings	N/A	30+
Susan Jankite	Staff	J.D.	2	Mediation/ADR Law School "Nobody's Child" 20Hr Transformative	May 1999 – Local Child Protection Training *	20
Thomas Kozel	Contract (Non-Supreme Court Funded)	J.D.	-		40-Hr Advanced & 12-Hr Basic (Sup.Ct.Sponsored) Local Child Protection Training*	10
Anna Tyrell	Staff	M.Ed.	4	40Hr Family Divorce 24Hr High Conflict Mediation w/Domestic Violence Training	Delinquency Training	30+
Virginia Wallace-Curry	Contract (Non-Supreme Court Funded)	J.D.	3+	12Hr Basic and 40Hr Advanced Family & Divorce	Child Protection* (Local)	2
Amy Woodrum	Contract (Non-Supreme Court Funded)	J.D.		-	12-Hr Basic 40-Hr Advanced Family & Divorce (Sup.Ct.Sponsored) Child Protection* (Local)	6

Attachment B

Name of Person Completing Form: Mary A. Malloy
Name of Court: Cuyahoga County Juvenile Court

Table 2

Mediation Project – Case Information Summary

Note: Figures may be **estimated** from November 1997 through December 1999. Beginning January 2000, please indicate use the **actual** figures.

November – December 1997 (Estimated Figures) NON-APPLICABLE

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection			
Juvenile – Parentage			
Domestic Relations – Pre-Decree			
Domestic Relations – Post-Decree			
Civil – Small Claims			
Other Civil – _____			

January – December 1998 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	17*	1	N/A
Juvenile – Parentage	-	-	-
Domestic Relations – Pre-Decree	-	-	-
Domestic Relations – Post-Decree	-	-	-
Civil – Small Claims	-	-	-
Other Civil – _____	-	-	-

* Represents number of children

January – December 1999 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	51*	1	3.8 hours
Juvenile – Parentage	-	-	-
Domestic Relations – Pre-Decree	-	-	-
Domestic Relations – Post-Decree	-	-	-
Civil – Small Claims	-	-	-
Other Civil – _____	-	-	-

January-June 2000 (Actual Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	39 *	1	3.85 hours
Juvenile – Parentage	-	-	-
Domestic Relations – Pre-Decree	-	-	-
Domestic Relations – Post-Decree	-	-	-
Civil – Small Claims	-	-	-
Other Civil – _____	-	-	-

* Represents number of children

Franklin County Court of Common Pleas, Division of Domestic Relations and Juvenile Branch Mediation of Abuse, Neglect and Dependency

Background and Context

The development of mediation services for cases involving abuse, neglect and dependency has been a logical extension of dispute resolution programs for the Franklin County Domestic and Juvenile Court. The Court has offered domestic relations mediation since 1989 for cases involving children as well as victim-offender mediation since 1997. The successes of these well-utilized programs helped to lay the foundation and develop the infrastructure for the Mediation of Abuse, Dependency and Neglect Program (MAND) funded by the Supreme Court of Ohio's Mediation Institutionalization Project from 1997-2000.

Through the MAND program a mediation session is offered and conducted with all parties to the dispute at both the pre and/or post adjudication stage of the Juvenile Court process. The mediation session includes the parties in dispute – i.e., parents, Franklin County Children Services (FCCS) – the attorneys for each, guardians ad litem, a court appointed special advocate (CASA), an assistant prosecuting attorney (APA) as well as other parties who have a stake in the outcome of the case with reference to the needs and best interests of the children. The mediation session is conducted by the program's mediation coordinator or it may be co-mediated. The average length of each session is about 2.5 hours, though some go beyond 3 hours. The typical mediation is completed in one session. The purpose of the mediation is to reach agreements among FCCS, the parents and the Juvenile Court on the tasks and therapeutic services that are required to rehabilitate the family. This plan may include a period of separation of

the children from the family home, e.g., foster care. Over the course of this project a total of 180 abuse, neglect, and dependency cases have been mediated.

Program Description

This program began in November 1997. Initially, the program was structured to mediate every 5th case of abuse, neglect and dependency case that came to the attention of the Franklin County Juvenile Court. However, after a brief pilot period, this practice was ended and the program began to receive referrals directly from judges and magistrates as well as from FCCS caseworkers and attorneys. These referrals are forwarded by a magistrate approving an order for mediation prior to a court hearing date.

From the inception of this program, the project grant has provided funding for a mediation coordinator. The incumbent in this position performs administrative duties as well as some mediation. Ms Olga Dyas has held this position since 1998. In addition to the mediation coordinator, the program has used one other staff mediator associated with the Juvenile Court and 6 contract mediators.

Initially, a part-time administrative assistant supported the program. As a result of some personnel changes within the programs of the Juvenile Court, this position was merged with the mediation coordinator position. The program now shares secretarial support with other mediation programs in the court.

The program has consistently employed a set of exit surveys that are administered to the case mediators, the attorneys present, any court appointed special advocate and the parties to the mediation. Program staff indicate that they examine these instruments regularly and used them as a source of valuable feedback. These

surveys are similar to instruments provided by the Supreme Court, but they have been "customized" to suit this particular program.

At the conclusion of the grant supported project period (June 30, 2000) this program was being continued. The program coordinator position is currently fully funded through December 2000 from county general funds allocated to the Court. Secretarial support is provided on a shared basis with other mediation programs. There is no money currently available for contract mediators. Nevertheless, the mediation caseload processed by this program has remained stationary at about 12 cases per month. This has been possible primarily through the dedicated efforts of Olga Dyas, Mediation Coordinator. Since July 1, 2000, Ms. Dyas has increased her direct mediation effort to approximately 50%, and the rest of the department has assumed some of the tasks she formerly performed in the domestic relations program. These adjustments were made as a temporary, 6-month measure to ensure the continuation of service for the increasing numbers of MAND referrals. It is planned that the program will expand if the request for contract mediation support is approved for the fiscal year beginning January 2001.

Sources and Nature of Program Support

All parties interviewed expressed very positive levels of support for this program. Judge Katherine Lias, this court's Administrative Judge, indicated that this program was able to "ride the coat tails" of a very successful program of divorce mediation. However, even with this foundation in place, there was a great deal of skepticism evident among judges, magistrates, attorneys and FCCS caseworkers regarding the potential efficacy of this approach to dispute resolution. Early referrals were slow. To encourage

referrals, magistrates were literally reminded regularly by the program coordinators and related mediation staff that they should consider various cases suitable for mediation. After a period characterized by this type of "outreach," the program began to sell itself based on success. Some attorneys and FCCS caseworkers began asking magistrates to refer cases. The program has enjoyed the support and assistance of an advisory committee, that is representative of all program stakeholders. In the beginning, during program start-up, this representative committee was very helpful with re-tooling the program and by getting the word out about its availability and encouraging referrals. This committee continues to meet quarterly. All interviewed respondents affirmed the notion that the program enjoys increased support from both the bench and the bar. However, the program has not been able to do much in the community at large to engender increased public awareness of the availability and success of mediation. The program does have an informational brochure, that is available throughout the courthouse. Franklin County Children Services is both very aware and very supportive of the program. FCCS is the program's most important constituent agency.

Training and Mediator Development

All of the mediators associated with this program have completed 52 hours of basic and domestic/family mediation training. Additionally, 5 of the 12 staff and contract mediators have received advanced training in abuse, neglect and dependency mediation. The program takes advantage of all the training made available by the Supreme Court of Ohio and has used these opportunities for both staff and contract mediators. Additionally, this program has used an apprenticeship form of training for abuse, neglect and dependency mediation. In general, the perception of several persons associated with this program is that there needs to be more training especially

focused on abuse, dependency and neglect mediation as well as more training on specific problem solving techniques. Continuing legal education for attorneys on the subject of mediation has been made available through seminars and training institutes, but only infrequently. Mediator qualifications and training are summarized in Table 1 (Attachment A).

Program Policy and Operation Issues

This program experienced several significant personnel and public awareness challenges during the start-up period following receipt of the initial grant. These challenges were addressed through leadership provided by court administrators and staff, particularly Nancy Catena, Program Administrator, Marya Kolman, Supervisor of Mediation and Olga Dyas, Coordinator of MAND. Ms. Dyas was appointed to this role during a challenging start-up period and is generally recognized as having provided the energy and organizational skill which enabled the program to get back on track. The program advisory committee also played a significant role in helping this program to become more securely established and in developing a flow of referrals.

Following these initial difficulties, the program has experienced a steady increase in referrals and has gained a reputation for success among its working constituencies. There has been adequate clerical and equipment support. The room used for the mediation is comfortably furnished and just adequate in size.

During the grant period, the mediation coordinator divided her time as follows:

Activity	% of Time
Program Administration	40%
Public Education and Relations	40%
Mediation	15%

Training Mediators	5%

Statistical Summary

Cases mediated by year and case type is presented in Table 2 (Attachment B).

Future Funding Plans

The position of the mediation coordinator has been supported by general county funds since the grant period ended on June 30, 2000. There is commitment throughout the offices of the Juvenile Court for this support to continue indefinitely as long as the program continues to be successful and effective. Clerical support, supplies and general services are all provided by the Franklin County Juvenile Court.

The plan is to expand the program by hiring contract mediators if additional funds are made available in January 2001.

Evaluative Information

The general theme provided by interviewed respondents is that this program began in an atmosphere of skepticism and doubt and has moved to a position of support and success. The initial reluctance surrounding this program stemmed largely from concerns about the complexities and sensitivities inherent in the targeted service group, namely, families charged with abuse, neglect and dependency with reference to their children.

Judge Lias, the Administrative Judge for the Juvenile Court, perceives that the program has been a substantial success and that the cost/benefit ratio has been favorable. Judge Lias expresses the view that mediation is often the preferred method for reaching agreement in abuse, dependency and neglect cases because the parties

involved can have more input into solutions and thereby exercise greater control over their affairs. Judge Lias reports that there have been no formal complaints filed with regard to this program and she avows that she and her colleagues on the bench are very supportive of its continuation and will advocate for the additional funding.

Nancy Catena, Court Program Administrator, says that MAND has had a large "halo effect" for mediation services throughout the court system. The positive results of this program have further enhanced credibility for mediation court services. Building upon domestic mediation success, the MAND program has helped to make mediation itself a more acceptable option for dispute resolution. In short, the program has had an institutionalization effect.

Marya Kolman, Mediation Supervisor, points out that the program has been "sold by success." Increasingly, both attorneys and magistrates are requesting mediation, and the referrals have been increasingly appropriate to the process.

A total of eight respondents met in a focus group to discuss their experiences with MAND. The group consisted of five practicing attorneys, one assistant prosecutor, one magistrate and one representative from FCCS. In general, these respondents were enthusiastically supportive of the program. They expressed the opinion that the program helped to resolve issues in an expeditious and effective manner, that generally saved valuable court time and gave the parties a greater degree of control over important family issues. The professionalism and effectiveness of the program coordinator and other mediators received high praise from this group and there was a large amount of support expressed for the continuation and expansion of this program.

One respondent from this group expressed some fairly strong concerns about the fact that at times the parties are not represented by counsel at the mediation and that this creates a "playing field" which is inherently unfair. The group pointed out that representation is always available to the parties, but some may decline it. The concerned respondent favored the continuation of this program with "safe guards."

A total of five former clients of the MAND program were interviewed by phone in October 2000. All interviewed parties had participated in a mediation within the past six months and all were parents or guardians of children in whose behalf charges of abuse, neglect or dependency had been filed. None had any prior experience with mediation.

All reported being treated with courtesy and respect by the mediator and that they perceived the mediator to be both fair and unbiased. One reported that the matter was not settled, and the others claimed partial to full settlement. All would use mediation again including the respondent whose case did not settle. Comments included: "It went well, helped out a great deal"; "Great job"; and "Happy with the way it was".

Overall the MAND program of the Franklin County Juvenile Court has been a very great success both quantitatively and qualitatively. Its continuation is assured and there is strong support for its expansion depending on additional funding which has been requested. As a demonstration project, it is a very good example of a program that started as an appendage and is now more nearly integrated with the broader mediation services of the Juvenile Court. It has achieved a substantial degree of institutionalization.

Persons Interviewed

Olga Dyas, MAND Mediation Coordinator

Marya Kolman, Supervisor of Mediation

Christy Walker, Contract Mediator

Nancy Catena, Program Administrator for Juvenile Court

Hon. Katherine S. Lias, Administrative Judge, Franklin County Domestic Relations & Juvenile Court

Focus Group Participants

Kathy Bartlett, Franklin County Children Services

Susan Burnside-Kelly, Attorney

Shawn Dominy, Attorney

David Glisson, Attorney and Public Defender

William Hayden, Attorney

Terry Julian, Attorney and Assistant Prosecuting Attorney

Jeff Liston, Attorney

Nadine Van Dyke, Magistrate

Osias Zimmer, Attorney and Public Defender

Attachment A

Name of Person Completing Form: Olga K. Dyas
Name of Court: Franklin County

Table 1

Mediator Background and Development

** Please provide information for all mediators who have provided mediation services for your court over the course of the three-year grant period.

Name	Staff (S) Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediation (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-court grant monies) Pre-Grant	During Grant	# of Cases Mediated for 12-Court Project
Kevin Zehe	S,C,V	Marriage and Family Counselor-LSW	2	* Abuse, Neglect and Dependency		77
Lorie McCaughn	C	J.D. and B.S. Nursing	3	*Abuse, Neglect and Dependency		37
Linda Wilkins	C	J.D. B.A. Sociology Masters Education	3		*Abuse, Neglect, and Dependency	19
Christy Walker	C,V	B.Sc. B.P.A.	2		Formal training w/other county in AND	11

*All mediators completed 52 hours of Basic & Domestic/Family Mediation Training

*All mediators completed 52 hours of Basic & Domestic/Family Mediation Training

Name	Staff (S) Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediation (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-court grant monies) Pre-Grant	During Grant	# of Cases Mediated for 12-Court Project
William Payne	C	BA MA Political Science	2		*No formal training – apprenticeship through our office in AND	24
Randy Fisher	C	Licensed Social Worker	2		*No formal training – apprenticeship through our office in AND	14
Barb Dixon	C,V	BS Business Admin and Management	3		*No formal training – apprenticeship through our office in AND	6
Leslie Martin	C,S	LSW	8		*No formal training – apprenticeship through our office in AND	5

*All mediators completed 52 hours of mediation training.

** Please provide information for all mediators who have provided mediation services for your court over the course of the three-year grant period.

Name	Staff (S) Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediation (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-court grant monies) Pre-Grant	During Grant	# of Cases Mediated for 12-Court Project
Marya Kolman	S,C	JD BA Social Work	8	* Abuse, Neglect and Dependency		21
Olga Dyas	S	BS Business Administration	0	*Abuse, Neglect and Dependency Apprenticeship and on the job training		14
Kathleen Hoenie	C	MS LSW	7	*Abuse, Neglect, and Dependency		10
Cathleen Payne	S	JD	3	*On the job training		13

*All mediators completed 52 hours of Basic and Domestic/Family Mediation Training.

Attachment B

Name of Person Completing Form: Olga K. Dyas
Name of Court: Franklin County

Table 2
Mediation Project – Case Information Summary

Note: Figures may be **estimated** from November 1997 through December 1999. Beginning January 2000, please indicate the **actual** figures.

November – December 1997 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	15	1	2 .50 hours

January – December 1998 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	49	1	2 hours

January – December 1999 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	68	1	2 hours

January – June 2000 (Actual Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	48	1	2 .22 hours

Hamilton County Court of Common Pleas
Mediation Service

Background and Context

In November 1997, the Hamilton County Court of Common Pleas was awarded a grant under the Mediation Institutionalization Project of the Supreme Court of Ohio. The initial grant period was used to organize, plan and attend to logistical matters including the hiring of Ms. Norton B. Roberts, Esq. as Mediation Coordinator on January 26, 1998. Ms. Roberts continues to serve in this capacity for Common Pleas Mediation Service (CPMS). The primary purpose of this mediation program, as originally funded, was to determine the feasibility of utilizing in-house mediators for civil cases and, thereby, expedite case processing, decrease judicial involvement, and produce cost effective resolutions of cases through mediated settlements. An additional purpose of the initial grant was to provide training for staff of the Private Complaint Mediation Service (PCMS) in mediating unwed parenting complaints that may involve visitation and custody issues, coupled with misdemeanor criminal allegations, as well as development of a guidebook for juvenile court procedures for custody and visitation. PCMS is a mediation department under the aegis of the Municipal Court.

Both the Common Pleas Court and the Municipal Court have a long history of using alternative dispute resolution for both civil claims and as an alternative to misdemeanor criminal prosecution. For example, compulsory arbitration for Common Pleas civil cases within certain dollar amounts has been used since 1972, and mediation of criminal misdemeanor incidents has been provided since 1974. Mediation of civil cases has been available since 1988 under Local Rule 31. In addition, the local

presence and operation of the Center for Resolution of Disputes for the past twelve years has increased judicial and attorney awareness of the value and utility of mediation as an alternative to litigation.

Program Description

From its beginning this program has been designed to serve civil cases exclusively. By entry order signed by all Hamilton County Judges (February 20, 1998), two methods of referral were authorized: (1) by the court and (2) by random selection of every twentieth case filed including, for example, personal injury claims, products liability, worker compensation, breach of contract and other matters specified by the court. Cases referred from the court include those selected by judges/and those nominated by attorneys.

These methods of referral have produced an increasing and relatively large mediation case load. Over time, random referral has decreased and Court referral has increased such that at the conclusion of the project period (June 30, 2000) approximately 66% of cases referred for mediation were by the court and 33% by random referral, which represents an inversion of the initial rates.

Growth for this mediation service is evidenced by the fact that in 1998 there were 407 referrals, 575 in 1999 and 329 from January through June 2000. To accommodate the rising number of referrals, two part-time contract mediators were retained in July 1999 through an expansion of the Supreme Court grant. Initially, and for most of the life of this project, CPMS shared the services of one support staff person with the PCMS on a 50/50 basis. Since March 2000, a full-time secretary provides clerical support to CPMS. This support person is salaried by Hamilton County Common Pleas Court. In

addition to the two contract mediators who were added to this program staff, a small number of attorneys have been trained to serve as volunteer mediators in emergency situations.

Having proved that program demand could sustain additional staff, CPMS requested and received an expansion grant in July 2000 from the Supreme Court to create a second full-time staff mediator position. The Hamilton County Court of Common Pleas Court assumed total financial support of the program in July 2000, with the exception of the new staff mediator position.

At the conclusion of the grant period, this program appears to be well established as an alternative to litigation within the Court structure. The flow of referrals is high in volume and increasingly through the Court rather than by random selection. The program is staffed by two full-time mediators and one full-time support person. One contract mediator remains on call and several volunteer mediators are prepared to assist when needed. A plan for continuation funding has been implemented and, ultimately, the program staff will be completely supported by local funding.

Sources and Nature of Program Support

This program enjoyed a considerable amount of support from its inception. This support has been evident not only from a core group of court administrators consisting of Cathleen Kuhl, Barbara McCoucha and Michael Walton, who collectively authored the proposal for the original grant, but also from key judges, especially Judge Robert Kraft and Judge Mark Schweikert. The Mediation Coordinator reports directly to the Court Administrator, Mr. Walton, who has been a continuous source of support for the

program. With Mr. Walton's support, a $25 fee has been added to all civil complaint filings and designated for the CPMS annual budget.

The program advisory committee also has been a very strong source of support to the program as well as a conduit for community communication and interpretation. The committee membership reflects a balance of persons including practicing attorneys, mediators in the community, judges and other individuals interested in mediation. While this committee does not set policy for the program – the judges maintain that authority – the committee has served as a sounding board for issues that are readily communicated to the appropriate sources and offices through representative and overlapping membership. Early on, this committee met on a monthly basis but currently meetings are scheduled quarterly. Membership on the committee has ranged from 10-14 persons.

All individuals interviewed affirm that support for this program is both wide and deep. Program support is evident from the judiciary, practicing attorneys, community mediators and related agencies. Interviewed respondents believe that this support has grown because of the success of the program and because of the active efforts of the mediation coordinator who regularly teaches mediation to attorneys in continuing legal education programs and through programs presented by the Alternative Dispute Resolution Committee of the Cincinnati Bar Association. A significant program sponsored by this committee featured Chief Justice Thomas Moyer who presented his views on pre-suit mediation to a large audience of attorneys and others.

Training and Mediator Development

Norton B. Roberts, the mediation coordinator, Stephen Calardo and Rosalind A. Florez, the contract mediators, and all emergency volunteer mediators had at least forty plus hours of training in mediation before beginning work with CPMS. Mr. Calardo had also received mediation education from Harvard University prior to contracting with CPMS. The Supreme Court of Ohio Office of Dispute Resolution has funded several educational opportunities for both the contract mediators and the mediation coordinator. Civil mediation training at the National Judicial College, Insurance Claims Mediation, ADR Super Conference, Ohio State Bar Association conventions and Mediating Medical Malpractice Claims are among those opportunities funded by the Supreme Court of Ohio for CPMS employees.

The Hamilton County Common Pleas Court is providing funding for on-going training for mediators related both to program focus (i.e., civil cases) and beyond. Support for attendance at the annual Society of Professionals in Dispute Resolution conference is also provided in the budget. Moreover, continuing education related to mediation is available for attorneys through training sessions led by the project mediators and sponsored, for example, by the Cincinnati Bar Association. For a summary of mediator qualifications and training see Table 1 (Attachment A).

In 1998, training in mediation for non-married parents was provided for the staff of the Private Complaint Mediation Service. This training was supported by the Supreme Court Mediation Institutionalization Grant and led directly to the development of a guidebook for issues of custody and visitation for non-married parents.

In addition to promoting awareness and knowledge about mediation through the education of attorneys, judges, mediators and insurance representatives, this program has sought to reach a broader public audience through the development and wide distribution of a program brochure. The mediation coordinator's active participation in the Bar's ADR committee also facilitates her attendance at special programs such as the one led by Chief Justice Moyer to promote pre-suit mediation.

Program Policy and Operation Issues

The case referral system has been an on-going policy focus for this program, i.e., random referral of every "nth" case filed versus direct referral from the court. The program began with an entry order requiring one of every twentieth civil filings to be referred for mediation. Gradually, as the concept of civil mediation became better understood and accepted by both the bench and the bar, this order has been amended such that only one in fortieth case is now randomly referred. These changes have been realized through using the advisory committee as a sounding board to develop recommendations and subsequent direct discussion with the Court Administrator and the Judge who chairs the Common Pleas Court's ADR Committee.

This program used exit surveys required by the grant for monitoring and evaluation purposes. At present, this system has been suspended for the purpose of developing an alternative, less time-consuming system. The program advisory committee has made this a matter of its agenda.

CPMS handles a very large caseload. This is made possible in large part due to Hamilton County's exceptional technology. The Court Management System (CMS) program allows remote access to case information such as docket, schedule, and party

and attorney contact information. Computer support staff has worked with CPMS to provide correspondence tied to CMS, automating what would otherwise be time consuming document preparation for the support staff. Pleadings and other court documents are available through "courtclerk.org," a website that includes scanned originals of documents filed with the Court.

The defense and plaintiff attorneys interviewed in the course of this study identified no single policy or operational issue that in any way impaired the effective functioning of this program. Both groups of attorneys believed the service would be improved if each side was better prepared for the mediation session and more realistic in its expectations for settlement, for example. Neither the Court Administrator nor the Judge who chairs the ADR Committee was able to recall or identify a single complaint from any source filed with them. When notice was given regarding the $25 add-on fee, only one complaint was received.

The mediation coordinator reported that her time was allocated in the following, approximate, ways:

Activity	% of time
Program Administration	50
Training Mediators	15
Mediation	30
Other (including public relations and education)	5

Statistical Summary

Cases mediated by year and by case type are presented in Table 2 (Attachment B).

Future Funding Plans

This program began planning for local continuation funding at the very start of the grant-sponsored operation. The mediation coordinator and program secretary are now funded fully by dollars generated by the $25 add-on fee assessed on all civil complaint filings. Additionally, this revenue source will pay for some contract mediation. The second full-time mediator is being fully supported for this fiscal year (2000-01) through an Expansion Contract from the Mediation Institutionalization Project of the Supreme Court. When this contract ends on June 30, 2001, the second mediation position will be covered by the revenues generated from the add-on filing fee. Should these funds prove insufficient the intention of the Court Administrator is to seek supplemental support from the county general funds.

Non-personnel operating expenses such as electricity, heat, space, phones, supplies and services, etc. are provided by general budget of the Court.

Evaluative Information

This program enjoys a very high level of appreciation and respect from all interviewed stakeholders. Moreover, there is a very sophisticated level of understanding of the purposes of this program evident in the immediate court environment, including judges, administrators, related court personnel, attorneys who use the service and program support persons. The interviewed respondents frequently noted that this appreciation and understanding has grown and developed through many

successful experiences with the program's services. As Judge Schweikert observed: "A few years ago civil mediation was regarded by the bar as a distraction or a waste. Now the attorneys ask for it and it is seen as a natural part of scheduling."

The plaintiff and defense attorneys interviewed were solidly in support of this program. Both collectively and individually these significant stakeholders expressed the views that the program is highly successful, that the program has fulfilled its objectives in a fair and cost effective manner; and that the mediators have been consistently fair, objective, prepared and professional. Several members of this group noted that with the accumulation of experience the program mediators have become even more adept at pinpointing issues and outlining realistic action options. As suggestions for improvement, several in this group would like to encourage earlier referrals to mediation, better preparation by the parties, a more "proactive" style taken by the mediator and a less time consuming process, i.e., "speed it up."

Both defense and plaintiff attorneys were asked to represent or characterize their clients' evaluations of this mediation service. Overall, clients regard the service as fair, professional and very useful in terms of helping cases move toward settlement. These attorneys indicated that their clients would definitely use mediation again as a means of settling a dispute and they would recommend the procedure to a friend.

As a kind of "meta-evaluation," several interviewed parties were asked to comment on the impact of this mediation program on the overall culture of the court. Several subjects noted that mediation encourages lawyers to work together, and that when they help achieve a fair resolution they can feel good about the benefits to their

clients. Judge Schweikert expressed the belief that mediation is helping the court move toward a "peacemaker" role in relation to its handling of all types of conflict.

Finally, it should be noted that it is a widely held opinion that the Supreme Court grant has been very instrumental in the development of this particular mediation program within the Hamilton County Court of Common Pleas, and that without this grant, this valuable service could not have been initiated and allowed to demonstrate its potential as an adjunct to traditional court processes.

Persons Interviewed

Norton B. Roberts, Director, Common Pleas Mediation Service
Rosalind Florez, Staff Mediator
Debbie Kring, Past Program Secretary
Kathy Wickemeyer, Program Secretary
Stephen P. Calardo, Attorney and Contract Mediator
Hon. Mark R. Schweikert, Chair, Alternative Dispute Resolution Committee
Michael Walton, Court Administrator
Barbara L. McCoucha, Asst. Assignment Commissioner
Cathleen Kuhl, Director, Private Complaint Mediation Service

Focus Group participants

Defense Attorneys

Daniel Burke
Cynthia Chiaro
Binem Dizenhuz
Timothy Ruttle
Christine Carey Steele
David Washington

Plaintiff Attorneys

Stephen Calardo

Mike Cook

Gary Franke

Colleen Hegge

Attachment A

Name of Person Completing Form: Norton B. Roberts
Name of Court: Hamilton County

Table 1

Mediator Background and Development

** Please provide information for all mediators who have provided mediation services for your court over the course of the three-year grant period.

Name	Staff (S) Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediation (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-court grant monies) Pre-Grant	During Grant	# of Cases Mediated for 12-Court Project
Norton B. Roberts	S	JD MS BA	3	Over 300 hours Training with Private Complaint Mediation Service and Law School ADR Courses	*Insurance Disputes *ADR Super Conference *NJC Civil Mediation *Mediating Medical Malpractice Claims *Mediation & Y2K	412
Rosalind C. Florez	C	JD	3	Ombuds Training with PROSeniors	*Insurance Disputes *NJC Civil Mediation	90
Stephen P. Calardo	C	JD		Harvard Training	*Insurance Disputes *Mediation & Y2K	52
Various Volunteers	V	JD	1-15		None	9

Attachment B

Name of Person Completing Form: Norton B. Roberts
Name of Court: Hamilton County Court of Common Pleas

Table 2

Mediation Project – Case Information Summary

Note: Figures may be **estimated** from November 1997 through December 1999. Beginning January 2000, please indicate the **actual** figures.

November – December 1997 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Other Civil	N/A		

January – December 1998 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Other Civil	96	1	2 hours

January – December 1999 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Other Civil	261	1	2 hours

January – June 2000 (Actual Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Other Civil –	206	1	2.73 hours

Henry, Defiance, and Fulton Court Mediation Services

Background and Context

Henry and Defiance Counties had no court-based mediation programs prior to the start of the grant period in January 1998. At that time, there were only two private mediators in the tri-county area. The purpose behind the proposal for the Supreme Court of Ohio 12-Court Mediation Institutionalization Project Grant was to introduce mediation as a court-based program in order to provide parties with an additional option for dispute resolution. It was also anticipated that a court-based program would encourage attorneys to use mediation as an alternative for their clients, both in and out of court.

Program Description

The goal of the project was to provide mediation services to all divisions of the Henry and Defiance County Courts of Common Pleas, as well as the Defiance and Napoleon Municipal Courts. The program was designed to provide services in a wide variety of disputes, including civil, small claims, juvenile, and domestic relations cases. The grant included a provision enabling the program to hire a mediation coordinator who would also serve as mediator for the project. In January 1998, Richard Altman, J.D., a practicing attorney for fifteen years and an experienced mediator, was hired to fill the position.

During the first few months of the program, a concerted effort was placed on educating local attorneys about the mediation process. Because mediation had not been widely used in the tri-county area, most attorneys were unfamiliar with the process and how it could effectively be used as a case management tool. The coordinator

made efforts to meet individually with local attorneys to discuss mediation and the ways in which it could be incorporated into their practices. Though some attorneys were more easily convinced than others, most were very supportive of the program because they had faith in the competence of the coordinator. His reputation among fellow bar members helped to spread the word quickly and, within several weeks, dozens of attorneys were requesting mediation services for their clients.

The program began to accept referrals in February 1998. Although the program was prepared to handle all types of cases, the initial focus was on the mediation of civil, domestic relations and parentage cases. No specific protocol was established for referring cases to the program. Attorneys, magistrates and judges referred cases to mediation, with over half of the referrals coming from the bar. The Henry County Court of Common Pleas and the Defiance Municipal Court served as the principle referral sources for the first seven months of the project.

In response to concern regarding the lack of referrals from the bench, the coordinator met with the various judges in June 1998. The judges all indicated that the low number of referrals was not a result of their unwillingness to refer cases or a lack of confidence in the program, but was more an issue of not having enough time to hand-select appropriate cases for mediation.

Changes to the Status Conference Judgment Entry form were made in order to include a provision for referring cases to mediation. This change provided a much simpler way for the bench in both counties to refer cases, and resulted in a dramatic increase of referrals to the program in late 1998. By September 1998, the program was mediating a full range of cases, from all courts involved in the project.

As the courts increased their demand for mediation services, the coordinator became concerned about the program's growing need for additional mediators. In response to these concerns, the judges and the Supreme Court of Ohio authorized the program's use of contract mediators. The Court contracted with five private mediators to provide mediation services for the program. Prior to this time, mediations were scheduled six weeks to two months into the future. With the availability of contract mediators, mediations are now scheduled within 30 days of the case filing.

The original grant proposal was designed to provide mediation services for Henry and Defiance Counties. In August 1998, Judge Barber of neighboring Fulton County expressed an interest in becoming involved in the mediation project. In September 1998, Eileen Pruett met with the mediation coordinator and Judge Barber to discuss the possibility of expanding the current project to include services to parties in Fulton County. In October 1998, the Supreme Court granted approval for this expansion and the project soon became known as Henry/Defiance/Fulton Court Mediation Services.

Sources and Nature of Program Support

For counties with virtually no prior exposure to the field of mediation, support for the program was surprisingly strong. All parties interviewed attributed the high level of support for the program to the mediation coordinator's outstanding reputation within the legal community. Many members of the bench and bar were already familiar with the coordinator through his many years in legal practice. The judges interviewed felt that having a well-respected member of the bar to coordinate the project was key in the wide acceptance of the program among area lawyers.

All judges interviewed expressed their surprise in regard to the overwhelmingly positive response of the bar to the mediation program. Judge Schmenk of the Defiance County Court of Common Pleas indicated that, "the initial fear of resistance by the bar never came to fruition." Magistrate Denise Herman McColley stated that, "acceptance by the bar was greater than expected. The overall change in attitude has been wonderful. And attorneys are now looking to find ways cases can be mediated." According to the coordinator, attorneys are now the primary referral source to the program.

The participating judges are also extremely pleased with the success of the program. Prior to the start of the project, the bench was supportive of the idea, but hadn't been exposed to mediation. The judges were not quite sure how mediation was going to work in the courts. The coordinator stated that the bench is now extremely supportive of the program. Most judges now understand the process and believe that it works. Judge Muehlfeld of the Henry County Court of Common Pleas stated that the program has been a plus all around, adding that it has really helped with docket issues. The Judge also stated that even if a case does not settle in mediation, the process helps to narrow the issues that eventually go to trial.

Community members also appear to view the program as a positive addition to the court system. Several articles highlighting the program have appeared in local papers. Local radio shows and cable access programs have focused on the benefits of mediation. The coordinator has made it a priority to continue to conduct presentations for local service organizations, community groups and local bar associations. Response from these presentations has been quite positive. Those interviewed stated

that the coordinator has done a good job of educating the community about the benefits and promise of mediation. Parties now participate in mediation with a better understanding of the purpose of the program. Judge Muehlfeld stated that, "people no longer see mediation as a way of avoiding court but as a more suitable way of dealing with issues."

An advisory committee was established at the inception of the program. The committee consists primarily of the mediation coordinator and the judges. The committee meets every three to six months to discuss issues and concerns raised in regard to the project. Feedback from the local commissioners and members of the bar is exchanged and addressed among the members of the committee. Future funding strategies and sources are also explored during these meetings.

Training and Mediation Development

The mediation coordinator received extensive training throughout the grant period. He participated in a several trainings sponsored by the Supreme Court of Ohio, in addition to a number of trainings presented by the Association of Family and Conciliation Courts and the Mediation Association of Northwest Ohio. Programs sponsored by the Supreme Court were either paid for by the Court or provided at no additional charge to grant recipients. The coordinator paid for other trainings out-of-pocket and will continue to do so when the grant ends, as there is no indication at the present time that the court plans to provide funding for future training opportunities. Mediator qualifications and training are summarized in Table 1 (Attachment A).

Program Policy and Operation Issues

Concerns regarding the low volume of referrals were expressed throughout the first year of the project. There appeared to be some apprehension on the part of the bench as to what types of cases were appropriate for mediation and how many cases the program could handle. The coordinator addressed these concerns through constant communication with members of the bench and bar. Over time, these issues were clarified and referrals soon increased dramatically. All initial concerns appear to have been adequately addressed and remedied.

As the number of referrals increased, the need for back-up mediators quickly became apparent. As previously discussed, the program received approval from the judges and the Supreme Court to contract with private mediators who could supplement the efforts of the coordinator. The contract mediators provided the necessary solution to scheduling difficulties that the program encountered. Though many of the judges have stated their preference for attorney mediators, as they believe that a legal background is necessary to effectively mediate the cases that the program handles, not all of the contract mediators are attorneys. Magistrate McColley stated that she is very pleased with the contract mediators. They are all very experienced and professional. The addition of the contract mediators has provided the coordinator with the assistance necessary to process cases through the program in a timely manner.

One operational issue that the program continues to deal with is the location of the support staff for the program. The secretary is located on a different floor from the coordinator's office. This location burdens the daily functions of the program. The secretary is unable to access the coordinator's phone line to answer incoming calls.

Timely exchange of projects and paperwork is more difficult. In addition, the program secretary is required to provide back-up support for the other secretaries in the office where she is located. Adequate space for the support person is available within the department that houses the program coordinator.

The project coordinator indicates that his time is divided in the following ways:

Activity	% of time
Program Administration	15
Mediation	75
Other (including public relations and awareness)	10

The coordinator indicates that while he was mediating on a private basis in counties in which he is not employed, he will no longer be able to do this with the addition of a fourth county.

Statistical Summary

Cases mediated by year and by case type are presented in Table 2 (Attachment B).

Future Funding Sources

Local rules establishing add-on filing fees were implemented to supplement the program at the outset of the project. While these add-on fees will continue to be collected, additional funding sources have been established that will allow for the continuation of the program at the end of the grant period. Funding for the program will be allocated equally among the three counties involved in the project in the following manner: 70% from county general funds, 20% from grants and 10% from add-on filing fees. The program will continue to receive grant funds from the Supreme Court of Ohio

through July 2001, because the project has been expanded to provide mediation services to Williams County, a fourth jurisdiction.

Evaluative Information

By all accounts, the program has far exceeded initial expectations. In rural area where exposure to mediation had been extremely limited, the coordinator estimates that every litigator in the tri-county area now knows about mediation and about the existence of the court-based program. Local bar members have embraced the process and continue to provide a constant stream of referrals to the program. Many attorneys who were initially leery of the program became strong supporters after participating in the process. (See Attachment C).

All judges interviewed have been very pleasantly surprised with the program's success. Judge Schmenk indicated that he feels that the program has been very helpful and is a good use of county funds. Judge Muehlfeld stated that the county commissioners are sold on the benefits of mediation, know that it works, and are committed to continuing to fund the program. He also stated that there has been excellent collaboration between all courts involved in the project. Magistrate McColley indicated that the courts are very pleased and would not want to be without the program.

One issue, which may prove problematic in the future, is based on the impression that bench and bar support for the program may be founded more on confidence in the particular coordinator than in the process itself. It remains to be seen whether the present level of support for the program will continue, if and when the current coordinator chooses to leave the program.

All interviewed stated that the support from the Supreme Court of Ohio has been instrumental in the success of the program. Magistrate McColley noted that the program never would have gotten off the ground without the backing of the Supreme Court. The grant gave the court the assistance they needed to establish an exceptional court-based mediation program.

Parties Interviewed

Richard Altman, Esq., Program Coordinator

Nikki Valentine, Clerical Support

Magistrate Denise Herman-McColley

Hon. Keith Muelfeld, Henry County Common Pleas Court

Hon. Joseph Schmenk, Defiance County Common Pleas Court

Attachment A

Name of Person Completing Form: Nichole Valentine
Name of Court: Henry, Defiance, Fulton and Williams Court Mediation

Table 1

Mediator Background and Development

**Please provide information for all mediators who have provided mediation services for your court over the course of the three-year grant period.

Name	Staff (S), Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediating (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-Ct. grant monies)		# of Cases Mediated for 12-Ct. Project
				Pre-Grant	During Grant	
Richard Altman	Staff	J.D.	2.5	40-Hr Advanced Representing Clients in Mediation	38 Hours (Supreme Court Funded) 12 + Non-Supreme Court Funded	500+

Attachment B

Name of Person Completing Form: Nichole Valentine/Richard Altman
Name of Court: Henry , Defiance and Fulton County Mediation Project

Table 2

Mediation Project – Case Information Summary

Note: Figures may be **estimated** from November 1997 through December 1999. Beginning January 2000, please indicate use the **actual** figures.

November – December 1997 (Estimated Figures) NON-APPLICABLE

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection			
Juvenile – Parentage			
Domestic Relations – Pre-Decree			
Domestic Relations – Post-Decree			
Civil – Small Claims			
Other Civil –			

January – December 1998 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	N/A		
Juvenile – Parentage	49	1	2.45-3 hours
Domestic Relations – Pre-Decree	54	1	2.45-3 hours
Domestic Relations – Post-Decree	62	1	2.45-3 hours
Civil – Small Claims	45	1	2.45-3 hours
Other Civil –	31	1	2.45-3 hours

January – December 1999 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	N/A		
Juvenile – Parentage	51	1	2.45-3 hours
Domestic Relations – Pre-Decree	62	1	2.45-3 hours
Domestic Relations – Post-Decree	52	1	2.45-3 hours
Civil – Small Claims	60	1	2.45-3 hours
Other Civil –	52	1	2.45-3 hours

January-June 2000 (Actual Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	N/A		2.45-3 hours
Juvenile – Parentage	37	1	2.45-3 hours
Domestic Relations – Pre-Decree	41	1	2.45-3 hours
Domestic Relations – Post-Decree	26	1	2.45-3 hours
Civil – Small Claims	40	1	2.45-3 hours
Other Civil – Common Pleas	22	1	2.45-3 hours
Probate	1	1	2.45-3 hours

Lucas County Court of Common Pleas
Juvenile Court Mediation Program

Background and Context

The Lucas County Juvenile Court has a long and extensive history in the field of mediation. The Court has provided mediation services for almost a decade. The Court developed its first program, the Unruly and Delinquency Mediation Program, in 1991. The purpose for establishing the program was to give parties the opportunity to develop solutions to their own problems. As a result of the successes in unruly and delinquency cases, expansion into other areas soon followed. The Court began to mediate custody and visitation issues in paternity cases in 1992 and truancy prevention cases were added to the Unruly and Delinquency Program in 1995. The Lucas County Juvenile Court has long been a model for other courts interested in establishing in-house mediation programs.

The Mediation Department applied for the Supreme Court of Ohio 12-Court Mediation Institutionalization Grant in 1997 to enable the Court to provide services to parties in abuse, neglect and dependency (AND), juvenile domestic violence, and pre-filing custody and visitation cases. The Court felt that these were the remaining areas where mediation programming could and should be established.

The purpose behind the expansion of mediation into the AND area was to provide a mechanism that would encourage early activity in these cases. The goal of the program was to reduce the amount of time children were spending in temporary placement, such as foster care, and move toward faster permanent placement for children.

The intention for expansion of programming in juvenile domestic violence cases was to introduce mediation into these cases in an effort to empower families and allow them to identify the real issues facing them. The Court also anticipated that mediation would decrease the amount of time some juveniles were spending in lock-up at the Court's juvenile detention facility, the Child Study Institute (CSI).

The original goal of mediation in pre-filing custody and visitation cases was to encourage parents to communicate and resolve their own custody and visitation issues. Mediation in these cases occurs after a determination of parentage has been made but before a filing has been made to establish custody and visitation. As a result, the Court's docket has been reduced by the resolution of these cases outside the courtroom.

Program Description

In 1996, the Lucas County Juvenile Court and the Supreme Court of Ohio collaborated to obtain a State Justice Institute grant for statewide training in child protection mediation. Mediation of child protection cases began in November 1997, after training by professionals from Florida, Connecticut, and California. A task force was implemented at the onset of the program to address issues relating to the mediation in child protection cases. The Child Protection Task Force met on a quarterly basis and consisted of caseworkers and attorneys from the Lucas County Children Services Board, defense attorneys, mediators, court-appointed special advocates, and juvenile magistrates. This collaborative effort helped to ensure that the concerns of all participants in the process were heard and effectively addressed.

To assist the efforts of the coordinator, the program secured the services of two contract mediators in 1997 and three additional mediators in 1998. During the pilot project, every tenth child protection case was referred for mediation services. In November 1997, the mediation task force decided to open the referral process to include additional cases beyond every tenth case. With the mediators and referral process firmly in place, the number of child protection mediations more than doubled during the first full year of the grant project.

In November 1997, the Court continued the expansion process by filling the mediation coordinator position. Funding for this full-time position was awarded through the Supreme Court of Ohio Mediation Institutionalization Grant. Magistrate Cynthia Schuler, a veteran proponent of mediation[1], who had worked with the mediation department in addition to her duties as magistrate, filled the position. Magistrate Schuler left the Court in January 1999 and Magistrate Brenda Rutledge was hired to fill the position in February 1999. A full-time support person was also hired for the department through funds provided by the Juvenile Court.

Because of proven success of mediation in other areas, both juvenile court judges were extremely supportive of expansion of the program into the child protection area. At the same time, individuals outside the Court appeared to be uncertain about the appropriateness of mediation for child protection cases. The Honorable Judge James Ray, Administrative Judge, indicated that many attorneys thought that it was "crazy" to mediate child protection cases. Similar sentiments were echoed from the Lucas County Children Services Board (LCCSB) when the program was first proposed

in 1995. By February 1998, after participating in child protection mediations for several months, LCCSB was much more supportive of the program.

In 1999, the child protection program expanded to provide mediation services in cases involving the termination of parental rights (TPR). The expansion occurred with the assistance of an Adoptions Opportunities Grant from the Department of Health and Human Services. This three-year grant, which began September 30, 1998, was awarded to support efforts of effective collaborations for timely adoptions. Bench support for mediation in TPR cases continues to be quite strong. Judge Ray indicated that mediation of TPR cases has been much more successful than they had ever imagined it would be. The time spent by the bench in TPR cases has been greatly reduced as a result of the program.

Mediation in the area of custody and visitation cases began in the juvenile court in 1992. Due to the success of mediation in post-filing custody and visitation cases, the program's expansion into the area of pre-filing cases, in April 1998, was met without much, if any, resistance from the local bar or other members of the community. The program utilized both volunteer and private mediators. The Court collaborated with the Lucas County Child Support Enforcement Agency (LCCSEA) to obtain a federal pass-through grant, which funded a contract with Professional Associates to provide off-site mediation services in these pre-filing cases. The program was also supported, in part, through funding from the Supreme Court of Ohio 12-Court Institutionalization Grant.

When the pre-filing program began in 1998, 10 court-approved mediators provided services for these cases through Professional Associates. Cases are referred

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[1] The magistrate's function is limited by Order of Reference to administrative functions regarding the form and

to the program by LCCSEA after an administrative determination of parentage. The level of referrals has remained steady throughout the grant period with approximately 75 cases mediated per year. This program grant expired after three years, on September 30, 2000. Additional funding to support the continuation of the program has not yet been obtained by LCCSEA.

Juvenile domestic violence (Family Conflict) mediations began in September 1998, under the direction of the Unruly and Delinquency Mediation coordinator, Teresa (Tammy) Martin Kosier. A domestic violence task force was formed in March 1998, comprised of magistrates, police officers, the program coordinator, intake officers, delinquency clerical support staff, representatives from the local battered women's shelter and area mental health agencies. The task force met every other month to discuss the various concerns surrounding the mediation of cases involving domestic violence. The task force also assisted with the development of a protocol for the selection and mediation of family conflict cases.

The Family Conflict program began with four mediators trained in the area of domestic violence mediation. The program now utilizes the services of two staff, three contract and three volunteer court staff employees to provide mediation services. The majority of cases are mediated prior to attorney involvement, however, the bench has been very supportive of the project because it has been included in ongoing decision-making since the program's inception.

At the conclusion of the 12-Court grant project, all programs appear to be firmly established within the juvenile court system. Referral rates continue to remain high. In

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substance of agreements. These magistrate duties are prohibited on cases the magistrate has mediated.

addition to the three staff mediators, the programs continue to utilize the services of contract mediators, when necessary. According to Chief Magistrate Donna Mitchell, the addition of contract mediators has increased the level of competence among the mediators. All interviewed stated that the projects exceeded initial expectations and all have confidence in the continued success of the programs.

Sources and Nature of Program Support

Lucas County Juvenile Court has long been a haven for programs in mediation. Juvenile Judges Ray and Flores have been exceptionally supportive of the use of mediation within the juvenile court system. Attorneys understand and participate in the process. This level of appreciation has evolved over a number of years and is the direct result of early efforts to educate the local bar and the community about the process and benefits of mediation. Judge Ray credits Chief Magistrate Mitchell for the success of mediation programming in the juvenile court; it is she who has been the "unsung hero" throughout the evolution of the program.

All attorneys interviewed have a comprehensive understanding of the mediation process and of the purposes of the Court's mediation programs. The attorneys indicated that they are very pleased with the mediators' level of competence. They stated that the mediators are well-trained, fair, professional, and dedicated to the goals of mediation. Many attorneys stated that they think mediation offers a great opportunity for the parties to get their feelings out and to have an opportunity to participate in shaping their own destiny.

The bar appears to be extremely supportive of the continuation and expansion of programs in mediation. One attorney aptly summarized the bar's view of the benefits of

mediation in stating that "she has seen clients with little or no chance of success at trial walk away from mediation with their dignity intact and with a little more than they otherwise would have received from the judicial process."

Support from the Lucas County Children Services Board (LCCSB) has also dramatically increased throughout the grant period. Attorneys for LCCSB now refer cases to mediation. Collaborative efforts between the department and LCCSB continue to produce a greater understanding and appreciation of mediation within the agency.

Public support for the program has been tremendous. Over the years, the department has provided community members with dozens of educational opportunities in the field of mediation. The program offers basic mediation training to volunteers three times per year and staff also conduct frequent presentations and training for various bar associations and local and national organizations. In addition to these continuing outreach efforts, coverage of the program by the local media has been quite favorable and has certainly contributed to the high level of awareness of mediation programming throughout Lucas County.

Training and Mediation Development

Through the Supreme Court grant and juvenile court resources, extensive training opportunities were made available to contract, staff and volunteer mediators throughout the grant period. A Mediation Services Trust Fund has been established through a $50 filing fee in all custody and visitation cases. The fund allows each staff mediator to participate in one national training per year, in addition to various programs throughout the state. The juvenile court provided funding to enable volunteer mediators to receive continuing education training on an on-going basis. Presently,

training and in-services are provided to contract mediators routinely throughout the year. All contract mediators indicated that they thoroughly enjoyed the trainings offered by the Supreme Court of Ohio. Mediator qualifications and training are summarized in Table 1 (Attachment A).

Program Policy and Operation Issues

All policy and operation issues were handled in the early stages of program development. Emphasis was placed on collaborative efforts among all entities associated with the programs' expansion. These efforts enabled the programs to resolve issues as they arose throughout the grant period.

The only issue with regard to program operation has been a lack of sufficient space in which to conduct mediations. Through careful coordination, the programs were able to make effective use of the existing space. This problem should be completely resolved when the juvenile court moves to its new location in February 2001. Five very spacious rooms in the new building have been dedicated solely for the purpose of conducting mediations. (See Attachment B).

Under the 12-Court grant, the coordinator of the ADN and Pre-filing programs indicated that her time is allocated in the following manner:

Activity	% of time
Program Administration	70
Public Education and Relations	2
Mediation	10
Training Mediators	5
Other	13

Statistical Summary

Cases mediated by year and by case type are presented in Table 2 (Attachment C).

Future Funding Plans

The Lucas County Juvenile Court has fully absorbed all costs associated with the expansion of mediation programming, including the mediation coordinator and administrative assistant positions and payment of the contract mediators. Add-on filing fees in the amount of $50 per custody and visitation case will continue to be collected to finance the Mediation Services Trust Fund. The fund will be used to provide for the mediators' future training and travel expenses. In addition, a $10 fee to fund dispute resolution, was levied on delinquency, traffic and adult contributing cases in September 1999. The coordinator and Magistrate Mitchell indicate that data collection efforts throughout the grant period were vital in convincing the commissioners to fully fund contracts and staff positions in the mediation programs.

Evaluative Information

By all accounts, the three expansion programs have now been fully integrated into case processing in the Lucas County Juvenile Court. Magistrate Rutledge stated that she has seen wonderful support from the bar and bench and also feels that the new programs have been extremely successful. Mediators interviewed stated that the Court continues to see the real benefits of mediation, as opposed to viewing it simply as a way to clear the docket.

Judge Ray stated that the decision to institutionalize mediation was made long ago. The Court was fully prepared to absorb the costs of the programs once the grant

period ended. He believes that the department has sufficient data to be able to show that the program uses fewer resources than the Court would use to hire additional magistrates.

Judge Ray and Magistrate Mitchell both stressed that the support of the Supreme Court has been vital throughout the institutionalization process. The grant allowed the programs to "expand their horizons" by giving the assistance necessary for development of programming into all areas of the Court system. The current strength of the program was best encapsulated by Judge Ray who stated, "We have endured through a number of changes...we have grown and thrived through these changes."

Parties Interviewed

Hon. James Ray, Administrative Judge
Chief Magistrate Donna Mitchell
Magistrate Brenda Rutledge, Mediation Department Coordinator
Tammy Martin Kosier, J.D., Unruly, Delinquency and Family Conflict Mediation Coordinator

Mary Clark, Esq.
Cindy Voller, Esq.
Howard Whitcomb III, Esq.
Sharon Fitzgerald, Esq.
Glen Hoffman, Esq.

Focus Group Participants:

Linda Sorah, Esq.
Jerry Hoffer, Esq.
Jeff Mondville, Esq.
Elizabeth Ladd, Esq.

Attachment A

Name of Person Completing Form: Wanda Mannix, Teresa Martin Kosier
Name of Court: Lucas County Court of Common Pleas - Juvenile Division

Table 1

Mediator Background and Development

**Please provide information for all mediators who have provided mediation services for your court over the course of the three-year grant period.

Name	Staff (S), Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediating (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-Ct. grant monies)		# of Cases Mediated for 12-Ct. Project
				Pre-Grant	During Grant	
Brenda S. Rutledge	C/S	J.D.	5	12Hr Basic 40Hr Advanced	None	
Jeffrey Mondville	C	J.D.	2	12Hr Basic 40Hr Advanced	None	175
Linda Sorah	C	R.N. J.D.	2	12Hr Basic 40Hr Advanced	None	100
Karen Bower	C	J.D.	5	12Hr Basic 40Hr Advanced	None	160
Elizabeth Hazard	C	J.D.	2	12Hr Basic and 40Hr Advanced	None	75-100
Jerry Hoffer	C	J.D.	5	12Hr Basic 40Hr Advanced	None	60

Name	Staff (S), Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediating (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-Ct. grant monies). Pre-Grant	During Grant	# of Cases Mediated for 12-Ct. Project
Lou Cocchiarella	C	J.D.	2	12Hr Basic 40Hr Advanced C/V Adult Guardianship 60Hr Advanced	None	30
Concepcion Eason	V	B.Ed.	4	12Hr Basic 40Hr Advanced C/V Dealing w/High Conflict Families Mediating w/ Hispanic Families	Domestic Violence Training – 1 day – DYS 2 day – Dept. of Rehab and Correction	10
Donna Posluszny	C	B.S.	-		12Hr Basic 40Hr Advanced Adult Guardianship 2 day –VOM Training	35
Dorine Mosley	V	-	3	12Hr Basic 40Hr Advanced C/V 5 day Advanced Family	Domestic Violence Training 2 day –VOM Training 2 day – High Conflict Families	10
Fred Porter	V	-	3	12Hr Basic and 40Hr Advanced Domestic Violence Training – 1 day - DYS	2 day – High Conflict Families 4 day – Advanced Family 2 day-VOM Training 2 day – DV in Mediation	4
Kimberly Meyer	V/C	-	.5	12Hr Basic 40Hr Advanced	2 day – DV in Mediation	30
Gloria Weiss	V/S	-	1	12Hr Basic 40Hr Advanced C/V Victim's Assistance Program	2 day – DV in Mediation	15

Name	Staff (S), Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediating (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-Ct. grant monies)		# of Cases Mediated for 12-Ct. Project
				Pre-Grant	During Grant	
Shari Blackwood	S	J.D.	-		12Hr Basic 40Hr Advanced C/V Domestic Violence Training – 1 Day - DYS 2 day –VOM Training 4 day - AND Training	15
Teresa Martin Kosier	S	J.D.	4	12Hr Basic 40Hr Advanced C/V Domestic Violence Training – 1 Day - DYS	3 day – AND Training 2 day – Dealing w/ High Conflict Families 2 day –VOM Training 2 day –VOM Training	35

Attachment B

Name of Person Completing Form: Wanda Mannix, Teresa Martin Kosier
Name of Court: Lucas County – Juvenile Court

Table 2

Mediation Project – Case Information Summary

Note: Figures may be **estimated** from November 1997 through December 1999. Beginning January 2000, please indicate use the **actual** figures.

November – December 1997 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – **Child Protection**	**30**	**1**	**2.5 hours**
Juvenile – Parentage	**436**	**1**	**2.0 hours**
Domestic Relations – Pre-Decree	**N/A**		
Domestic Relations – Post-Decree	**N/A**		
Civil – Small Claims	**N/A**		
Juvenile – Domestic Violence	**N/A**		

January – December 1998 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – **Child Protection**	**72**	**1**	**2.0 hours**
Juvenile – Parentage	**513**	**1**	**2.0 hours**
Domestic Relations – Pre-Decree	**N/A**		
Domestic Relations – Post-Decree	**N/A**		
Civil – Small Claims	**N/A**		
Juvenile – Domestic Violence	**24**	**1**	**1.56 hours**

January – December 1999 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – **Child Protection**	**83**	**1**	**2.2 hours**
Juvenile – Parentage	**513**	**1**	**1.95 hours**
Domestic Relations – Pre-Decree	**N/A**		
Domestic Relations – Post-Decree	**N/A**		
Civil – Small Claims	**N/A**		
Juvenile – Domestic Violence	**102**	**1**	**1.9 hours**

January-June 2000 (Actual Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – **Child Protection**	**56**	**1**	**1.95 hours**
Juvenile – Parentage	**152**	**1**	**1.9 hours**
Domestic Relations – Pre-Decree	**N/A**		
Domestic Relations – Post-Decree	**N/A**		
Civil – Small Claims	**N/A**		
Juvenile - Domestic Violence	**58**	**1**	**1.85 hours**

Montgomery County Juvenile Court
Child Protection Mediation

Background and Context

The Montgomery County Juvenile Court has offered mediation through the Dayton Mediation Center to juvenile offenders accused of delinquency by reason of assault, since July 1988. Additionally, the Court has had an in-house truancy mediation program since fall 1994. The Supreme Court of Ohio Office of Dispute Resolution Programs provided training to initiate start-up of the truancy program.

In 1996 the Court joined with others in the community to form the "Montgomery County Mediation Team for Child Protection Cases." This team was broad based and included representatives from Juvenile Court, Children Services, Prosecutor's Office, Public Defender's Office, Court Appointed Special Advocates, Citizen Review Board, Dayton Mediation Center and private attorneys who practice in Juvenile Court. The Supreme Court of Ohio sponsored a pilot project in child protection mediation beginning in April 1997. A total of 20 cases were mediated through this pilot project. The pilot allowed the Court to gain experience with this complex form of mediation and to test the feasibility of this approach.

Simultaneously, with the initiation of the pilot project, the Juvenile Court under the leadership of Judge Michael B. Murphy and Judge Nick Kuntz, applied to the Supreme Court for a Mediation Institutionalization Project Grant. Chief Magistrate Denise Martin Cross was the principal author of the grant proposal. The proposed project was to further implement and expand mediation of child protection (abuse, neglect and dependency) cases. The grant application was successful and the Mediation Institutionalization Project began in April 1998.

Once the pilot project was completed, the court proceeded to establish an in-house mediation unit. Ms. Deborah L. Taylor was hired to be the Mediation Coordinator of the new unit. In January 2000, the unit moved into recently renovated offices suitable for mediation practice.

From the outset this project has been subsumed within the Mediation Unit of the Juvenile Court. By establishing this unit, the Court has declared its commitment to the full implementation and incorporation of mediation as a viable method of dispute resolution.

Program Description

The initial focus of the funded program was on child protection mediation, as well as juvenile parentage issues. This program focus continued throughout the grant project, which ended June 30, 2000, and remains in effect today.

Initially, referrals were slow and the program employed techniques of "aggressive case finding," meaning that staff talked frequently to prosecuting attorneys and magistrates about the availability and value of mediation. Eventually a local rule (5.12.6) was established requiring the referral to mediation of every fifth case stamped by a prosecuting attorney. Once referred, a case is screened in the mediation unit to determine its appropriateness for mediation. For example, from January through August 2000, 216 child protection cases were referred. Of this number, 116 met criteria for mediation and 94 were actually mediated. Referrals now come from attorneys, magistrates, caseworkers, Court Appointed Special Advocates (CASA) and prosecuting attorneys. Referral under local rule 5.12.6 has been eliminated.

As the child protection project moved toward its conclusion, the mediation unit began to encourage referrals of other types of cases including custody and visitation issues stemming from parentage cases.

Source and Nature of Program Support

The mediation unit of the Montgomery County Juvenile Court enjoys the support of several key court personnel. Judge Michael Murphy and Judge Nick Kuntz are strong advocates of the Court's efforts to expand mediation through the institutionalization grant. Judge Murphy and Judge Kuntz perceive that in many cases mediation can expedite case processing, decrease judicial involvement and contribute to the empowerment of parties by helping them settle disputes without an adversarial process.

Other administrative personnel such as Lee Townsel, Court Administrator, and Denise Martin Cross, Legal Director and Chief Magistrate echo Judge Murphy's sentiments. Mr. Townsel perceives that there is widespread support for mediation in Dayton because of the successes of the Dayton Mediation Center, and he finds there is strong support among the judiciary. Mr. Townsel himself is a trained mediator. Ms. Cross observes that there is increasing support for mediation among attorneys practicing in Juvenile Court. She perceives that a relatively large number of local attorneys, social workers and related professionals have received training in mediation so that the court's environment is very supportive of court-connected mediation.

The advisory committee for this program is the Montgomery County Mediation Team for Child Protection cases. This group meets quarterly and has been very helpful

in developing program components, selecting mediation staff and generating ideas for better referrals.

The program has sought to enhance public support and education by training Montgomery County Children Services workers, attorneys and other professionals. In 1998 the program provided basic mediation training to fifty-four attorneys. The program also produced a press release and an informational pamphlet.

Training and Mediator Development

The staff has consistently taken advantage of all training offered by the Supreme Court of Ohio Office of Dispute Resolution Program including institutes on divorce, family and victim offender mediation. Additionally, the staff attended conferences and training offered by the Dayton Mediation Center. The staff also participated in a "case club" where they share their experiences, questions and concerns about mediation with other local mediators. Mediator qualifications and training are presented in Table 1 (Attachment A).

Program Policy and Operation Issues

Early in its development this program experienced an issue with confidentiality. With the help of the advisory committee, it was resolved that documentation of the mediation would only express the nature of the agreement or lack thereof. The judges and magistrates recognize the confidential nature of mediation communications and do not probe for details.

The program advisory committee played a key role in developing the role of the Children Services liaison who attends the mediation session. Initially, the agency was sending several representatives to each mediation session. The liaison ensures that

the policies of the agency are followed and provides assistance by meeting with mediators and the Assistant Prosecuting Attorney before the mediation. The liaison also has authority to approve funds for certain services.

The mediation unit reviews exit surveys obtained from all parties who participate in a mediation. This has been a very rich source of productive feedback for the program.

The program coordinator estimates the following division of time in relation to program activities:

Activities	% of Time
Program Administration	50
Public Education and Relations	5
Mediation	30
Training Mediators	10
Other: Orientation of New Court Employees	5

Statistical Summary

A summary of cases mediated by year and type is presented in Table 2 (Attachment B).

Future Funding Plans

This mediation program was initiated on a partnership budget with the Court's general operating funds providing about 40% of the program's initial personnel and operating budget and the remainder coming from the grant. The county also provided space, furnishings, utilities, phones and equipment. The Court has determined that it will continue to fully support the staffing and operating expenses of the mediation unit at present levels through the county general fund. This includes the program coordinator position, two staff mediators and one secretarial position plus operating expenses.

Evaluative Information

This program received positive evaluations from all parties interviewed. Judge Murphy expressed the view that the program had "most definitely" accomplished its aims and that the participants are "well satisfied" with the results. Both Judge Murphy and Ms. Cross stress that they and other program leaders have attempted to build high levels of quality into the program, especially through training and careful personnel selection. They are very satisfied with program quality and with the competence of the mediators. All interviewed parties expressed the opinion that attorneys are increasingly supportive, satisfied with the program, and are now requesting referral for mediation in both child protection and custody and visitation cases.

Two focus groups were convened to evaluate this program. Participants included attorneys, guardians ad litem, social workers, prosecutors, magistrates, representatives from Montgomery County Children Services, Dayton Mediation Center, and members of the program advisory committee. A total of twenty-five persons participated.

Focus group participants generally expressed appropriate understanding of the purpose of the child protection mediation program and over half had directly participated in a mediation. There was a division of opinion as to whether or not this program was fulfilling its objectives. That is, seventeen participants expressed the view that this program was fulfilling its objectives and eight believed the program had achieved its objectives, but only to a limited extent or not at all.

Focus group participants evaluated the program mediators very positively. The mediators were typically characterized as fair, competent, professional, patient, well-prepared and well-trained. The style and approach of the mediators were positively

evaluated even by those participants who expressed the view that the program was not fulfilling its objectives as well as it might.

Criticism from the focus group was directed primarily to the suitability of cases referred by random assignment. As one participant stated, "Cases referred which cannot benefit from mediation are a waste of time." Some suggested that inappropriate referral resulted in a number of mediations being cancelled. Some who were critical of this aspect were supportive overall. They also recommended including other types of cases – custody, visitation, delinquency, etc. in the program. A few comments – from one participant – focused on procedural issues such as the number of persons attending a mediation, insufficient time to prepare for mediation after scheduling and tardiness in starting sessions. Two participants strongly expressed the view that the process does not save court costs or court time.

Interviewees expressed some concerns about both the quantity and appropriateness of referred cases. At times the referral rate has been slow and at times the random assignment of cases has led to cancellations, no-shows and non-productive mediation sessions.

A representative of the prosecuting attorney's office presented a list of fifteen concerns prepared by eight of his office colleagues. Most of these concerns related to how the child protection mediation process is started and executed as well as the absence of representation for parents. (See Attachment C).

Despite the criticisms and concerns noted above, all but two of the twenty-five participants favored the continuation of this mediation program. As noted above,

suggestions included modifications to the process used in child protection cases, and expansion to include other types of cases.

Five clients of this mediation program were interviewed by telephone. All had been "ordered" to mediation, and for all it was the first time they had used mediation to resolve a dispute. The evaluations by these former clients were very positive. They perceived that they had been treated with respect and courtesy by the mediator and office staff. Four indicated full settlement and one indicated partial settlement.

All five of the clients perceived the mediators to be fair, unbiased and very helpful despite the fact that in one case the children were placed in foster care, not the outcome the parties had hoped for. One former client who was very pleased with her mediation experience thought that the large number of people who attended contributed to effective communication and a good outcome. She was critical of earlier postponements, which she attributed to delays by the magistrate. Two former clients were very appreciative that their mediation eliminated the need for lengthy court process. All said they would use mediation again and recommend it to others.

Parties Interviewed

Deborah L. Taylor, Mediation Coordinator
Lillian P. Fields, Staff Mediator
Alfred Minor, Staff Mediator
Laura Sandlin, Mediation Secretary
Hon. Michael B. Murphy, Montgomery County Juvenile Court
Denise Martin Cross, Legal Director and Chief Magistrate
Lee Townsel, Court Administrator

Focus Group Participants

Todd Ahearn, MCCS Prosecutor
Barbara Buddendeck, CASA Manager/Board Member
Patricia Camp, Custody Magistrate
David Cranmer, Custody Magistrate
Tom Crowl, Custody Magistrate
Ann Dettmer, Assistant Prosecuting Attorney
Mary Ann Drewry, MCCS Director of Mandated Services
Barry Galen, Private Attorney
Elizabeth Gorman, Public Defender/Board Member
Kim Harshbarger, Private Attorney
Bill Horne, Paternity Magistrate
Michael Howley, Private Attorney
Sheila Jenkins, Citizen's Review Board/Board Member
Roger Neal, CASA
Edward Neuman, Private Attorney
Jeff Rezabek, Private Attorney/Board Member
Kay Rosario, Public Defender/Board Member
Pat Roussea, Public Defender
Ruth Schuere, CASA
Grant Wadsworth, Assistant Legal Director/Board Member

Maria Wagner, MCCS Liaison

Tom Wahlrab, Dayton Mediation Center/Board Member

Jennifer Wilhelm, Magistrate

Rebecca Wolf, Paternity Magistrate

Michelle Zaremba, Dayton Mediation Center/Board Member

Attachment A

Name of Person Completing Form: Deborah L. Taylor
Name of Court: Montgomery County Juvenile Court

Table 1

Mediator Background and Development

Please provide information for all mediators who have provided mediation services for your court over the course of the three-year grant period.

Name	Staff (S) Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediation (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-court grant monies). Pre-Grant	During Grant	# of Cases Mediated for 12-Court Project
Deborah L. Taylor	**S**	**BA Sociology, The College of Wooster BA Sociology, American University Grad Studies, Sociology American University**	**3**	**Basic Child Protection *Introduction to Juvenile Court Mediation Services/Plowshares Understanding the Empowering of Forgiveness; Truancy**	***Advanced Mediation Skills; Cross-Cultural Negotiation Training; *Mediation and Domestic Violence; Introduction to Transformative mediation; *The Language of Cooperation: Frames and Masks**	**99****
Lillian P. Fields, LSW	**S**	**BA Political Science, West Virginia State; Graduate Studies Education, Ohio State**	**3**	**Basic Mediation; Victim/Offender; Child Protection Mediation; *Introduction to Juvenile Court Mediation Services/Plowshares; Truancy Mediation**	***Divorce Mediation; Mediation & Domestic Violence; Introduction to Transformative Mediation; *The Language of Cooperation: Frames and Masks**	**155****

Please provide information for all mediators who have provided mediation services for your court over the course of the three-year grant period.

Name	Staff (S) Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediation (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-court grant monies) Pre-Grant	During Grant	# of Cases Mediated for 12-Court Project
Alfred Minor	S	BA Administration of Criminal Justice, Howard University	6	Basic Mediation; Victim Reconciliation; Victim/Offender	Introduction to Transformative Mediation; *The Language of Cooperation: Frames and Masks	35**
Timothy Clark	S	BS, Criminal Justice, University of Cincinnati		Basic Mediation; Victim/Offender; Truancy Mediation	*Advanced Mediation Skills; Divorce Mediation; Cross Cultural Negotiation Training	64**
Herb Carroll	V	Masters in Counseling	7	Basic Mediation Training; Transformative Training; Juvenile Diversion Mediation Training; Adult Victim Offender		1
Betty Ellis	V	MA in Education	4	Basic Mediation Training; Transformative Training; Child Protection Mediation Training; Juvenile Diversion Mediation Training; Juvenile Victim/Offender		5
Cherise Hairston	C	MA in Education	4	Transformative Mediation Training; Truancy Mediation Training; Child Protection Mediation		1

Name	Staff (S) Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediation (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-court grant monies). Pre-Grant	During Grant	# of Cases Mediated for 12-Court Project
Lisa Singh	V	College Degree	4	Basic Mediation Transformative Mediation Juvenile Victim/Offender; Adult Victim/Offender		7
Sarah Murphy	V	BS	11	Basic Mediation; Transformative Mediation; Adult Victim/Offender; Juvenile Mediation		4
Susan Hover	V	BA	2	Basic Mediation Transformative Mediation; Advanced Transformative; Juvenile Mediation		2
Michelle Zaremba	C	BA Applied Conflict Management	3	Transformative Mediation; Advanced Transformative; Juvenile Victim/Offender; Truancy Mediation; Child Protection Mediation		5
Tom Wahlrab	C	MA Education	14	Transformative Mediation; Advanced Transformative; Truancy Mediation; Juvenile Victim/Offender; Adult Victim/Offender; Child Protection		8

Attachment B

Name of Person Completing Form: Deborah L. Taylor
Name of Court: Montgomery County Juvenile Court

Table 2

Mediation Project – Case Information Summary

Note: **Figures may be** estimated **from November 1997 through December 1999. Beginning January 2000, please indicate the** actual **figures.**

November – December 1997 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	0	0	0
Juvenile-Parentage	0	0	
Domestic Relations – Pre-Decree			
Domestic Relations – Post-Decree Common Pleas			
Civil – Small Claims			
Other Civil			

January – December 1998 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	36	1	3.5 hours
Juvenile-Parentage	2	1	2.0 hours
Domestic Relations – Pre-Decree			
Domestic Relations – Post-Decree Common Pleas			
Civil – Small Claims			
Other Civil			

January – December 1999 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	84	1	3.0 hours
Juvenile-Parentage	2	1	2.5 hours
Domestic Relations – Pre-Decree			
Domestic Relations – Post-Decree Common Pleas			
Civil – Small Claims			
Other Civil			

January – June 2000 (Actual figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	40	1	2.5 hours
Juvenile-Parentage	23	1	2.0 hours
Domestic Relations – Pre-Decree			
Domestic Relations – Post-Decree Common Pleas			
Civil – Small Claims			
Other Civil			

Attachment C

Mediation of Child Protection Unit Cases: Overall Effectiveness

1. Once the best interest of the child is determined, how can that be negotiable?
2. Mediation is not worthy of the time that it takes because the issues are generally not negotiable.
3. The only thing accomplished at successful mediations are "feel good".
4. The effectiveness of mediation is at most 10%.
5. Agreeable cases are a waste of time to mediate because a 15 minute hearing turns into hours in mediation, and still a 15 minute hearing.
6. Does not save time or money for court or anyone else.
7. The mediations are being used for discovery purposes. Attorneys are not finding out what is even going on with a case until they walk into the mediation. This makes the mediation an ineffective use of time and court money for appointed counsel. Therefore, mediations should not be held prior to initial hearings on cases. That way, it can be determined whether there is an issue to be mediated, and will allow discovery time.
8. On almost all cases, adjudication is not an issue to be mediated. Including adjudication at a mediation is not worthy. Adjudication should occur before the mediation. Mainly mediation is used for case plan purposes. This does not have to be a legally significant event. Once disposition occurs, having the parties sit down to discuss the actual items on the case plan to be submitted for the disposition entry could be helpful, and the attorneys could be less active a participant. (especially when parties are not represented by counsel)
9. All mediation should have counsel for all parties if the mediation will include legally significant events.
10. APA's should not be asked to interpret the law for parties not represented by counsel. They should have their own counsel to explain it to them.
11. Agreements reached at mediations are not clear as to who the parties to the CASE are and not participants in the mediation. The agreement only becomes legally significant to the parties to the juvenile court case, and a participant agreeing to do something is problematic.
12. Mediators should have typing training to speed the process.
13. Parties are not advised clearly that they have the right to counsel prior to the start of the mediation.
14. Parties do not understand that adjudication is a major issue to any agreement reached regarding disposition. Adjudication should be addressed as being an issue at the outset if it is appropriate at all. This problem is specific to mediations with parties not represented by counsel.
15. Court is ordering mediations, so the process is no longer voluntary and/or they are not seeking agreement of everyone to mediate in advance of the mediation date.

Perry County Court of Common Pleas, Juvenile Division and Perry County Court

Background and Context

The program in this county, offered by Main Street Mediation, Inc. (MSM) is jointly sponsored by the Perry County Juvenile Court and the Perry County Court. MSM is a private, non-profit community based agency that has successfully provided general mediation services to the citizens of Perry County since 1992. Located in New Lexington, the county seat, MSM has enjoyed a positive working relationship with county government for several years. Prior to receiving the Mediation Institutionalization Grant through the courts, MSM received office space and utilities free-of-charge from the county commissioners. MSM is physically located adjacent to the county court house. Patti Smith is the Director of MSM and the mediation coordinator for this grant supported project.

Prior to the submission of the Mediation Institutionalization Project Grant proposal, the Perry County Court had used MSM for some small claims cases and the juvenile court had referred truancy and unruly behavior cases to MSM with substantial success. MSM enjoys a very favorable reputation in this community and benefits from a strong board of directors.

The grant funded by the Supreme Court of Ohio proposed to expand MSM's work with civil suits and small claims through referrals from county court and to mediate family cases involving domestic disputes that do not involve serious physical abuse. Additionally, the grant proposed to increase the mediation of family situations that presented to the juvenile court as truancy and unruly complaints.

Program Description

This jointly sponsored program began in November 1997. Prior to receiving the Supreme Court grant MSM operated as a private community service agency with one professional staff member, Patti Smith, no paid support staff, several volunteer mediators and a volunteer board of directors. The grant has provided funds for Ms. Smith's salary, which released funds to hire a part-time secretary.

The grant also has had significant impact on both the numbers and types of cases mediated. Prior to the grant the agency received approximately 10 inquiries a month and completed 6-8 mediations, mostly related to family problems. Inquiries are now up to 20-22 per month and mediations range from 15-18. The caseload reflects a wide array of types including juvenile unruly and never married parenting, parent-child conflict, sibling disputes, student-student conflict, small claims, domestic relations, and employer-employee disputes.

From its inception MSM relied on volunteer mediators. At present there are two staff mediators, Ms. Smith and Lindy Billingsley, and twelve active volunteers.

MSM favors co-mediation, and nearly all cases are co-mediated. The sessions take place in donated space e.g., churches or community buildings, near the residences of the disputants, as well as in MSM Office. MSM schedules mediation sessions at the convenience of the parties to avoid the added stress of participants missing work.

A project advisory committee of eight members was formed and operated for about eighteen months. This group was helpful as a sounding board for operational problems. Early on, this committee met monthly and later, it met quarterly. This group

disbanded when the grant period ended. One former member has joined the MSM Board of Directors.

The Supreme Court grant advanced this agency's reputation in the local community. Ms. Smith believes that the success of this sponsored project has enabled the agency to obtain a contract from the Department of Jobs and Family Services to provide mediation services in cases of alleged abuse, neglect and dependency, juvenile and family disputes. This contract, will allow MSM to continue funding the full-time director, add another full-time mediator and increase the secretary to full-time.

Source and Nature of Support

The program as well as Main Street Mediation itself enjoys very favorable support from Judge LuAnn Cooperrider, of the Probate Juvenile Court, and other administrative personnel of the court. Judge Cooperrider regards the mediation service as a great tool for her to use with family issues. She is actively promoting more mediation for school related behavioral problems such as truancy and school misconduct. Both Judge Cooperrider and Patti Smith perceive that over the past three years there are signs of increasing support from attorneys although at times progress has been slow in this regard.

Martina Brown, Court Administrator, Juvenile Division sees a growing acceptance of mediation. She points out that initially cases had to be ordered to mediation; now attorneys are requesting and parties are using mediation in lieu of filing a complaint. She reports that attorneys are requesting mediation.

Magistrate Tina Boyer, of the Juvenile Court, is also very enthusiastically supportive of the program offered by MSM. She perceives that the Supreme Court

grant created the appropriate mechanism to mediation. She regularly refers custody and visitation cases.

In addition to the support of court personnel, the program has strong support from its cadre of volunteer mediators three of whom were interviewed. These mediators conveyed very positive regard for Ms Smith, her leadership and her skills. They believe the Supreme Court grant "put us on the map" and greatly enhanced the viability of the agency and its services. These volunteers have cultivated support from local law enforcement and mayor, through their educational and outreach efforts.

Although it was not possible to meet with Judge Dean Wilson of the Perry County Court, Ms. Smith reports that Judge Wilson has continued to be very supportive of the program throughout the duration of the grant. Indeed, it was Judge Wilson who asked for a special meeting with the local bar association so that the program could be presented and explained to local attorneys.

Training and Mediator Development

Both the MSM staff and volunteer mediators have participated in extensive training in mediation. All 12 volunteer mediators have met the basic training requirement and 10 of the 12 have completed the "advanced" training regimen. Several mediators have also received specialized training in domestic relations, divorce, juvenile, child protection and civil mediation, for example. A substantial amount of this training has been taken during the period of the institutionalization grant and was provided by the Supreme Court of Ohio. Mediator qualifications and training are summarized in Table 1 (Attachment A).

In terms of the development of public support, the program has sponsored numerous presentations to schools, law enforcement agencies, churches and human service agencies throughout the county. An orientation meeting regarding the referral connections between MSM and the juvenile and county courts was conducted for local attorneys. The program also produced and disseminated a brochure that explains the services of MSM. Court personnel and MSM staff and volunteers perceive that these efforts have helped raise community awareness of the nature and value of mediation. For example, at a recent, well-attended public meeting, audience members acknowledged the value of mediation and the work of MSM after a videotape presentation on mediation in general.

Program Policy and Operation Issues

The greatest challenges for this program have involved the implementation of policy, not the policy itself. It has taken quite a bit of educating and some cajoling to open the referral streams from the courts to MSM. Additionally, the mediation coordinator had to adjust to the concept of court-ordered referrals because she previously espoused voluntary participation. When the program began to see cases involving suspected domestic violence, adjustments needed to be made in the agency's confidentiality protocol because allegations of abuse or neglect of children are statutorily exempt from protection.

The computer furnished by the Supreme Court grant has proven to be very valuable tool for generating customized agreements. The mediation coordinator used her advisory committee, volunteer mediators and court personnel to clarify operational

issues such as those mentioned above. The space in New Lexington provided by the county commissioners has been adequate.

The program coordinator was supported for 30 hours a week under the institutionalization grant. She reports the following division of time in relation to grant activities.

Activity	% of Time
Program Administration	33
Public Education and Relations	33
Mediation	33
Other (in excess of grant time)	10

Statistical Summary

Cases mediated by year and case type are presented in Table 2 (Attachment B).

Future Funding Plans

Toward the end of the project period, MSM successfully negotiated a contract with the Perry County Department Jobs and Family Services in the amount of $149,000. The focus of this contract is to provide child protection mediation as well as mediation service related to family and employment conflict. Approximately 75% of the contract supports mediation. The other 25% is dedicated to an educational component in which MSM provides presentations to various client groups called "Family Peace Talks."

In addition, a percentage of the juvenile and domestic court add-on filing fees are earmarked for mediation services. The county commissioners continue to furnish rent-free space as well as postage and some supplies.

Evaluative Information

The mediation services of MSM are evaluated very favorably by Juvenile Court Judge LuAnn Cooperrider. Judge Cooperrider has received no complaints from attorneys who practice in juvenile court regarding mediation services. Conversely, she has received very positive feedback from attorneys about the work of MSM. She perceives the quality of the work of MSM to be excellent on the part of both Patti Smith and the volunteer mediators; she endorses the services provided as both "fair and competent."

Similar sentiments are expressed by Martina Brown, Court Administrator, Juvenile Division, and Magistrate Tina Boyer. Ms. Brown reports that the feedback she has received regarding client satisfaction is very positive, and she is favorably impressed with both the fairness and competence of the mediators. She feels that the working relationship between the Court and MSM is very productive and free of any distracting tension. Magistrate Boyer also praised the court's working relationship with MSM. She was especially pleased with the responsiveness of MSM in handling cases and to the exactness and clarity of the mediated agreements.

All of the interviewed court personnel credited the program with saving court time and with expediting case processing.

The interviewed volunteer mediators expressed very positive sentiments toward their leader, Patti Smith. They find her to be an excellent and patient teacher and they enjoy co-mediating with her. They are impressed with her professionalism, her attention to detail, her concern for client rights and her empathy for the positions of the parties.

A focus group consisting of five attorneys whose clients had been referred for mediation met to share their evaluations. One attorney had also been a member of the advisory committee for the institutionalization grant. In general, this group expressed the view that the program was accomplishing its aims and objectives. There was some sentiment that the program could do even more if it were extended to other cases, e.g., misdemeanors as well as other civil cases. Mediators were perceived to be both competent and fair, and this group favored the continuation of this mediation program.

Two employees of the Perry County Children Services Board were interviewed jointly. They reported that the CSB was using mediation in about 65% of its child protection cases and that this approach had been extremely successful in terms of developing sound plans with the family and in helping to avoid out-of-home placements for children. These respondents expressed a high degree of respect for the work of MSM, Patti Smith and the volunteer mediators. They both strongly favored program continuation as well as expansion into other appropriate areas.

Four former clients of MSM were interviewed in person. Two adults had used mediation in civil matters. One was a "court-ordered" referral and the other voluntarily sought assistance. Both were extremely favorable in their praise for the work of MSM both in terms of the professionalism of the staff and the results achieved. The "court-ordered" client had been very frustrated by earlier efforts to settle her case through the court. The voluntary settlement uplifted her spirits and she reported that the agreement was working. The "voluntary client," who was a teacher by profession, was so pleased with the help he received with a consumer problem that he donated $25 to MSM.

The other two clients were teen-aged girls who had participated in mediation involving family conflict. For them, the mediation had worked better than expected. They liked being able to talk without interruption and they felt less inhibited by the mediation context. They reported that their mediator was fair and that the agreement reached was working.

Parties Interviewed

Patti Smith, Director of Main Street Mediation and Mediation Coordinator
Robert Sterner, Volunteer Mediator, Board President
Randol Smith, Volunteer Mediator, Board Member
Cecile Wells, Volunteer Mediator
Hon. LuAnn Cooperrider, Perry County Juvenile Court
Martina Brown, Court Administrator, Juvenile Division
Tina Boyer, Magistrate
Rick Glass, Supervisor Perry County Children Services Board
Liz Glass, Caseworker Perry County Children Services Board
Jan Allen Baughman, Attorney
Mark Howdyshell, Attorney, Board Member

Focus Group Participants

Jan Allen Baughman, Attorney
Mark Howdyshell, Attorney, Board Member
Mike Allen, Attorney
Steven Schnittke, Attorney
Aaron Miller, Attorney

Attachment A

Name of Person Completing Form: Lindy Billingsley
Name of Court: Perry County

Table 1

Mediator Background and Development

** Please provide information for all mediators who have provided mediation services for your court over the course of the three-year grant period.

Name	Staff (S) Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediation (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-court grant monies) Pre-Grant	During Grant	# of Cases Mediated for 12-Court Project
Patti Smith	S	N/A	1	Basic	See Next Page	401
Lindy Blade	S	N/A	0		Basic Domestic Violence	5
Karen Nelson	V	Paralegal	0		See Next Page	21
Randy Smith	V	N/A	0		See Next Page	33
Susan Dorsky	V	Ph.D.	1	Basic		5
Jim Hart	V	N/A	4	Basic Advanced Juvenile		30
Leah Holden	V	Masters in Linquistics 2 year graduate Sociology	6	Basic Advanced Principled Negotiation		5

Training in Mediation
(During Grant Period)

Patti Smith

Domestic Violence
Civil Insurance Dispute
Parent Education in Service
STEP
Divorce Mediation and Y2K
Cultural Awareness
Negotiation
Ethics and Confidentiality
Family Mediation
Title 5 - Protection and Dependency
12-Site Institutionalization Child Custody

Randy Smith

Basic and Advanced Mediation Training
Domestic Violence
Divorce Mediation and Y2K
12-Site Institutionalization Child Custody

Karen Nelson

Basic and Advanced Mediation Training
Protection and Dependency
Domestic Relations
12-Site Institutionalization Child Custody
Ethics and Confidentiality

** Please provide information for all mediators who have provided mediation services for your court over the course of the three-year grant period.

Name	Staff (S) Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediation (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-court grant monies). Pre-Grant	During Grant	# of Cases Mediated for 12-Court Project
Dee Kinsel	V	Masters in Education Licensed Social Worker Case Worker W/ CSB	6	Basic Advanced		4
Michael Rempe	V	N/A	0		Basic Advanced	15
Robert Sterner	V	N/A	3	Basic Advanced	Family Mediation 12-site Institution Mediation and Y2K	54
Leandra Tankersley	V	Massage Therapist	1	Basic Advanced	Civil Mediation Divorce Mediation Principled Negotiation	41
Cecile Wells	V	Bachelor's in Social Work	0		Basic	5
Gwen Young	V	Master's in Education	0		Basic Advanced	14
Robin Thompson	V	Bachelor's History	4	Basic Advanced Juvenile		5

Attachment B

Name of Person Completing Form: Patti Smith
Name of Court: Perry County

Table 2

Mediation Project – Case Information Summary

Note: Figures may be **estimated** from November 1997 through December 1999. Beginning January 2000, please indicate the **actual** figures.

November – December 1997 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	0	0	0
Juvenile-Parentage	3	1	1.5 hours
Domestic Relations – Pre-Decree	0	0	0
Domestic Relations – Post-Decree Common Pleas	0	0	0
Civil – Small Claims	4	2	1.5 hours
Other Civil – Juvenile – unruly	6	2	2.0 hours
Other Cases Employee/Employer	3	1	2.0 hours
Domestic	0	0	0
County	6	1	2.0 hours

January – December 1998 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	1	1	1.5 hours
Juvenile-Parentage	28	2	2.5 hours
Domestic Relations – Pre-Decree	0	0	0
Domestic Relations – Post-Decree Common Pleas	12	2	2.5 hours
Civil – Small Claims	47	2	2.0 hours
Other Civil – Juvenile – unruly	43	2	2.5 hours
Other Cases Employee/Employer	13	2	2.0 hours
Domestic	0	0	0
County	19	2	2.0 hours

January – December 1999 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	23	2	2.5 hours
Juvenile-Parentage	32	2	2.5 hours
Domestic Relations – Pre-Decree	0	0	0
Domestic Relations – Post-Decree Common Pleas	24	1	2.0 hours
Civil – Small Claims	57	2	1.5 hours
Other Civil – Juvenile – unruly	33	2	2.5 hours
Other Cases Employee/Employer	4	2	2.0 hours
Domestic	4	1	1.5 hours
County	6	2	1.5 hours

January – June 2000 (Actual figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	7	2	2.75 hours
Juvenile-Parentage	13	1	3.0 hours
Domestic Relations – Pre-Decree	0	0	0
Domestic Relations – Post-Decree Common Pleas	11	1	2.25 hours
Civil – Small Claims	21	0	1.25 hours
Other Civil – Juvenile – unruly	19	1	2.5 hours
Other Cases Employee/Employer	5	0	2.25 hours
Domestic	3	0	2.5 hours
County	0	0	0

Richland County Court of Common Pleas
General Division and Domestic Relations and Juvenile Division
Mediation Program

Background and Context

Prior to the start of the Supreme Court 12-Court Institutionalization Project, no official mediation program was in existence at the Richland County Court of Common Pleas. One of the only opportunities available to litigants for court-connected mediation was through participation in Settlement Week. On occasion, domestic relations judges would refer litigants to private mediators in the community. A small number of victim-offender mediations occurred in adult felony cases. While there was a great deal of bench support for an in-house mediation program in Richland County, there was no method for its institutionalization prior to application for a grant from the Supreme Court in 1997.

The purpose for the 1997 grant application was to establish a court-connected mediation program in civil and domestic relations cases in an effort to "institutionalize" mediation within the court. The judges felt that mediation would provide a more appropriate form of dispute resolution in certain cases and hoped that mediation would allow parties to create better solutions based on their own individual circumstances. Though they did not anticipate that an in-house program would save the court money, they did anticipate that it would aid in the more timely resolution of cases.

Program Description

Anticipating that the Court's proposal would be accepted, Richland County began its search for a mediation program coordinator. It was the Court's intention to have everything in place and ready to go at the start of the grant period, which was initially

expected to begin in July of 1997. The Court announced its intention to hire Martha Green, a mediator and trainer who was well-known for her work in the field of mediation and restorative justice. Martha Green began as coordinator in January of 1998. Once the mediation coordinator was in place, the program began its search for a part-time administrative assistant. Pat Duff was hired in February of 1998 to provide support services and case management for the department. Five trained mediators were also contacted to provide mediation services for the program on a contract basis.

The first three months of the project were spent developing program guidelines and protocols. A small number of cases were mediated in the beginning months in order for the coordinator to get a sense of which cases would be appropriate for the program. The program was designed to provide mediation services for domestic relations, juvenile victim-offender and general civil cases. Implementation manuals were finalized with input from members of the bench and bar. In addition, the Judges drafted a local court rule for mediation in domestic relations cases.

Cases were referred to the program using three different methods. From the Family Court, which presides over all domestic relations and juvenile cases, all contested domestic relations cases were referred for mediation assessment pursuant to the local court rule. Juvenile delinquency victim-offender cases are also referred on a case-by-case basis by both the intake department and the juvenile court bench. Civil cases were referred on a case-by-case basis by both judges and magistrates. These three referral sources resulted in 133 mediated cases in 1998, 283 mediated cases in 1999, and 170 mediated cases from January to July 2000.

As of July 2000, the Richland County Court of Common Pleas Mediation Program appears to be on very solid ground. In January 1999, the program switched from using contract mediators in domestic relations cases to using one part-time and one full-time staff mediator. This change was made due to increasing quality control and case management problems with the contract mediators. The switch seems to have resulted in a dramatic increase in support for and confidence in the program. Juvenile victim-offender cases continue to be mediated by a pool of trained mediators. The number of case referrals in all areas showed steady increase over the two and a half year grant period.

Sources and Nature of Program Support

Though the program now enjoys considerable support from the bar, the bench, clients and court personnel, such support was almost non-existent when the program first began in 1998. Attorneys were quite wary of the program and of the non-attorney coordinator. Many saw the program as an intrusion and felt that the program was an unnecessary waste of time. Further, they lacked any confidence in the ability of a non-attorney to successfully mediate these cases.

The program waged, and eventually won, this two-year battle to garner and sustain support from members of the local bar. This battle was won due to a combination of factors. The first factor was strong bench support for the program. The bench has been extremely supportive of the concept of an in-house mediation program for a number of years. The coordinator cited this judicial support as the critical component necessary for a successful mediation program. From the beginning of the program, the bench was very attuned to the concerns of the bar and took the time

necessary to address and alleviate such concerns. The bench also took a strong stance by refusing to bow to the pressure of attorneys who were not happy about having clients participate in mediation. The Judges all stated that they view the mediation program as an essential part of the dispute resolution process and are committed to the program's continued success.

A second and equally important factor in gaining support from the bar was including attorneys in discussions about and training in the mediation process. The coordinator established open lines of communication between the program and the bar from the very beginning of the project. She continues to take pro-active measures to ensure that these lines of communication remain open. Such measures have included meetings with the bar association and family law committee to solicit attorney input regarding department protocol and annual Continuing Legal Education workshops for attorneys on the topic of mediation. Attendance at these workshops continues to be quite high.

A final factor appears to be participation in and exposure to the actual mediation process. Comments from interviews with attorneys indicate that those who had actually participated in the mediation process became strong supporters of the program. Many were able to cite particular cases where mediation had resolved the "irresolvable." One attorney confessed to having warned the coordinator, "woman to woman," that the program would never make it in Richland County. She now wishes that more judges would make use of the program and feels that sanctions should be used to garner the cooperation of attorneys. She went on to say that all it took was listening, participating, and learning about the process.

The court began its mediation program without the assistance of a defined advisory committee. The program continued to receive input from members of the bench, bar and court personnel throughout each stage of the project. A community advisory board on mediation was eventually established in April 1999, consisting of a county commissioner, a county prosecutor, a judge and the president of the local bar association. Though this board does not meet on a regular basis, its members are readily available to assist the coordinator with any issues which may arise in regard to the mediation program.

Training and Mediation Development

All staff and contract mediators involved with the program received both basic and advanced mediation training prior to beginning to serve as mediators for the project. Over the course of the grant period, the program has used a total of ten contract mediators and four staff mediators. The contract mediators provided services for domestic relations mediations. Of the ten contract mediators, four had received both basic and advanced training prior to contracting with the Court. The remaining six contract mediators were trained during the grant period, through trainings offered by the Supreme Court of Ohio. Mediator qualifications and training are summarized in Table 1 (Attachment A).

As mentioned above, four staff mediators have worked with the department at various times over the course of the grant period. The program operates with one full-time mediator/coordinator and one part-time staff mediator. Two of the four staff mediators came to the program with vast mediation training and experience. The other

two mediators received advanced divorce mediation training from programs sponsored by the Supreme Court of Ohio.

Program Policy and Operation Issues

Case referral procedures in Richland County were established in the early months of the program. A local court rule was established for domestic relations cases whereby parties to contested divorce cases are required to participate in a mediation assessment. For the first year of the program, cases deemed appropriate for mediation were referred to private contract mediators. In reaction to case management and quality control concerns related to the use of contract mediators, the court made the decision to hire a part-time staff mediator in January 1999. Though this shift resulted in some disappointment for the contract mediators, the Court found the change alleviated most of the case management and quality control concerns.

Referrals to the program in juvenile victim-offender and civil cases continue to occur on a case-by-case basis. Problems initially occurred in the juvenile area when inappropriate cases were being referred to mediation from both the bench and the intake department. After months of discussion with key juvenile court personnel, the "best" cases for victim-offender mediation are now being referred. These cases are now often referred pre-disposition, resulting in increased willingness of the victims to participate in the process. The reason for this increased participation appears to be the fact that mediation at this stage allows victims to participate in a sentencing recommendation.

As stated above, civil cases continue to be referred on a case-by-case basis. There is some concern that there is some disparity among the judges in the number of

cases they routinely refer for mediation. The coordinator indicates that the program could mediate more civil cases than it is at the present time. The judges state that they are very happy with the program and continue to refer the majority of cases at the time of the scheduling conference, though cases may be referred to mediation at any time if the judge feels that the case "should be mediated."

All staff in the mediation department feel that they are currently able to effectively handle all case management and mediation duties. The coordinator indicates that it is very helpful to have a second staff mediator available to provide back-up. The part-time mediator is presently getting up to speed in the civil area and will soon be mediating these cases in addition to domestic relations and juvenile victim-offender cases. The program relies on one part-time support person at thirty-two hours per week to address the program's need for administrative support.

An additional concern of the program is the need for additional space that is simply not available in the courthouse. The program has use of one room for the purpose of conducting mediations. This room is available for mediations four days per week. The coordinator indicated that there is not adequate space in the courthouse for caucusing with the parties. Nonetheless, the coordinator believes that the lack of space is preferable to being moved away from the courthouse, where she feels the program would suffer as a result of "being out of sight and, therefore, out of mind."

Adequate space and equipment is also a concern for the administrative support person. Her office is currently housed in a converted foyer. Her desk has no drawers. The entire department shares two phone lines. There is no copy machine in the office that requires the staff to run back and forth between departments to make photocopies.

The administrative support person also indicated that it would be helpful for the program to be "on-line" and to have up-to-date software for case management purposes. At the present time, there is no plan to improve this situation, as funds are not currently available.

The coordinator indicated that her time is allocated as follows:

Activity	% of time
Program Administration	35
Mediation	50
Training Mediators	10
Other (including public relations and awareness)	5

She continues to conduct mediation training for Settlement Week mediators and the Juvenile Victim-Offender mediators.

Statistical Summary

Cases mediated by year and by case type are presented in Table 2 (Attachment B).

Future Funding Plans

The Court is very committed to the continuation and expansion of the mediation program. Prior to receiving the grant from the Supreme Court, the judges made the commitment to do everything possible to ensure the continued funding of the program. One problem the Court encountered during the grant period was the reduction of the grant period from the three years budgeted by the Court to a two and a half year period. In light of this reality, steps were taken to guarantee the availability of funding for the department.

In June 2000, the Court drafted an administrative judgment entry ordering the following add-on filing fees for dispute resolution: $50 in each civil case and $15 for criminal cases filed in the general division. These court costs will provide 80% of the department's revenue for the 2001 fiscal year. The additional 20% will be generated from the County's General Fund.

Evaluative Information

According to all accounts, this program appears to be extremely successful. Clients have been very happy and the bench and bar seem to be very satisfied with the services provided through the program. The judges are very protective of the coordinator as a non-attorney mediator. They take the time to address and alleviate the concerns of attorneys regarding the coordinator's ability to successfully mediate cases. The judges state that much of the change in attitude toward the program is attributable to the fact that everyone has strong faith in the coordinator. Further, they state that there has been an increase in client satisfaction – parties are happier with agreements reached during the mediation process. They are entirely committed to the continuation and expansion of the mediation program.

Though attorney support was relatively lacking at the start of the program, a real transformation in attitude has occurred over the course of the grant period. Attorneys have learned about the process and have stopped trying to litigate cases in mediation. Attorneys are now prepared and have fully prepared their clients for participation in mediation. The administrative assistant indicates that attorneys are now calling to set up mediations on their own; this was certainly not the case even a year ago.

The attorneys interviewed stated that the program is well organized and efficient. Others stated that they think most fellow attorneys really like the process and find it to be a very useful tool. Another stated that though some attorneys will always be negative toward mediation, tremendous headway has been made with many of those who were initially negative. The attorneys interviewed feel that they are always welcome to participate in the process, though according to the judges, most do not do so because they trust the court mediation program. Comments from several attorneys reflected this level of confidence indicating that the court mediators are excellent, well-prepared, well-trained and very professional.

The program has also enjoyed the support of the county commissioners who had the opportunity to participate in the mediation process during a recent sewer project dispute. This type of exposure for county commissioners allows them to buy into the process and hopefully results in increased and continued funding for all types of court-connected mediation programs.

Finally, the judges expressed a great deal of appreciation to the Supreme Court for giving the funding necessary to initiate this institutionalization process. The judges also indicated their hope that monies from the legislature will continue to be used to fund these programs in an effort to support the further institutionalization of mediation in the courts.

Parties Interviewed

Hon. Ron Spon, Richland County Court of Common Pleas, Domestic Relations and Juvenile Division

Hon. James DeWeese, Richland County Court of Common Pleas, General Division

Hon. James Henson, Richland County Court of Common Pleas, General Division

Mike Casto, Court Administrator, Richland County Court of Common Pleas, Domestic Relations and Juvenile Division

Magistrate Garry Dulbey

Martha Green, Program Coordinator

Mike Senger, Staff Mediator

Patricia Duff, Clerical Support

Mike Dorner, Esq.

Kathy Bellstein, Esq.

Jane Skaluba, Esq.

Leslie Wagner, Jr.

William McIntyre, Esq.

Janet Phillips, Esq.

Marcus Wolf, Esq.

Attachment A

Name of Person Completing Form: Pat Duff
Name of Court: Richland County Court of Common Pleas

Table 1

Mediator Background and Development

**Please provide information for all mediators who have provided mediation services for your court over the course of the three-year grant period.

Name	Staff (S), Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediating (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-Ct. grant monies) Pre-Grant	During Grant	# of Cases Mediated for 12-Ct. Project
Julie Robinson	C	B.A.	N/A	CMS- 40Hr Advanced	None	15
Karen Schaefer	C	-	N/A	CMS- 40Hr Advanced	None	2
Anne Wendling	C	B.S.	N/A	CMS- 40Hr Advanced	None	15
Kevin Zehe	C	M.A.	N/A	12Hr Basic 40Hr Advanced C/V	None	14
Mike Senger	S	-	N/A	N/A	40Hr Advanced C/V (Sup.Ct. sponsored)	120
Stephanie Kamp	C	B.S.	N/A	None	12Hr Basic Training (Sup.Ct. sponsored) 40Hr Advanced (Sup.Ct. sponsored)	6
George Albu	S	J.D.	N/A	N/A	N/A	18

Name	Staff (S), Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediating (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-Ct. grant monies)		# of Cases Mediated for 12-Ct. Project
				Pre-Grant	During Grant	
Kathy Beilstein	C	N/A	N/A	-	40Hr Advanced C/V (Sup.Ct. sponsored)	2
Donna Berggren	C	N/A	N/A	N/A	40Hr Advanced C/V (Sup.Ct. sponsored)	1
Elizabeth Childress	C	N/A	N/A	N/A	40Hr Advanced C/V (Sup.Ct. sponsored)	1
Martha Green	S	M.A.	N/A	40-Hr. Advanced C/V	24-Hr. Advanced Family Mediation (Sup.Ct. sponsored)	39
Carol Scholl	S	N/A	N/A	N/A	Basic Mediation (Sup.Ct. sponsored)	34
Jim Wilson	C	N/A	N/A	N/A	40-Hr. Advanced C/V (Sup.Ct. sponsored)	1

Attachment B

Name of Person Completing Form: Pat Duff
Name of Court: Richland County Court of Common Pleas

Table 2

Mediation Project – Case Information Summary

Note: Figures may be **estimated** from November 1997 through December 1999. Beginning January 2000, please indicate use the **actual** figures.

November – December 1997 (Estimated Figures) NON-APPLICABLE

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – VORP			
Domestic Relations – Pre-Decree			
Domestic Relations – Post-Decree			
Other Civil –			
Other Civil – Settlement Week			

January – December 1998 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – VORP	40	3	1.0 hours
Domestic Relations – Pre-Decree	46	1	2.0 hours
Domestic Relations – Post-Decree	41	1	2.0 hours
Other Civil –	6	1	2.0 hours
Other Civil – Settlement Week	176	1	1.0 hours

January – December 1999 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – VORP	60	3	1.0 hours
Domestic Relations – Pre-Decree	42	1	2.0 hours
Domestic Relations – Post-Decree	79	1	2.0 hours
Other Civil –	102	1	2.0 hours
Other Civil – Settlement Week	171	1	1.0 hours

January-June 2000 (Actual Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – VORP	38	3	1.0 hours
Domestic Relations – Pre-Decree	32	1	2.0 hours
Domestic Relations – Post-Decree	39	1	2.0 hours
Other Civil –	61	1	2.0 hours
Other Civil – Settlement Week	80	1	1.0 hours

Toledo Municipal Court
Civil Mediation Project

Background and Context

The Toledo Municipal Court has made mediation available to parties for over two decades through the Citizens Dispute Settlement Program (CDSP). The focus and goals of the program have varied greatly over the years. The Court's original mission was to promote the use of mediation in civil cases. The Citizens Dispute Settlement Program offered mediation services for civil, small claims and criminal cases. Over time, CDSP began to focus primarily on the mediation of domestic violence cases. The program continued to utilize volunteer mediators who mediated the majority of small claims cases referred to CDSP.

The program maintained its primary focus on domestic violence mediation until the start of the grant project in February 1998. The purpose behind the Court's application for the Supreme Court of Ohio 12-Court Institutionalization Grant was to enable the Court to return to its primary goal of expanding the availability of mediation in civil cases. The Court felt that this goal could be best achieved by hiring a full-time mediator who would focus almost exclusively on the mediation of civil cases.

Program Description

The Court spent the first two months of the grant seeking a qualified applicant who had the experience necessary to rebuild the Court's civil mediation program. They hired John Wilmore, J.D. to fill the position in February 1998. The program planned to continue to utilize volunteer attorney mediators to mediate small claims cases and to provide "back-up" for mediation in civil cases.

The initial plan for case referral was to implement a protocol for random selection. The program was not able to fully implement this procedure during the course of the grant period. Much confusion existed on the part of the bar and bench about how exactly this referral process would work. This lack of certainty prevented the program from relying solely on this method of case referral.

During the first two years of the grant, cases were most often referred to the program in one of four ways: Referral from Judges (35%)[1], Mediator Referral (30%), Party Referral (20%) and Random Referral (15%). "Mediator Referral" indicates those cases which were reviewed by the mediator and deemed appropriate for mediation services. The case was then scheduled for mediation prior to the parties' next court date. "Party Referral" indicates those cases in which the parties and/or their attorneys requested that the case be referred for mediation.

CDSP has undergone a series of personnel changes in the last year that resulted in some restructuring of the program. Barbara Bloomfield, the coordinator of CDSP, retired in October 1999. John Wilmore left the program in November 1999 to become the mediation coordinator for the new mediation program in the Lucas County Common Pleas Court. Jim Petas, who has mediated full-time with CDSP since 1996, is currently serving as the acting coordinator for the program. In addition, two mediators job-share to provide the program with a second "full-time" mediator.

Referrals continue to be made on a steady basis despite a brief period of fluctuation in late 1999, during which time the additional mediators were getting up to speed in civil mediation. Random case selection has been phased out. Cases

[1] Percentages reflect approximate rates of referral from each identified source during 1998-1999.

continue to be referred either by the judges, the parties, or from the courtroom after mediator review. While CDSP still continues to mediate a small number of criminal cases, the numbers have drastically declined as a result of the elimination of mediation in domestic violence cases.

Sources and Nature of Program Support

Most attorneys and members of the community were aware of CDSP due to the fact that the program has been in existence for a number of years. Though the bar was aware of the program's existence, opportunities for attorney participation were somewhat limited prior to the start of the grant period, as most parties eligible for the program did not have attorney representation. Most members of the community became aware of CDSP through local media coverage of the program. Such coverage often took on a negative slant, largely in response to the program's focus in the area of domestic violence.

Due to the nature of domestic violence cases, the bench, bar, and members of the community began to question whether or not CDSP's intervention approach was appropriate for resolution of these cases. Many argued that what was occurring was not "true" mediation, but could be more accurately described as counseling and treatment for domestic violence offenders. Because of the continued debate over the appropriateness of these services from CDSP, support for CDSP had clearly waned prior to the start of the grant project.

The Court has continued to provide support for the program but often indicated its desire to see the program to return to its original mission of providing mediation services for participants in civil cases. Since the start of the project, bench support for

the program has steadily increased. Though some of the judges use the program more than others, all feel that the program is very helpful, even if the cases do not reach complete settlement. The bench is quite pleased to have a full-time mediator available to provide the parties with "on-the-spot" mediation services.

John Wilmore worked very hard to garner attorney support right from the start of the project. In the early months of the program he devoted much of his time to re-educating the bar about mediation through various meetings and presentations and on a one-on-one basis. Additionally, by requiring attorney participation in civil mediations, the program was able to provide attorneys with increased exposure to the mediation process. The majority of attorneys now see mediation as a very useful tool. They are pleased to have the opportunity to take part in the process since attorney participation is mandatory in civil cases. Attorneys feel that they are treated as positive players in civil mediations as opposed to "unwanted intruders," as has often been the case with other local mediation programs. Attorneys also like that the program utilizes in-house mediators as opposed to relying solely on volunteers.

The program continues work with the Citizens Dispute Settlement Committee of the Toledo Bar Association. The program staff meets quarterly with the Committee to discuss any programming or public relations issues which may arise. The Committee also serves to review and approve attorneys who wish to participate as volunteer mediators for CDSP.

Training and Mediation Development

The Supreme Court grant was extremely instrumental in providing for the continuing education and training of CDSP staff. Through the grant, the Court was able

to train and invest in current employees and keep the benefit of the training within the Court. As a result, all CDSP mediators have now been trained in civil mediation. The grant was also used to provide basic mediation training to 72 Toledo Municipal Court employees. Mediator qualifications and training are summarized in Table 1 (Attachment A).

The Toledo Municipal Court has also been very supportive in providing the funds for continued training of CDSP personnel. The Court has made the commitment to send one person each year to Reno for training at the National Judicial College. The Court will also continue to provide funds as needed for CDSP staff to participate in additional training programs.

Program Policy and Operation Issues

Those interviewed indicated that the program experienced few problems during the course of the grant period. One problem which surfaced dealt with the establishment of specific guidelines for implementation of a random referral process. Members of the bar voiced numerous objections to random case referral. The bench did not appear to be overwhelmingly supportive of the process either. Though the program continued its struggle for these referrals, it eventually phased out the random selection process and now relies on referrals from the bench, the bar, the parties or the mediator. The fact that the numbers have remained steady seems to indicate that these methods for referral continue to provide adequate case flow to the program.

The program continues to enjoy more than adequate equipment and space - with the exception of rooms for small claims mediations. These rooms are quite cramped and do not provide a conducive atmosphere for settlement. CDSP makes every effort

to provide alternative space in which to conduct these mediations. The program will continue to be provided with full-time support staff. In addition to two full-time mediators, the program utilizes a large pool of volunteer attorney mediators who are also available to provide "back-up" support if necessary. Interns from the University of Toledo College of Law also serve as mediators in small claims cases.

The current acting coordinator indicates that his time is allocated in following ways:

Activity	% of time
Program Administration	50
Mediation	45
Other (including training and public relations)	5

The coordinator's current focus is on developing avenues that will enable CDSP to provide mediation services to the entire Court.

Statistical Summary

Cases mediated by year and by case type are presented in Table 2 (Attachment B).

Future Funding Plans

Toledo Municipal Court is fully committed to the continued funding of CDSP. The entire budget of $288,530 has been approved and will be provided by the City of Toledo. Though specific appropriations have not been made in the CDSP budget for training, the Court Administrator indicates that monies will be provided through other Toledo Municipal Court funds.

Evaluative Information

CDSP seems to have weathered the storm of transition and successfully re-established a mediation program for civil cases. The bench is now fully supportive of the efforts of the program and proud of what the staff has been able to accomplish. It is pleased to see the program return to its original mission of providing quality mediation services in civil cases. With the assistance of the grant, CDSP was able to make the in-house program as sophisticated as possible. By receiving advanced training, the staff is now prepared to mediate any type of case that is referred.

The Honorable Arlene Singer, Administrative Judge, continues to be very supportive of CDSP. She, along with other members of the bench, made a concerted effort to let attorneys know that mediation was available. She indicated that the best aspect of the program was having someone who could mediate right away. She stated that it took little convincing for the attorneys and that there is now a very high level of satisfaction among the local bar. One attorney indicated that the general perception of the bench and bar is that the program works – it may not solve everything, but it is an appropriate tool for resolution of cases. He also stated that some of the criminal practitioners have indicated that they would favor mediation as a tool for their cases, as well.

All interviewed stated that the staff mediators are excellent. Judge Singer stated that the mediators have fully invested themselves in the job and the program. The entire staff has embraced the idea of institutionalized mediation in civil cases. The acting coordinator is very pleased with the competency of the volunteer attorney mediators. He states that they are all excellent and very knowledgeable and feels that

utilizing attorneys as mediators helps to garner added support from other members of the bar.

The changes in the program have also resulted in a shift in the attitude of public perception towards mediation. Parties involved in civil cases are requesting mediation in hopes of avoiding long and costly litigation. The local media also appears to have been persuaded by the recent successes of the program. Articles in the Toledo Bar Association Journal and the local newspaper have highlighted the benefits of the program.

Parties Interviewed

James Petas, Acting Program Coordinator
Hon. Arlene Singer, Toledo Municipal Court
Pamela Roberts-Hart, Court Administrator
John Wilmore, Esq.
James Nowak, Esq.

Attachment A

Name of Person Completing Form: James Petas
Name of Court: Toledo Municipal Court

Table 1

Mediator Background and Development

**Please provide information for all mediators who have provided mediation services for your court over the course of the three-year grant period.

Name	Staff (S), Contract (C), or Volunteer (V) Mediator	Professional Education	# of Years Experience Mediating (Pre-Grant)	Major Training in Mediation (Please indicate (*) whether training was paid for with 12-Ct. grant monies). Pre-Grant	During Grant	# of Cases Mediated for 12-Ct. Project
Jim Petas	S	M.A.	3	1 day Basic Training	Family Mediation Training ADR - Mediation Training Insurance Mediation Training	70
Nancy Rank	S	M.Ed.	0	-	16Hr – Basic Mediation Training 1 day – Insurance Mediation Training	N/A
Bonnie Schrock	S	M.A.	6.5	1 day Basic Training BGSU – Family Mediation Training	Mediation Training for Lawyers 1 day – Insurance Mediation Training TMC Mediation Workshop	34

Attachment B

Name of Person Completing Form: James Petas
Name of Court: Toledo Municipal Court

Table 2

Mediation Project – Case Information Summary

Note: Figures may be **estimated** from November 1997 through December 1999. Beginning January 2000, please indicate use the **actual** figures.

November – December 1997 (Estimated Figures) **NON-APPLICABLE**

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection			
Juvenile – Parentage			
Domestic Relations – Pre-Decree			
Domestic Relations – Post-Decree			
Civil – Small Claims			
Other Civil –			

January – December 1998 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	N/A		
Juvenile – Parentage	N/A		
Domestic Relations – Pre-Decree	N/A		
Domestic Relations – Post-Decree	N/A		
Civil – Small Claims	191	N/A	N/A
Other Civil -	167	N/A	N/A

January – December 1999 (Estimated Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	N/A		
Juvenile – Parentage	N/A		
Domestic Relations – Pre-Decree	N/A		
Domestic Relations – Post-Decree	N/A		
Civil – Small Claims	240	N/A	N/A
Other Civil -	111	N/A	N/A

January-June 2000 (Actual Figures)

Type of Case	# of Cases	Average # of Sessions	Average Length of Sessions
Juvenile – Child Protection	N/A		
Juvenile – Parentage	N/A		
Domestic Relations – Pre-Decree	N/A		
Domestic Relations – Post-Decree	N/A		
Civil – Small Claims	70	N/A	N/A
Other Civil -	47	N/A	N/A